

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 17, 2024
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 17, 2024, in the second-floor public meeting room of the David Hankerson Building, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

Lisa Cupid, Chairwoman
Commissioner Jerica Richardson
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Monique Sheffield

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:07 a.m.

Commissioner Birrell presented the following *revised* statement dated 8/13/24 to the Clerk which was attached to each vote taken at today's hearing (attached and made a part of these minutes):

Considering the Supreme Court's ruling in January 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, 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.

Although the Supreme Court of Georgia only ruled on standing and did not rule on the merits of the case, I concur with Justice Bethel's remarks regarding Home Rule authority. With respect to Judge Hill's order dated 7/25/24, I also support her order and do not support the county's request to intervene or request for reconsideration of her decision regarding the Alicia Adams v. Cobb Board of Elections case. I did not support the majority of this Board regarding the Home Rule challenge from the very beginning. It has gone on for the past 2 years at taxpayers' expense, and should never have been done to begin with. We all took an oath to uphold the Constitution of the United States, the State of Georgia, and Cobb County.

Follow the Law.

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Commissioner Gambrell asked that the following *revised* statement she submitted at the 10/8/2024 Board of Commissioners' meeting be attached to each vote taken at today's hearing (attached and made a part of these minutes).

While the County responded on October 3, 2024 to many allegations made in the recent legal challenge filed in Superior Court on September 18, 2024 – no mention was made that these allegations were irrelevant to the action taken by the Board to provide notice that a Commissioner did not meet the qualifications per Sec. 2-23(b) of our local Enabling Legislation.

The Agenda Item #46 for August 25 and September 10, 2024 were only to deem the office vacant and were not included in the County's response. Yet the complaint states the Board voted to fill the vacancy. This is a false statement, as the Agenda's Recommendations clearly stated: "The Board of Commissioners approves notice to the District 2 Commissioner that the office is deemed vacant per Part II, Sec. 2-23(b), Official Code of Cobb County, Georgia; and authorizes the Chairwoman to execute notice pursuant to OCGA 45-5-1 and any other necessary documents for said purpose."

Upon careful review of 45-5-1 it is two pronged. (a) addresses vacated offices and (b) state the decision of the officer or body to fill the vacancy or call an election to fill the vacancy shall be subject to an appeal to the superior court. The Board of Commissioners did not approve to fill the vacancy nor did we call for an election. Therefore, the complaint should be dismissed.

The county provided no equitable estoppel argument advanced as a result of the actions by the Board of Commissioners in moving forward with an ultra vires passage of the Home Rule Map.

The Home Rule Board action was precipitated by an illegal action through the act of three Commissioners to confect and move forward with a scheme which was illegal in inception and act which Commissioners now claim their term should extend beyond December 31, 2024.

This response coupled with the County Attorney's Office unwillingness to rescind the Home Rule Resolution votes of Oct. 11th and 25th, 2022 raises continued questions as the representation and advice provided to me as your commissioner and representative in matters pertaining to Home Rule.

The County regularly uses outside counsel to represent the interest of the County in matters as simple as motor vehicle accidents. I respectfully request that the Cobb County Attorney's Office be removed from this legal action and outside counsel represent the County in all matters pertaining to Home Rule going forward.

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

WITHDRAWN AND CONTINUED CASES

Z-40 **ELITE ENGINEERING** (Aarish Group of Investment, LLC, owner) requesting rezoning from GC and NS to GC for a convenience store with fuel sales in land lot 296 of the 20th district. Property is located on the southwest side

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WITHDRAWN AND CONTINUED CASES (CONT.)

Z-40 ELITE ENGINEERING (CONT.)

of Due West Road, northwest of Lisas Drive (3807 Due West Road). *(Previously continued by Staff from the August 6, 2024, and September 3, 2024, Planning Commission (PC) hearings until the October 1, 2024, PC hearing; continued by the PC from the October 1, 2024, and November 5, 2024, PC hearings until the December 3, 2024, PC hearing; continued by Staff from the December 3, 2024, PC hearing until the February 4, 2025, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

Z-64 LOST MTN BAPTIST CHURCH, INC. (Lost Mountain Baptist Church, Inc., owner) requesting rezoning from **R-30** to **R-20** for a single-family residence in land lot 68 of the 19th district. Property is located on the east side of Holland Road, north of Old Dallas Road (1315 Holland Road). *(Continued by Staff from the November 5, 2024, Planning Commission (PC) hearing until the December 3, 2024, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

Z-66 RENUKA RAO (J. Giridhar Rao and Giridhar Rao and Renuka G. Rao, owners) requesting rezoning from **R-20** to **R-15** for a single-family residential in land lot 987 of the 16th district. Property is located on the southwest corner of Sewell Mill Road and Moondance Lane, north of Roswell Road (2263 and 2267 Sewell Mill Road). **WITHDRAWN WITHOUT PREJUDICE**

Z-70 RESIBUILT (Techsoft Consulting, LLC, owner) requesting rezoning from **R-20** to **PVC** for retail and a restaurant in land lots 25, 26, 47, and 48 of the 17th district. Property is located at the southeast intersection of Hicks Road and the East-West Connector and on the west side of Barnes Meadow Road (4061 and 4085 Hicks Road). *(Previously continued by Staff from the December 3, 2024, Planning Commission (PC) hearing until the February 4, 2025, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**

Z-62 SCOTT MOORE (C. E. R. Williamson, Jr. and Kelly Williamson, owners) requesting rezoning from **NS** to **LRC** for a hair salon in land lot 160 of the 20th district. Property is located on the southeast corner of Jim Owens Road and Acworth Due West Road (4205 Jim Owens Road). *(Previously continued by the Board of Commissioners (BOC) from the November 19, 2024, BOC Zoning hearing until December 17, 2024, BOC Zoning hearing).*

Mr. Pederson presented the Applicant's request to withdraw Z-62; thereafter, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **allow** Z-62 to be *withdrawn without prejudice*.

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WITHDRAWN AND CONTINUED CASES (CONT.)

Z-62 SCOTT MOORE (CONT.)

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

SLUP-12 CSS TRANSPORTATION, LLC (Harris Street Properties One, LLC, owner) requesting a **Special Land Use Permit** for a wrecker service in land lot 1228 of the 19th district. Property is located on the west side of Harris Street and on the south side of the Southern Railroad Right-of-Way, north of Mobley Street (2360 Harris Street).

Mr. Pederson presented the Applicant's request to withdraw SLUP-12; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **allow** SLUP-12 to be *withdrawn without prejudice*.

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

O.B. 44 To consider amending the stipulations for Hilltop Rufe Snow, LLC and HilltopTIC, LP regarding rezoning application Z-11 of 2016. Property is located at the southeast corner of Veterans Memorial Highway and Powell Drive in land lot 34 of the 18th district (1391 Veterans Memorial Highway). *(Previously held by the Board of Commissioners (BOC) from the August 20, 2024, BOC Zoning hearing until the October 15, 2024, BOC Zoning hearing; continued by Staff from the October 15, 2024, and November 19, 2024, BOC Zoning hearings until the December 17, 2024, BOC Zoning hearing).*

Mr. Pederson presented the Applicant's request to withdraw O.B. 44; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **allow** O.B. 44 to be *withdrawn without prejudice*.

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

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*

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WITHDRAWN AND CONTINUED CASES (CONT.)

Z-2 FLOURNOY DEVELOPMENT GROUP, LLC (CONT.)

from the February 6, 2024, through the December 3, 2024, Planning Commission (PC) hearings until the February 4, 2025, PC hearing; therefore, was not considered at this hearing).

Z-37 BOSCO IKEAKANAM (Sunrise GA Inc., owner) requesting rezoning from **R-20** to **O&I** for a doctor's office in land lot 1006 of the 19th district. Property is located on the west side of Austell Road, north of Drennon Avenue (4470 Austell Road). *(Previously held by the Planning Commission (PC) from the August 6, 2024, and September 3, 2024, PC hearings until the October 1, 2024, PC hearing; continued by the PC from the October 1, 2024, through the December 3, 2024, PC hearings until the February 4, 2025, PC hearing; therefore, was not considered at this hearing).*

Z-43 CAMPUS REALTY ADVISORS, LLC (Glenn Chastain, LLC, owner) requesting rezoning from **OS** to **RRC** for purpose-built student housing in land lot 430 of the 16th district. Property is located at the terminus of Chastain Center Boulevard, south of Chastain Road (500 Chastain Center Boulevard). *(Previously continued by Staff from the August 6, 2024, Planning Commission (PC) hearing until the September 3, 2024, PC hearing; continued by the Board of Commissioners (BOC) from the September 17, 2024, BOC Zoning hearing until the October 15, 2024, BOC Zoning hearing; continued by Staff from the October 15, 2024, through the December 17, 2024, BOC Zoning hearings until the February 18, 2025, BOC Zoning hearing; therefore, was not considered at this hearing).*

Z-44 MANOR RESTORATIONS, LLC (Zoe Christian Fellowship, Inc.; Dabney Partners, LLC, owners) requesting rezoning from **NRC** and **R-20** to **RM-8** for a townhome community in land lots 165, 166, and 180 of the 18th district. Property is located on the south side of Veterans Memorial Highway, on the west side of Queen Mill Road, and on the northwest and southeast side of Hickory Trail, south of Veterans Memorial Highway, and on the south side of Blackhawk Trail (922 Veterans Memorial Highway, Queen Mill Road, and 6001 Hickory Trail). *(Previously continued by Staff from the August 6, 2024, through the December 3, 2024, Planning Commission (PC) hearings until the February 4, 2025, PC hearing; therefore, was not considered at this hearing).*

Z-63 WHATABURGER RESTAURANTS, LLC (West Village Associates, LLC, owner) requesting rezoning from **R-20** to **PVC** for a retail/restaurant in land lot 748 of the 17th district. Property is located on the south side of Atlanta Road, east of West Village Way and northwest of Pine Street (Atlanta Road). *(Previously continued by Staff from the November 5, 2024, and December 3, 2024, Planning Commission (PC) hearings until the February 4, 2025, PC hearing; therefore, was not considered at this hearing).*

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WITHDRAWN AND CONTINUED CASES (CONT.)

- Z-68** **SAKSS AUSTELL, LLC** (Robert Alan Plott and Donna Dickson Plott and Yonas Bayou, owners) requesting rezoning from **R-20** to **NRC** for a convenience store with fuel sales, retail, and drive through restaurant in land lot 84 of the 17th district. Property is located on the west side of Austell Road, north of Chamberlain Circle (2096 and 2106 Austell Road). *(Continued by Staff from the December 3, 2024, Planning Commission (PC) hearing until the February 4, 2025, PC hearing; therefore, was not considered at this hearing).*
- SLUP-9** **CAMPUS REALTY ADVISORS, LLC** (Glenn Chastain, LLC, owner) requesting a **Special Land Use Permit** for purpose-built student housing in land lot 430 of the 16th district. Property is located at the terminus of Chastain Center Boulevard, south of Chastain Road (500 Chastain Center Boulevard). *(Previously continued by Staff from the August 6, 2024, Planning Commission (PC) hearing until the September 3, 2024, PC hearing; continued by the Board of Commissioners (BOC) from the September 17, 2024, BOC Zoning hearing until the October 15, 2024, BOC Zoning hearing; continued by Staff from the October 15, 2024, through the December 17, 2024, BOC Zoning hearings until the February 18, 2025, BOC Zoning hearing; therefore, was not considered at this hearing).*
- O.B. 73** To consider amending the site plan and stipulations for Whataburger Restaurants, LLC regarding rezoning application Z-64 of 2017. Property is located on the northwest side of West Village Parkway, the south side of West Atlanta Road, the west side of Atlanta Road, and the westerly side of Pine Street in land lot 748 of the 17th district (4448 Atlanta Road). *(Previously continued by Staff from the November 19, 2024, and December 17, 2024, Board of Commissioners' (BOC) Zoning hearings until the February 18, 2025, BOC Zoning hearing; therefore, was not considered at this hearing).*

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

INFORMATION REGARDING ZONING CASES

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

CONSENT AGENDA

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

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CONSENT AGENDA (CONT.)

Z-67 **MSC NAPLES, LLC** (MSC Naples, LLC, owner) requesting rezoning from **PSC** to **CRC** for an event center as an additional tenant in land lots 557 and 558 of the 16th district. Property is located on the west side of Sandy Plains Road, at the terminus of Post Oak Tritt Road, north of Kinjac Drive (2745 Sandy Plains Road).

To **approve** Z-67 to the **CRC** zoning district, subject to:

- 1. Closing hours of the event center shall be no later than 11:00 p.m. Monday through Thursday; 12:00 a.m. on Friday and Saturday; and Sunday hours shall be 12:00 p.m. (noon) until 9:00 p.m.**
- 2. The space shall be used as an event center *only***
- 3. Staff comments and recommendations, *not otherwise in conflict***

Z-69 **EDM HOLDINGS, LLC** (EDM Holdings, LLC, owner) requesting rezoning from **GC** to **NRC** for a freestanding climate-controlled self-service storage facility (companion case SLUP-11) in land lots 13 and 60 of the 16th district. Property is located on the west side of Canton Road, north of Cobb Cherokee Industrial Drive (4939 Canton Road).

To **approve** Z-69 to the **NRC** zoning district, subject to:

- 1. The District Commissioner to approve the final Site Plan**
- 2. The District Commissioner to approve the final building elevations**
- 3. The District Commissioner to approve the Lighting Plan**
- 4. Landscaping Plan to be approved by the County Arborist with emphasis on planting within the parking facilities**
- 5. Fire Department comments and recommendations**
- 6. Water and Sewer Division comments and recommendations**
- 7. Stormwater Management Division comments and recommendations**
- 8. Department of Transportation comments and recommendations**

LUP-42 **ADEBANJO EWEDEMI** (Ewedemi Holdings, Inc., owner) requesting a **Temporary Land Use Permit** to allow six patients in a group home in lieu of four patients in land lots 714 and 767 of the 19th district. Property is located on the northwest corner of Powder Springs Road and Curtis Road, south of Chauncey Lane (2432 Powder Springs Road).

To **approve** LUP-42 for **24 months**, subject to:

- 1. Final Site Plan to be approved by the District Commissioner**
- 2. No more than six residents**
- 3. Maintain all state and county required permits**
- 4. Fire Department comments and recommendations**
- 5. Stormwater Management Division comments and recommendations**
- 6. Water and Sewer Division comments and recommendations**
- 7. Department of Transportation comments and recommendations**

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CONSENT AGENDA (CONT.)

LUP-43 **LOUISE ALDRIDGE** (Misael Mondragon, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 708 of the 16th district. Property is located on the southeast side of Oland Circle, south of Powell Wright Road (2114 Oland Circle).

To **approve** LUP-43 for **24 months**, subject to:

- 1. Site Plan received by the Zoning Division on October 2, 2024 (attached and made a part of these minutes)**
- 2. Maximum of six cars to be kept on the property, with four outside and two kept inside the garage**
- 3. No parking in the right-of-way**

LUP-44 **LIVING HOPE LUTHERAN CHURCH** (Living Hope Lutheran Church, Inc., owner) requesting a **Temporary Land Use Permit (RENEWAL)** for an early childhood learning center in land lot 201 of the 20th district. Property is located on the west side of Mack Dobbs Road, the north side of Stilesboro Road, northwest of the intersection of Mack Dobbs Road and Stilesboro Road (3450 Stilesboro Road).

To **approve** LUP-44 for **24 months**, subject to:

- 1. Site Plan received by the Zoning Division on October 3, 2024 (attached and made a part of these minutes)**
- 2. Department of Transportation comments and recommendations**

SLUP-11 **EDM HOLDINGS, LLC** (EDM Holdings, LLC, owner) requesting a **Special Land Use Permit** for a freestanding climate-controlled self-service storage facility in land lots 13 and 60 of the 16th district. Property is located on the west side of Canton Road, north of Cobb Cherokee Industrial Drive (4939 Canton Road).

To **approve** SLUP-11, subject to:

- 1. The District Commissioner to approve the final Site Plan**
- 2. The District Commissioner to approve the final building elevations**
- 3. The District Commissioner to approve the Lighting Plan**
- 4. Landscaping Plan to be approved by the County Arborist with emphasis on planting within the parking facilities**
- 5. Fire Department comments and recommendations**
- 6. Water and Sewer Division comments and recommendations**
- 7. Stormwater Management Division comments and recommendations**
- 8. Department of Transportation comments and recommendations**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS

At the call for O.B. 75 (Hammocks at East Cobb Propco, LLC), opposition was present; therefore, O.B. 75 was pulled from the Consent Agenda to be heard on the Regular Agenda in its numerical order. Later in the hearing, the Applicant and opposition came to an agreement, and the case was added back to the Consent Agenda (see page 16 of these minutes for the motion).

O.B. 76 To consider a reduction of required minimum public road frontage from 75-feet to 24-feet for Timothy Hagan. Property is located at the end of Adams Place, south of Angla Drive in land lot 241 of the 17th district (3901 Adams Place).

To **approve** O.B. 76, subject to:

- 1. Stormwater Management Division comments and recommendations contained in the Other Business packet**
- 2. Fire Department comments and recommendations contained in the Other Business packet**
- 3. Cobb DOT comments and recommendations contained in the Other Business packet**

O.B. 78 To consider a reduction of minimum lot size from 20,000 square-feet to 16,163-feet for Tract #1 and a front setback variance for Tract #2 from 40-feet to 12-feet for Juscelio Cruz. Property located at the southwesterly intersection of Pisgah Road and Dillon Road in land lot 265 of the 18th district (6380 Pisgah Road).

To **approve** O.B. 78, subject to:

- 1. The lot size for Tract 1 is reduced to 16,163 square-feet**
- 2. The front setback for Tract 2 is reduced to 12-feet**
- 3. Home to be painted white as stated by Mr. Napshin (Applicant)**
- 4. Maximum size of the home to be no greater than 1,800 sq. feet**
- 5. The home is to be substantially similar to the rendering submitted by the Applicant (attached and made a part of these minutes)**
- 6. A Landscape Plan for both lots to be submitted to the Mableton Improvement Coalition for comment and the District Commissioner for approval no later than January 10, 2025**
- 7. District Commissioner to approve elevation materials**
- 8. Stormwater Management Division comments and recommendations contained in the Other Business packet**
- 9. Fire Department comments and recommendations contained in the Other Business packet**

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CONSENT AGENDA (CONT.)

OTHER BUSINESS

O.B. 78 (CONT.)

- 10. Cobb DOT comments and recommendations contained in the Other Business packet**
- 11. Site Plan Review comments and recommendations contained in the Other Business packet**

O.B. 79 To consider a reduction of required minimum public road frontage from 75-feet to zero-feet for The Estate of Sam Penland Hensley, Sr. Property is located off a private easement on the west side of Old Mountain Road in land lots 282, 283, 288, and 289 of the 20th district (787 Old Mountain Road).

To **approve** O.B. 79, subject to:

- 1. The remaining property is permitted to have zero-feet of public road frontage**
- 2. Site Plan received by the Zoning Division on November 13, 2024 (attached and made a part of these minutes)**
- 3. Cobb DOT comments and recommendations contained in the Other Business packet**
- 4. Fire Department comments and recommendations contained in the Other Business packet**
- 5. Site Plan Review comments and recommendations contained in the Other Business packet**

Prior to approving the Consent Agenda, two more cases, OSC-1 (Poston Properties, Inc.) and Z-65 (Trejo Soccer Academy, LLC) were added to the Consent Agenda.

OSC-1 POSTON PROPERTIES, INC. (Luciel Marie F. Murphy, Trustee of the Luciel Marie F. Murphy Living Trust, Dated January 3, 2024, owner) requesting rezoning from **R-30** to **R-30/OSC** for single-family residences in land lots 62 and 87 of the 19th district. Property is located on the west side of Midway Road, south of Dallas Highway (636 Midway Road). *(Continued by the Planning Commission (PC) from the October 1, 2024, PC hearing until the November 5, 2024, PC hearing; held by the PC from the November 5, 2024, PC hearing until the December 3, 2024, PC hearing).*

To **approve** OSC-1, subject to:

- 1. Subject property to be approved for R-30 Open Space Community**
- 2. A maximum of 40 R-30 OSC lots that will contain only one single family residential unit per lot**

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CONSENT AGENDA (CONT.)

OSC-1 POSTON PROPERTIES, INC. (CONT.)

3. Any such conservation easement must be executed and recorded before the final plat is approved
4. Department of Transportation, Water and Sewer Division, Stormwater Management Division, and Fire Department comments and recommendations - NOTE: As of this approval, Staff has not been able to review the new proposed site plan (dated December 12, 2024, attached and made a part of these minutes); however, the Applicant has had comments regarding site development and these comments remain in effect per Cobb County Code and Ordinance
5. Applicant agrees to construct a minimum of four homes between 2,200 and 2,500 sq. feet, and a minimum of six homes will be between 2,500 and 2,800 sq. feet
6. The proposed residences shall be Traditional and Craftsman in style and architecture and will have a minimum two-car garage, which shall not be converted to heated/cooled living space; the exterior materials shall consist of brick, stone, stacked stone, cedar shake, board and batten, and hardi-plank finishes, with complementary accents, or combination thereof; no vinyl siding materials shall be used on the exterior of the proposed residences; the residences shall be substantially similar in style and architecture to the elevations depicted in Exhibit "B" of the letter dated December 11, 2024, from J. Kevin Moore (attached and made a part of these minutes); the District Commissioner shall have final approval of home elevations which are materially different than the elevations attached collectively as Exhibit "B"
7. All homes within the proposed community shall be "for sale" residences; there shall be no more than 10 percent of the homes leased at any one time; and such restrictions shall be included in the Declaration of Covenants, Easements, and Restrictions
8. Creation of mandatory homeowners/property owners association (HOA/POA); the mandatory association shall be responsible for the upkeep and maintenance of all common areas, open space areas, entrance area, amenity areas, mail kiosk, buffer areas within the proposed residential community
9. Additionally, and in conjunction with the creation of the mandatory homeowners/property owners' association (HOA/POA), Applicant agrees to the recording and enforcement of the Declaration of Covenants, Easements, and Restrictions which will contain covenants, rules, and regulations applicable to the proposed development
10. Entrance signage shall be ground based, monument style and shall consist of brick, stone, stacked stone, stucco, or combination thereof,

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CONSENT AGENDA (CONT.)

OSC-1 POSTON PROPERTIES, INC. (CONT.)

with accents complimentary to the materials used within the community; entrance landscaping and fencing shall be consistent with that shown on the Monument Sign Location Plan dated September 27, 2024, and attached as Exhibit “C” in the letter received December 11, 2024, from J. Kevin Moore (attached and made a part of these minutes), with final approval by the Cobb County Arborist; maintenance of the entrance area shall be by the mandatory homeowners/property owners’ association (HOA/POA) as set forth in the Declaration of Covenants, Easements, and Restrictions

11. Detention areas shall be fenced with fencing a minimum of six feet in height, with landscaping to the exterior for the purposes of visual screening; all vegetation and landscaping surrounding the detention areas shall be maintained by the mandatory homeowners/property owners’ association (HOA/POA)
12. A 15-foot landscape buffer to be maintained in perpetuity along Midway Road; the buffer shall include trees, shrubs, and plantings within a berm as determined by the County Arborist
13. Installation of a fence along the entire length of the 100-foot undisturbed buffer that is along the southern property line adjacent to the Broadlands subdivision, with the fence being on the northern buffer line; this fence shall remain in perpetuity and be maintained by the HOA/POA
14. No variances to be granted for future installation of bridge to cross the creek via foot; no vehicular access
15. Due to sewer easement construction and the inability to replant in the 22-foot buffer, the Applicant is agreeable to planting trees in the rear of the home of Dustin and Hayden Dunn (4512 Verdan Woods Ct) to provide visual screening; after the initial planting of healthy specimen tree(s), the homeowner is responsible for future plantings
16. The existing lake shall be evaluated hydrologically and inspected to determine its current condition and what improvements may be required for it to meet current regulations
17. As part of the erosion and sedimentation control plan, at a minimum, Applicant agrees to the installation of a double row of silt fencing along the limits of disturbance in the southwestern portions of the subject property or areas near or approaching stream buffers
18. The proposed community shall have passive amenities, including, but not limited to, walking trails and park areas
19. Applicant to provide to a representative of the Broadlands Homeowners Association, a 24-hour contact during the development and construction of the proposed community

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CONSENT AGENDA (CONT.)

OSC-1 POSTON PROPERTIES, INC. (CONT.)

- 20. Applicant agrees to development and construction hours as provided in the Cobb County Code and Ordinances**
- 21. Any and all changes shall come back to the Board of Commissioners unless otherwise noted above**
- 22. The approval of the R-30 Open Space Community does not adversely impact any existing property rights or any owner in the Broadlands or Broadlands Homeowners Association**

MOTION: Motion by Gambrill, second by Richardson, to **add** OSC-1 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.)

Z-65 TREJO SOCCER ACADEMY, LLC (Om Investments International Ltd., owner) requesting rezoning from **LRO** to **CRC** for a commercial indoor recreation facility and assembly in land lot 107 of the 17th district. Property is located on the north side of Lions Club Drive, north of Veterans Memorial Highway (560 Lions Club Drive). *(Previously continued by the Board of Commissioners (BOC) from the November 19, 2024, BOC Zoning hearing until December 17, 2024, BOC Zoning hearing).*

To **approve** Z-65 to the **CRC** zoning district, subject to:

- 1. Letter of agreeable conditions from Adam Rozen dated December 16, 2024 (attached and made a part of these minutes), with the following changes:**
 - A. Item No. 3 – revise to read: “... construction shall be completed within one hundred eighty (180) days of approval of this Application.”**
 - B. Item No. 4 – revise to include: “Trash and debris are to be cleared within 30 days of approval of this application.”; the other conditions and timeframes with stipulation #4 to remain the same**
- 2. The building occupancy is not to exceed three persons per parking space**
- 3. Maintain the 40-ft buffer to the rear of the property**
- 4. This approval is for this Applicant and this Applicant only**
- 5. Any other use, including recreational, must be approved by the District Commissioner**

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CONSENT AGENDA (CONT.)

Z-65 TREJO SOCCER ACADEMY, LLC (CONT.)

6. No building permits are to be issued before a *revised Site Plan and Landscape Plan* be submitted to the District Commissioner no later than **January 15, 2025**
7. The tractor trailer on the property is to be removed no later than **January 15, 2025**
8. All other Staff comments and recommendations, *not otherwise in conflict*

MOTION: Motion by Sheffield, second by Birrell, to **add** Z-65 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.)

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

REGULAR AGENDA

LUP-35 LATRICE WEST (Latrice West and Durell J. Holford, owners) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 206 of the 16th district. Property is located on the south side of Alison Jane Drive, across from Alison Jane Lane (4312 Alison Jane Drive). *(Held by the Planning Commission (PC) from the November 5, 2024, PC hearing until the December 3, 2024, PC hearing).*

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

MOTION: Motion by Birrell, second by Richardson, to **deny** LUP-35, subject to:

1. **Applicant to come into compliance by June 30, 2025, to allow only four vehicles to be parked outside in the driveway**

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

LUP-36 JOSE P. GARCIA (Jose P. Garcia Medina, owner) requesting a **Temporary Land Use Permit** to allow more vehicles than the code allows in land lot 672 of the 16th district. Property is located on the west side of Spear Point Trail, north of Spear Point Drive (2309 Spear Point Trail). *(Held by the Planning*

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REGULAR AGENDA (CONT.)

LUP-36 JOSE P. GARCIA (CONT.)

Commission (PC) from the November 5, 2024, PC hearing until the December 3, 2024, PC hearing).

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

MOTION: Motion by Birrell, second by Richardson, to **deny** LUP-36, subject to:

1. **Applicant to come into compliance within 90 days to allow *only* four vehicles to be parked outside in the driveway**

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

LUP-39 JULIUS C. SEYMOUR (Julius Craig Seymour and Carol Marie Seymour, owners) requesting a **Temporary Land Use Permit** to allow more vehicles parked outside than the code allows in land lot 1106 of the 19th district. Property is located on the northeast side of Chanta Lane, west of Hill Road (5708 Chanta Road). *(Held by the Planning Commission (PC) from the November 5, 2024, PC hearing until the December 3, 2024, PC hearing).*

The public hearing was opened, and Julius Craig Seymour addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Gambrill, to **approve** LUP-39 for **6 months**, subject to:

1. **Applicant to come into compliance no later than six months from the date of approval of the application (today's date) including, but not limited to, removing the inoperable vehicles to the rear of the property**
2. **Code Enforcement to make quarterly inspections**
3. **All other Staff comments and recommendations, *not otherwise in conflict***

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

LUP-40 LUCAS A DOS SANTOS ARAUJO (Lucas A. Dos Santos Araujo, owner) requesting a **Temporary Land Use Permit** to allow more vehicles parked outside and more business vehicles than the code allows in land lot 594 of the

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REGULAR AGENDA (CONT.)

LUP-40 LUCAS A DOS SANTOS ARAUJO (CONT.)

16th district. Property is located on the west side of Bob Bettis Road, north of Piedmont Road (2677 Bob Bettis Road). *(Held by the Planning Commission (PC) from the November 5, 2024, PC hearing until the December 3, 2024, PC hearing).*

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

MOTION: Motion by Birrell, second by Richardson, to **deny** LUP-40, subject to:

- 1. Applicant to come into compliance by June 30, 2025, to allow *only* four vehicles to be parked outside in the driveway**

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

Chairwoman Cupid called for a brief recess from 11:17 a.m. until 11:25 a.m.

Following the recess, Mr. Pederson announced that the Applicant for O.B. 75 (Hammocks at East Cobb Propco, LLC) and the opposition had come to an agreement; therefore, O.B. 75 was added back to the Consent Agenda.

CONSENT AGENDA (CONT.)

O.B. 75 To consider approving the site plan for Hammocks at East Cobb Propco, LLC regarding rezoning case #128 of 1980. Property is located on the west side of Johnson Ferry Road, north of Roswell Road in land lots 830 and 831 of the 16th district (1551 Johnson Ferry Road).

To **approve** O.B. 75, subject to:

- 1. Site Plan received by the Zoning Division on November 12, 2024 (attached and made a part of these minutes), with the District Commissioner approving the final Site Plan**
- 2. Front setback reduced to 40-feet**
- 3. Stormwater Management Division comments and recommendations contained in the Other Business packet**
- 4. Fire Department comments and recommendations contained in the Other Business packet**
- 5. Letter of recommendations from East Cobb Civic Association (ECCA) dated December 17, 2024 (attached and made a part of these minutes)**

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CONSENT AGENDA (CONT.)

O.B. 75 (CONT.)

6. All other Staff comments and recommendations, *not otherwise in conflict*

MOTION: Motion by Birrell, second by Cupid, to **add** O.B. 75 back 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.)

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

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

REGULAR AGENDA (CONT.)

LUP-41 Maya Moore, as Trustee of The Maya Moore Declaration of Trust dated 07.20.2017 (Maya Moore, as Trustee of The Maya Moore Declaration of Trust dated 07.20.2017, owner) requesting a **Temporary Land Use Permit** for home occupation – dog training in land lot 395 of the 17th district. Property is located on the west side of Burdette Road, north of Pebblebrook Road (5480 Burdette Road). *(Continued by Staff from the November 5, 2024, Planning Commission (PC) hearing until the December 3, 2024, PC hearing).*

The public hearing was opened; Adam Rozen, Jonathan Irons, Maya Moore Irons, Steve Jungk, John Hoxie, Rachel Geist, and Susan Grossweiler addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **approve** LUP-41 for **6 months** (from today's date), subject to:

1. Letter of agreeable conditions from Adam Rozen dated December 16, 2024 (attached and made a part of these minutes), with the following changes:

A. Item No. 3 – revise to read: “*The LUP approval shall be for six months only with no subsequent requests or application submitted for renewal.*”

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REGULAR AGENDA (CONT.)

LUP-41 **Maya Moore, as Trustee of The Maya Moore Declaration of Trust dated 07.20.2017 (CONT.)**

- B. Item No. 12 – revise to reflect: *There may be no more than a total of eight dogs on the subject property at any given time where no more than five of the eight dogs are customer dogs; three of the eight dogs are personal dogs owned by the Irons’.***
- C. Item No. 14 – revise to reflect: *Fencing is to be installed around the perimeter within 30 days of the approval of this application, and that is including, but not limited to, the front gate where there is a gap where the gate does not extend all the way to the ground. A solution shall be provided that will extend the front gate to cover the gap so no dogs can escape from the fenced area.***
- 2. All other Staff comments and recommendations, *not otherwise in conflict***

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

Chairwoman Cupid called for a lunch recess at 12:32 p.m. The hearing reconvened at 1:31 p.m.

OTHER BUSINESS

O.B. 63 To consider a site plan and stipulation amendment for Mt. Bethel Christian Academy, Inc. regarding case SLUP-11 (Mt. Bethel United Methodist Church, Inc.) of 2013. Property is located on the north side of Post Oak Tritt Road, west of Holly Springs Road, in land lots 599, 600, 625, and 626 of the 16th district (2509 Post Oak Tritt Road). *(Previously continued by Staff from the October 15, 2024, Board of Commissioners’ (BOC) Zoning hearing until the November 19, 2024, BOC Zoning hearing; held by the BOC from the November 19, 2024, BOC Zoning hearing until the December 17, 2024, BOC Zoning hearing).*

The public hearing was opened; Kevin Moore and Richard Grome addressed the Board. Prior to Richard Grome’s presentation, Chairwoman Cupid called for a two-minute recess. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Richardson, to **approve** O.B. 63, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated December 11, 2024 (attached and made a part of these minutes), with the following changes:**

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OTHER BUSINESS (CONT.)

O.B. 63 (CONT.)

- A. Item No. 1 – revise to read: *“The maximum height of all buildings shall be 35-feet from grade of curb.”*
- B. Item No. 2 – revise to read: *“Applicant agrees the pool shall be totally enclosed or shall be located within an enclosed building.”*
- C. Item No. 3 – revise to read: *“Final elevations of the proposed buildings are subject to approval by the District Commissioner, after ECCA (East Cobb Civic Association) and surrounding neighbors have reviewed said documents with input and comments and provided their recommendations.”*
- D. Item No. 4 – revise to read: *“... Cobb County Department of Transportation Comments and all Staff Comments and Recommendations.”*
- E. Item No. 5 – no change
- F. Add Item No. 6 – add to read: *“The temporary modular classrooms shall be removed once the first set of buildings for the high school are completed and occupied.”*
- G. Add Item No. 7 – add to read: *“Use of any outdoor athletic facilities shall be restricted to athletic sports activities associated with Mt. Bethel Christian Academy or any team associated with Mt. Bethel Christian Academy, and no renting out to other organizations unless they are affiliated with Mt. Bethel Christian Academy Staff or school.”*
- H. Add Item No. 8 – add to read: *“The existing lighting on the current softball field can be replaced but no additional lighting is be added; the lighting shall be down-lit and contained and turned off by 10:00 p.m. The tennis courts shall be fenced and screened with padding to reduce the noise.”*
- I. Add Item No. 9 – add to read: *“The proposed new practice field shall have no additional lighting.”*
- J. Add Item No. 10 – add to read: *“The proposed new baseball field shall include a minimum buffer of 80-feet to the Mt. Bethel Christian Academy property line to the north, which is already existing and will remain. The buffer to the west shall be no less than that of the present baseball field. The lighting shall be down-lit and turned off by 10:00 p.m.*
- K. Add Item No. 11 – add to read: *“All parking areas to have down-lit lighting and turned off by 11:00 p.m. except for the walkway lighting to the parking lot.*
- L. All other Staff comments and recommendations, *not otherwise in conflict*
- M. All previous stipulations, *not in conflict*, to remain in effect
- N. Maximum impervious surface not to exceed 70%

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OTHER BUSINESS (CONT.)

O.B. 63 (CONT.)

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

O.B. 64 To consider a site plan approval for KA Marietta, LLC regarding rezoning applications 223 of 1988 and Z-95 of 1990. Property is located on the south side of Gordy Parkway, west of Sandy Plains Road in land lot 334 of the 16th district (Gordy Parkway). *(Previously continued by Staff from the October 15, 2024, and November 19, 2024, Board of Commissioners' (BOC) Zoning hearings until the December 17, 2024, BOC Zoning hearing).*

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

MOTION: Motion by Birrell, second by Sheffield, to **approve** O.B. 64, subject to:

1. **Letter of agreeable conditions from Kevin Moore dated December 16, 2024, which includes the Buffer Plan dated November 5, 2024, and the Site Plan dated October 31, 2024 (attached and made a part of these minutes)**
2. **District Commissioner to approve the elevations and final Site Plan, with review and comments from the East Cobb Civic Association and the Architectural Control Committee**
3. **Stormwater Management Division comments and recommendations contained in the Other Business packet**
4. **Cobb DOT comments and recommendations contained in the Other Business packet**
5. **Fire Department comments and recommendations contained in the Other Business packet**
6. **All other Staff comments and recommendations, *not otherwise in conflict***
7. **Letter of recommendations from East Cobb Civic Association (ECCA) submitted December 17, 2024, containing five additional stipulations (attached and made a part of these minutes)**

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

O.B. 74 To consider a stipulation and site plan amendment for Riverview Associates, Ltd. regarding cases Z-49 of 2008 and Z-102 of 2016. Property is located at the northwesterly intersection of Cobb Parkway and Paces Mill Road in land lots 976, 977, 1016, and 1017 of the 17th district (3300 Cobb Parkway).

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OTHER BUSINESS (CONT.)

O.B. 74 (CONT.)

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

MOTION: Motion by Richardson, second by Gambrill, to **approve** O.B. 74, subject to:

1. Letter of agreeable conditions from Kevin Moore dated November 12, 2024, which includes the Site Plan (attached and made a part of these minutes)
2. Cobb DOT comments and recommendations *last revised* December 11, 2024, regarding the turning lane analysis (attached and made a part of these minutes)
3. Add the removal of the bridge and the trail to the Site Plan
4. Vinings HOA (Homeowners Association) and the adjacent residents be included in the conversation in creating the Security Plan, with final approval by the District Commissioner
5. Stormwater Management Division comments and recommendations contained in the Other Business packet
6. Fire Department comments and recommendations contained in the Other Business packet
7. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect
8. All other Staff comments and recommendations, *not otherwise in conflict*

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

O.B. 77

To consider a stipulation amendment for PropCo Liberty, LLC regarding rezoning case Z-18 of 2022. Property is located on the south side of Liberty Hill Road, east of Canton Road in land lot 660 of the 16th district (910 Liberty Hill Road).

The public hearing was opened; Kevin Moore, Carol Brown, and Matthew Leiter addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Sheffield, to **approve** O.B. 77, subject to:

1. Letter of agreeable conditions from Kevin Moore dated December 11, 2024 (attached and made a part of these minutes), with the following change:

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OTHER BUSINESS (CONT.)

O.B. 77 (CONT.)

- A. Item No. 2 – revise to read: *“Applicant agrees to hours of operation Monday through Friday, 7:00 a.m. to 6:00 p.m.; Saturday, 7:30 a.m. to 2:00 p.m., and no Sunday operation.”*
2. Applicant to restrict access on Liberty Hill Road to a *“left out”* only to the signal at Canton Road; Applicant to provide signage
3. Applicant to submit a Remediation Plan
4. All trucks to be loaded inside the building and only reloaded in the mornings before they leave, not at the end of the day; trucks to be parked on a hardened surface
5. All materials to be stored inside
6. No outdoor storage *except* for service trucks
7. A *lawncare application business* is permitted, which includes a business that applies lawn fertilization, weed control, disease and insect control
8. Fire Department comments and recommendations contained in the Other Business packet
9. All Staff comments and recommendations, *not otherwise in conflict*
10. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

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

Clerk’s Note: Commissioner Birrell requested that DOT look at making all Liberty Hill Road (from Canton Road to Morgan Road) a “No Trucks” route.

ADJOURNMENT

The hearing adjourned at 4:13 p.m.

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

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OTHER BUSINESS (CONT.)

O.B. 77 (CONT.)

- A. Item No. 2 – revise to read: *“Applicant agrees to hours of operation Monday through Friday, 7:00 a.m. to 6:00 p.m.; Saturday, 7:30 a.m. to 2:00 p.m., and no Sunday operation.”*
2. Applicant to restrict access on Liberty Hill Road to a *“left out”* only to the signal at Canton Road; Applicant to provide signage
3. Applicant to submit a Remediation Plan
4. All trucks to be loaded inside the building and only reloaded in the mornings before they leave, not at the end of the day; trucks to be parked on a hardened surface
5. All materials to be stored inside
6. No outdoor storage *except* for service trucks
7. A *lawncare application business* is permitted, which includes a business that applies lawn fertilization, weed control, disease and insect control
8. Fire Department comments and recommendations contained in the Other Business packet
9. All Staff comments and recommendations, *not otherwise in conflict*
10. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

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

Clerk's Note: Commissioner Birrell requested that DOT look at making all Liberty Hill Road (from Canton Road to Morgan Road) a “No Trucks” route.

ADJOURNMENT

The hearing adjourned at 4:13 p.m.



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

Commissioner Birrell's Statement - Revised 8/13/24

Considering the Supreme Court's ruling in January regarding Standing on the Home Rule issue, my position regarding the home rule challenge still stands.

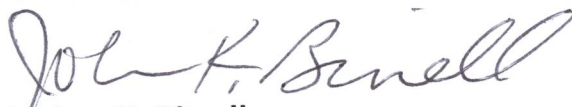
I do not support the Home Rule Challenge of the majority of this board. It is unconstitutional and illegal. I voted against the amended map three times in 2022 (1/25/22, 10/11/22 and 10/25/22).

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, 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.

Although the Supreme Court of Georgia only ruled on standing and did not rule on the merits of the case, I concur with Justice Bethel's remarks regarding Home Rule authority. With respect to Judge Hill's order dated 7/25/24, I also support her order and do not support the county's request to intervene or request for reconsideration of her decision regarding the Alicia Adams v. Cobb Board of Elections case. I did not support the majority of this Board regarding the Home Rule challenge from the very beginning. It has gone on for the past 2 years at taxpayers' expense, and should never have been done to begin with. We all took an oath to uphold the Constitution of the United States, the State of Georgia, and Cobb County.

Follow the Law.



Jo Ann K. Birrell

District 3 Commissioner

October 8, 2024 Statement

While the County responded on October 3, 2024 to many allegations made in the recent legal challenge filed in Superior Court on September 18, 2024 – no mention was made that these allegations were irrelevant to the action taken by the Board to provide notice that a Commissioner did not meet the qualifications per Sec. 2-23(b) of our local Enabling Legislation.

The Agenda Item #46 for August 25 and September 10, 2024 were only to deem the office vacant and were not included in the County's response. Yet the complaint states the Board voted to fill the vacancy. This is a false statement, as the Agenda's Recommendations clearly stated: "The Board of Commissioners approves notice to the District 2 Commissioner that the office is deemed vacant per Part II, Sec. 2-23(b), Official Code of Cobb County, Georgia; and authorizes the Chairwoman to execute notice pursuant to OCGA 45-5-1 and any other necessary documents for said purpose."

Upon careful review of 45-5-1 it is two pronged. (a) addresses vacated offices and (b) state the decision of the officer or body to fill the vacancy or call an election to fill the vacancy shall be subject to an appeal to the superior court. The Board of Commissioners did not approve to fill the vacancy nor did we call for an election. Therefore, the complaint should be dismissed.

The county provided no equitable estoppel argument advanced as a result of the actions by the Board of Commissioners in moving forward with an ultra vires passage of the Home Rule Map.

The Home Rule Board action was precipitated by an illegal action through the act of three Commissioners to confect and move forward with a scheme which was illegal in inception and act which Commissioners now claim their term should extend beyond December 31, 2024.

This response coupled with the County Attorney's Office unwillingness to rescind the Home Rule Resolution votes of Oct. 11th and 25th, 2022 raises continued questions as the representation and advice provided to me as your commissioner and representative in matters pertaining to Home Rule.

The County regularly uses outside counsel to represent the interest of the County in matters as simple as motor vehicle accidents. I respectfully request that the Cobb County Attorney's Office be removed from this legal action and outside counsel represent the County in all matters pertaining to Home Rule going forward.



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Injury, Land Use,
Criminal Defense,
Domestic
& Business

December 16, 2024

VIA EMAIL DELIVERY

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

Re: Application of Trejo Soccer Academy, LLC to Rezone a +/- 2.72 Acre Tract from
LRO to CRC, Land Lot 107, 17th District, Cobb County, Georgia (Z-65)

Dear John:

As you know, this firm represents the Applicant, Trejo Soccer Academy, LLC concerning the above-captioned Application for Rezoning. The Application was heard by the Planning Commission on November 5, 2024 and received a unanimous recommendation for approval. The Application is now scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on December 17, 2024.

The property at issue ("subject property") consists of a 2.72 acre parcel on the north side of Lions Club Drive, just north of Veterans Memorial Highway and west of Glore Drive. The subject property is classified as Mableton Town Center and Community Activity Center on Cobb County's Future Land Use Map ("FLUM"). The subject property was re-zoned from R-20 and GC to NRC in 2018 in anticipation of continued use as a place of worship and assembly.

The Applicant now seeks to return the use of the subject property and its warehouse-style building to its original use as commercial indoor recreation. The original construction was for an

ROZEN, ROZEN & REILLY, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL DELIVERY

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

December 16, 2024

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indoor roller-skating rink. The Applicant seeks to move its existing soccer academy operations to the subject property for commercial indoor recreation and continued assembly consistent with the commercial indoor recreation uses.

The Applicant looks forward to improving the interior and exterior of the building and parking area of the property and making the soccer academy a vibrant part of Cobb County and Mableton. Trejo Soccer is currently operating in Mableton and is excited to make Lions Club its new home. The Applicant is not the current owner of the subject property and has not been in operation at the subject property. Any existing code enforcement matters are not related to this Applicant.

The Applicant is generally agreeable to the Staff Recommendations and plans to operate consistently with the manner it presented in the Application and as reported in the Staff Analysis. Since that Analysis, the Applicant provided additional operational information to DOT Staff to confirm its operations do not require the submittal of a traffic study due to the small number of traffic and participants coming on site per hour/daily. The presented data is supported by the Applicant's existing operations and the relatively small number of occupants at any time in comparison to the square footage which is consistent with similar to commercial indoor recreation uses within the County generally yielding less occupants due to the nature of the soccer activities.

In that regard, this letter will constitute the Applicant's agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter.

The referenced stipulations are as follows:

1. The revised stipulations and conditions set forth herein shall replace and supersede all prior stipulations and conditions where in conflict with the stipulations and conditions of this Application.
2. The granting of the requested rezoning from LRO to CRC for commercial indoor recreation similar to the Revised Site Plan attached hereto and incorporated herein and shall be for this Applicant or related entity only. Any other uses shall be subject to approval by the District Commissioner.

ROZEN, ROZEN & REILLY, LLP

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL DELIVERY

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

December 16, 2024

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3. As soon as practicable following the approval of this Application, the Applicant shall begin the process to conduct the herein improvements and open for its intended business. The exterior and interior renovation and construction shall be completed within one hundred twenty (120) days of approval of this Application.
4. Within thirty (30) days of completion of the interior and exterior renovation/construction, the paved parking area shall be cleaned and cleared of trash and debris and overgrowth and will be sealed, with any holes repaired or additional paving provided where no longer existing or beyond repair within the parking area identified on the Revised Site Plan. The parking area shall also be striped for parking spaces, painted for directional arrows and installation of parking curbs/stops along Lions Club Drive to direct internal traffic maneuvering and to identify entrance and exit points. Such activity shall not be considered driveway modifications or redevelopment as referenced in the DOT comments.
5. Within thirty (30) days of completion of the interior and exterior renovation/construction, or if recommended otherwise by the County Arborist considering the appropriate seasons for planting, the planter and landscaping area(s) in the front of the building and to the west of the building in between the adjoining western boundary and the retaining wall, shall be landscaped in a manner consistent with a landscape plan to be submitted within thirty (30) days of completion of the exterior and interior renovation/construction. Such landscape plan shall be reviewed by a landscape review committee comprised of the MIC, the Applicant and District Commissioner, with final approval of the District Commissioner. The landscape plan shall give special attention to a plan that provides a mix of trees, shrubs and ground cover. In the event the County Arborist recommends delay in planting due to the constraints of the weather, the timeframes of this condition shall be extended to accommodate the additional recommended time.
6. Exterior renovations and improvements shall be made to the exterior of the building such as to clean, repair, replace and paint the exterior structure façade where rotting, cracked, chipped or damaged similar to the enclosed architectural rendering. Within ninety (90) days of approval, the Applicant shall provide a rendering of the proposed architecture to the front exterior to be reviewed by an architectural review committee composed of the

ROZEN, ROZEN & REILLY, LLP

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VIA EMAIL DELIVERY

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

December 16, 2024

Page 4

-
- MIC, Applicant and District Commissioner with final approval by the District Commissioner. Such plans shall be drawn by a registered architect.
7. If the Applicant is not able to meet the time requirements of the Approval of this Application due to delays outside of its control, the Zoning Division Manager is permitted to grant extensions for additional time.
 8. The existing loading dock ramp shall be filled and such area utilized for additional parking spaces. Such activity shall not be considered redevelopment.
 9. There shall be no tractor trailers on site no later than January 15, 2025, except for those necessary to remove the contents of the building or deliver supplies for the implementing the Applicant's proposed commercial indoor recreation use. Thereafter there shall be no tractor trailer or other truck parking not related to the Applicant's operations or temporary construction activities.
 10. All exterior and outdoor lighting shall be compliant with Cobb County Ordinances with an emphasis on ensuring all light is downcast and least intrusive to neighboring and adjoining properties.
 11. The regular hours of operation shall be from 7 am to 12 am Monday through Sunday.
 12. The granting of the following contemporaneous variances to reflect as-built site conditions:
 - a) Variances as identified in the Staff Analysis and Summary of the Applicant's Proposal section.
 - b) The required number of parking spaces shall be reduced from the minimum required amount, reflected as one hundred twenty-one (121) in the Staff Analysis, to sixty three (63) as reflected in the attached Revised Site Plan to accommodate the existing conditions.
 13. Compliance with all Staff Recommendations from the current Staff Analysis where not otherwise in conflict.

Petition No. Z-65
Meeting Date 12-17-2024
Continued

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

December 16, 2024

Page 5

Based on the foregoing, the Application provides the Applicant an opportunity for a new home and investment in this area of Cobb County and the City of Mableton while also putting the subject property back to productive use. The Application also appropriately balances the utility and transition of this historically commercial/industrial property and sub-area with appropriate conditions from which the surrounding properties are ensured that they will benefit and be protected in the future. Please do not hesitate to contact me should you or your staff have any questions or require any additional information or documentation.

Sincerely,

ROZEN, ROZEN & REILLY, LLP

/s/ Adam J. Rozen

AJR/
Enclosure

Adam J. Rozen
ajrozen@rozenandrozen.com

cc: Monique Sheffield, District 4 Commissioner, Cobb County Board of Commissioners
Ms. Robin Meyer, Mableton Improvement Coalition

Rezoning Plat

560 Lions Club Drive

Cobb County, Georgia Land Lot 107, 17th District, 2nd Section

prepared for:

Mrs. Yaneth Medina

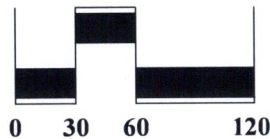
DGM

LAND PLANNING
CONSULTANTS, INC.

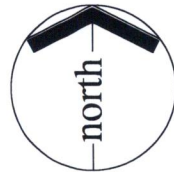


1635 Old Hwy 41
SUITE 112-314
KENNESAW, GA 30152

770-514-9006
DGMLPC.COM



Scale: 1" = 60'



Site Data

Proposed Commercial Indoor Recreation

Total Site Area: 2.71 AC (118,047 SF)

Present Zoning: LRO

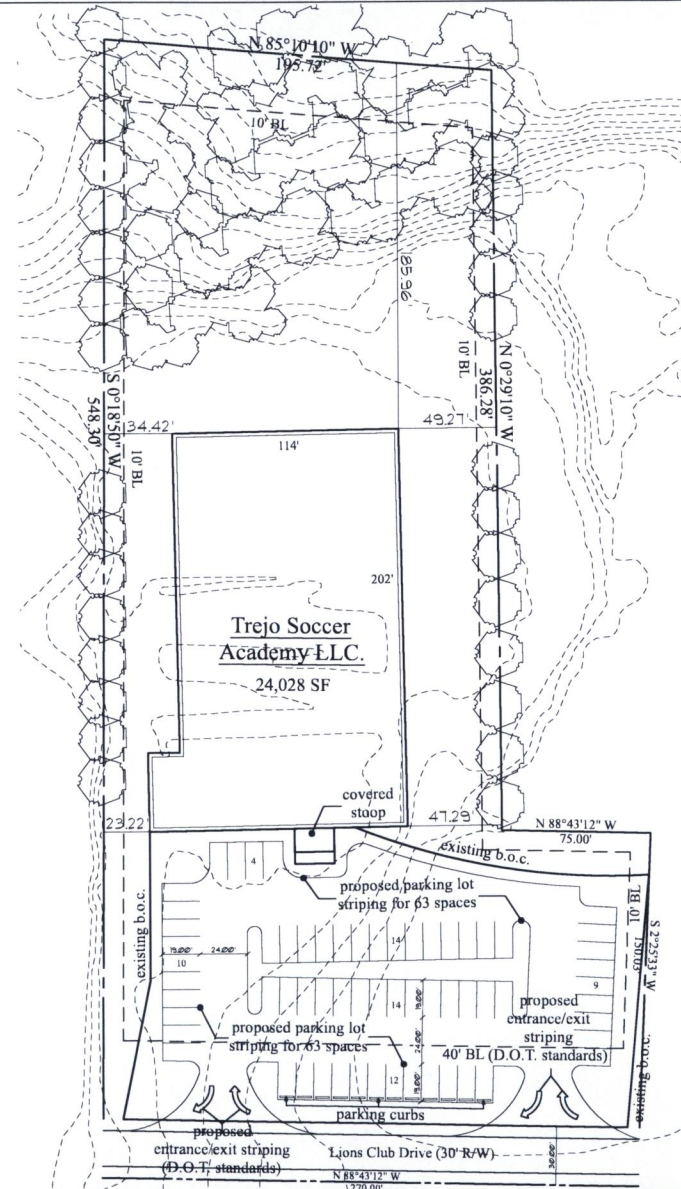
Proposed Zoning: CRC

Impervious Surface Breakdown:

Asphalt Drive/Parking Lot:	34,507 SF
Building Footprint:	23,668 SF
Wall:	213 SF
Total Impervious Area:	58,388 SF (49.4% of total site area)

General Notes:

1. Boundary from West Georgia Surveyors INC., dated August 31, 2009.
2. Topographic information from Cherokee County GIS (shown at 2' intervals).
3. According to Flood Insurance Rate Maps (FIRM) # 13067C0204G, dated June 7, 2019 this site does not contain floodplain.
4. No cemeteries are known to exist on site.
5. No Streams, lakes, and wetlands are known to exist on site and buffers have been provided accordingly.
6. No archeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.



Petition No. Z-65
Meeting Date 12-17-2024
Continued



Petition No. Z-65
Meeting Date 12-17-2024
Continued



Petition No. 7-65
Meeting Date 12-17-2024
Continued



Petition No. Z-65
Meeting Date 12-17-2024
Continued



Min. Bk. 100 Petition No. OSC-1
Doc. Type Elevations as depicted as Exhibit "B" attachment
in 12-11-2024 letter from Kevin Moore
Meeting Date 12-17-2024



EXHIBIT "B"

Petition No. OSC-1
Meeting Date 12-17-2024
Continued



Petition No. OSC-1
Meeting Date 12-17-2024
Continued



Petition No. OSC-1
Meeting Date 12-17-2024
Continued



Petition No. OSC-1
Meeting Date 12-17-2024
Continued



Petition No. OSC-1
Meeting Date 12-17-2024
Continued



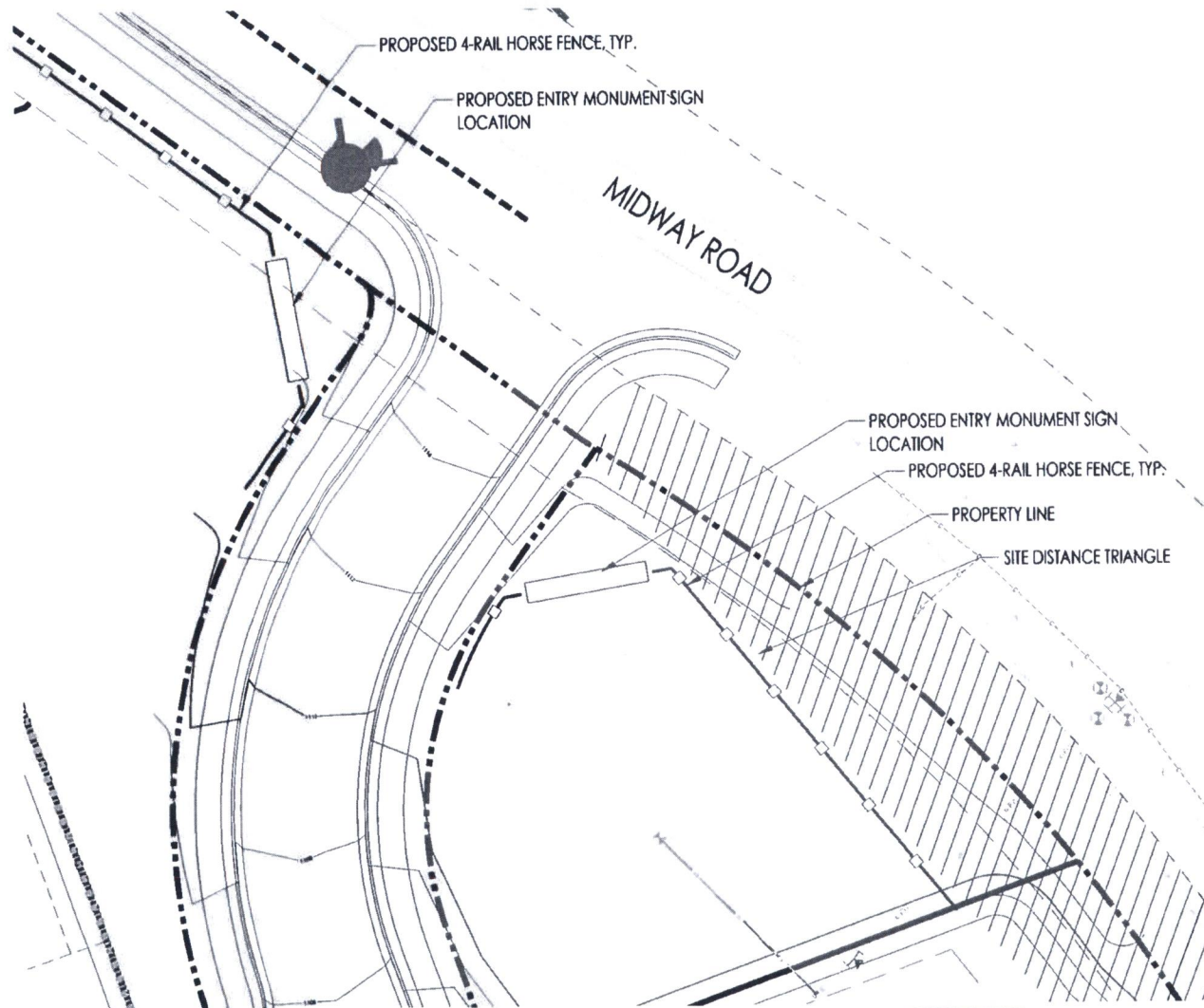
Petition No. OSC-1
Meeting Date 12-17-2024
Continued



Petition No. OSC-1
Meeting Date 12-17-2024
Continued



Min. Bk. 100 Petition No. OSC-1
 Doc. Type Monument Sign Location Plan dated 9-27-2024 as
depicted as Exhibit "C" attachment in 12-11-2024 letter from
 Meeting Date 12-17-2024 Kevin Moore



A Division of **360**
360 STUDIO
LANDSCAPE
ARCHITECTURE

350 RESEARCH COURT
PEACHTREE CORNERS
GEORGIA 30092
Q: 770.451.2741
PEC360STUDIO.COM

THE INCLUDING, EXCLUDING, AND
EXCEPTING, IS THE INCLUSIVE PROPERTY
OF THE GROUP AND IS NOT TO BE EXCLUDED
ON OTHER GROUNDS OR IN ANY MANNER AS
REQUIRED FOR THE PROJECT. IT IS NOT
TO BE USED ON ANY OTHER PROJECT
WITHOUT THE WRITTEN CONSENT
OF THE GROUP.

MIDWAY
ROAD

TRATON HOMES
728 KENDALL AVE
MARZETTA, GA 30060

VALERIE ASSEFF
770.636.5197

 REVISION DATE

DRAWN BY: 360
APPROVED BY: DM
PROJECT NUMBER
23123.00C

09/27/2024

PROPOSED
MONUMENT SIGN
LOCATION PLAN

LA.01

EXHIBIT "C"



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

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

Injury, Land Use,
Criminal Defense,
Domestic
& Business

December 16, 2024

VIA EMAIL DELIVERY

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

Re: Application of Maya Moore, as Trustee of the Maya Moore Declaration of Trust dated 07.20.2017 for a Temporary Land Use Permit regarding a 9.17 Acre Tract - Land Lot 395, 17th District, Cobb County, Georgia; LUP 41

Dear John:

This firm represents the Applicant Maya Moore, as Trustee of the Maya Moore Declaration of Trust dated 07.20.2017 ("Moore") in LUP 41 which is set to be heard for final action by the Board of Commissioners on December 17, 2024.

This letter is a revised letter of stipulations to replace the stipulation letters previously submitted on November 21, 2024 and December 11, 2024.

This Application seeks a Temporary Land Use Permit ("LUP") to allow a home occupation, dog training facility on an approximate 9.17 acre tract of land located at 5480 Burdette Road, Mableton, Georgia ("Subject Property").

In furtherance of this Application, this letter will serve as the Applicant's expression of agreement with the following stipulations which shall, upon the requested LUP Application

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

December 16, 2024

Page 2

being approved, become conditions and a part of the grant of the Application and binding upon the Subject Property thereafter.

The proposed operations as a dog training facility known as Dogs We Trust, LLC is owned and operated by husband-and-wife Maya Moore and Jonathan Irons who reside at the property as their primary residence and request this LUP for the purpose of dog training with boarding limited to training purposes ("Operations"). The Operations are proposed to be primarily limited to the northeastern area of the land which also represents the land area that is accessible by the primary driveway and not challenged with steep topography.

While the Applicant recognizes that the Staff Analysis recommends denial of the Application at this time, the Applicant also recognizes that Staff did not have the benefit of analyzing the Application in light of the limited nature of the Operations and the following stipulations and conditions providing the necessary protection for nearby and adjoining properties. The referenced stipulations are as follows:

1. The LUP shall be applied to the Subject Property specifically for a dog training facility in a manner similar to the Revised Site Plan attached hereto and incorporated herein ("Revised Site Plan").
2. The LUP shall be for this Applicant only as Maya Moore, as Trustee of the Maya Moore Declaration of Trust dated 07.20.2017, Dogs We Trust, LLC or related entity owned by the Applicant.
3. The LUP approval shall be for six (6) months subject to renewal only through the LUP public hearing process thereafter.
4. The regular days of the Operations are proposed to be Monday through Saturday. The regular hours of operation shall be Monday through Friday 7 am to 6 pm and Saturday 9 am to 4pm.
5. There shall be no signage for the Operations on Burdette Road.
6. The Applicant shall comply with all local and State leash laws prohibiting un-leashed dogs on public rights of way.

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

December 16, 2024

Page 3

7. The Applicant shall ensure that the Operations and dog barking is in compliance with the Cobb County Noise Ordinance and shall implement operational measures to ensure any barking or other noise is limited in duration and scope with particular attention to limiting noise and activity along the boundary of adjoining landowners.
8. Outdoor fenced areas, runs or kennels shall be limited to the area(s) designated on the Revised Site Plan as "fenced area for dog training".
9. The Subject Property is currently fenced along the entire boundary adjoining 5430, 5454, 5468 and 5472 Burdette Road and 721, 695, 669, 661 and 651 Pebblebrook Rd and the rear of the Subject Property which fencing also encloses the Subject Property from the right of way of Burdette Road and includes a security gate at the entrance drive. The Applicant shall ensure that such boundary and right of way fencing remains in existence and secure at all times during the duration of the Operations.
10. All indoor Operations shall be limited to the accessory structure labeled as "existing barn" and shall not use the structures labeled as "accessory storage structures" as additional kennel or other space for dog training or boarding activities.
11. The Operations on the Subject Property shall not involve aggressive dogs, and such activity, if any, shall occur off-site only.
12. The Operations shall be limited to eight (8) customer dogs on the Subject Property at any one time.
13. The LUP shall not be for the purpose of dog breeding or dog day care.
14. The Applicant shall ensure that the Subject Property is fully enclosed with secured fencing at all times to prevent dogs on any adjoining or nearby properties or in the public rights of way.
15. The granting of contemporaneous variances to:
 - a. Reduce the side setback for the existing barn as approved in V-15 2016 and to accommodate the existing square footage of the structure;

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VIA EMAIL DELIVERY

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

December 16, 2024

Page 4

- b. to allow an accessory structure to the front of a principal structure and
- c. to allow the accessory structures labeled as "accessory storage structures" to be within 10' of a property line.

16. The District Commissioner shall have the authority to make minor modifications to the site plan and these stipulations/conditions.

Dog training and the promotion of providing a needed resource for training dogs to be "dogs we trust" is a lifelong passion of the Applicant. The Applicant recognizes that it is now seeking approval of this passion through the proper process and takes seriously the responsibility bestowed upon him in caring for the loved animals of his clients. However, the Applicant also recognizes the interests of its adjoining and nearby neighbors and the County and City in ensuring that the Operations are maintained in a manner that is respectful and safe. With the stipulations proposed in this letter, the Applicant is confident it can provide an asset and needed service to the County and the City of Mableton. As such, the Applicant respectfully requests approval of the Application subject to the conditions and stipulations outlined in this letter.

Please do not hesitate to contact me should you or your staff have any questions or require any additional information or documentation.

Sincerely,

ROZEN, ROZEN & REILLY, LLP

/s/ Adam J. Rozen

Adam J. Rozen
ajrozen@rozenandrozen.com

AJR/

Enclosures

cc: Monique Sheffield, District 4 Commissioner, Cobb County Board of Commissioners
Mableton Improvement Coalition, Via Email
Mr. and Mrs. David and Rachel Geist, Via Email
Mr. Robert Alexander, Via Email

Temporary Land Use Permit

5480 Burdette Road

Mableton, Georgia Land Lot 395, 17th District, 2nd Section

prepared for:

Maya Moore, as trustee of the

Maya Moore Declaration of Trust

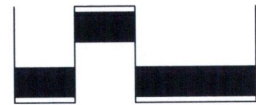
DGM

LAND PLANNING
CONSULTANTS, INC.



1635 Old Hwy 41
SUITE 112-314
KENNESAW, GA 30152

770-514-9006
DGM.LPC.COM



scale: 1"=100'

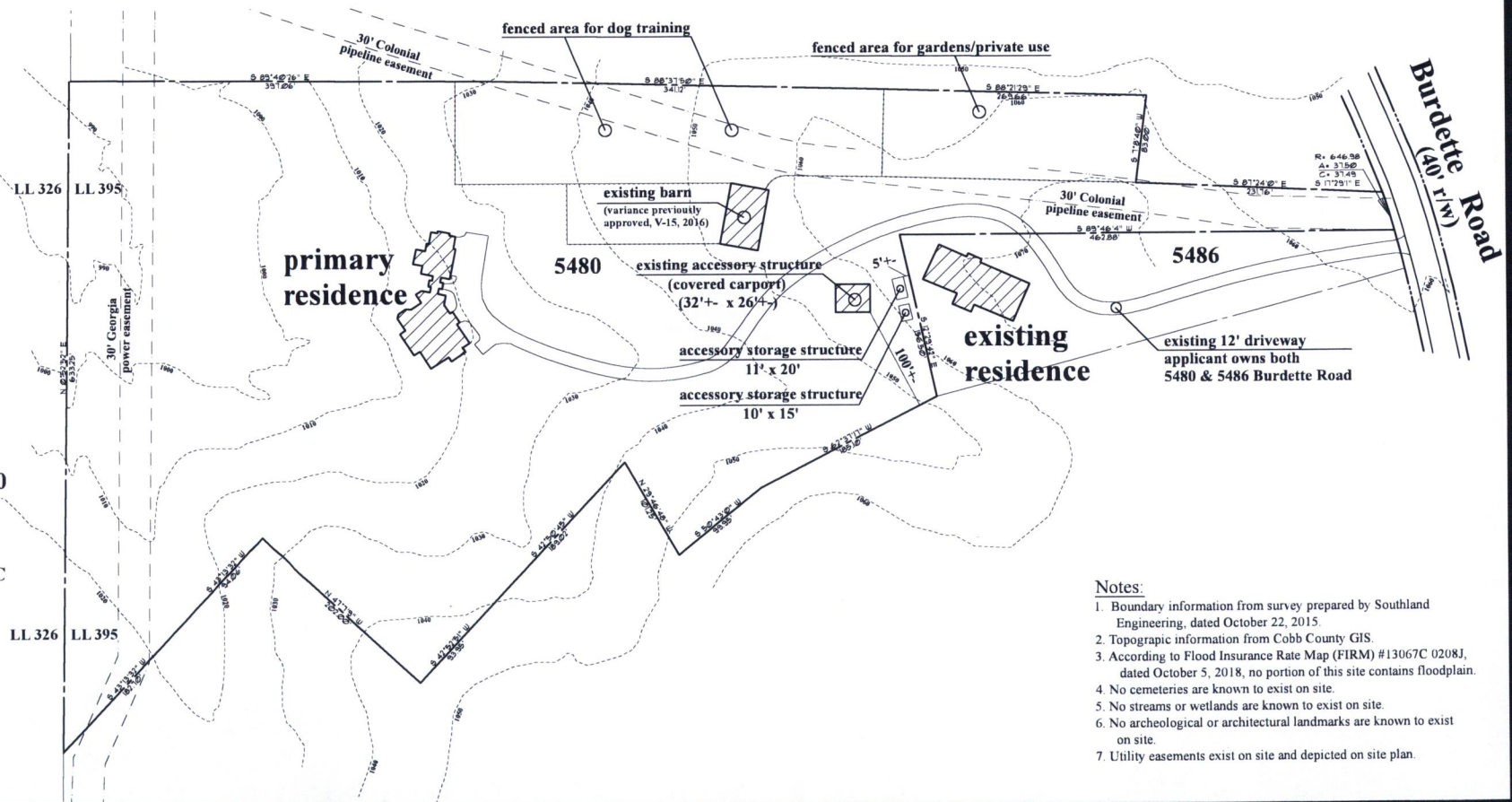
Site Data

Total Site Area: 9.17 AC
 Existing Zoning: R-20
 Proposed Zoning: R-20



Variances Requested

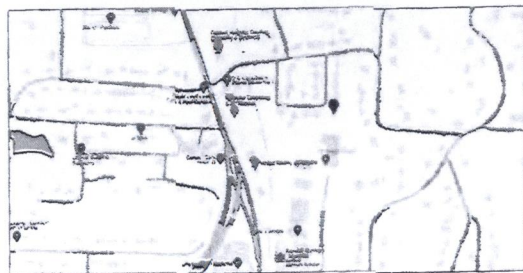
- 1) to allow an accessory structure to the front of a principal structure
- 2) to allow an accessory structure to be within 10' of a property line



Notes:

1. Boundary information from survey prepared by Southland Engineering, dated October 22, 2015.
2. Topographic information from Cobb County GIS.
3. According to Flood Insurance Rate Map (FIRM) #13067C 0208J, dated October 5, 2018, no portion of this site contains floodplain.
4. No cemeteries are known to exist on site.
5. No streams or wetlands are known to exist on site.
6. No archeological or architectural landmarks are known to exist on site.
7. Utility easements exist on site and depicted on site plan.

Meeting Date 12-17-2024



VICINITY MAP

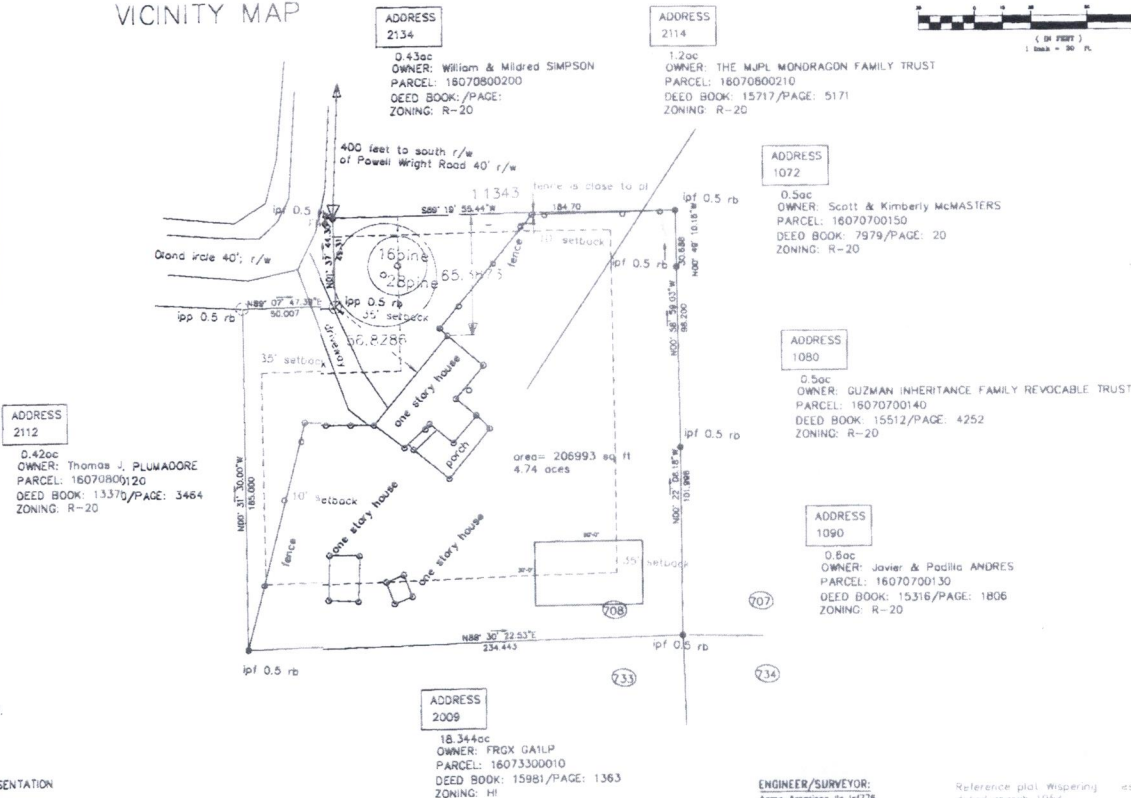
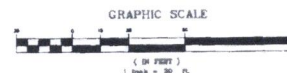


TAX MAP

RECEIVED
 OCT 02 2024
 COBB COUNTY ZONING

LEGEND

Existing Centerline	Proposed Centerline	Proposed Right-of-Way	Proposed Easement	Proposed Setback	Proposed Fencing	Proposed Driveway	Proposed Utility Line	Proposed Storm Drain	Proposed Sewer Line	Proposed Water Line	Proposed Gas Line	Proposed Cable Line	Proposed Telephone Line	Proposed Fire Hydrant	Proposed Fire Station	Proposed Fire Alarm	Proposed Fire Alarm Box	Proposed Fire Alarm Bell	Proposed Fire Alarm Control	Proposed Fire Alarm Panel	Proposed Fire Alarm Pull Station	Proposed Fire Alarm Sounder	Proposed Fire Alarm Speaker	Proposed Fire Alarm Bell	Proposed Fire Alarm Control	Proposed Fire Alarm Panel	Proposed Fire Alarm Pull Station	Proposed Fire Alarm Sounder	Proposed Fire Alarm Speaker
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EQUIPMENT USED FOR MEASUREMENTS:
 ANGULAR - TOPCON GTS-300 TOTAL STATION
 LINEAR - EDM

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 2660 FEET, AND AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT. THIS PLAT SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY PUBLIC AND PRIVATE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND ACCURATE WITHIN ONE FOOT IN 2418 FEET. IN MY OPINION THIS PLAT OR SURVEY IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA SURVEYORS BOARD.

set forth in the Georgia Plat Act O.C.G.A. 15-6-67. Authority O.C.G.A. Secs 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22. BEARINGS SHOWN HEREON ARE BASED ON MAGNETIC OBSERVATIONS. Field work completed 12-30-20 ALL PINS PLACED 1PP .5" REBAR

ENGINEER/SURVEYOR:
 Acme American, Inc. 16778
 J. WAYNE PROCTOR
 318 ATLANTA STREET, SE
 WARETTA, GA 30060
 (770)425-6880

UTILITIES PROTECTION CENTER
 2000 ATLANTA STREET, SE
 WARETTA, GA 30060
 (770)425-6880

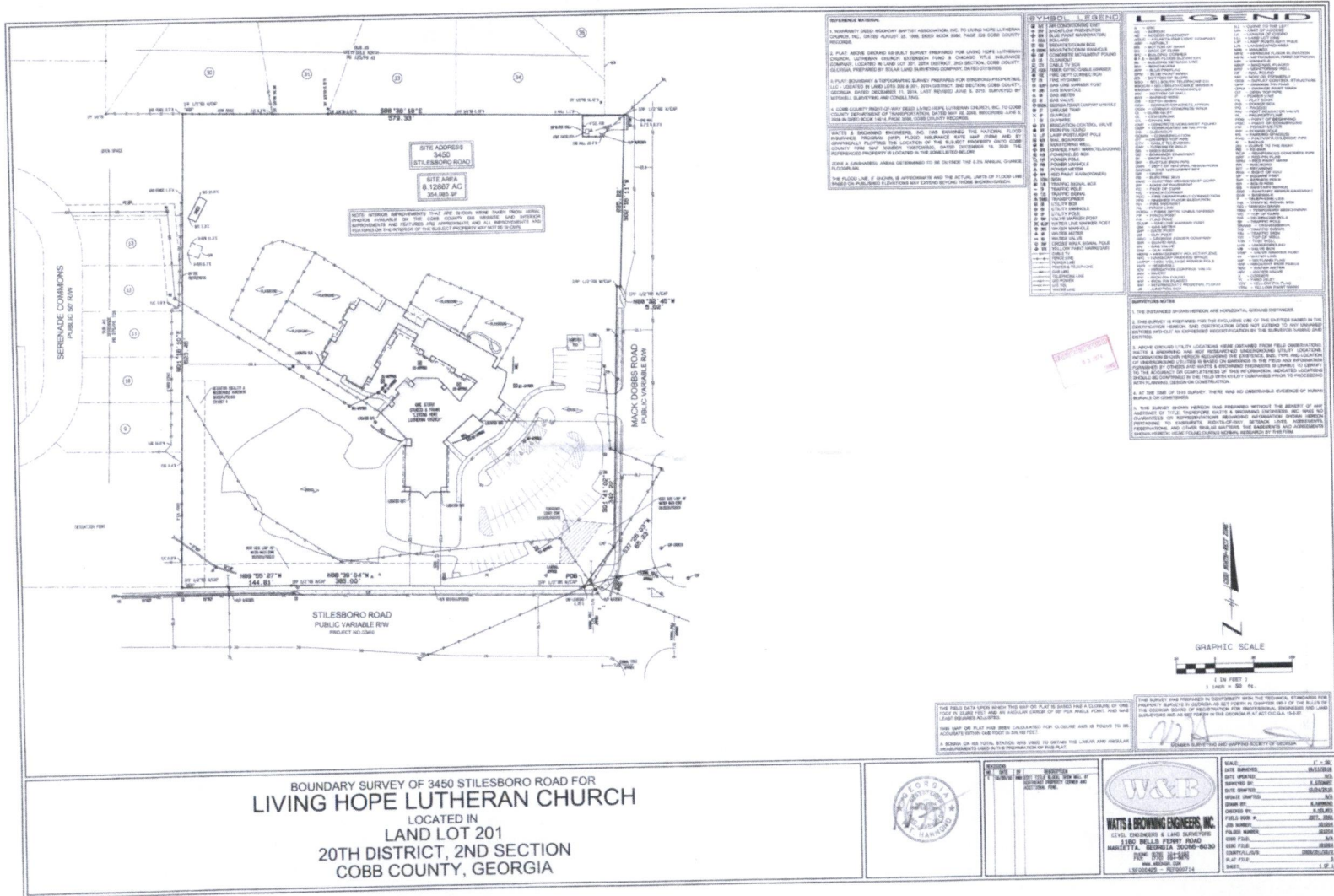
Reference plat: Whispering Pines Subdivision dated March 1954

UTILITIES PROTECTION CENTER
 2000 ATLANTA STREET, SE
 WARETTA, GA 30060
 (770)425-6880

Acme American, Inc. 16778
 J. WAYNE PROCTOR
 318 ATLANTA STREET, SE
 WARETTA, GA 30060
 (770)425-6880

Survey for Mr. Misael
 2114 Oland Circle, Marietta, Ga. 30066
 Cobb County - 11708 DISTRICT 16

date: 1/16/24
 day: 16/24
 sheet: S-1



MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

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

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

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

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

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

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

December 11, 2024

Via E-mail Only

Min. Bk. 100 Petition No. OB-63

Doc. Type letter

Meeting Date 12-17-2024

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

RE: Application for "Other Business" - OB 63 (2024)
Applicant/Property Owner: Mt. Bethel Christian Academy, Inc.
Property: 33.4 acres, more or less, located on the
northerly side of Post Oak Tritt Road,
westerly of Holly Springs Road, being more
particularly known as 2509 Post Oak Tritt
Road, Land Lots 599, 600, 625, 626,
16th District, 2nd Section, Cobb County,
Georgia

Dear John:

On behalf of the Applicant and Property Owner, Mt. Bethel Christian Academy, Inc. (hereinafter collectively "Applicant"), please accept the following as additional agreeable stipulations and conditions, which, if the referenced Application for "Other Business" Item is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon the Property. The proposed stipulations are as follows:

- (1) Applicant requests approval of the Master Plan prepared by Croft & Associates, dated June 19, 2024, and filed with the Application for "Other Business" on September 10, 2024. A reduced copy of the Master Plan is attached to this stipulation letter as Exhibit "A" and incorporated herein by reference.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 3
December 11, 2024

Petition No. 08-63
Meeting Date 12-17-2024
Continued

In addition to approval of the Master Plan, Applicant proposes the following additional stipulations:

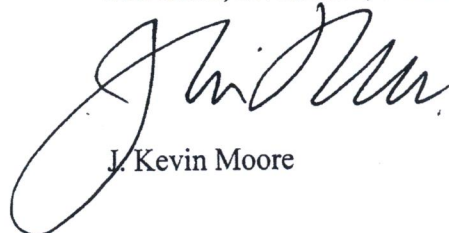
- (1) Applicant agrees the maximum height of all buildings shall be three (3) stories.
- (2) Applicant agrees the pool shall have an enclosure or shall be located within an enclosed building.
- (3) Final elevations of the proposed buildings are subject to approval by the District Commissioner, with an opportunity for review and comment by the East Cobb Civic Association.
- (4) Applicant agrees to comply with all Cobb County Department of Transportation Comments and Recommendations.
- (5) The balance and remainder of the stipulations and conditions previously approved relating to the Subject Property and the approved use, which are not otherwise in direct conflict with the additional stipulations set forth herein; as well as the submitted Master 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 facilities for the Applicant's students. 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

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 3
December 11, 2024

Petition No. 08-63
Meeting Date 12-17-2024
Continued

c: Cobb County Board of Commissioners:

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

Terry L. Martin, AICP, CNU-A
Senior Planner
Zoning Division
Cobb County Community Development Agency
(With Copy of Attachment)

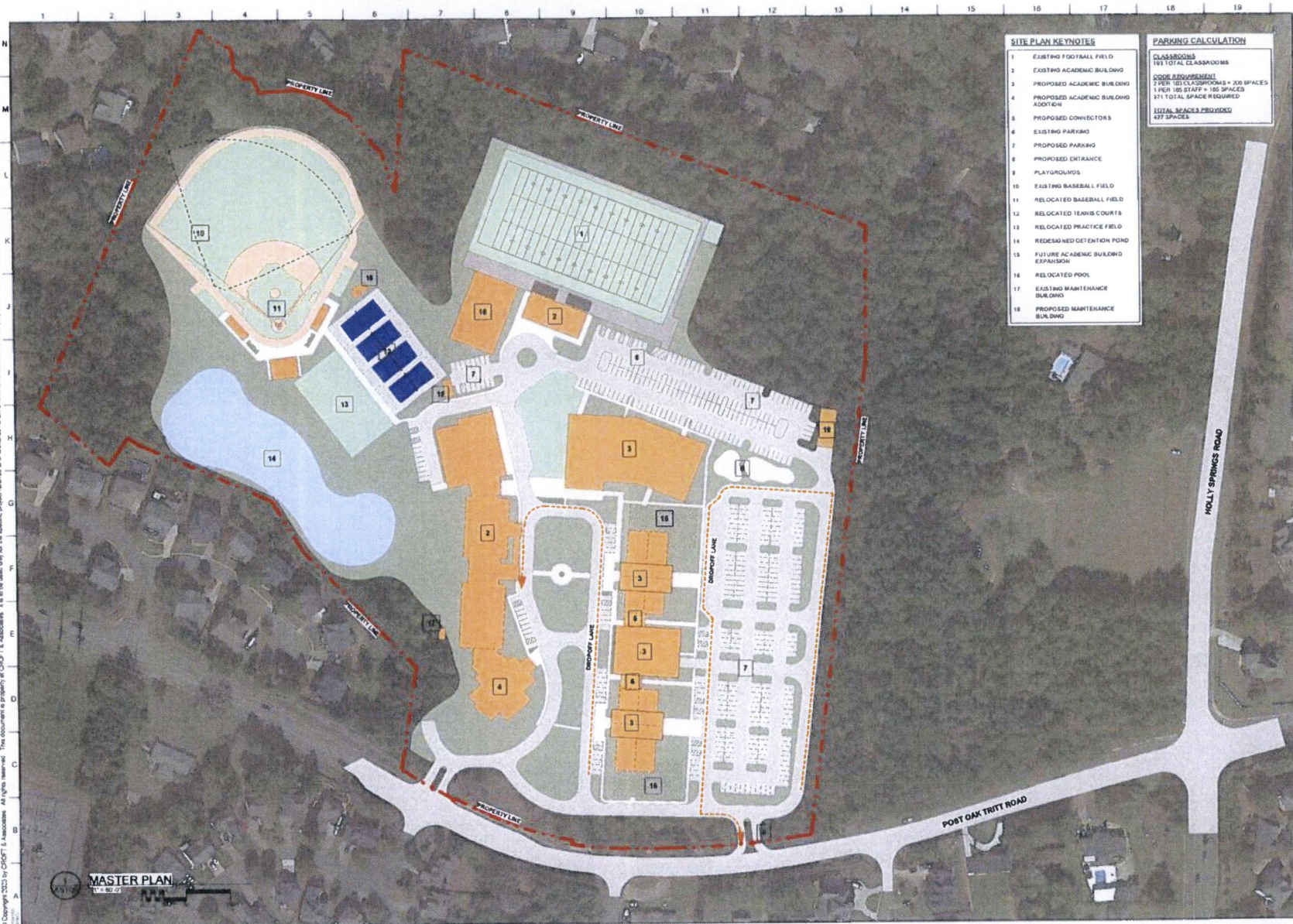
Jill Flamm
Rick Grome
East Cobb Civic Association, Inc.
(With Copy of Attachment)

Mt. Bethel Christian Academy, Inc.
(With Copy of Attachment)

EXHIBIT "A"

THIS SHEET PLOTS
 ON 22" x 34" ANSI D
 0 1/2" = 1'

6/19/2024 9:25:59 AM
 C:\Users\chrysh\Documents\2024-101 Mt Bethel Master Plan_A24_CENTRAL_CROFT\AS100.DWG
 © Copyright 2023 by CROFT & Associates. All rights reserved. This document is property of CROFT & Associates. It is to be used only for the specific project referred to in the title block.



- SITE PLAN KEYNOTES**
1. EXISTING FOOTBALL FIELD
 2. EXISTING ACADEMIC BUILDING
 3. PROPOSED ACADEMIC BUILDING
 4. PROPOSED ACADEMIC BUILDING ADDITION
 5. PROPOSED CONNECTORS
 6. EXISTING PARKING
 7. PROPOSED PARKING
 8. PROPOSED ENTRANCE
 9. PLAYGROUNDS
 10. EXISTING BASEBALL FIELD
 11. RELOCATED BASEBALL FIELD
 12. RELOCATED TENNIS COURTS
 13. RELOCATED PRACTICE FIELD
 14. REDESIGNED DETENTION POND
 15. FUTURE ACADEMIC BUILDING EXPANSION
 16. RELOCATED POOL
 17. EXISTING MAINTENANCE BUILDING
 18. PROPOSED MAINTENANCE BUILDING

PARKING CALCULATION

CLASSROOMS
191 TOTAL CLASSROOMS
CODE REQUIREMENT
2 PER 100 CLASSROOMS = 382 SPACES
1 PER 100 STAFF = 100 SPACES
371 TOTAL SPACE REQUIRED
TOTAL SPACES PROVIDED
427 SPACES



NOT FOR
 CONSTRUCTION

MT. BETHEL CHRISTIAN ACADEMY
 JIM CANNON
 2509 Post Oak Trail Rd.
 Marietta, GA 30067



MT. BETHEL CHRISTIAN ACADEMY
 2509 Post Oak Trail Rd.
 Marietta, GA 30067

NO.	DATE	DESCRIPTION
1		ISSUANCE

PROJECT NUMBER
2024-101
 DESIGN CHECKED BY/DATE
 SHEET TITLE
MASTER PLAN

SHEET NO
AS100

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

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

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

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

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

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

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

December 16, 2024

Via E-mail Only

Min. Bk. 100 Petition No. OB-64
Doc. Type letter
Meeting Date 12-17-2024

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

RE: Application for "Other Business" - OB-64 (2024)
Applicant: KA Marietta LLC
Property Owner: Shallowford Development, LLC
Property: 1.42 acres, more or less, located on the southerly side of Gordy Parkway, northwesterly of Sandy Plains Road, Land Lot 334, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

On behalf of the Applicant, KA Marietta LLC (hereinafter "Applicant"), and the Property Owner, Shallowford Development, LLC (hereinafter "Owner" or "Property Owner"), please accept the following as revised agreeable stipulations and conditions, which, shall become a part of the approval sought by Applicant in the referenced Application for "Other Business," and shall be binding upon the Property. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated and submitted on December 11, 2024. The proposed approval and revised stipulations are as follows:

- (1) Applicant requests approval of the revised Preliminary Site Plan prepared by Robertson Loia Roof, PC, dated and last revised October 31, 2024, and submitted as part of this letter of agreeable stipulations and conditions. A reduced copy of the revised Preliminary Site Plan is attached as Exhibit "A" and incorporated herein by reference.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP

Zoning Division Manager

Zoning Division

Cobb County Community Development Agency

Page 2 of 4

December 16, 2024

Petition No. 08-64
Meeting Date 12-17-2024
Continued

- (2) Applicant agrees the hours of operation for the business utilizing the development on the Subject Property will be Monday – Friday, 6:00 a.m. to 6:00 p.m.
- (3) Lighting for the proposed structure shall be wall packs, hooded, environmentally sensitive, and shall be fitted with non-glare lenses and cut-off shields to prevent light from extending beyond the property line.
- (4) Lighting fixtures for the parking area shall be fitted with non-glare lenses and cut-off shields with downcast lighting to prevent light from extending beyond the property line.
- (5) Entrance signage shall be ground based, monument style signage. The design, finish, materials, and colors for the signage shall be complementary with the proposed structure. All signage shall comply with Cobb County Zoning Code and Ordinances.
- (6) The dumpsters servicing the proposed development shall be enclosed, with materials and colors for the enclosure being matching and complementary to the façade of the proposed structure. All dumpsters shall contain rubber lids to minimize noise.
- (7) Applicant agrees 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) 9:00 a.m. to 5:00 p.m. - Saturday; and
 - (c) No work on Sunday.
 - (d) No work shall be permitted on Sunday unless approved by the District Commissioner.
- (8) Applicant agrees that a truck/vehicle tire washing station will be provided at the exit from the Property during development and construction of the project.
- (9) Applicant agrees to cooperate with the Georgia Native Plant Society (“GNPS”) to provide an opportunity for GNPS to perform a “Plant Rescue” on those portions of the Subject Property which will be disturbed.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP

Zoning Division Manager

Zoning Division

Cobb County Community Development Agency

Page 3 of 4

December 16, 2024

Petition No. OB-64
Meeting Date 12-17-2024
Continued

- (10) Applicant agrees there shall be an undisturbed and enhanced buffer adjacent to the Highland Terrace Subdivision as more particularly set forth on the Conceptual Buffer Plan prepared by Baker Land Design dated November 5, 2024, together with the detailed Memorandum, also prepared by Baker Land Design, dated November 11, 2024, copies of which are attached collectively as Exhibit "B."
- (11) Applicant agrees to the maintenance of undeveloped or undisturbed areas within the buffer area, including the removal of dead and dying trees.
- (12) Applicant agrees to comply with all Cobb County Department of Transportation Comments and Recommendations so long as same provides for right-in/right-out access and left-in access.

The requested approval of the revised Preliminary Site Plan, together with the revised stipulations set forth herein, will allow for development of a needed use on the Property. 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

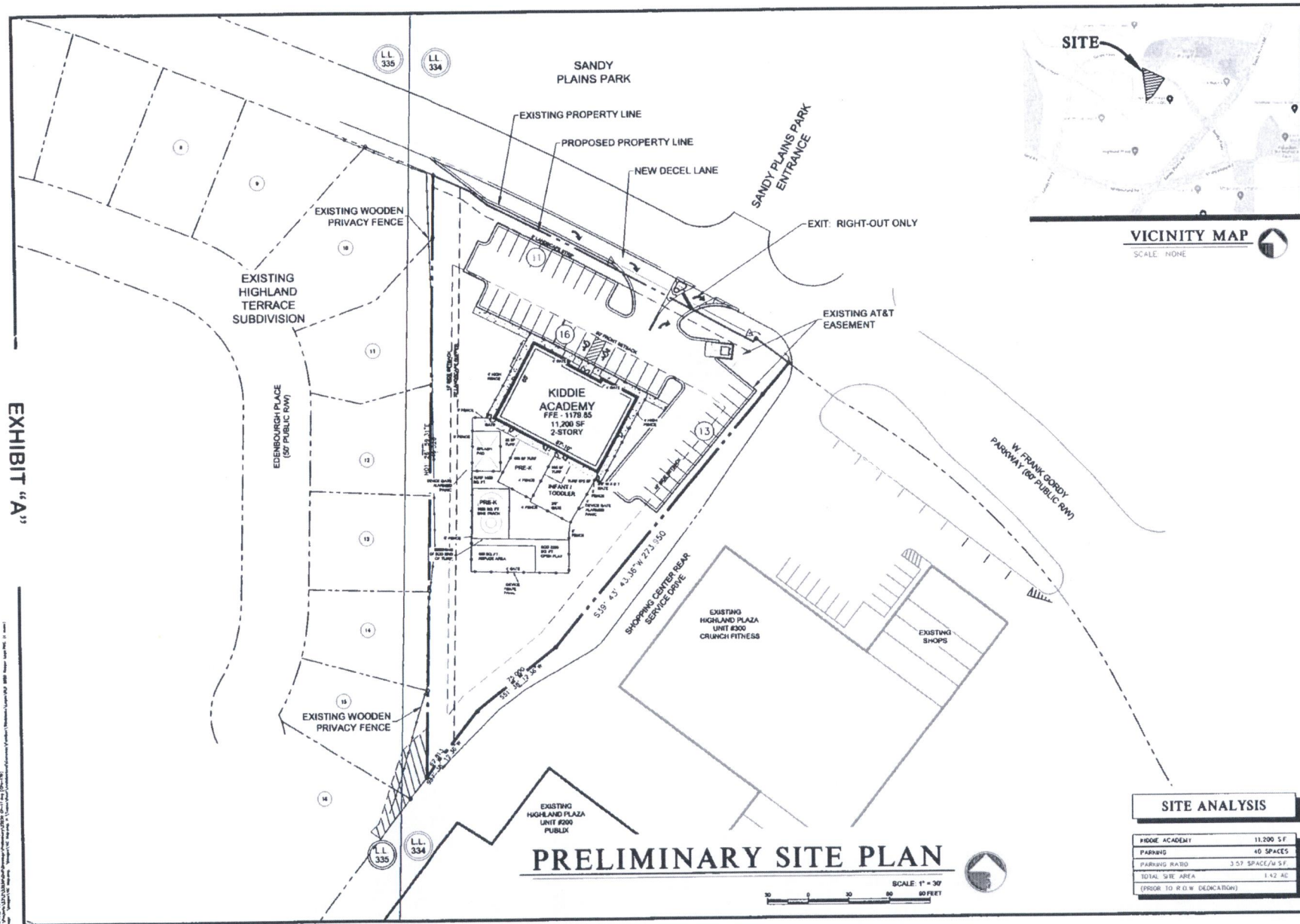
JKM:cc
Attachments

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 4
December 16, 2024

Petition No. OB-64
Meeting Date 12-17-2024
Continued

- c: Cobb County Board of Commissioners:
Lisa N. Cupid, Chairwoman
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield
(With Copies of Attachments)
- Terry L. Martin, AICP, CNU-A
Senior Planner
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)
- Jill Flamm
Rick Grome
East Cobb Civic Association, Inc.
(With Copies of Attachments)
- KA Marietta LLC
Shallowford Development, LLC
(With Copies of Attachments)



PRELIMINARY SITE PLAN

SITE ANALYSIS	
KIDDIE ACADEMY	11,200 S.F.
PARKING	40 SPACES
PARKING RATIO	3.57 SPACE/S.F.
TOTAL SITE AREA	1.42 AC
(PRIOR TO R.O.W. DEDICATION)	

ROBERTSON LOIA ROOF
 ARCHITECTS & ENGINEERS
 3460 Pavilion Ridge Road, Suite 275, Atlanta, GA 30385
 770.974.2600 / www.rlr.com
 GA CCA # 167000002 EXP. 03/2025

KIDDIE ACADEMY
 Gordy Parkway @ Highland Plaza
 Cobb County, Georgia
 FOR: SHALLOWFORD DEVELOPMENT, LLC
 MARIETTA, GEORGIA

PRELIMINARY
 SITE PLAN

10/31/2024

23230

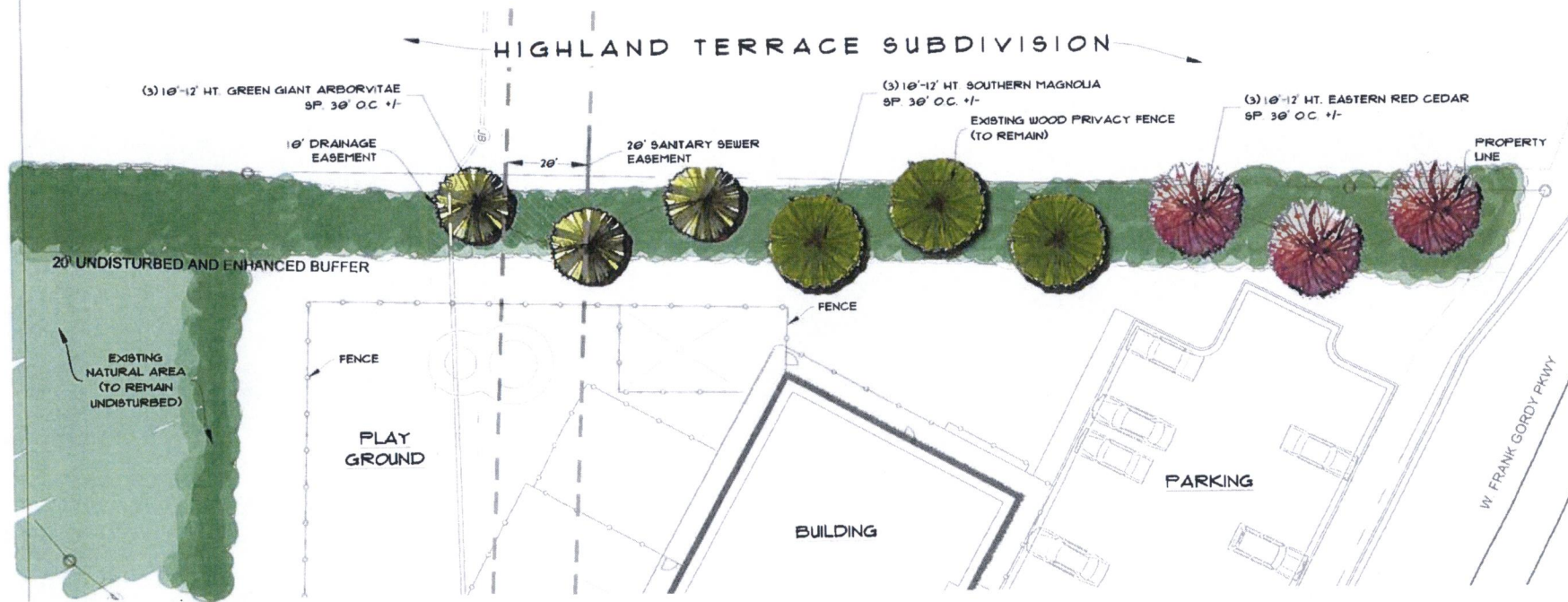
CPs-17B

EXHIBIT "A"

NOTE:
 PROPOSED TREES SHALL BE PLANTED WITHIN THE EXISTING
 UNDISTURBED BUFFER. THEIR LOCATION MAY BE SHIFTED
 5'-10' TO FILL IN THE EXISTING VEGETATIVE SCREEN



**BAKER LAND
 DESIGN**
 LANDSCAPE ARCHITECTURE
 LAND PLANNING
 CERTIFIED ARBORIST
 29 SARATOGA PLACE
 ATLANTA, GA 30324
 PHONE: (404) 787-3973
 WWW.BAKERLANDDESIGN.COM



**CONCEPTUAL
 BUFFER PLAN**

FOR
**KIDDLE
 ACADEMY**

**GORDY
 PARKWAY**



CERTIFIED ARBORIST
 # 50745154

REVISIONS

DRAWN BY: BH
 CHECKED BY: TB
 SCALE: 1"=10'-0"
 DATE: 11/5/24
 JOB NO:
 SHEET 1 OF 1



EXHIBIT "B"



Petition No. OB-64
Meeting Date 12-17-2024
Continued

BAKER LAND DESIGN

LANDSCAPE ARCHITECTURE • ARBORICULTURE

To: Shallowford Development, LLC and TAW GA Holdings, LLC.

From: James T. "Terry" Baker, Reg. Landscape Architect, ISA Certified Arborist

Date: November 11, 2024

Re: Kiddie Academy – Frank Gordy Parkway – Undisturbed Buffer

This is to note the existing conditions and proposed enhancements for the referenced undisturbed buffer. The 20' wide undisturbed buffer is proposed between a future Kiddie Academy daycare facility and the Highland Terrace subdivision.

The existing buffer, as shown on a Conceptual Buffer Plan prepared by our office, consists of a wooded area. Within the wooded area there are mature pines that serve as an overstory to a wide variety of younger, evergreen and deciduous tree species. The species include Eastern Red Cedar, Southern Magnolia, Wild Cherry, Red Maple, Southern Red Oak, Post Oak and Willow Oak.

To maximize the screen, 10'-12' height Green Giant Arborvitae, Southern Magnolia and Eastern Red Cedars will be planted between the existing native trees. Trees will be located to maximize their benefit. All of the proposed trees are evergreens.

The proposed building, playground and parking lot lies to the south of the buffer. The clearing for the construction will allow for more sun to reach the existing natural area. This will facilitate more rapid growth of the existing understory trees and newly planted trees within the 20' undisturbed buffer; thereby increasing the effectiveness of the undisturbed buffer into the future.

29 Saratoga Place, Atlanta, GA 30324
Email: tbaker@bakerlanddesign.com
Office/Mobile: 404-787-3973
WWW.BAKERLANDDESIGN.com

Min. Bk. 100 Petition No. OB-64
Doc. Type ECCA recommendations
(see pg. 2 for 5 added stipulations)
Meeting Date 12-17-2024

ECCA recommendation on OB-64 (Oct 2024) Commission District 3

Applicant, KA Marietta LLC, represented by J. Kevin Moore (Moore Ingram Johnson & Steele, LLP), requests a site plan approval to allow a Kiddie Academy daycare on the property.

Additional Information:

Property located on the south side of Gordy Parkway, west of Sandy Plains Road in Land Lot 334, 16th District. Site plan approval stipulated in previous rezoning applications 223 of 1988 and Z-95 of 1990.

Reason: The subject property was rezoned in 1988 to Office Institutional (OI) as part of a larger mixed-use rezoning case subject to the revised site submitted. The property around this was developed as a subdivision on one side and a Publix anchored shopping center on the other side. This 1.42-acre property is the last piece to develop.

Size of tract: 1.42 acres.

Current zoning: OI

Contiguous Zonings: North (across Gordy Pkwy): R-20, OI, PD; West: RA-6; East: GC; South: GC

ECCA Case Manager: Ben Alper/Jill Flamm/ Ric Grome

Discussion:

ECCA met with Mr. Moore two months ago and his latest stipulation letter dated 12/16 reflects most of the stipulations we recommend for this project. We have been in contact with Highland Park/ Highland Trace and will be forwarding them the latest stipulation letter and our recommendation.

We still have not seen a rendering of this proposed building and at the very least would request that it be subject to District Commissioner approval with input from ECCA and Highland Trace subdivision.

The site plan still does not show a sidewalk or trees in the parking lot though the applicant has said that they will comply with DOT recommendations. We would recommend that the site plan be updated to reflect those comments and it also be subject to District Commissioner approval.

FILED WITH COUNTY CLERK THIS 17th DAY
OF December 20 24 BY Kevin Moore
RE OB-64 (5 added stips on pg. 2) - from ECCA
Rob E Stone
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

There are three additional stipulations that we would recommend:

1. All construction and worker vehicles to be parked on the subject property. No parking on Gordy Parkway or surrounding subdivision streets.
2. No stacking of construction trucks on Gordy Parkway or surrounding subdivision streets.
3. Applicant agrees to comply with all other staff comments where not in conflict with the above stipulations.

ECCA recommendation: ECCA recommends approval subject to:

1. Revised site plan showing sidewalk and parking lot trees subject to District Commissioner approval.
2. Building rendering subject to District Commissioner approval with input from ECCA and Highland Park /Highland Trace.
3. All construction and worker vehicles to be parked on the subject property. No parking on Gordy Parkway or surrounding subdivision streets.
4. No stacking of construction trucks on Gordy Parkway or surrounding subdivision streets.
5. Applicant agrees to comply with all other staff comments where not in conflict with the above stipulations.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
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BRENTWOOD, TENNESSEE 37027
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LEXINGTON, KENTUCKY
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ORLANDO, FLORIDA
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SUITE 625
ORLANDO, FLORIDA 32801
TELEPHONE (407) 367-6233

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

November 12, 2024

Min. Bk. 160 Petition No. OB-74
Doc. Type letter

Via E-mail Only

Meeting Date 12-17-2024

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

RE: Application for "Other Business"
Application No.: OB-74 (2024)
Applicant/Property Owner: Riverview Associates, Ltd.
Property: 16.8 acres, more or less, located at the
northwesterly intersection of Cobb Parkway
(U.S. Highway 41) and Paces Mill Road,
Land Lots 976, 977, 1016, and 1017,
17th District, 2nd Section, Cobb County,
Georgia

Dear John:

The undersigned and this firm represent Riverview Associates, Ltd., the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in the referenced Application for "Other Business" with regard to a total tract of 16.8 acres, more or less, located at the northwesterly intersection of Cobb Parkway (U.S. Highway 41) and Paces Mill Road, Land Lots 976, 977, 1016, and 1017, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with Planning and Zoning Staff, reviewing the zonings and uses of surrounding properties, and ongoing meetings and discussions with area residents and homeowner representatives, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions, which, if the Application for "Other Business" is approved, as submitted, shall become a part of the grant of the requested approvals 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 9
November 12, 2024

Petition No. 08-74
Meeting Date 12
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 requests approval of the Site Plan prepared by Cooper Carry (undated), submitted electronically on October 16, 2024. A reduced copy of the Site Plan is attached as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of approximately 16.8 acres of total site area and shall be developed for a mixed-use development consisting of commercial, retail, office, hotel and residential.

I. STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) The architectural design and use of materials will be reasonably in conformance with the renderings included in the application.
- (2) Signage for the proposed, overall development shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components. There may be monument signage at all designated entrance areas. Additionally, any building signage shall be allowed pursuant to Cobb County Code.
- (3) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the Plan Review Process.
- (4) Lighting within the overall development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (5) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed retail buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 9
November 12, 2024

Petition No. CB-74
Meeting Date 12-17-2024
Continued

against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail buildings with "for sale" signs posted thereon.

- (6) Setbacks for the components of the overall proposed development shall be as more particularly shown and reflected on the Site Plan.
- (7) Minor modifications to the within stipulations, the 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 in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned in a more restrictive zoning district; or
 - (e) Change an access location to a different roadway; and
 - (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.
- (8) All setbacks 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.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 9
November 12, 2024

Petition No. 08-74
Meeting Date 12-17-2024
Continued

- (9) Applicant agrees to comply with all Cobb County Development Standards and Ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (10) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscape plan for the proposed development.
- (11) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (12) The following uses shall be prohibited from the proposed overall development:
 - (a) Video arcades and game centers (e.g., golf, bowling, billiards, axe throwing) as a primary use;
 - (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, leasing, repair, and/or service facilities;
 - (d) Gas stations and self-service gas stations that sell gas and convenience stores;
 - (e) Truck and trailer leasing facilities;
 - (f) Automotive paint and body repair shops;
 - (g) Automotive upholstery shops;
 - (h) Billiards and pool halls which are the sole or predominant use;
 - (i) Bus stations (not to exclude bus stops);
 - (j) Fraternity and sorority house;
 - (k) Full-service gas stations;
 - (l) Light automotive repair;
 - (m) Rooming houses and boarding houses;
 - (n) Any form of adult entertainment business; and
 - (o) Nightclubs and bars, except that same would be permitted as part of a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.
- (13) As to the overall development, there shall be "zero lot lines" among the various components within the development so as to allow for the free flow of access, parking, and the like.
- (14) Any above ground detention and water quality facilities shall be screened by black, vinyl-clad chain link fencing, or black wrought iron-type fencing. The

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 5 of 9
November 12, 2024

Petition No. 08-74
Meeting Date 12-17-2024
Continued

fencing shall be six (6) feet in height with landscaping to the exterior of the fencing for purposes of visual screening.

- (15) The entrance to the development on Paces Mill Road, nearest the intersection with Cobb Parkway (U.S. Highway 41), shall be right-in/right-out. In addition, Applicant shall construct a concrete island between the turns with dimensions as specified by the Cobb County Department of Transportation.
- (16) Applicant agrees to install landscaping and/or an earthen berm or other similar barrier along a portion of the perimeter road to provide for vehicle light protection for the benefit of adjacent residential property (i.e., "The Essex House").
- (17) Applicant agrees the western parking deck adjacent to residential property shall utilize parapets and screening on portions of the deck, as appropriate, to enhance screening.
- (18) Applicant and its appropriate security consultant agree to meet with the local police precinct to discuss and review security camera locations and security protocols.

II. RETAIL AND RESIDENTIAL COMPONENTS

- (1) There shall be a maximum of one hundred ten thousand (110,000) square feet of retail, commercial, and/or office space.
- (2) The development shall contain a maximum of two hundred ninety (290) residential units which may be "for lease" or "for sale." The targeted goal is approximately two hundred fifteen (215) residential units on the lower level of the development and approximately seventy-five (75) residential units on the upper level of the development (i.e., Building 11 on the Site Plan). This targeted goal is not intended to be binding, but to provide context for the overall intent. The final placement of residential units may differ from this targeted goal and shall be approved as part of the final site plan approval by the District Commissioner.
- (3) Specifics as to the proposed residential units are as follows:
 - (i) Units may consist of studio, one, two, and three bedrooms (or possibly greater); and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 6 of 9
November 12, 2024

Petition No. 08-74
Meeting Date 12-17-2024
Continued

- (ii) Unit size shall range from a minimum of six hundred twenty (620) square feet, and greater.
- (4) The building shall be constructed of stucco-type brick, stone, stacked stone, high-quality fiber cement siding, glass, and other hard-surface materials, and combinations thereof in reasonable conformance with the renderings included in the Application.
- (5) Floor plans and finishes for the residential units shall consist, at a minimum, or of equal or better quality, of the following:
 - (a) Enhanced Corian, granite, or marble counter tops, or other solid surface materials;
 - (b) Minimum ceiling heights:
 - i) Minimum 9 feet, except in furred-down areas, from floor to finished ceiling and greater; and
 - ii) Minimum 10 feet between floors;
 - (c) European or upscale wooden face-frame cabinetry;
 - (d) Stainless or paneled appliances;
 - (e) Extra-deep stainless steel or farmhouse sinks and side-by-side refrigerators/freezers as upgrades;
 - (f) A selection of faux hardwood flooring, high-end carpet, and tile throughout;
 - (g) Spacious open floor plans;
 - (h) Brushed chrome, brushed nickel, or oiled rubbed bronze bathroom and kitchen fixtures;
 - (i) Ceramic tile or faux hardwood bathrooms and laundry rooms; and
 - (j) Controlled access building and amenity areas.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP

Zoning Division Manager

Zoning Division

Cobb County Community Development Agency

Page 7 of 9

November 12, 2024

Petition No. 08-74
Meeting Date 12-17-2024
Continued

- (6) All residents of the proposed residential buildings shall have access to and use and enjoyment of the amenity areas, which may include, but not be limited to, the following:
 - (a) Pool;
 - (b) Cabana;
 - (c) Amenity courtyards and terraces;
 - (d) Fitness center;
 - (e) Clubroom;
 - (f) Business center;
 - (g) Internet café or similar; and
 - (h) Lounge which may serve alcohol.
- (7) The residents within the proposed buildings will utilize a compactor system for refuse.
- (8) There will be levels of below grade parking and podium parking for residents, tenants, and customers of the multi-story residential and retail buildings. Additionally, there shall be surface parking, as more particularly shown and reflected on the Site Plan for retail customers and clients and guests of residents.
- (9) Access to the residential portion of the proposed community and parking may be gated.
- (10) Residential units located on the lower level of the development (i.e., Paces Mill Road side) which are to be constructed starting at the 850 foot and 870 foot elevation will be a combination of three, four, and five stories, above the retail and parking levels which are located at the 850 foot elevation in the approximate configuration and elevations as shown on the diagram attached as Exhibit "B" and incorporated herein by reference

III. HOTEL/RESIDENTIAL COMPONENT

- (1) The proposed development includes a hotel component with approximately one hundred thirty (130) keys, as reflected on the Site Plan which may include residential units as part of the hotel building.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 8 of 9
November 12, 2024

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Meeting Date 12-17-2024
Continued

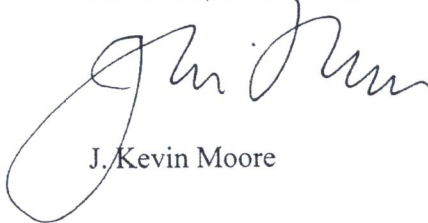
- (2) The exterior finish of the proposed hotel/residential/retail will be in reasonable conformance with the renderings included in the Application.

We believe the development of the project, pursuant to the Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community is an exciting project which fits together various types of product into one development. The development continues the promotion of the "live where you work and play" concept; will be of the highest quality; will be compatible with and complementary to surrounding developments, businesses, and neighborhoods; and will be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

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

Terry L. Martin, AICP, CNU-A
Senior Planner
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP

Zoning Division Manager

Zoning Division

Cobb County Community Development Agency

Page 9 of 9

November 12, 2024

Petition No. OB-74
Meeting Date 12-17-2024
Continued

c: Vinings Village Homeowners Association
Vinings Area Residents
(With Copies of Attachments)

Riverview Associates, Ltd.
(With Copies of Attachments)

KEYNOTE

1. TOWN CENTER
 2. PAVILION
 3. RIVER PLAZA
 4. WOODLAND WALK
 5. MONUMENT SIGN
 6. AMENITY DECK
 7. CLUB HOUSE/ROOFTOP LOUNGE/CO-WORKING
 8. STATUE
 9. PEDESTRIAN BRIDGE
 10. FUTURE TRAILS
 11. HOTEL AND/OR RESIDENTIAL OVER RETAIL
 12. GATHERING STAIR
 13. GROCER BELOW AMENITY DECK
- A. ENTRANCE FOR SERVICE
 B. ENTRANCE FOR GROCER/RETAIL
 C. ENTRANCE FOR RESIDENTIAL
 D. ENTRANCE FOR RETAIL
 E. ENTRANCE FOR HOTEL/RETAIL/RESIDENTIAL

BUILDING USE	
	TOTAL SF
RETAIL	110,000 SF
RESIDENTIAL	290 UNITS
HOTEL	130 KEYS

PARKING COUNT	
	PARKING SPACES
RETAIL	719
RESIDENTIAL	508
HOTEL	163
TOTAL	1390

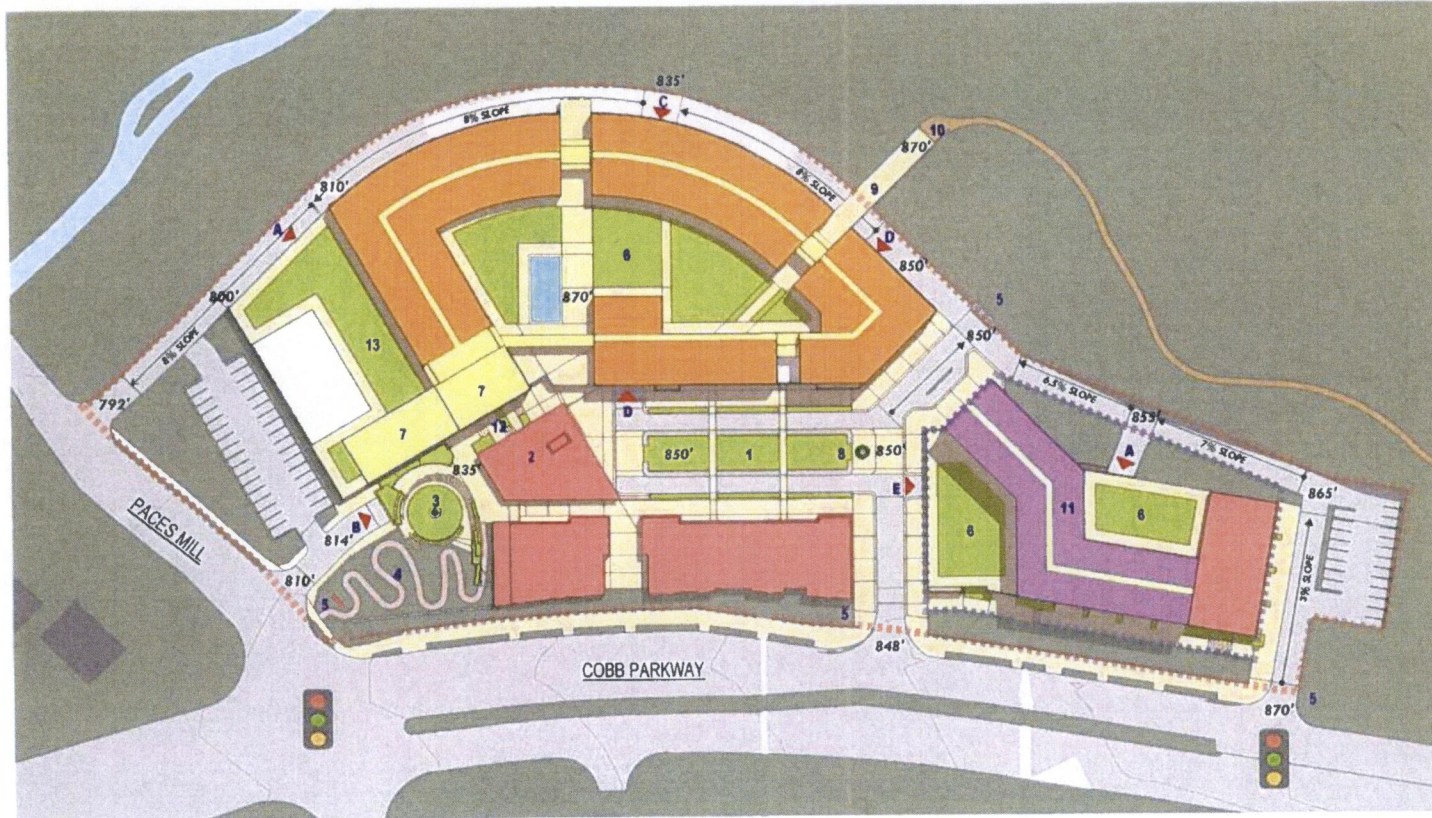


EXHIBIT "A"

RIVERVIEW VILLAGE

GROCER RETAIL RESIDENTIAL HOTEL/RESIDENTIAL CIRCULATION LOBBY

SITE PLAN

COOPER CARRY

Petition No. 08-74
 Meeting Date 12-17-2024
 Continued

Riverview Village Redevelopment

Main "Village" Buildings
 (Residential / Retail / Grocer)

Residential - Level 5		RESIDENTIAL	922'
Residential - Level 4		RESIDENTIAL	909'
Residential - Level 3	Mill Bldg (Lofts / TH)	RESIDENTIAL	896'
Residential - Level 2	RESIDENTIAL	RESIDENTIAL	883'
Residential - Level 1		RESIDENTIAL	870'
Parking / Resid - Level 4	RESIDENTIAL	PARKING	860'
Parking / Retail / Plaza / Resid - Level 3		PARKING	850' Plaza
Parking / Retail - Level 2	PARKING	RETAIL	835'
Grocer / Parking / Loading Dock - Level 1 (Grade Level - 814')	GROCCER	LOADING DOCK	814' Ground Level

OB-74-2024

DEPARTMENT COMMENTS – CCDOT

Roadway	Roadway classification	Speed limit (mph)	Jurisdictional control	Min. R.O.W. requirements
Cobb Parkway (US 41)	Arterial	45	GDOT	100'
Paces Mill Road	Major Collector	35	Cobb County	80'

Roadway	Location	Average daily trips (vpd)	Level of service
Cobb Parkway (US 41)	North of Cumberland Blvd	17,300	C
Paces Mill Road	West of Paces Ferry Road	20,100	C

Based on 2023 GDOT counting data for Cobb Parkway and Paces Mill 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 and collector roads from this data source.

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

ITE Land Use	Description	Expected Size	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	
221	Multifamily Housing (Mid Rise) (4-10 floors)	290 DU	25	83	107	69	44	113	1,317
310	Hotel (General Urban/Suburban)	130 rooms	33	26	60	26	39	77	1,039
821	Shopping Plaza with Supermarket (40K-150K)	110 KSF	144	89	388	286	310	993	10,394
TOTAL			203	197	555	394	392	1,183	12,749

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

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

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

Paces Mill Road is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

In accordance with Cobb County Code 134-121 and based on site plan received October 15, 2024, this development does require a traffic study submittal. Cobb DOT reviewed a traffic study for a more intense proposed use of this site (OB-15-2024) as described below. Therefore, the traffic study requirement for this development can be considered complete.

(continued)

Cobb DOT received a traffic Submittal 2 (dated February 14, 2024; received February 15, 2024) with an included site plan. The traffic impact study and site plan retained a right-in right-out driveway at the existing Driveway 3 location. A meeting was held between Cobb County and the developer team on March 4th to discuss the overall parcel history, including its previous zoning stipulations. The consensus of that meeting was that the Driveway 3 location would be allowed to remain as a right-in right-out only driveway in its existing location. With Driveway 3 remaining in place, the February 14th Submittal 2 was accepted, reviewed, and approved by Cobb DOT.

Recommendation 6 below concerns a left turn lane at the western Paces Mill driveway. The developer team submitted a left turn exception request (Submittal 4 memorandum, dated December 2, 2024) to Cobb DOT on December 4, 2024. Cobb DOT staff reviewed the submission and performed additional microsimulation analysis to compare queue demand needs to the included left turn lane layouts.

The exception request was to shorten the required lane storage (from 150' to 50') and taper (from 50' to 25') to avoid an existing drainage culvert and associated stream buffer/wetlands on Paces Mill Road. DOT response is as follows:

- Cobb DOT does concur with the December 2nd Submittal 4 that the standard turn lane installation at the current driveway location would be expensive and require extensive permitting due to impacts to stream buffers, regulated wetlands, and natural preservation areas.
- However, taper lengths are set by the speed limit of the roadway. 50' is required for Paces Mill Road.
- Based on the microsimulation analysis performed by Cobb DOT staff, a minimum of 75' of storage will be required in addition to the 50' taper.
- The December 2nd exception request for 50' of storage with a 25' taper is therefore not acceptable to Cobb DOT for traffic operations on Paces Mill Road.
- However, Cobb DOT is willing to continue working with the developer team to obtain an installation of 75' of storage and a 50' taper.
- Possible mitigation measures to achieve this design would be:
 - Relocating the western driveway to the east enough to make the installation feasible between the culvert and driveway.

OB-74-2024

DEPARTMENT COMMENTS – CCDOT

REVISED 12/11/24

(continued)

- Combining the eastern and western driveways into a single, more central driveway.

Based on the Cobb DOT Submittal 4 review, the December 2nd exception request is **DENIED**. However, comments and recommendations below have been updated based on the December 2nd submission and its review.

THE RECOMMENDATIONS BELOW SHALL BECOME STIPULATED REQUIREMENTS UPON INCLUSION WITH AND APPROVAL BY THE BOARD OF COMMISSIONERS OF THIS APPLICATION.

Recommendations:

1. Recommend a traffic study pursuant to Code Section 134-121(b)(8). However, the traffic study requirement for this development can be considered complete based on the acceptance of the approved traffic study from previous zoning case OB-15-2024.
2. Recommend constructing curb, gutter, and sidewalk along the Paces Mill Road frontage. 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.
3. Recommend Paces Mill Road access points include deceleration lane, taper and/or improved curve radius to address safety because Paces Mill Road is a major collector 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 CCDOT approval. This right turn lane is not shown for the western driveway on the December 2nd Left Turn Lane Exhibits. The right turn lane should be shown on any revised left turn lane submissions for this driveway.

(continued)

4. Recommend a minimum of 50 feet straight-line distance from the edge of the right-of-way line on Paces Mill Road to the first internal parking space or drive aisle to allow for vehicle stacking. This recommendation is pursuant to Cobb County Development Standard 402.8, Non-Residential Driveways and Cobb County Development Standard Detail 116. To comply with this requirement, recommend closing or relocating the immediate access from the easternmost driveway on Paces Mill Road to the parking lot or limit that internal opening to egress only onto the driveway.
5. Recommend constructing a raised concrete island in lieu of the existing painted island at the easternmost driveway on Paces Mill Road to aid compliance with turn restrictions. The final design of this driveway, including any improved radius and/or taper in lieu of a right turn lane due to geometric constraints, will be addressed through Plan Review. *No improvements are shown for the eastern driveway on the December 2nd Left Turn Lane Exhibits. Improvements at adjacent intersections can either be shown or otherwise noted in a text box referencing the approved zoning case comments.*
6. Recommend Paces Mill Road westernmost access include left turn lane to address safety because Paces Mill Road is a major collector roadway. This recommendation is pursuant to Cobb County Development Standard 402.10, Left Turn Lane Design Guidelines, and Cobb County Development Standard Detail 401F, Left Turn Lane. Cobb DOT also follows Table 9-24 and Figure 9-35 recommendations published in the American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (Green Book), 7th Edition.
 - a. Due to extenuating circumstances of the site and location, a left turn waiver request (Submittal 4) may be submitted by the developer team during the Plan Review process. *The developer team submitted a left turn exception request (Submittal 4 memorandum, dated December 2, 2024) to Cobb DOT on December 4, 2024.*
 - b. The waiver should be submitted in a memorandum and outline the reasons behind the left turn lane variance including but not limited to: the design and construction feasibility, any possible hardships, as well as all constraints of the site and adjacent road network. *The December 2nd exception request to shorten the required lane storage and taper is DENIED. Cobb DOT recommends applicant continue coordination with Cobb DOT to design an adequate left turn lane for the anticipated traffic needs, as described above in the Comments and Observations section.*

(continued)

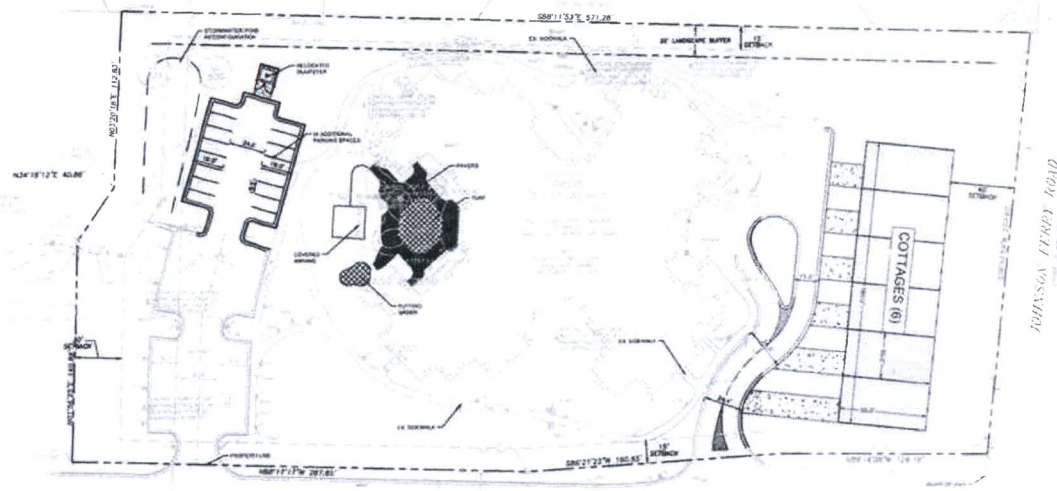
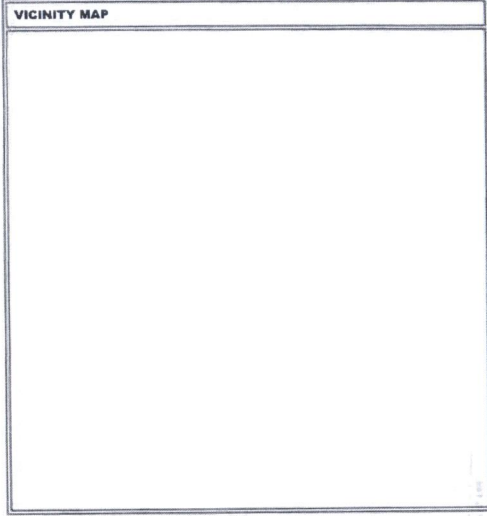
- c. As part of the waiver review during the Plan Review process Cobb DOT will retain the right to prohibit left-in movements at the development driveway if a needed left turn lane cannot be installed. Cobb DOT retains the right to prohibit turning movements when a needed turn lane cannot be installed at a development driveway.
 - d. Recommendation 6 will be considered satisfied if a Submittal 4 left turn waiver request at the Paces Mill Road westernmost access driveway is approved by Cobb DOT during the Plan Review process. This recommendation no longer applies based on the current information submitted to Cobb DOT.
- 7. Recommend Georgia Department of Transportation (GDOT) permits for any work that encroaches upon State right-of-way.
 - 8. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Min. Bk. 100 Petition No. 08-75
 Doc. Type Site Plan

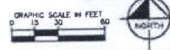
Meeting Date 12-17-2024

RECEIVED
 NOV 12 2024
 COBB COUNTY ZONING

SITE DEVELOPMENT SUMMARY	
SITE SUMMARY:	
CURRENT ZONING:	O-1
SITE AREA:	3.722 ACRES
PERVIOUS AREA:	1.98 ACRES (53.1% OF SITE)
PROPOSED ADDITION:	6 COTTAGES
BUILDING SETBACK:	
FRONT:	40'
SIDE:	10'
REAR:	30'
PARKING SUMMARY:	
REQUIRED PARKING COTTAGES:	24 SPACES
2 BEDROOM (8 UNITS):	3 SPACES (0.5 SPACES/UNIT)
MAIN BUILDING:	
1 BEDROOM (24 UNITS):	14 SPACES (0.5 SPACES/UNIT)
2 BEDROOM (24 UNITS):	9 SPACES (0.375 SPACES/UNIT)
PROPOSED PARKING:	
SURFACE PARKING:	35 SPACES
COTTAGE DRIVEWAY & GARAGES:	46 SPACES



*08-75-2024
 Proposed
 Site Plan*



Kimley»Horn
 1122 ANNE STREET, SUITE 100
 ALPHARETTA, GA 30201
 PHONE: (770) 444-1774

**PARTNERS
 DEVELOPMENT GROUP**
 1122 ANNE STREET, SUITE 100
 ALPHARETTA, GA 30201
 PHONE: (770) 444-1774

**THE HAMMOCKS AT
 EAST COBB**
 1122 ANNE STREET, SUITE 100
 ALPHARETTA, GA 30201
 PHONE: (770) 444-1774



PROJECT NO. 08-75-2024
 SHEET NO. 01
 DATE: 12/17/2024
 PROJECT: 01780000

**VARIANCE
 SITE PLAN**
 SHEET 1

Min. Bk. 100 Petition No. OB-75
Doc. Type ECCA recommendations
(see pg. 3 for stipulations)
Meeting Date 12-17-2024

**COMMISSION DISTRICT 3
EAST COBB CIVIC ASSOCIATION, INC.**

PETITION OB-75 (2024): Hammocks at East Cobb Propco LLC, represented by Dan Marinko, Partners Development Group LLC ("PDG"), 618-781-8234, Dan@pdgllc.com. request setback variance from 50' to 40' along Johnson Ferry Road.

Property is located at 1551 Johnson Ferry Road, Marietta, GA 30062, and is the location of an assisted living facility that is being refurbished. The entire facility sits on approximately 3.722 acres.

Reason: Applicant wishes to build an additional 6-unit cottage building at the front of the property along Johnson Ferry Road.

Adjoining properties:

North: R-20 residential (Hunter's Trace subdivision)

East: Johnson Ferry Road (across JF Rd. is PSC)

South: O&I (office park)

West: O&I (office park)

Case Manager: Richard S. Grome

Additional Information:

- 12/03/24 ECCA contacts Hunter's Trace HOA about OB-75.
- 12/04/24 ECCA request a meeting between ECCA, Dan Marinko, V.P. Operations, PDG, and Joy Jones, President, Hunter's Trace HOA.
- 12/12/24 ECCA met with Dan Marinko, V.P. Operations, PDG, and Joy Jones, President, Hunter's Trace HOA.
- 12/13/24 Additional questions to Dan Marinko.

Discussion:

At the 12/12/24 ECCA meeting with Dan Marinko, V.P. Operations, PDG; ECCA's Richard Grome and Hunter's Trace's, President, Joy Jones were told that PDG is a local company that renovates, builds and operates senior living facilities. The renovation of the existing assisted-living home would be for senior living and assisted senior living (i.e. meals, housekeeping, etc.)

with no professional nursing staff provided. The 6-unit cottage would be for the same type senior living.

We were shown an example rendering of the front of the proposed 6-unit "cottage" (hereinafter called the "Townhomes") that "looks like" six (6) connected individual homes (**Please see attached EXHIBIT #1**). The back of the Townhomes would face Johnson Ferry Road.

The Townhomes would have:

- Four-sided architecture, keeping in harmony with the design presented at this meeting;
- HVAC units will be located in the attic portion of the Townhomes; and that
- The setback from 50' to 40' along Johnson Ferry Road was needed to accommodate the individual driveways in the front of the Townhomes.

ECCA has also confirmed with the Applicant that the Townhomes are:

- ~26' tall to the top of the tallest roof truss ridge;
- Single story; and
- One (1) of the six (6) Townhouse units will be entirely ADA accessible; and
- All of the Townhome units are designed for seniors and follow all FHA design requirements.

We also discussed landscaping. Mr. Marinko was agreeable to:

- A landscape buffer along the Johnson Ferry Road side of the property that would be:
 - Included in the setback
 - Consist of decorative but functional fence or wall along the external sidewalk
 - Include shrubs, bushes, and/or trees and vegetation.
- Lawn around the proposed Townhomes to be:
 - sodded front, back and sides, and
- The existing 15' landscape buffer, along the adjacent Hunter's Trace subdivision property line, would remain in place.

We also discussed and agreed that the:

- Parking of contractors' vehicles should be on the Applicant's property only; and that there should be
- No stacking of construction vehicles or trucks on Johnson Ferry Rd., surrounding subdivision streets or shared driveways into the Office park facility.

OB-75

Rec'd at Henry
J.P.P. 12-17-24

Recommendations:

ECCA does not have a recommendation on the setback along Johnson Ferry Road.

If this petition is approved, ECCA recommends the following stipulations:

1. The Townhomes be restricted to assisted senior living ONLY with residents to be 55 years of age and older.
2. With the recommendations of ECCA and Hunter's Trace HOA, that the District Commissioner, have the final approval on the following:
 - a. Design and renderings with elevations of the proposed Townhomes (front and rear) prior to the County issuing a Land Disturbance Permit or any building permit.
 - b. A landscape plan be approved by the County Arborist, with recommendations from ECCA and Hunter's Trace HOA. The District Commissioner will have the final approval of the:
 - i. Design and selection of shrubs, bushes, and/or trees and vegetation for the landscape buffer along Johnson Ferry Road; and
 - ii. Design, style and materials for a decorative but functional fence or wall along the external sidewalk of Johnson Ferry Road; and that the
 - iii. Lawn around the proposed Townhomes to be sodded front, back and sides; and that an
 - iv. Irrigation system be installed for the Townhome area and buffer along Johnson Ferry Road.
 - c. Any signage will be monument based.
3. ECCA recommends these additional stipulations:
 - a. Construction hours;
Monday through Friday 7:00 am to 7:00 pm
Saturday 9:00 am to 5:00 pm
Sunday, no outside construction permitted
No construction on public holidays.
 - b. Tire washing station on property
 - c. Parking of contractors' vehicles on Hammocks' property only.

- d. No stacking of construction vehicles on Johnson Ferry Rd., surrounding subdivision streets or shared driveways into the office park facility or other parking lots.
- 4. The existing 15' landscape buffer, along the adjacent Hunter's Trace subdivision property line, would remain in place.
- 5. All Staff recommendations not in conflict with the above.

EXHIBIT #1



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
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JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
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BRENTWOOD, TENNESSEE
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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

December 11, 2024

Via E-mail Only

Min. Bk. 100 Petition No. OB-77
Doc. Type Letter
Meeting Date 12-17-2024

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

RE: Application for "Other Business" - OB-77 (2024)
Applicant/Property Owner: PropCo Liberty, LLC
Property: 2.366 acres, more or less, located on the southerly side of Liberty Hill Road, the westerly side of the L&N Railroad line, easterly of Canton Road, being more particularly known as 910 Liberty Hill Road, Land Lot 660, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner, PropCo Liberty, LLC (hereinafter collectively referred to as "Applicant"), please accept the following as additional agreeable stipulations and conditions, which, if the amendment requested in 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 approval and additional stipulations are as follows:

- (1) Applicant seeks approval to allow a specialty contractor as a tenant whose primary business is lawn and landscape fertilization, weed control, disease, and insect infestation for both residential and commercial customers, which shall include related business offices and inside storage for materials and equipment.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 3
December 11, 2024

Petition No. OB-77
Meeting Date 12-17-2024
Continued

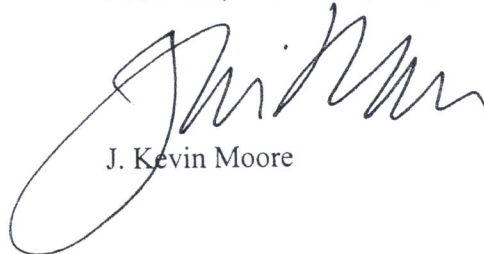
- (2) Applicant agrees hours of operation shall be Monday – Saturday, 6:00 a.m. to 6:00 p.m.
- (3) Applicant agrees that any dumpsters shall be located to the rear of the building, shall be fully enclosed (pursuant to Cobb County Code), and shall be equipped with rubber bumper lids to minimize noise.
- (4) Servicing of the dumpsters shall be limited to hours of operation.
- (5) Any ground-based, monument style signage shall be constructed in accordance with Cobb County Code; and, further, shall not be back-lit.
- (6) The balance and remainder of the stipulations and conditions previously approved by the Cobb County Board of Commissioners pursuant to Application for Rezoning Z-18 (2022) relating to the Subject Property which are not otherwise in direct conflict with the additional stipulations set forth herein shall remain unaltered and in effect for the Subject Property.

The requested approval, together with the additional stipulations set forth herein, will enhance the Subject Property and provide tenant space for a viable business. 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

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP

Zoning Division Manager

Zoning Division

Cobb County Community Development Agency

Page 3 of 3

December 11, 2024

Petition No. OB-77
Meeting Date 12-17-2024
Continued

c: Cobb County Board of Commissioners:

Lisa N. Cupid, Chairwoman

JoAnn Birrell

Keli A. Gambrill

Jerica Richardson

Monique Sheffield

Terry L. Martin, AICP, CNU-A

Senior Planner

Zoning Division

Cobb County Community Development Agency

Carol Brown

Canton Road Neighbors

PropCo Liberty, LLC

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