MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 20, 2021
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, April 20, 2021, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

Lisa Cupid, Chairwoman
Commissioner Monique Sheffield, Vice Chair
Commissioner JoAnn Birrell
Commissioner Keli Gambrill
Commissioner Jerica Richardson – arrived at 9:05 a.m.

CALL TO ORDER – CHAIRWOMAN CUPID

Chairwoman Cupid called the hearing to order at 9:04 a.m.

Due to the COVID-19 pandemic, changes were previously adopted to the Zoning Hearing Procedures to allow for virtual participation. Mr. John Pederson, Zoning Division Manager, explained the virtual participation format, reviewed the standard hearing procedures, and announced the following cases which were *withdrawn, held,* or *continued.*

WITHDRAWN, HELD, AND CONTINUED CASES

Z-17 **2196 COBB PARKWAY, LLC** (F.E.H. Franchising, LLC, owner) requesting rezoning from **GC** to **TS** for retail/commercial, package store in land lot 175 of the 20th district. Property is located on the northeast side of Cobb Parkway, the southwest side of Old 41 Highway, northwest of the intersection of Cobb Parkway and Old 41 Highway (2196 Cobb Parkway). **WITHDRAWN WITHOUT PREJUDICE**

Z-52'20 **CARL EDWARD DILLS** (Aubrey James McMillan, Jr., Carl Edward Dills, owners) requesting rezoning from **R-20** to **LI** for a sign shop in land lots 504 and 505 of the 18th district. Property is located on the south side of Six Flags Parkway, west of Queensferry Drive (436 Six Flags Parkway). ***(Previously continued by the Planning Commission (PC) from the September 1, 2020, PC hearing until the October 6, 2020, PC hearing; continued by Staff from the October 6, 2020, and November 3, 2020, PC hearings until the December 1, 2020, PC hearing; held by the PC from the December 1, 2020, PC hearing until the February 2, 2021, PC hearing; continued by Staff from the February 2, 2021, and March 2, 2021, PC hearing until the April 6, 2021, PC hearing; continued by the PC until the May 4, 2021, PC hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-61'20 **GREEN LINE PARTNERS, LLC** (David Stone and Shekinah Stone, Wilma G. Lynam, owners) requesting rezoning from **R-20** to **RA-5** and **R-20** for a single-family residential (detached) in land lots 182, 183, and 277 of the 18th district. Property is located on the northwest side of Queen Mill Road, on the eastern end of Mountain Court, south of Mountain Trail, on the north side of Ivey Road (6436 Ivey Road; 6350, 6370 Queen Mill Road). ***(Previously continued by Staff from the October 6, 2020, through the March 2, 2021, Planning Commission (PC) hearings until the April 6, 2021, PC hearing; held by the PC until the May 4, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-72'20 **NORTH POINT MINISTRIES, INC.** (The 'True Vine' Experience Foundation, Inc.; Sara M. Sweeney; Hanna Land Company, Inc., owners) requesting rezoning from **LRO, NRC,** and **R-20** to **O&I, NRC,** and **RM-8** for church, retail/restaurant, and townhomes in land lots 466, 467, 470, and 471 of the 16th district. Property is located on the south side of Shallowford Road, the west side of Johnson Ferry Road, the north and south sides of Waterfront Drive, and the east side of Waterfront Circle (multiple addresses). ***(Previously continued by Staff from the December 1, 2020, until the April 6, 2021, Planning Commission (PC) hearing; held by the PC until the May 4, 2021, PC hearing; therefore, was not considered at this hearing).***

ROD-1'20 **ATLANTIC REALTY ACQUISITIONS LLC** (Sprayberry Crossing Partnership, a Georgia General Partnership; Sandy Brownstone, LLC; Sandy Ten, LLC; Hong Tran and Hanh H. Tran, owners) requesting approval of the Redevelopment Overlay District for a mixed-use development in land lots 557, 596, and 629 of the 16th district. Property is located on the southeasterly side of Sandy Plains Road, and on the northerly side of East Piedmont Road (2692 Sandy Plains Road). ***(Previously continued by Staff from the September 1, 2020, through the March 2, 2021, Planning Commission (PC) hearings until the April 6, 2021, PC hearing; held by the PC until the May 4, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-8 **BEAZER HOMES, LLC** (Residuary Trust Under The 2010 Everett Family Trust; Lisa Kay Spillane; Patricia P. Giannoni and Kenneth Q. Giannoni, owners) requesting rezoning from **R-30, NRC, PSC,** and **GC** to **R-15/OSC** for a single-family residential subdivision in land lots 66, 83, and 84 of the 19th district. Property is located on the south side of Dallas Highway, on the east side of McConnell Road, and on the west side of Lost Mountain Road (750 Lost Mountain Road, 691 McConnell Road). ***(Previously continued by Staff from the February 2, 2021 Planning Commission (PC) hearing until the March 2, 2021, PC hearing; held by the PC from the March 2, 2021, and April 6, 2021, PC hearings until the May 4, 2021, PC hearing; therefore, was not considered at this hearing).***

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-13 **KERLEY FAMILY HOMES, LLC** (Lillian Marie Latham, owner) requesting rezoning from **LRO** and **RSL** to **RSL** for residential senior living, non-supportive residential units in land lot 122 of the 20th district. Property is located south of McClure Road, southwest of the intersection of McClure Road and Acworth Due West Road (4321 McClure Road). ***(Previously continued by Staff until the May 4, 2021, Planning Commission hearing; therefore, was not considered at this hearing).***

Z-16 **CENTURY COMMUNITIES INC.** (Bernard E. Inhulsen, Karen Savage Landers, owners) requesting rezoning from **R-80** to **R-20/OSC** for a single-family residential subdivision in land lots 386 and 429 of the 19th district. Property is located on the north side of Old Mountain Road, on the north side of the intersection of Old Mountain Road and Thayer Drive, east of Macland Woods Drive (1949 Lost Mountain Road). ***(Continued by Staff until the May 4, 2021, Planning Commission hearing; therefore, was not considered at this hearing).***

Z-18 **TWIGS FARMERS MARKET LLC** (Boldrick A. Wisdom and Loraine L. Wisdom, owners) requesting rezoning from **R-20** to **NRC** for a grocery store in land lot 869 of the 19th district. Property is located at the northeast corner of the intersection of Hopkins Road and Powder Springs Road, on the east side of Hopkins Road and on the north side of Powder Springs Road (3815 Hopkins Road). ***(Held by the Planning Commission (PC) until the May 4, 2021, PC hearing; therefore, was not considered at this hearing).***

Z-19 **TRATON, LLC** (Werbell Enterprises LLLP, owner) requesting rezoning from **R-20** to **R-15/OSC** for a single-family residential subdivision in land lots 458, 459, and 504 of the 19th district. Property is located on the south side of Macland Road and on the north side of Gaydon Road, west of the intersection of Macland Road and New Macland Road (4321 Macland Road). ***(Continued by Staff until the May 4, 2021, Planning Commission hearing; therefore, was not considered at this hearing).***

Z-20 **COBB COUNTY BOARD OF COMMISSIONERS** (Cobb County (Cobb County Board of Commissioners/ Lisa N. Cupid, Chairwoman), owner) requesting rezoning from **R-30** to **LRC** for retail and/or office in land lot 225 of the 20th district. Property is located on the east side of Mars Hill Road, south of Stilesboro Road (1660 Mars Hill Road). ***(Held by the Planning Commission (PC) until the May 4, 2021, PC hearing; therefore, was not considered at this hearing).***

Clerk's Note: *Commissioner Gambrill read the following comments into the record regarding the Planning Commission's decision to hold Z-20 (2021):*

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-20 ***Clerk's Note (CONT.)***

"I would like to at this time invoke a provision under Cobb County Code regarding the held case Z-20 (2021), which was recently held by the Planning Commission.

Code Section 134-123(b) authorizes any two members of the Board to invoke direction to the Planning Commission to consider and vote on a held case. In this instance, Z-20 (2021) involves an application by the County to rezone surplus property so that it may be sold. As we all know, the identification and potential sale of surplus public property by the County is a specific process by which properties are identified, vetted through County staff, discussed with real estate agents, and ultimately this Board when deciding whether to surplus and market for sale, and if so—what zoning classification would best be requested in the zoning process. This Board on February 9, 2021 unanimously authorized via Agenda Item 23 for the BOC Chair to proceed with rezoning this parcel from R-30 to LRC. The rezoning application was signed by the Chair to enable this process to proceed through the rezoning process and commence as approved by the Board of Commissioners.

At the Planning Commission hearing on April 6th, 2021, Z-20 (2021) was considered for rezoning along with another county-initiated rezoning application for surplus property. The Chairman of the Planning Commission questioned the decision of this Board to rezone this parcel at LRC despite the fact that this zoning application request stemmed from months—if not years—of study to ultimately sell this parcel for sale depending on need, supply and demand. The free market ultimately decides the respective value of parcels, but this Board nor the Planning Commission should speculate about what property values should and should not be.

The Board of Commissioners considers the sale of surplus property and requested rezoning classifications seriously; we rely upon staff and professional advisement in reaching these important decisions. This simply was not a unilateral decision, but a comprehensive direction given by this Board pursuant to our County Code.

Therefore, Commissioners representing Districts 1, 2, 3 and 4 collectively request the County Clerk to note the invocation of Cobb Code Section 134-123(b) to direct the Planning Commission to consider and vote on a recommendation for Z-20 (2021) so that this Board may consider at the May zoning public hearing. Thank you."

For the record, while there were four of the BOC members who were in support of invoking this action, Chairwoman Cupid announced that she was not in support of invoking this action under that ordinance.

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

LUP-11 **GREGORY D. ~~BROWN~~ BOWEN** (Gregory Dwight Bowen and Robin Elaine Bowen, owners) requesting a **Temporary Land Use Permit** for renewal to allow temporary occupancy of an RV in land lot 146 of the 20th district. Property is located on the east side of Mars Hill Church Road, south of Whitt Station Run (2950 Mars Hill Church Road). ***(Continued by the Planning Commission (PC) until the May 4, 2021, PC hearing; therefore, was not considered at this hearing).***

Clerk's Note: *Mr. Pederson inadvertently said, "Gregory D. Brown", as the Applicant when he should have said, "Gregory D. Bowen".*

SLUP-2 **DIAMOND TOWERS** (Thankful Baptist-Kennesaw, Inc., owner) requesting a **Special Land Use Permit** for a cellular tower in land lot 256 of the 20th district. Property is located on the southeast side of Kennesaw Due West Road, south of Frank Kirk Road (928 Kennesaw Due West Road). ***(Continued by Staff until the May 4, 2021, Planning Commission hearing; therefore, was not considered at this hearing).***

O.B. 21 To consider a stipulation amendment for OHC Wigley, LLC regarding rezoning application Z-56 of 2017, for property located at the northern terminus of Wigley Road, north of Summitop Road in land lots 26, 27, 46 and 47 of the 16th district (Wigley Road). ***(Continued by Staff until the May 18, 2021, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).***

Z-11 **VENTURE COMMUNITIES, LLC** (SHH Partners, L.P., owner) requesting rezoning from **GC** to **RM-12** for condominiums in land lot 854 of the 17th district. Property is located on the east side of I-75, at the terminus of Leland Drive (no address). ***(Held by the Planning Commission (PC) from the March 2, 2021, PC hearing until the April 6, 2021, PC hearing).***

Mr. Pederson presented the Applicant's request for a continuance of Z-11; thereafter, the following motion was made:

MOTION: Motion by Richardson, second by Birrell, to **continue** Z-11 until the May 18, 2021, Board of Commissioner's Zoning Hearing.

VOTE: **ADOPTED** 5-0

O.B. 14 To consider a site plan amendment for Security Vault Works, Inc. regarding rezoning application #167 of 1987 (The Oxford Group, Inc.), for property located on the north side of the East-West Connector and on the west side of Brookwood Drive in land lot 921 of the 19th district (1380 East-West Connector).

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 14 (CONT.)

Mr. Pederson presented the Staff's recommendation for a continuance of O.B. 14; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** O.B. 14 until the May 18, 2021, Board of Commissioner's Zoning Hearing.

VOTE: **ADOPTED** 5-0

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

CONSENT AGENDA

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

Z-1 **KERLEY FAMILY HOMES, LLC** (Westlake/Atlanta Joint Venture, owner) requesting rezoning from **GC** to **FST** for townhomes in land lot 516 of the 18th district. Property is located on the southeast side of Blair Bridge Road, northeast side of Riverside Parkway, east of the intersection of Blair Bridge Road and Riverside Parkway (no address). ***(Held by the Planning Commission (PC) from the February 2, 2021, PC hearing until the March 2, 2021, PC hearing; continued by Staff to the April 6, 2021, PC hearing).***

To **approve** Z-1 to the **FST** zoning district, subject to:

1. **Site Plan with *last revision date* of March 2, 2021 (attached and made a part of these minutes), with the following changes:**
   A. **Mailbox kiosk to be relocated near unit 10, subject to Department of Transportation (DOT) approval of the location**
   B. **Modifications, if any, deemed necessary by DOT for distance of driveways and parallel parking from intersections**
2. **Letter of agreeable conditions from Kevin Moore dated March 30, 2021 (attached and made a part of these minutes), *not otherwise in conflict,* with Item No. 25 of the stipulation letter subject to approval of DOT and any alternate regulations**
3. **The front elevation of each building to have at least 50% brick or stacked stone; District Commissioner to approve elevations**
4. **All garages to be used primarily for the parking of vehicles with only incidental storage that does not interfere with the parking of vehicles**
5. **Maximum of 51 units**

CONSENT AGENDA (CONT.)

Z-1 **KERLEY FAMILY HOMES, LLC (CONT.)**

6. **With regard to the area near the inside radius of the curve on the entrance road, only low height landscaping to be used so as to allow clear sight to the driveways on units 40 and 41 while maneuvering the curve**
7. **All landscaping in this area shall be subject to DOT approval**
8. **Staff comments and recommendations,** ***not otherwise in conflict***

Clerk's Note: *Vanessa Whitehead (virtual speaker) had registered to speak in opposition but was not signed on while the Consent Agenda was presented; therefore, Z-1 was approved on the Consent Agenda. Later in the hearing, Ms. Whitehead was signed on to speak on the case; however, since the business with Z-1 had already concluded (Consent Agenda approved), and the Applicant dismissed, the Board denied her request to speak on the case. The Board asked that the email from Ms. Whitehead to Commissioner Sheffield with her concerns be forwarded to the County Clerk to be filed with the case.*

Z-6 **LOYD DEVELOPMENT SERVICES** (Southern Development Ventures, LLC, owner) requesting rezoning from **NRC, LRO,** and **RA-5** to **RM-8** for townhomes in land lots 297 and 388 of the 18th district. Property is located on the east side of South Gordon Road, the southwest side of Mableton Parkway, south of the intersection of South Gordon Road and Mableton Parkway, west of Dodgen Road (6590 Mableton Parkway). ***(Continued by Staff from the February 2, 2021, Planning Commission (PC) hearing until the March 2, 2021, PC hearing; held by the PC from the March 2, 2021, PC hearing until the April 6, 2021, PC hearing).***

To **delete** Z-6 to the **FST** zoning district, subject to:

1. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated March 31, 2021 (attached and made a part of these minutes),** ***not otherwise in conflict***
2. **Site Plan received with the above referenced stipulation letter, with changes necessary for the Department of Transportation (DOT) comments**
3. ***Revised*** **Site Plan to be submitted by next Wednesday (4/14/21) for the Board of Commissioners' (BOC) Zoning Hearing**
4. **The Site Plan** ***last revised*** **April 9, 2021 (attached and made a part of these minutes), with the District Commissioner approving minor modifications**
5. **Applicant to work with the Cobb County School District to determine location(s) for school bus stop(s); school bus waiting area(s), each with a concrete pad, to provide a safe waiting area**

CONSENT AGENDA (CONT.)

Z-6 **LOYD DEVELOPMENT SERVICES (CONT.)**

6. **All garages to remain available for the parking of vehicles with only incidental storage that does not interfere with the parking of vehicles; garages may not be converted to finished living areas or other uses**
7. **Maximum of 93 units**
8. **All driveways and guest parking to be approved by DOT**
9. **If any of the parking or driveways are substandard and the Applicant can't find another way to accommodate it, then units shall be reduced either to meet the guest parking requirements or to remove units that don't have approved driveways**
10. **Staff comments and recommendations,** ***not otherwise in conflict***

Z-12 **TRATON, LLC** (Lillie J. Johnson, R.A. Johnson, Mary Ellen Johnson Sanford, Sandra Rachel Johnson Perkins and Terry Paul Johnson, owners) requesting rezoning from **NRC** to **RM-8** for a townhome community in land lots 627 and 628 of the 19th district. Property is located on the west side of Austell Road, south of Waymar Drive (2818 Austell Road). ***(Continued by the Planning Commission (PC) from the March 2, 2021 PC hearing until the April 6, 2021, PC hearing).***

To **approve** Z-12 to the **RM-8** zoning district, subject to:

1. **Letter of agreeable conditions from Kevin Moore dated March 30, 2021 (attached and made a part of these minutes), noting that Item No. 23 of the stipulation letter shall be subject to Department of Transportation (DOT) approval and alternate regulations**
2. **Applicant to make revisions to the April 1, 2021 Site Plan and submit the *revised* plan by next Wednesday (4/14/2021) for the Board of Commissioners' (BOC) Zoning Hearing; received *revised* Site Plan dated April 12, 2021 (attached and made a part of these minutes)**
3. **District Commissioner to approve final Site Plan**
4. **Maximum of 35 units**
5. **All driveways to connect directly to public streets and meet DOT approval**
6. **Units to be deleted if driveways cannot meet DOT approval**
7. **All guest parking spaces to meet with DOT approval; if adequate guest parking spaces cannot be provided per standards, units will be deleted to come into compliance**
8. **No hard-angled curves or corners**
9. **All streets and curves must meet DOT standards**
10. **Buffer to be 20-feet wide along Austell Road frontage**
11. **Staff comments and recommendations,** ***not otherwise in conflict***

CONSENT AGENDA (CONT.)

Z-14 **PEARL RIVER BROTHERS, LLC** (Pearl River Brothers LLC, owner) requesting rezoning from **GC** to **NRC** for a restaurant in land lot 733 of the 16th district. Property is located on the west side of Canton Road, at the convergence of Canton Road and Canton Road Connector, south of Kurtz Road, and on the north side of Sylvan Park Drive (2063 Canton Road).

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

1. **Variances as shown in the Zoning comments**
2. **Site Plan contained in the Zoning Analysis (attached and made a part of these minutes)**
3. **No outdoor speakers**
4. **Adherence to Canton Road Design Guidelines**
5. **Department of Transportation comments and recommendations**

LPSP-1 **COBB COUNTY BOARD OF COMMISSIONERS** (Cobb County, Georgia (Cobb County Board of Commissioners/Lisa N. Cupid, Chairwoman), owner) requesting a **Limited Professional Services Permit** for professional office in land lots 139 and 158 of the 19th district. Property is located on the south side of Corner Road and the west side of Lost Mountain Road at the southwest intersection of Corner Road and Lost Mountain Road (835 Corner Road).

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

1. **Professional Office use *only***
2. **Site Plan submitted (attached and made a part of these minutes), with District Commissioner approving the final Site Plan**
3. **District Commissioner approving the final professional office use**
4. **Fire Department comments and recommendations**
5. **Department of Transportation comments and recommendations**

LUP-10 **PATRICIA DEVERGER** (Patricia A. Hines, owner) requesting a **Temporary Land Use Permit** for renewal of a childcare learning center in land lot 631 of the 19th district. Property is located on the west side of Crest Ridge Circle, south of Crest Ridge Drive (3022 Crest Ridge Circle).

To **approve** LUP-10 for **24 months**, subject to:

1. **Maximum of 10 children**
2. **One employee**
3. **Applicant may have one sign no greater than 24 inches x 24 inches**
4. **Department of Transportation comments and recommendations**

CONSENT AGENDA (CONT.)

LUP-13 **ALEXANDER LLAMBES** (Alexander Ryan Llambes and Christopher Todd Presley, owners) requesting a **Temporary Land Use Permit** for an online candle shop in land lot 105 of the 17th district. Property is located on the west side of Pineland Road, north of Pineland Circle (490 Pineland Road).

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

1. **No on-site customers**
2. **No additional employees**
3. **Department of Transportation comments and recommendations**

OTHER BUSINESS

O.B. 12 To consider stipulation amendment for AT&T by Crown Castle USA Inc. regarding application SLUP-1 of 1999. The property is located on the east side of Sandy Plains Road, north of Kinridge Road in land lots 703 and 738 of the 16th district (2100 Sandy Plains Road).

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

1. **Shrouds permitted to be deleted off the tower**
2. **All previous stipulations and conditions, *not otherwise in conflict with this amendment,* to remain in effect**

O.B. 13 To consider a reduction of required lot size for livestock (ducks) from two-acres to 0.88-acres for Jonathan Tucker for property located on the easterly side of Fox Hollow Parkway, south of Fox Hollow Trace, in land lot 1051 of the 16th district (822 Fox Hollow Parkway).

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

1. **Letter from Jennifer Tucker and family dated March 10, 2021 (attached and made a part of these minutes) with all attachments, photos, and site plan**

O.B. 15 To consider a site plan amendment for CPH, Inc regarding rezoning application Z-104 of 1986 for property located at the southeasterly intersection of Austell Road and Mulkey Road in land lot 921 of the 19th district (3951 Austell Road).

To **approve** O.B. 15, subject to:

1. ***Proposed* Site Plan contained in the Other Business packet (attached and made a part of these minutes), with District Commissioner approving minor modifications**
2. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 15 **(CONT.)**

3. **All previous stipulations and conditions, *not otherwise in conflict with this amendment,* to remain in effect**

O.B. 18 To consider a site plan and stipulation amendment for Environmental Logistics, LLC regarding rezoning application Z-16 of 2019, for property located on the west side of Shaw Road at Woodrush Drive in land lots 489 and 520 of the 16th district (3011 Shaw Road).

To **approve** O.B. 18, subject to:

1. ***Propose*d Site Plan received March 16, 2021 contained in the Other Business packet (attached and made a part of these minutes), with District Commissioner approving minor modifications**
2. **Water Quality Map dated March 31, 2021 (attached and made a part of these minutes)**
3. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **All previous stipulations and conditions, *not otherwise in conflict with this amendment,* to remain in effect**

O.B. 19 To consider a site plan and stipulation amendment for Traton, LLC regarding rezoning application Z-71 of 2019, for property located on the southwesterly intersection of Sandy Plains Road and Ebenezer Road in land lots 524 and 525 of the 16th district (Sandy Plains Road).

To **approve** O.B. 19, subject to:

1. ***Proposed* Site Plan received March 16, 2021 contained in the Other Business packet (attached and made a part of these minutes), with District Commissioner approving minor modifications**
2. **Exhibit "B" contained in the Other Business packet (attached and made a part of these minutes)**
3. **Email correspondence from Mr. Kline of Sandy Plains Baptist Church to Kevin Moore dated March 25, 2021 (attached and made a part of these minutes)**

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 19 (CONT.)

4. **Site Plan Review comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
7. **All previous stipulations and conditions, *not otherwise in conflict with this amendment,* to remain in effect**

Prior to the Consent Vote, Commissioner Birrell requested that Z-15 (Soon Han (CCB20 LLC)) be added to the Consent Agenda. The Applicant was present, and there was no opposition present. Mr. Pederson read Z-15 into the record, and Commissioner Birrell made the following motion and read in her stipulations:

MOTION: Motion by Birrell, second by Sheffield, to **add** Z-15 to the Consent Agenda, as follows:

Z-15 **SOON HAN (CCB20 LLC)** (CCB20, LLC, owner) requesting rezoning from **LRO** to **NRC** for a health studio in land lot 109 of the 16th district. Property is located on the north side of Woodstock Road, east of York Place (4618 Woodstock Road).

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

1. **For this use and this user *only***
2. **Site Plan contained in the Zoning Analysis (attached and made a part of these minutes)**
3. **Staff comments and recommendations**
4. **Any other use to come back to the Board of Commissioners as Other Business**

VOTE: **ADOPTED** 5-0

Commissioner Gambrill requested that O.B. 16 (Barbara L. Hartsfield) be added to the Consent Agenda; however, opposition was present, therefore, O.B. 16 remained on the Regular Agenda.

CONSENT VOTE: **ADOPTED** 5-0

REGULAR AGENDA

LUP-12 **ANN DOMINGUEZ** (Ann C. Dominguez and Genevee M. Roman, owners) requesting a **Temporary Land Use Permit** for granite fabrication in land lots 6 and 7 of the 18th district. Property is located on the south side of Stout Parkway and the north side of Rolling Meadow Drive, east of Cobalt Drive (5555 Stout Parkway).

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

MOTION: Motion by Sheffield, second by Birrell, to **deny** LUP-12.

VOTE: **ADOPTED** 5-0

OTHER BUSINESS

O.B. 8 To consider a site plan approval for private streets and private road frontage in an R-20 zoned subdivision for David Pearson Communities, Inc. for property located in land lots 162 and 163 of the 16th district. Property is located on the west side of Keheley Drive at Keheley Road (Keheley Drive). ***(Previously continued by the Board of Commissioners (BOC) from the February 16, 2021, and the March 16, 2021, BOC Zoning hearings until the April 20, 2021, BOC Zoning hearing).***

The public hearing was opened; Kevin Moore, Brian Daughdrill, Colin Breece, and Suzi Burroughs (virtual speaker) addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Gambrill, to **deny** O.B. 8.

VOTE: **ADOPTED** 5-0

O.B. 16 To consider a reduction of public road frontage for Barbara L. Hartsfield for property located on the north end of Trail Road, northwesterly of Midway Road, in land lot 311 of the 20th district (277 Trail Road).

The public hearing was opened; Michael Gaskins and Maryem Sturgis addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Birrell, to **approve** O.B. 16, subject to:

1. **Site Plan contained in the Other Business packet (attached and made a part of these minutes), with the District Commissioner approving minor modifications**
2. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

OTHER BUSINESS (CONT.)

O.B. 16 **(CONT.)**

3. **Stormwater Management Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Water and Sewer Division comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
6. **Letter dated March 15, 2021, marked Exhibit A contained in the Other Business packet (attached and made a part of these minutes), with the following changes:**
   A. Delete Item Nos. 8, 10, and 11 from the letter

VOTE: **ADOPTED** 5-0

O.B. 17 To consider a reduction of public road frontage for JW Industrial Holdings, LLC for property located on the east side of Canton Road, north Jamerson Road, in land lot 13 of the 16th district (4986 Canton Road).

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

MOTION: Motion by Birrell, second by Gambrill, to **approve** O.B. 17, subject to:

1. **Site Plan contained in the Other Business packet (attached and made a part of these minutes)**
2. **Final Site Plan to come back to the District Commissioner for final approval**
3. **Staff comments and recommendations contained in the Other Business Packet (attached and made a part of these minutes)**
4. **Strongly recommend underground detention which will be determined at Plan Review**

VOTE: **ADOPTED** 5-0

O.B. 20 To consider a site plan and stipulation amendment for The Kroger Company regarding rezoning application Z-12 of 2017, for property located on the west side of Powers Ferry Road, and on the north side of Terrell Mill Road in land lots 923 and 924 of the 17th district (1306 Powers Ferry Road).

The public hearing was opened; Garvis L. Sams, Jr. and Judy Martin addressed the Board. Following presentation and discussion, the following motion was made:

OTHER BUSINESS (CONT.)

O.B. 20 **(CONT.)**

MOTION: Motion by Richardson, second by Cupid, to **approve** O.B. 20, subject to:

1. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated April 15, 2021 (attached and made a part of these minutes)**
2. **Site Plan Review comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
3. **Cobb DOT comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
4. **Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**
5. **All previous stipulations and conditions, *not otherwise in conflict with this amendment,* to remain in effect**
6. **All aspects of the original Powers Ferry Road streetscape/landscape are still in application**

VOTE: **ADOPTED** 4-1, Birrell opposed

Chairwoman Cupid called for a brief recess from 11:45 a.m. until 11:55 a.m.

AMEND SOMETHING PREVIOUSLY ADOPTED

Item No. 1
(O.B. 27'20)

Section 25 of the Board of Commissioners' Zoning and Land Use Hearing Procedures adopted January 11, 1994 and last revised October 19, 2004 allows any commissioner to amend an action taken at a previous hearing. A second shall be required and full discussion shall be allowed. A majority vote shall be required for adoption of the amendment and if passed a second motion will be needed to revise the stipulations. This particular item would be to amend a motion by the Board of Commissioners (BOC) for Other Business Item 27 of 2020 (OB-027-2020) as listed in the official minutes from the August 18, 2020 hearing. The stipulation that needs to be amended in the motion to perfect the record is:

1. Include in the motion, the letter from the Mableton Improvement Coalition dated June 10, 2020, along with stipulations 2 and 3, as they appear in the August 18, 2020 minutes.

As background information, Chairwoman Cupid clarified that stipulations from the Mableton Improvement Coalition letter were included in the August 18, 2020 motion, but the actual letter was not formally included in the motion.

AMEND SOMETHING PREVIOUSLY ADOPTED (CONT.)

Item No. 1 **O.B. 27'20 (CONT.)**

MOTION: Motion by Cupid, second by Sheffield, to **allow** amending a previously adopted approval of OB-027 (2020) from the August 18, 2020, BOC Zoning hearing minutes (attached and made a part of these minutes).

VOTE: **ADOPTED** 5-0

After further discussion, Chairwoman Cupid made the following motion to approve the amended stipulations:

Motion: Motion by Cupid, second by Sheffield, to **amend** the following zoning stipulations for OB-027 (2020) from the August 18, 2020, BOC Zoning hearing minutes:

1. **Letter from the Mableton Improvement Coalition dated June 10, 2020 (attached and made a part of these minutes)**
2. **Add to the list of prohibited uses: liquor stores; adult entertainment; sales of sexually explicit or drug related paraphernalia; pawn shops and title pawn shops; gold or precious metal dealers; night clubs; video arcades as a primary use; check cashing; discounted sales; auto/truck sales; auto parts; auto services; used tire sales; taxi dispatching services; gun, knife, or weapon sales; shooting ranges; firewood sales; thrift, second hand stores, or flea markets; convenience stores with gasoline sales; gas stations; vehicle parking lots for cars, trucks, or commercial trucks**
3. **Staff comments and recommendations, *not otherwise in conflict***
4. **Provide an additional six months from today's date (4-20-21) for those items listed in the Mableton Improvement Coalition letter that were date specific**

Prior to the vote, Nate Smith (virtual speaker) addressed the Board.

VOTE: **ADOPTED** 5-0

AMEND SOMETHING PREVIOUSLY ADOPTED (CONT.)

Item No. 2 (Z-10'21) Section 25 of the Board of Commissioners' Zoning and Land Use Hearing Procedures adopted January 11, 1994 and last revised October 19, 2004 allows any commissioner to amend an action taken at a previous hearing. A second shall be required and full discussion shall be allowed. A majority vote shall be required for adoption of the amendment and if passed a second motion will be needed to revise the stipulations. This particular item would be to amend a motion by the Board of Commissioners (BOC) for Z-10 of 2021 as listed in the official minutes from the March 16, 2021, BOC Zoning hearing. The stipulations that need to be added to the motion to perfect the record are:

AMEND SOMETHING PREVIOUSLY ADOPTED (CONT.)

Item No. 2 Z-10'21 (CONT.)

5. Staff comments and recommendations, *not otherwise in conflict*
6. Letter of agreeable conditions from Garvis L. Sams, Jr. dated March 10, 2021, which includes the 2520 Austell Road Safety Plan (on file in the Zoning Division)

MOTION: Motion by Sheffield, second by Birrell, to **allow** amending a previously adopted approval of Z-10 of 2021 from the March 16, 2021, BOC Zoning hearing minutes (attached and made a part of these minutes).

VOTE: **ADOPTED** 5-0

Commissioner Sheffield made the following motion to approve the amended stipulations:

Motion: Motion by Sheffield, second by Birrell, to **amend** the following zoning stipulations for Z-10 of 2021 from the March 16, 2021, BOC Zoning hearing minutes:

1. **Planning Commission comments and recommendations (attached and made a part of these minutes)**
2. **Add to the list of prohibited uses:**
   A. Dollar Stores and/or Discounted Merchandise Stores
3. **At no time should the dumpsters be located outside of the enclosure**
4. **District Commissioner to approve all building, fuel canopy, and sign architecture**
5. **Six-foot black metal fence instead of a six-foot black vinyl coated chain link fence**
6. **Staff comments and recommendations, *not otherwise in conflict***
7. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated March 10, 2021, which includes the 2520 Austell Road Safety Plan (attached and made a part of these minutes)**

VOTE: **ADOPTED** 5-0

ADJOURNMENT

The hearing adjourned at 12:07 p.m.

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

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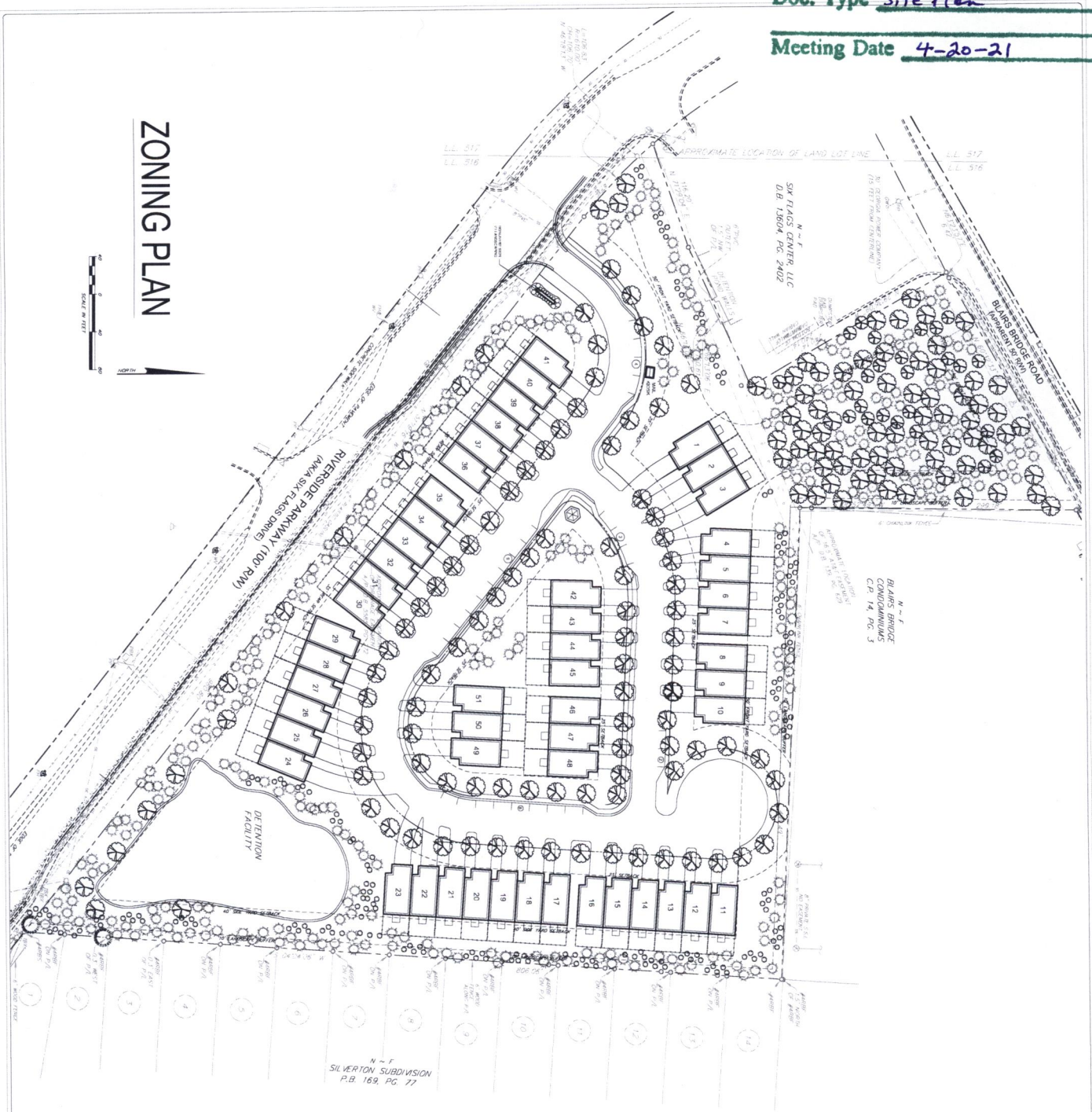
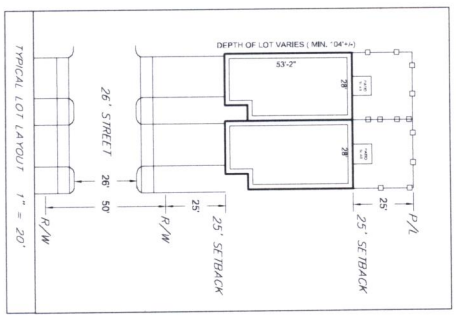
Min. Bk. 92 Petition No. Z-1
Doc. Type Site Plan
Meeting Date 4-20-21

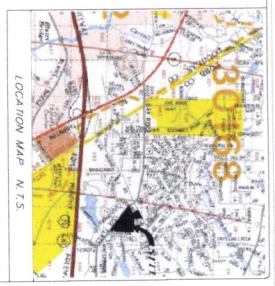
ZONING PLAN





ZONING NOTES

1. SITE AREA - 10.3 AC
2. DENSITY - 31 UNITS / 10.3 AC = 4.8 U/A
3. EX. ZONING - OC
4. PROP. ZONING - CST
5. PROP. BUILDING SETBACKS:
   - FRONT - 40' (EXTERIOR), 30' (INTERIOR) (ATTACHED UNITS)
   - SIDE - 10' (EXTERIOR), 10' (INTERIOR) (ATTACHED UNITS)
   - REAR - 30' (EXTERIOR), 25' (INTERIOR) (TRACTS)
6. MIN. DRIVEWAY LENGTH (AS MEASURED FROM FACE OF GARAGE DOOR TO BACK OF CURB OR BACK EDGE OF SIDEWALK) SHALL BE 22'.
7. LANDSCAPE BUFFERS TO ADJACENT RESIDENTIAL ZONING
8. MAX LOT COVERAGE ALLOWED = 45.0% (467,454 S.F.) 45.0% SHOWN (11 AC)
9. BOUNDARY SURVEY BY GASKINS ENGINEERING INC. WITH DATE 8/17/2017
10. TOPOGRAPHIC INFORMATION FROM COBB COUNTY GIS (APPROX.)
11. NO ARCHAEOLOGICAL, HISTORICAL OR CEMETERY SITES ARE KNOWN ON THIS SITE
12. NO WETLANDS ARE KNOWN ON THIS SITE



NOT ISSUED FOR CONSTRUCTION

SHEET NUMBER	1
SHEET TITLE	ZONING PLAN
SCALE	1"=40'
DRAWN BY	DLS
CHECKED BY	DLS
FIELD BOOK	--
PROJECT ID	--
DATE	10-29-20

SEAL: GEORGE T. STUART, JR. REGISTERED LAND SURVEYOR

REVISIONS		
REV.	DATE	REVISION REFERENCE
1	12-9-20	ADD SIDEWALK
2	12-16-20	ADD SIDEWALK
3	1-6-21	ADD SIDEWALK
4	1-8-21	REVISE SIDEWALK

RIVERSIDE PKWY/BLAIRS BRIDGE ROAD

LAND LOTS 516 & 517, 18TH DISTRICT, 2ND SECTION,
COBB COUNTY, GEORGIA

Gaskins
ENGINEERING SURVEYING
PLANNING/CONSULTING CONSTRUCTION MGMT
1266 Powder Springs Road
Marietta, Georgia 30064
Phone: (770) 424-7168
Fax: (770) 424-7563
WWW.GASKINSURVEY.COM

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

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

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

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

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

HARRISBURG, PENNSYLVANIA
3909 HARTZDALE DRIVE
SUITE 901
CAMP HILL, PENNSYLVANIA 17011
TELEPHONE (717) 790-2854

March 30, 2021

Min. Bk. 92 Petition No. Z-1
Doc. Type letter

Via E-mail Only

Meeting Date 4-20-21

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

RE: Application for Rezoning - Application No.: Z-1 (2021)
Applicant: Kerley Family Homes, LLC
Property Owner: Westlake/Atlanta Joint Venture
Property: 10.5 acres, more or less, located on the southeasterly side of Blair Bridge Road, the northeasterly side of Riverside Parkway, easterly of the intersection of Blair Bridge Road and Riverside Parkway, Land Lot 516, 18th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Kerley Family Homes, LLC, the Applicant (hereinafter referred to as "Applicant"), and Westlake/Atlanta Joint Venture, the Property Owner (hereinafter referred to as "Owner" or "Property Owner"), in their Application for Rezoning with regard to a total tract of 10.5 acres, more or less, located on the southeasterly side of Blair Bridge Road and the northeasterly side of Riverside Parkway, easterly of the intersection of Blair Bridge Road and Riverside Parkway, Land Lot 516, 18th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings and discussions with Planning and Zoning Staff and County representatives, reviewing the Departmental Comments and Staff Recommendations, reviewing the uses of surrounding properties, and following the presentation to and hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions,

which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full all prior letters of agreeable stipulations and conditions, including the letters dated and submitted January 27, 2021; the supplemental stipulation letter dated February 2, 2021; and, the revised stipulation letter dated and submitted on February 24, 2021. The proposed, revised stipulations are as follows:

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

(2) Rezoning of the Subject Property shall be from the existing zoning classification of General Commercial ("GC") to the proposed zoning classification of Fee Simple Townhome ("FST"), site plan specific to the revised Zoning Plan prepared for Applicant by Gaskins Surveying Company, Inc., last revised March 2, 2021, and submitted electronically to the Cobb Zoning Division on March 29, 2021. A reduced copy of the revised Zoning Plan is attached to this stipulation letter as Exhibit "A" and incorporated by reference.

(3) The Subject Property consists of 10.5 acres, more or less, and shall be developed for a residential community, in the townhome style, containing a maximum of fifty-one (51) residences.

(4) The proposed townhomes shall be Traditional and Craftsman in style and architecture and shall have facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, and combinations thereof, with complementary accents, and shall be substantially similar to the elevations attached collectively as Exhibit "B" and incorporated herein by reference.

(5) The units shall have two-car garages. No garage areas within the proposed townhome community shall be converted into heated living space for the units. Such restriction shall also be included within the Declaration of Covenants, Easements, and Restrictions for the proposed community.

(6) The proposed townhomes shall have a minimum of 1,800 square feet of heated and cooled space.

(7) Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed townhome community.

(8) Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, amenity and open space, general landscaped areas, mail kiosk, fencing, and the like contained within the community.

(9) All units within the proposed townhome community shall be "for sale" units. There shall be no more than a maximum of ten (10) percent of the units being leased at any one time, which shall be included as a covenant and restriction in the required Declaration of Covenants.

(10) Applicant agrees bulk sales of townhomes to individual entities or institutional investors shall be prohibited.

(11) Applicant agrees that as part of the amenity area a pavilion or gathering area shall be provided for the use and enjoyment of all residents living within the proposed townhome community.

(12) The yard areas around each unit shall be fully sodded, except for landscape areas, and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the proposed community.

(13) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the proposed townhomes, as allowed by the power provider.

(14) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents consistent with the architecture and style of the residences. The entrance landscaping shall be professionally designed, implemented, and maintained.

Petition No. Z-1
Meeting Date 4-20-21
Continued

(15) The setbacks for the proposed community shall be as follows:

(a)	Front Setback:	Fifty (50) feet (Exterior) Twenty-Five (25) feet (Interior);
(b)	Side Setback:	Forty (40) feet (Exterior) Ten (10) feet (Interior) (Ten (10) feet separation between structures; and;
(c)	Rear Setback:	Thirty-Five (35) feet (Exterior) Twenty-Five (25) feet (Interior).

(16) All utilities servicing the residences within the proposed community shall be located underground.

(17) There shall be a twenty (20) foot landscape buffer along the Property adjoining Silverton Subdivision, which landscape buffer shall be planted for purposes of visual screening.

(18) Minor modifications to the within stipulations, the revised Zoning Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:

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

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

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

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

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

Petition No. Z-1
Meeting Date 4-20-21
Continued

(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.

(19) Applicant agrees to the installation of a black, vinyl-clad chain link fence, a minimum of six (6) feet in height, along the boundary of the Subject Property adjacent to Silverton Subdivision.

(20) There shall be a ten (10) foot landscape enhancement strip along the frontage of the Subject Property on Riverside Parkway, which shall be heavily landscaped for purposes of visual aesthetics.

(21) All landscaping referenced herein; including, but not limited to, the frontage, entrance area, and open space areas, shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscape plan for the proposed community.

(22) Detention facilities shall be screened by a black, vinyl-clad chain link fence, a minimum of six (6) feet in height with landscaping to the exterior of the fencing for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the Plan Review Process. All vegetation and landscaping surrounding the detention areas shall be maintained by the mandatory homeowners association. The detention area will comply in design and capacity requirements of Cobb County Stormwater Management.

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

(24) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by Cobb County or any utility provider.

(25) Applicant requests a waiver of the Cobb County Department of Transportation Standard which requires parallel parking spaces to be set back at least fifty (50) feet from an intersection radius, as opposed to the intersection.

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

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

J. Kevin Moore

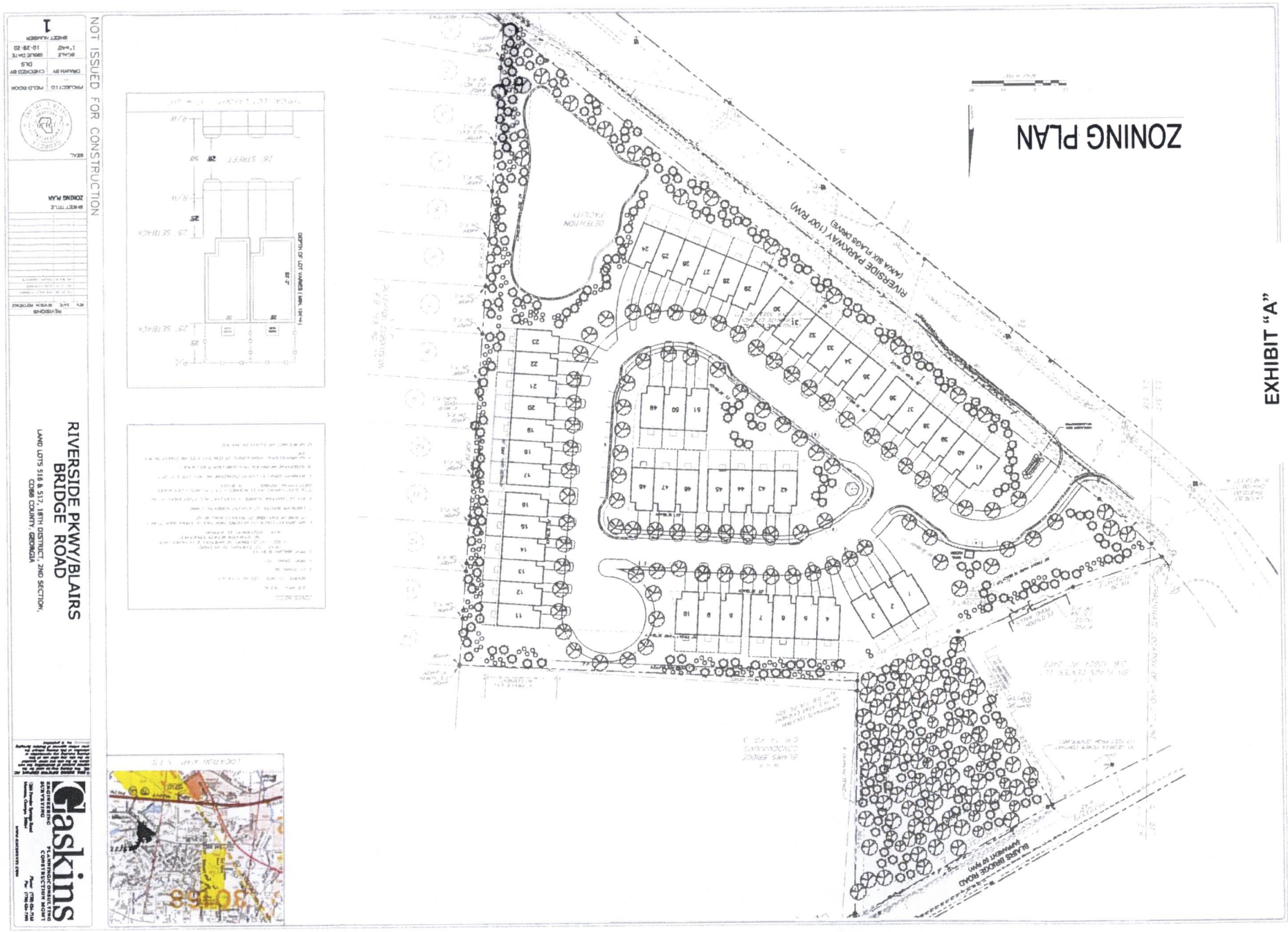
JKM:cc
Attachments
c: Cobb County Board of Commissioners:
Lisa N. Cupid, Chair Person
JoAnn Birrell
Keli A. Gambrill
Jerica Richardson
Monique Sheffield
(With Copies of Attachments)

c: Cobb County Planning Commission
Galt Porter, Chairman
Fred Beloin
Deborah Dance
Alice Summerour
Anthony Waybright
(With Copies of Attachments)

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

Kerley Family Homes, LLC
(With Copies of Attachments)

Petition No. Z-1
Meeting Date 4-20-21
Continued



Petition No. Z-1
Meeting Date 4-20-21
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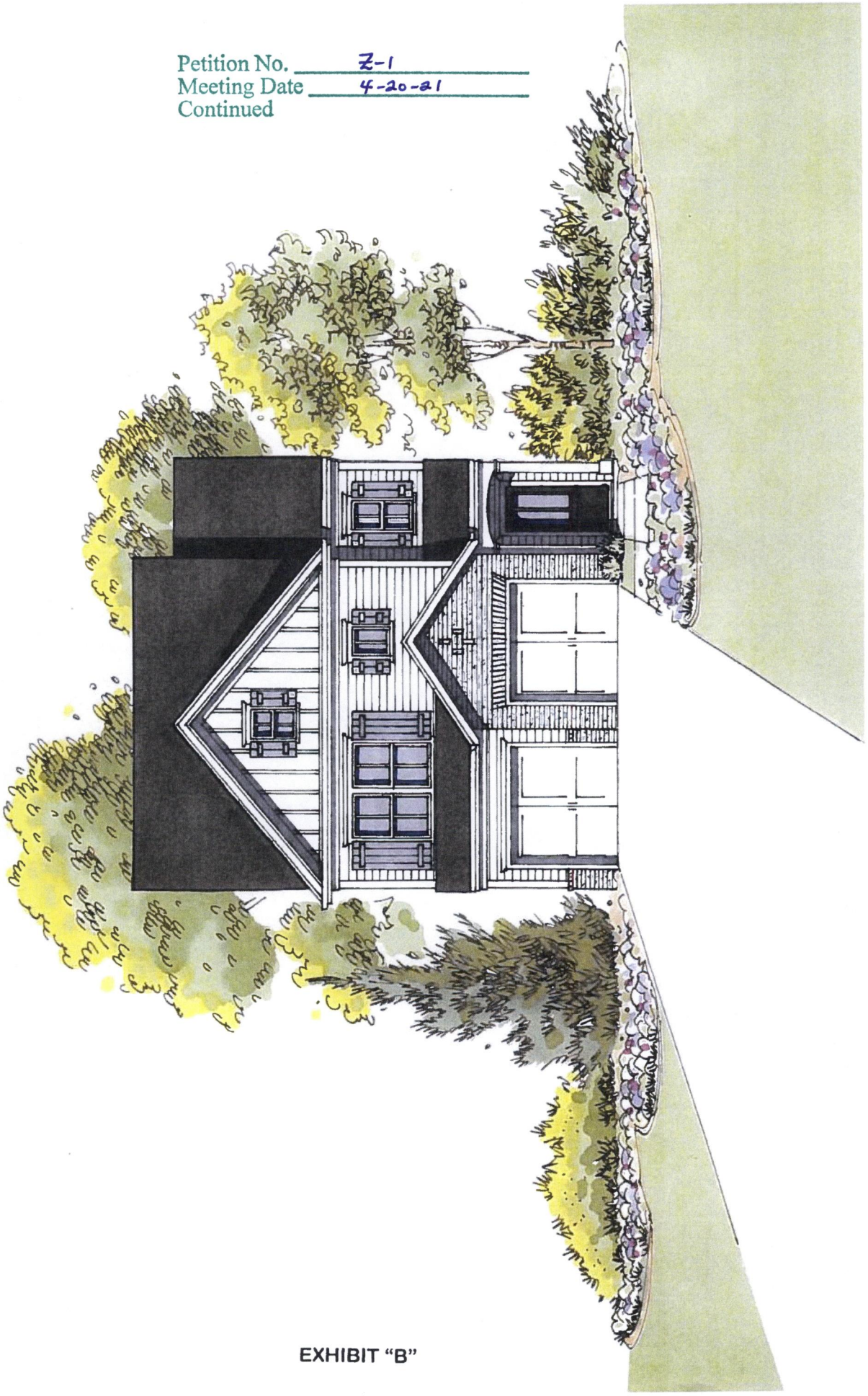


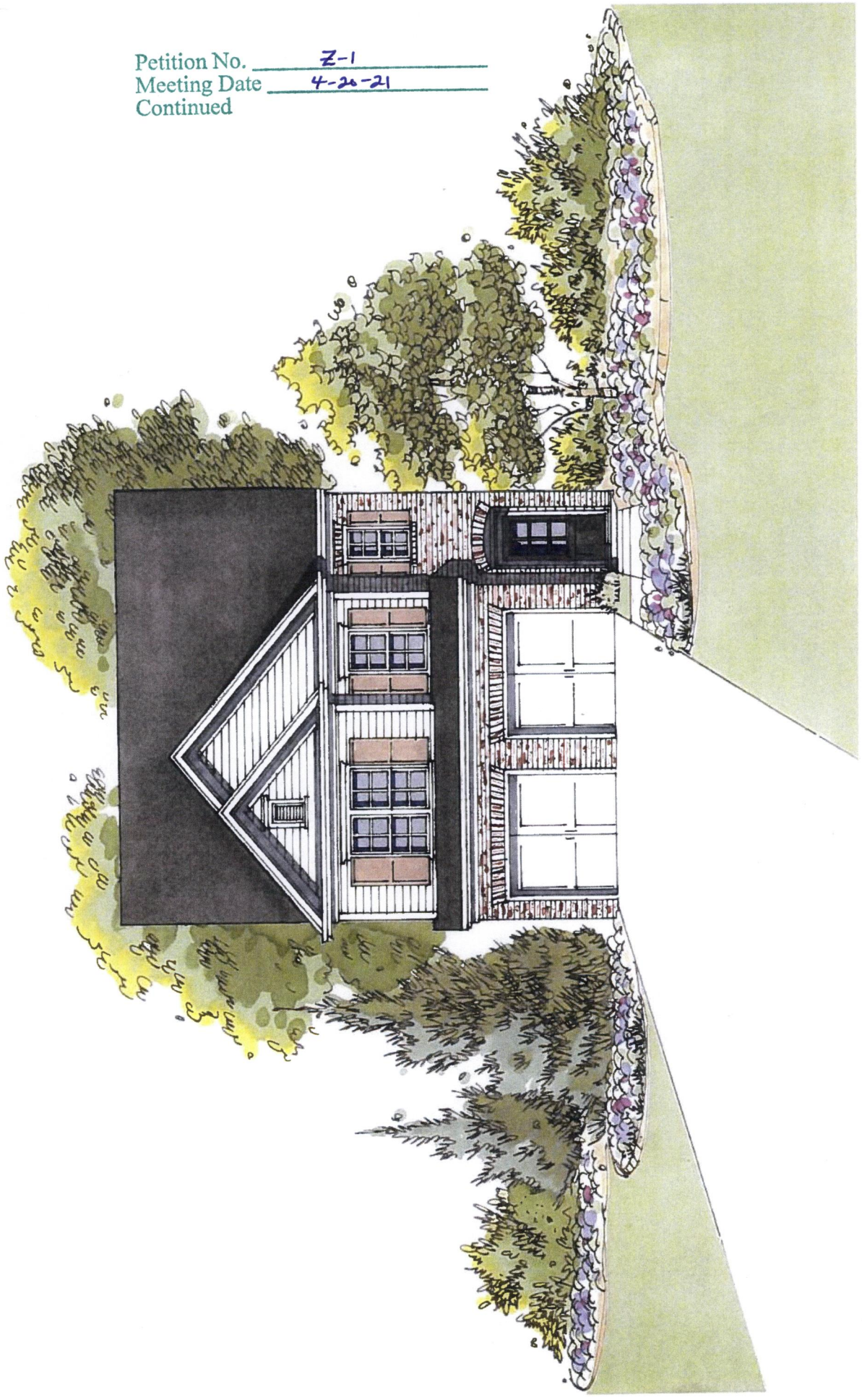
EXHIBIT "B"

Petition No. Z-1
Meeting Date 4-20-21
Continued

Petition No. Z-1
Meeting Date 4-20-21
Continued

Petition No. Z-1
Meeting Date 4-20-21
Continued

Petition No. Z-1
Meeting Date 4-20-21
Continued



Petition No. Z-1
Meeting Date 4-20-21
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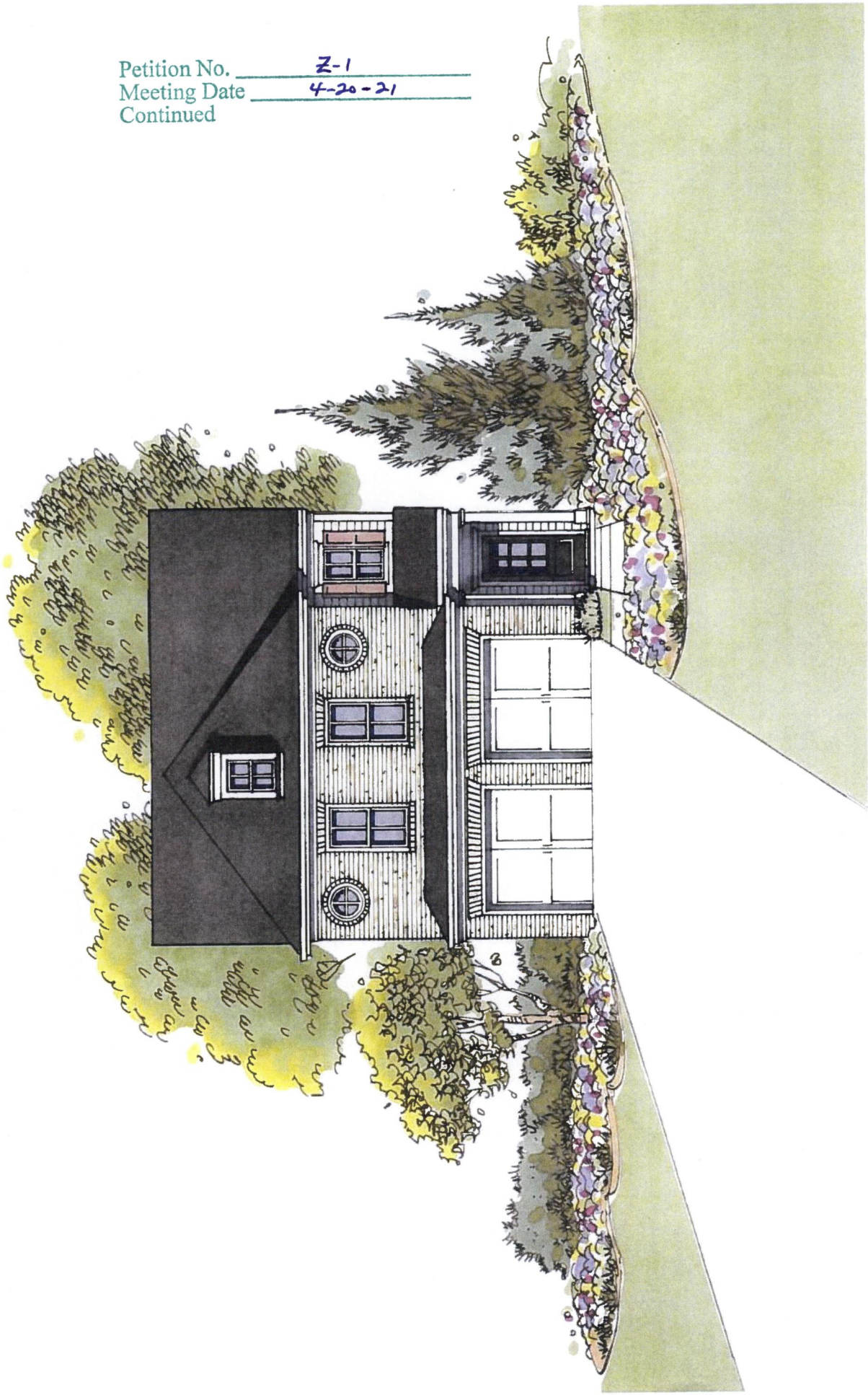

Petition No. Z-1
Meeting Date 4-20-21
Continued

Min. Bk. 92 Petition No. Z-6
Doc. Type letter w/site plan

Meeting Date 4-20-21

S L H

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

March 31, 2021

(REVISED STIPULATION LETTER & REVISED SITE PLAN)

VIA HAND DELIVERY & EMAIL

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

Re: Application of Loyd Development Services to Rezone an approximate 12.37 Acre Tract from NRC, LRO and RA-5 to FST – No. Z-6 (2021)

Dear John:

You will recall that this firm represents Loyd Development Services ("LDS") concerning the above-captioned Application for Rezoning. The Application was heard, considered and held by the Cobb County Planning Commission on March 2, 2021 and is, thus, presently scheduled to be heard and considered by the Planning Commission for its recommendation on April 6, 2021. Thereafter, the application will be heard and considered for final action by the Cobb County Board of Commissioners on April 20, 2021.

As a follow-up to conversations and the dialogue which we have established with Planning Commission Members, the County's professional staff; representatives of the Mableton Improvement Coalition ("MIC"); and, area residents and business owners within this sub-area of southwest Cobb County, this letter will serve as LDS' agreement with he following revised stipulations becoming conditions and a part of the grant of the requested Rezoning.

Petition No. Z-6
Meeting Date 4-20-21
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 31, 2021
Page 2

The property at issue, "Subject Property", was originally rezoned to the NRC, LRO and RA-5 triple-split zoning classifications on May 20, 2008. A subsequent Application for Rezoning was submitted last year (No. Z-6 {2020}) but was later "Withdrawn Without Prejudice".

The Subject Property is located on the southwesterly side of Mableton Parkway and on the southeasterly side of South Gordon Road (6590 Mableton Parkway). As mentioned above, the property is zoned in the NRC, LRO and RA-5 Zoning districts but has lain undeveloped since its original entitlement in 2008 even though located within an area formerly denominated as a Neighborhood Activity Center and which is now (notwithstanding adjacent commercial zoning designations) located within an area under the Future Land Use Map which is denominated as Medium Density Residential ("MDR").

With respect to the foregoing, we have been authorized by LDS to agree to the following revised stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the Subject Property thereafter:

1. The revised 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 concerning the Subject Property which constitutes the subject matter of the above-captioned Application for Rezoning.

2. Rezoning of the Subject Property shall be from NRC, LRO and RA-5 to FST, consistent with and in substantial conformity to that certain revised site plan which is being submitted concurrently herewith.

3. The total site area of the Subject Property consists of approximately 12.37 acres which shall be developed as an upscale, Class "A" townhome community which constitutes a "down-zoning" of a preponderance of the Subject Property.

4. The architectural style and composition of the homes being constructed within the residential community shall consist of townhomes, a minimum of 24 feet (24') in width, which shall be served by front-loaded, two-car garages and sufficient driveway width and length to handle the parking of a minimum of two (2) additional vehicles at all times.[1]

[1] The particular demographic which LDS is addressing will consist primarily of homeowners with families.

Petition No. Z-6
Meeting Date 4-20-21
Continued

The front, sides and rears of the homes shall include a mixture of components consisting of brick, stacked stone, and cementitious components including Hardi-plank and Hardi-plank shake. The architectural style and composition of the homes shall be in conformity to the Mableton Corridor Design District requirements.

LDS agrees to formulate a combination Landscape and Architectural Oversight Committee consisting of itself, a representative of MIC; and, the Community Development Director who shall be the final arbiter with respect to any issues which may reach an impasse. Of course, the final architecture shall be subject to review and approval by the District Commissioner.

5. The meaningful positioning of greenspace, throughout the development which shall be used for pedestrian connectivity for passive/active recreational amenities including, but not necessarily limited to: a club house; a fire pit area; a social gathering/contemplation area; utilizable recreational hardscape features; a gazebo; a dog park; a children's play area; and, other features which will be supported by the mandatory HOA as hereinafter described.

6. Entrance signage for the proposed subdivision at South Gordon Road and on Mableton Parkway shall be ground-based, monument-style signage with the finish, materials and colors matching the architectural style and composition embodied within the townhome development. There shall be no exterior, temporary signs and no other signage indicating the coming residential community.

7. Environmentally sensitive lighting, themed to the architectural style and composition of the residences shall be utilized throughout the residential development and shall be subject to a photometric plan submitted during the Plan Review Process.

8. The Subject Property shall be developed for ninety-three (93) single-family Townhomes at a density of 7.51 units per acre. A maximum of ten percent (10%) of the Townhomes at any one time may be rental units with this clause to be included in the Covenants, Conditions and Restrictions ("CCRs").

9. The homes shall be a minimum of 1,800 square feet in size and shall range up to 2,325 square feet and greater. All of the homes shall have two-car garages of driveways of sufficient width and length for the parking of two (2) additional vehicles

Petition No. Z-6
Meeting Date 4-20-21
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 31, 2021
Page 4

on the driveways. Additionally, as noted on the revised site plan, the inclusion of forty-eight (48) strategically placed guest parking places which have been positioned in accordance with Fire Marshal recommendations regarding same and which include parking for the ADA Accessible mail kiosk area.

10. The creation of a mandatory Homeowners' Association ("HOA") and a submission of Declaration of Covenants, Conditions and Restriction ("CCRs") which shall include among other components, strict architectural controls.

11. The mandatory HOA shall be responsible for the upkeep and maintenance of all common areas, landscaped areas, fences, lighting, guest parking areas and amenities within the proposed residential community, as well as the roofs of the Townhomes themselves which shall remain uniform and which shall be funded by said HOA.

12. The submission of a Landscape Plan prior to and/or contemporaneously with the Plan Review process, subject to review and final approval by the District Commissioner. The revised site plan filed herewith depicts the installation of heavily landscaped earthen berms, twenty-five feet (25') in width and four feet, six inches (4' 6") in height along the Subject Property's frontage on South Gordon Road and Mableton Parkway and within the forty foot (40') and fifty foot (50') setbacks, respectively (including the property at the Pin Corner of the southeast quadrant of the intersection of South Gordon Road and Mableton Parkway).

13. Compliance with the following recommendations from the Cobb County Department of Transportation ("DOT"), including:

    a. The voluntary donation and conveyance of right-of-way so that the County can achieve 50 feet (50') from the center line of South Gordon Road beginning four hundred feet (400') tangent distance from Mableton Parkway and ending at the northern edge of the Subject Property in order to accommodate a future left-turn lane which was also recommended by the Traffic Impact Study ("TIS") submitted by A&R Engineering and completed in connection with a previous zoning case (No. Z-6 [2020]).

    b. All streets shall be public with lighting and utilities being constructed to Cobb County Standard Specifications.

SAMS, LARKIN & HUFF
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VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 31, 2021
Page 5

c. Planning for an ultimate connection to the "Mableton Trail System" by way of a ten foot (10') wide multi-use sidewalk.

d. Coordinating with Cobb DOT and the Georgia Department of Transportation ("GDOT") prior to development plan approvals in order to install a bus stop pad at the entrance on Mableton Parkway subject to CobbLinc and GDOT approval.

e. The Mableton Parkway point of ingress shall also include a deceleration lane, the location and design of which shall be determined during the Plan Review Process subject to both Cobb DOT and GDOT approval.

f. Obtaining GDOT permits for all work which encroaches upon the State right-of-way.

g. The submission of the Trip Generation Comparison Memo, prepared by A&R Engineering, Inc., which was submitted under separate cover on February 26, 2021.

h. The alignment of the proposed subdivision's entrance on South Gordon Road with the subdivision entrance across the street therefrom.

14. Compliance with recommendations from the Stormwater Management Division with respect to detention, hydrology, water quality and downstream considerations including the following:

a. Revising/adjusting existing detention/water quality components on site in accordance with the current proposal to rezone the Subject Property for a townhome community.

b. The Subject Property drains in a southeasterly direction and LDS agrees to conduct pre-development and post-development hydrologic studies regarding substantive bodies of water downstream.

c. Subject to the ultimate positioning, configuration and details regarding revisions to the existing detention/water quality area.

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d. The submission of "clean" Phase I and Phase II Environmental Reports regarding the efficacy of the Subject Property for residential development with respect to subterranean and other site environmentally-related and/or geotechnical aspects.

15. Compliance with the recommendations from the Cobb County Waters System with respect to the availability of water and sewer to service the Subject Property.

16. Compliance with the recommendations from the Cobb County Fire Marshal's Office regarding life-safety and fire-prevention issues.

17. Subject to the granting of the sole concurrent Variance request as shown on the revised site plan submitted herewith; that is, waiving the maximum density under MDR by 2.51 units per acre (in view of the "downzoning" from both NRC & LRO).

18. The District Commissioner shall have the authority to approve minor modifications to the site plan, architecture and these stipulations as the development proposal as it proceeds through the Plan Review Process and thereafter except for those that:

    a. Increase the density of the residential community.

    b. Reduce the size of an approved buffer adjacent to 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 property that is zoned in a more restrictive zoning district.

    e. Are in conflict with the stipulations contained herein or which require the approval of a Variance beyond the requested Variances mentioned above.

Petition No. Z-6
Meeting Date 4-20-21
Continued

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 31, 2021
Page 7

Please do not hesitate to contact me should you, your staff, Planning Commission Members or Board Members require any additional information or documentation prior to this Application being heard next week. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./dls
Enclosure/Attachment

cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Dr. Jackie McMorris, County Manager (via email w/attachment)
Members, Cobb County Planning Commission (via email w/attachment)
BOC Commission Assistants (via email w/attachment)
Ms. Jessica Guinn, AICP, Director, Community Development (via email w/attachment)
Mr. Jason Gaines, AICP, Manager (via email w/attachment)
Mr. Phil Westbrook, Planner III (via email w/attachment)
Ms. Jeannie Peyton, Senior Planner (via email w/attachment)
Mr. Terry Martin, Planner III (via email w/attachment)
Mr. Donald Wells, Planner I (via email w/attachment)
Ms. Tannesha Bates, Planner I (via email w/attachment)
Ms. Margie Vazquez, Planner I (via email w/attachment)
Ms. Pamela Mabry, County Clerk (via email w/attachment)
Ms. Robin Stone, Deputy County Clerk (via email w/attachment)
Ms. Leila Washington, Deputy County Clerk (via email w/attachment)
Ms. Mary Lanning, RLA, Fire Marshal's Office (via email w/attachment)
Capt. Josh Davis, Fire Marshal's Office (via email/with attachment)
Mr. David Breaden, P.E., Stormwater Management Division (via email w/attachment)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachment)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachment)

Petition No. Z-6
Meeting Date 4-20-21
Continued

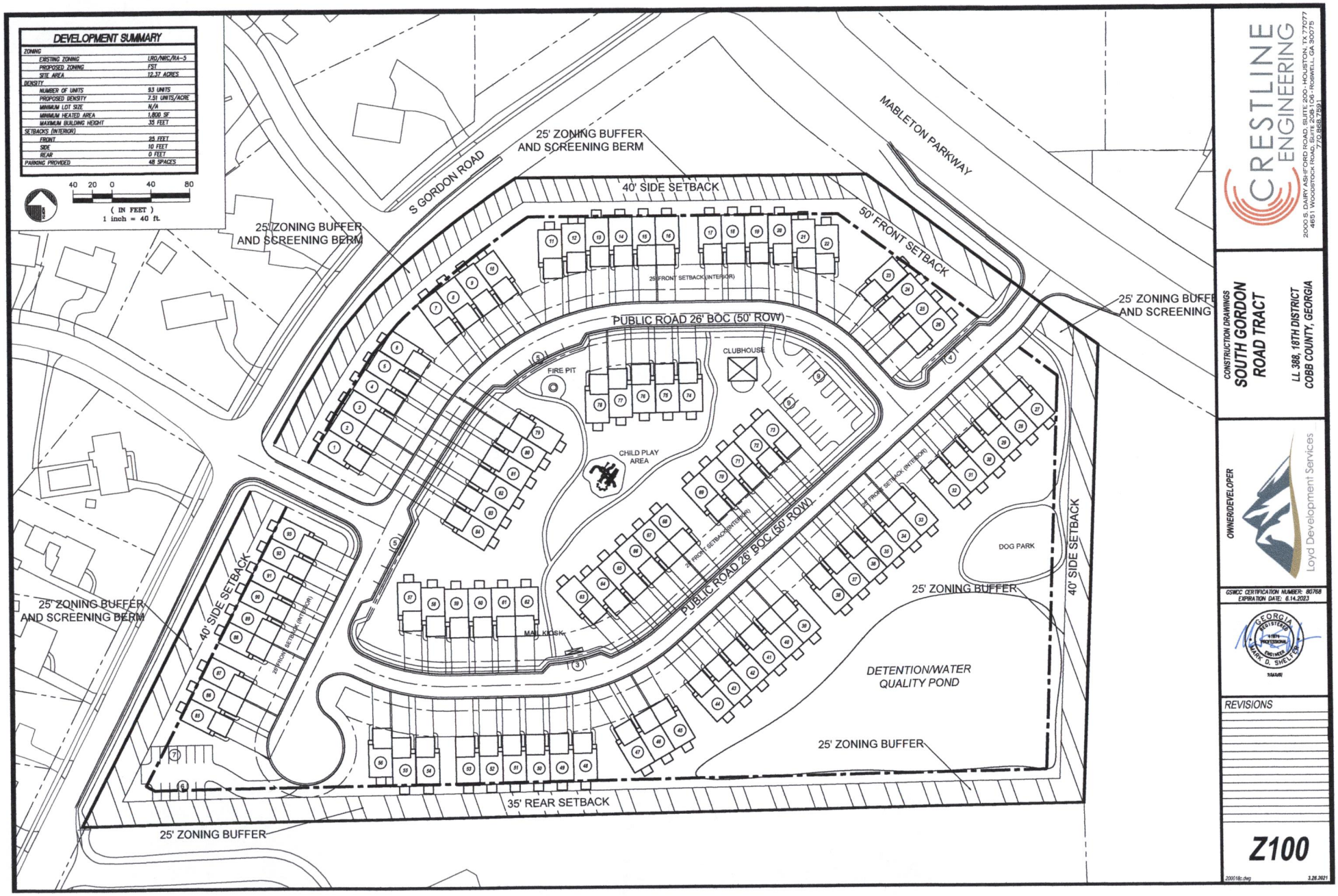
SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 31, 2021
Page 8

Ms. Abby Rettig, P.E., Cobb DOT (via email w/attachment)
Mr. Tim Davidson, Water System (via email w/attachment)
Ms. Robin Meyer, Vice President, Mableton Improvement Coalition ("MIC") (via email w/attachment)
Mr. John Loyd, Loyd Development Services (via email w/attachment)
Mr. Abdul Amer, P.E., A&R Engineering (via email w/attachment)
Mr. Tom Wasson (via email w/attachment)

Petition No. Z-6
Meeting Date 4-20-21
Continued



CRESTLINE ENGINEERING
2000 S. DAIRY ASHFORD ROAD, SUITE 200 - HOUSTON, TX 77077
4651 WOODSTOCK ROAD, SUITE 208-106 - ROSWELL, GA 30075
770.858.7291

CONSTRUCTION DRAWINGS
SOUTH GORDON ROAD TRACT
LL 388, 18TH DISTRICT
COBB COUNTY, GEORGIA

OWNER/DEVELOPER
Loyd Development Services

GSWCC CERTIFICATION NUMBER: 80768
EXPIRATION DATE: 6.14.2023

GEORGIA REGISTERED PROFESSIONAL ENGINEER MARK D. SHELTON

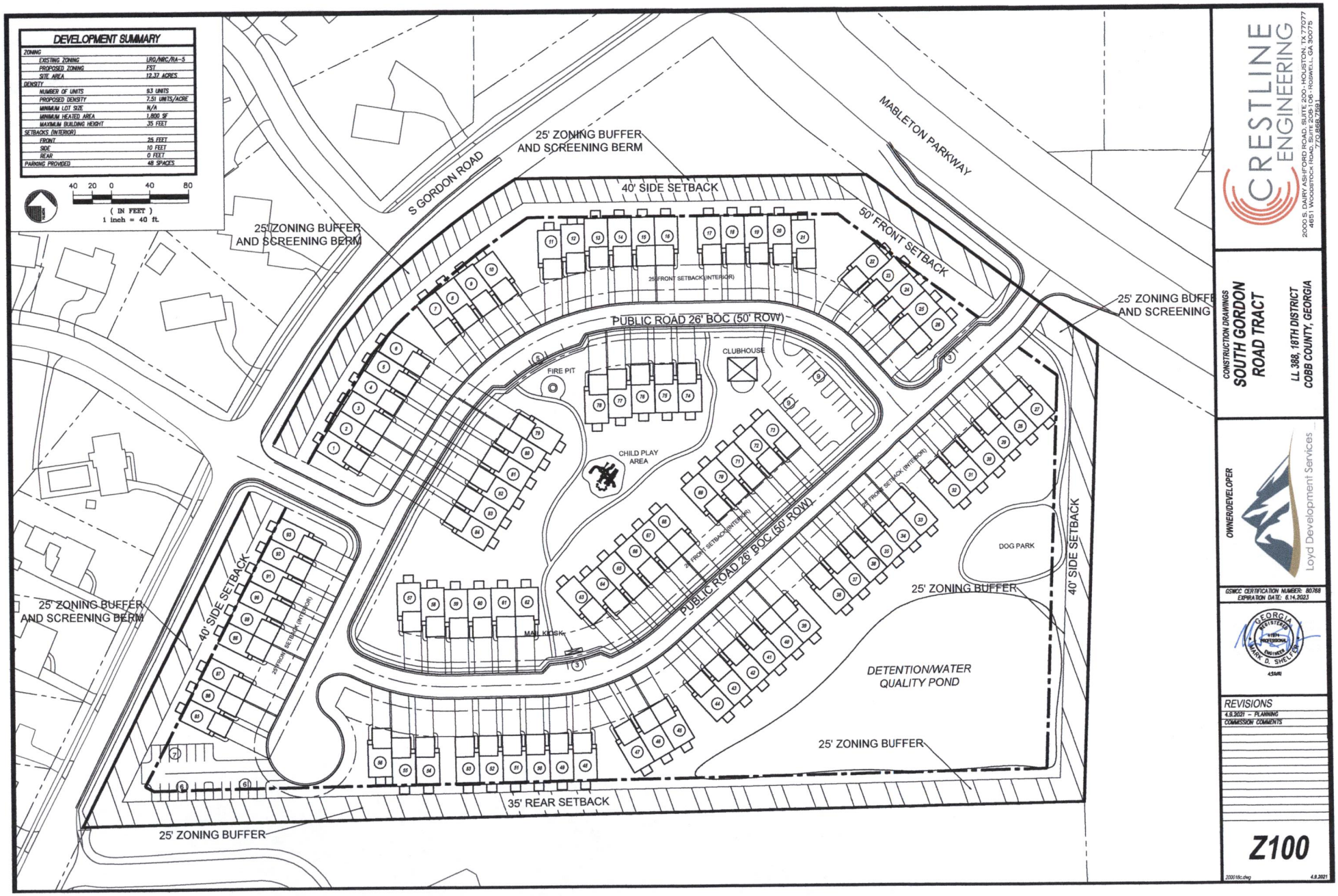
REVISIONS

Z100

200016c.dwg 3.26.2021

Min. Bk. 92 Petition No. Z-6
Doc. Type Revised Site Plan

Meeting Date 4-20-21



CRESTLINE ENGINEERING
2000 S. DAIRY ASHFORD ROAD, SUITE 200 - HOUSTON, TX 77077
4651 Woodstock Road, Suite 208-106 - Roswell, GA 30075
770.868.7591

CONSTRUCTION DRAWINGS
SOUTH GORDON ROAD TRACT
LL 388, 18TH DISTRICT
COBB COUNTY, GEORGIA

OWNER/DEVELOPER
Loyd Development Services

GSWCC CERTIFICATION NUMBER: 80768
EXPIRATION DATE: 6.14.2023

GEORGIA REGISTERED PROFESSIONAL ENGINEER MARK D. SHELTON

REVISIONS
4.8.2021 - PLANNING COMMISSION COMMENTS

Z100

20001dc.dwg 4.8.2021

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

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

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

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

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0026

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-8233

HARRISBURG, PENNSYLVANIA
3909 HARTZDALE DRIVE
SUITE 901
CAMP HILL, PENNSYLVANIA 17011
TELEPHONE (717) 790-2854

Min. Bk. 92 Petition No. Z-12
Doc. Type letter
Meeting Date 4-20-21

March 30, 2021

Via E-mail Only

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

RE: Application for Rezoning - Application No.: Z-12 (2021)
Applicant: Traton, LLC
Property Owners: Lillie J. Johnson; Estate of R. A. Johnson, a/k/a Ralph A. Johnson; Mary Ellen Johnson Sanford; Sandra Rachel Johnson Perkins; and Terry Paul Johnson
Property: 5.04 acres, more or less, located on the northwesterly side of Austell Road and the southwesterly side of Waymar Drive, northerly of Milford Church Road, being more particularly known as 2818 Austell Road, Land Lots 627 and 628, 19th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Traton, LLC, the Applicant (hereinafter referred to as "Applicant"), and Lillie J. Johnson; the Estate of R.A. Johnson, a/k/a Ralph A. Johnson; Mary Ellen Johnson Sanford; Sandra Rachel Johnson Perkins; and Terry Paul Johnson, the Property Owners (hereinafter collectively referred to as "Owners" or "Property Owners"), in their Application for Rezoning with regard to a total tract of 5.04 acres, more or less, located on the northwesterly side of Austell Road and the southwesterly side of Waymar Drive; northerly of Milford Church Road, being more particularly known as 2818 Austell Road, Land Lots 627 and 628, 19th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property"

or the "Subject Property"). After meetings and discussions with Planning and Zoning Staff and County representatives, reviewing the Departmental Comments and Staff Recommendations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full all prior letters of stipulations and conditions, including the letter dated and submitted on February 22, 2021. The proposed, revised stipulations are as follows:

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

(2) Rezoning of the Subject Property shall be from the existing zoning classification of Neighborhood Retail Commercial ("NRC") to the proposed zoning classification of RM-8, site plan specific to the revised Zoning Plan ("Site Plan") prepared for Applicant by Gaskins Surveying Company, Inc., dated and last revised February 3, 2021, and submitted electronically to the Cobb Zoning Division on March 29, 2021. A reduced copy of the revised Site Plan is attached to this stipulation letter as Exhibit "A" and incorporated herein by reference.

(3) The Subject Property consists of 5.04 acres, more or less, and will be developed for an addition to a previously approved residential community known as "Edgemoore at Milford," in the townhome style, containing a maximum of thirty-six (36) residences.

(4) The proposed townhomes shall be substantially similar and consistent in architecture, design, and exterior materials as the "Edgemoore at Milford" townhome community currently under development and construction by Applicant. The District Commissioner shall approve the final elevations if different from those currently constructed in "Edgemoore at Milford."

(5) The units shall have two-car garages. No garage areas within the proposed townhome community shall be converted into heated living space for the units. All garages shall be used primarily for the parking of vehicles with only incidental storage that does not interfere with parking for vehicles.

(6) The proposed townhomes shall have a minimum of 1,700 square feet of heated and cooled area.

(7) All units within the proposed townhome community shall be "for sale" units. There shall be no more than a maximum of five (5) percent of the units being leased at any one time.

(8) Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed townhome community. The five percent rental restriction and garage use restriction shall be enforced by the mandatory Homeowners Association. The Homeowners Association shall be responsible for the maintenance of all roofs.

(9) Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Applicant agrees to the creation of a mandatory Homeowners Association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, amenity and open space, stormwater management landscape areas, general landscaped areas, mail kiosk, private streets, fencing, and the like contained within the community. Applicant may satisfy this condition by annexing the Subject Property into the existing Homeowners Association for Edgemoore at Milford.

(10) The yard areas around each unit shall be fully sodded, except for landscape areas, and maintained by the mandatory Homeowners Association to be created through the Declaration of Restrictive Covenants applicable to the proposed community.

(11) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the proposed townhomes, as allowed by the power provider.

(12) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents consistent with the architecture and style of the residences. The entrance landscaping shall be professionally designed, implemented, and maintained.

(13) The setbacks for the proposed community shall be as shown and reflected on the referenced, revised Site Plan.

(14) There shall be internal sidewalks within the proposed townhome community, as more particularly shown and reflected on the referenced, revised Site Plan.

(15) All construction and employee vehicles and equipment will be parked, and otherwise located, on the Subject Property during development of infrastructure and construction of residences, and shall not be parked on or along Austell Road or Waymar Drive. There will be no stacking of vehicles along any roadway waiting for entry onto the Subject Property.

(16) Development and construction hours for the proposed project shall be limited to the following:

(a) 7:00 a.m. to 7:00 p.m. - Monday-Friday;

(b) 8:00 a.m. to 6:00 p.m. - Saturday; and

(c) No work on Sunday.

(17) There shall be a twenty-five (25) foot landscape buffer along the existing residentially zoned property, as shown and reflected on the referenced, revised Site Plan, which buffer shall contain, at a minimum, a double row of evergreen trees, a minimum of six (6) feet in height at planting, and planted on ten (10) foot centers.

(18) The Property's frontage along Austell Road shall be heavily landscaped to provide visual screening; and shall include, at a minimum, evergreen trees, a minimum of six (6) feet in height at planting, along with berming, additional plant material, and landscaping as site conditions may allow.

(19) Minor modifications to the within stipulations, the referenced, revised Site Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:

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

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

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

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

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

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

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

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

(20) All landscaping referenced herein; including, but not limited to, the street frontage, entrance area, and landscape buffer, shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscape plan for the proposed community.

(21) Detention and water quality facilities for the proposed community shall be as shown and reflected on the revised Site Plan, unless approved otherwise by Cobb County Stormwater Management. Said facilities shall be screened by fencing, a minimum of six (6) feet in height with landscaping to the exterior of the fencing for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the Plan Review Process. All landscaping and fencing surrounding the detention area shall be maintained by the mandatory Homeowners Association.

(22) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property; except as may be modified by the Director of such Division.

(23) Applicant requests a waiver of the Cobb County Department of Transportation Standard which requires parallel parking spaces to be set back at least fifty (50) feet from an intersection radius, as opposed to the intersection.

We believe the requested zoning, together with the revised Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration Edgemoore at Milford and other similar developments, and the uses of properties in the immediate and surrounding areas. The proposed residential community shall be a quality development, as established by Applicant in previous developments in Cobb County and the Atlanta area, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

J. Kevin Moore

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

Petition No. Z-12
Meeting Date 4-20-21
Continued

c: Cobb County Planning Commission
Galt Porter, Chairman
Fred Beloin
Deborah Dance
Alice Summerour
Anthony Waybright
(With Copy of Attachment)

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

Traton, LLC
(With Copy of Attachment)

Petition No. Z-12
Meeting Date 4-20-21
Continued

NOT ISSUED FOR CONSTRUCTION

EDGEMOORE AT MILFORD NORTH

Gaskins

REVISIONS

SHEET TITLE
ZONING PLAN
CONCEPT 6

SEAL

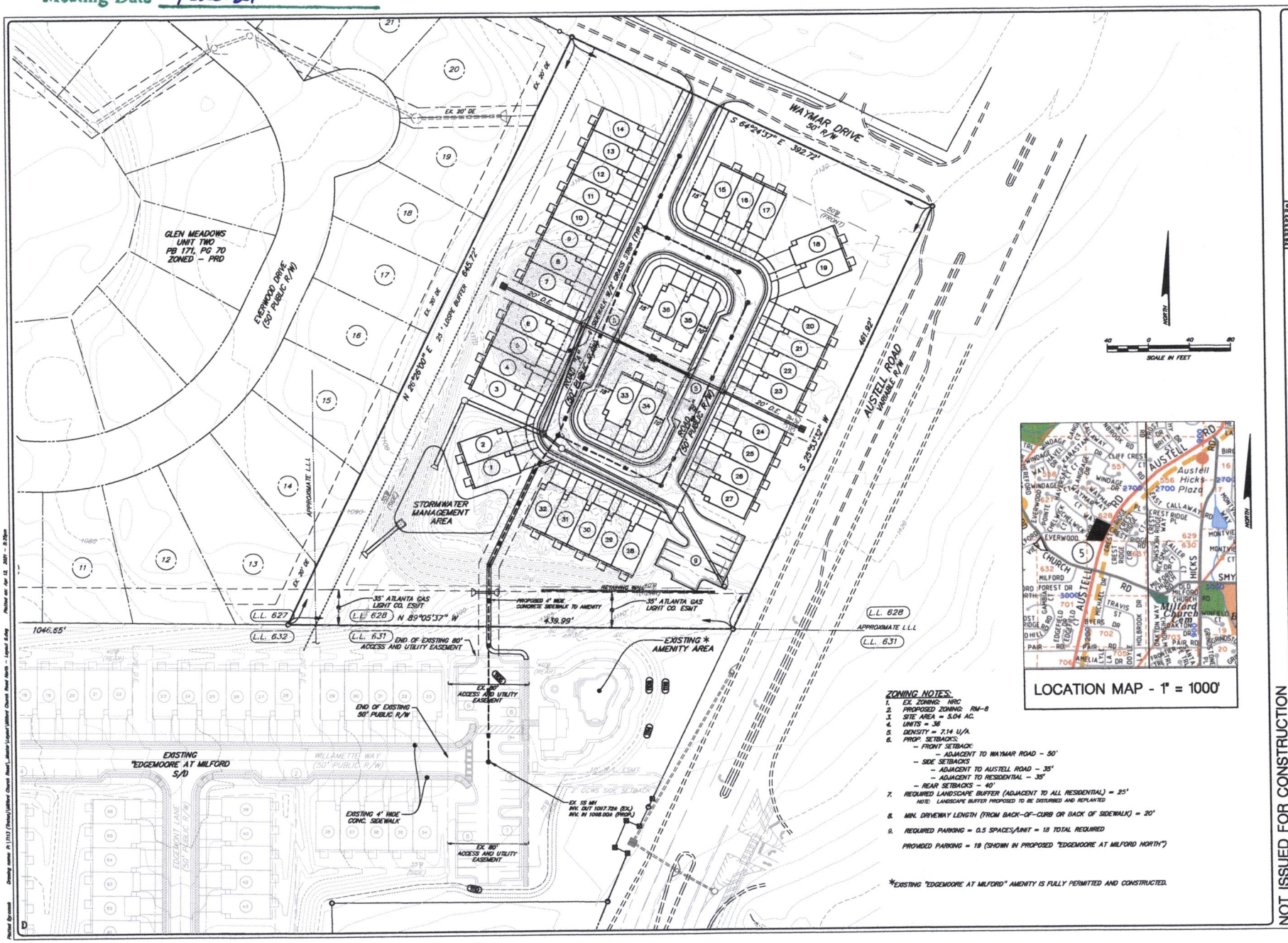
DRAFT

PROJECT ID | FIELD BOOK
DRAWN BY TES | CHECKED BY DLS
SCALE 1" = 40' | ISSUE DATE 02/03/2021
SHEET NUMBER 1 of 2

LOCATION MAP - 1" = 1000'

EXHIBIT "A"

Min. Bk. 92 Petition No. Z-12
Doc. Type Revised Site Plan dated 4-12-21
Meeting Date 4-20-21



ZONING NOTES:

1. EX. ZONING: NRC
2. PROPOSED ZONING: RM-8
3. SITE AREA = 5.04 AC.
4. UNITS = 36
5. DENSITY = 2.14 U/A.
6. PROP. SETBACKS:
   - FRONT SETBACK:
     - ADJACENT TO WAYMAR ROAD - 50'
   - SIDE SETBACKS
     - ADJACENT TO AUSTELL ROAD - 35'
     - ADJACENT TO RESIDENTIAL - 35'
   - REAR SETBACKS - 40'
7. REQUIRED LANDSCAPE BUFFER (ADJACENT TO ALL RESIDENTIAL) = 25'
   NOTE: LANDSCAPE BUFFER PROPOSED TO BE DISTURBED AND REPLANTED
8. MIN. DRIVEWAY LENGTH (FROM BACK-OF-CURB OR BACK OF SIDEWALK) = 20'
9. REQUIRED PARKING = 0.5 SPACES/UNIT = 18 TOTAL REQUIRED

   PROVIDED PARKING = 19 (SHOWN IN PROPOSED "EDGEMOORE AT MILFORD NORTH")

*EXISTING "EDGEMOORE AT MILFORD" AMENITY IS FULLY PERMITTED AND CONSTRUCTED.

Gaskins

© 2020
This drawing may be used for the express purpose of constructing the work shown for the site and owner specified for the date. Any other use of this drawing including any reproduction or alteration of this drawing without the prior written approval of Gaskins Surveying Company, Inc. is prohibited.

EDGEMOORE AT MILFORD NORTH

REVISIONS		
REV.	DATE	REVISION REFERENCE

SHEET TITLE
ZONING PLAN
CONCEPT 9

SEAL

DRAFT

PROJECT I.D.	FIELD BOOK
DRAWN BY: TES	CHECKED BY: DLS
SCALE: 1" = 40'	ISSUE DATE: 04/12/2021

SHEET NUMBER
1 of 2

NOT ISSUED FOR CONSTRUCTION

Plotted By: cjcook Drawing name: P:\713 (Tinkle)\Milford Church Road_Master Layout\Milford Church Road North - Layout 5.dwg Plotted on: Apr 12, 2021 - 8:39pm

Min. Bk. 92 Petition No. Z-14
Doc. Type Site Plan

Meeting Date 4-20-21

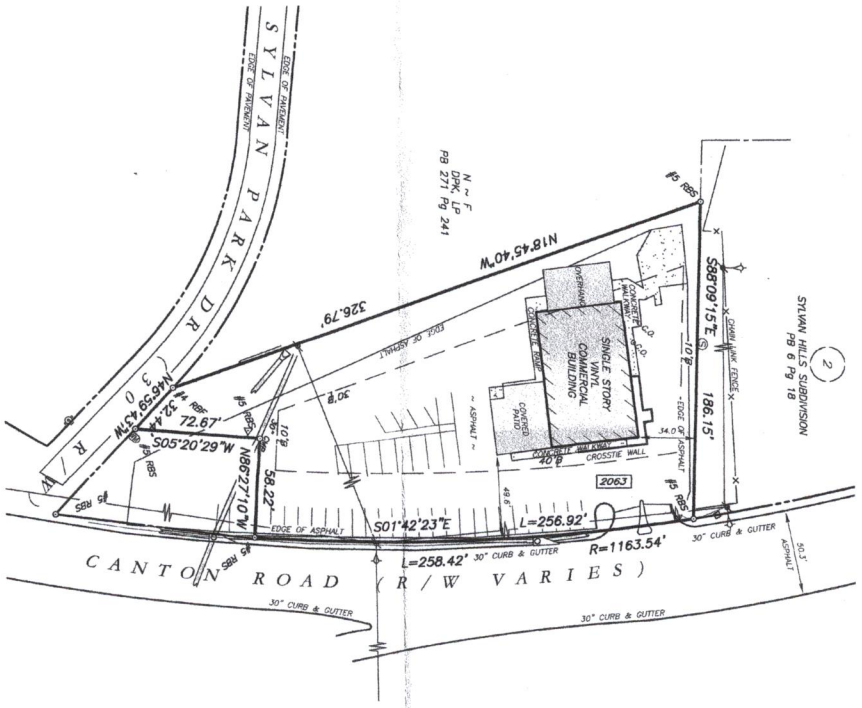
RESERVED FOR COURT CLERK

Z-14-2021
RECEIVED
JAN 08 2021

LEGEND

POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
RBF	REBAR FOUND
RBS	REBAR SET
MAF	MAG NAIL FOUND
MAS	MAG NAIL SET
CRF	CAPPED REBAR FOUND
CRS	CAPPED REBAR SET
CMF	CONCRETE MONUMENT FOUND
DI	DROP INLET
YI	YARD INLET
JBCS	JUNCTION BOX CONTROL STRUCTURE
SWCB	SINGLE WING CATCH BASIN
HWCB	HEADWALL
FES	FLARED END SECTION
RCP	REINFORCED CONCRETE PIPE
FSE	FORCE MAIN EASEMENT
S.S.E.	SANITARY SEWER EASEMENT
W.E.	WATER EASEMENT
	FIRE HYDRANT
	WATER VALVE
	GAS METER
	POWER POLE
	ELECTRICAL BOX
	GUY WIRE
	POWER POLE ELECTRICAL
	DROP INLET
	JUNCTION BOX
	DOUBLE WING CATCH BASIN
	HEAD WALL SECTION
	UNDERGROUND GAS LINE
	UNDERGROUND TELEPHONE LINE
	UNDERGROUND ELECTRIC LINE
	SANITARY SEWER MANHOLE
	CLEAN OUT
	FENCE
	SPOT ELEVATION

GRID NORTH (GA WEST ZONE)



SCALE 1" = 50'

SITE DATA

N ~ F
PEARL RIVER BROTHERS LLC
DB 15613 Pg 1056

0.933 ACRES
40,651 Sq. Ft.

GENERAL NOTES

A LEICA ROBOTIC TOTAL STATION TS13 R500 P5" WITH A CARLSON SURVEYOR 2 DATA COLLECTOR WAS USED TO OBTAIN THE ANGULAR AND LINEAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED A CLOSED TRAVERSE WITH A HORIZONTAL CLOSURE OF 1:126,412 WITH AN ANGULAR ERROR OF 2.8 SECONDS TO THE SQUARE ROOT OF n. THE TRAVERSE WAS ADJUSTED USING THE LEAST SQUARES METHOD.

THE HORIZONTAL CLOSURE FOR THIS PLAT HAS BEEN CALCULATED TO BE 1:156,088.

THE HORIZONTAL AND VERTICAL DATUM FOR THIS SURVEY IS BASED ON GPS OBSERVATION WITH A LEICA GS14 GPS RECEIVER ON THE "SMART NET" HARN NETWORK WITH REDUCTION TO GEORGIA STATE PLANE COORDINATES (WESTERN ZONE).

THE FOLLOWING SETBACKS APPLY TO PROPERTIES ZONED GC (COMMERCIAL) PER COBB COUNTY ZONING ORDINANCES.

FRONT SETBACK	40 FEET
SIDE SETBACK	10 FEET
REAR SETBACK	30 FEET

VERIFY THIS SETBACK INFORMATION WITH THE APPROPRIATE ZONING AUTHORITIES FOR SAID MUNICIPALITY.

THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 13067C0044G AND THE DATE OF SAID MAP IS DECEMBER 16, 2008. THIS DETERMINATION WAS MADE BY GRAPHICALLY PLOTTING THE LOCATION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

UTILITIES SHOWN ON THIS PLAT ARE BASED ON VISIBLE ABOVE GROUND EVIDENCE. UNDERGROUND UTILITIES MAY EXIST IN THIS SITE THAT ARE NOT SHOWN ON THIS SURVEY.

SURVEY REFERENCES

1. REFERENCE A LIMITED WARRANTY DEED TO PEARL RIVER BROTHERS LLC, A GEORGIA LIMITED LIABILITY COMPANY RECORDED IN DEED BOOK 15613, PAGE 1056.
2. REFERENCE A SET OF RIGHT OF WAY PLANS OF PROJECT M-0001-00(008) FOR DEPARTMENT OF TRANSPORTATION - HIGHWAY DIVISION DATED OCTOBER 16, 1973 LAST REVISED ON NOVEMBER 22, 1976.
3. REFERENCE A RIGHT OF WAY DEED FOR THE DEPARTMENT OF TRANSPORTATION LAST REVISED APRIL 3, 1972.

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE ANY NEW PARCEL AND DOES NOT MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THAT PARCEL OR PARCELS ARE STATED HERE ON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL BY ANY LOCAL JURISDICTION AS TO THE LEGALITY OF, COMPLIANCE WITH, LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

JOSEPH T. BAKER, GA #2674 — 12-14-20
DATE

GEORGIA REGISTERED LAND SURVEYOR 2674 JOSEPH T. BAKER

Sheet 1 of 1

VARIANCE SURVEY FOR
TOM CHAN
LOCATED IN LAND LOT 733 OF THE 16th DISTRICT, 2nd SECTION, COBB COUNTY, GEORGIA
2063 CANTON ROAD, MARIETTA, GEORGIA, 30066

SURVEYS PLUS, INC.
3565 SOUTH COBB DR., S.E.
SMYRNA, GEORGIA 30080
PHONE: (770) 444-9736
www.surveysplusinc.com
"Cobb County Invention"

JOB NO.	5607
DRAWN BY	LSP
CHECKED	JTB
DATE	12-14-20
FIELD DATE	12-2-20
SCALE	1"=50'

REVISIONS	DATE

Min. Bk. 92 Petition No. Z-15
Doc. Type Site Plan
Meeting Date 4-20-21

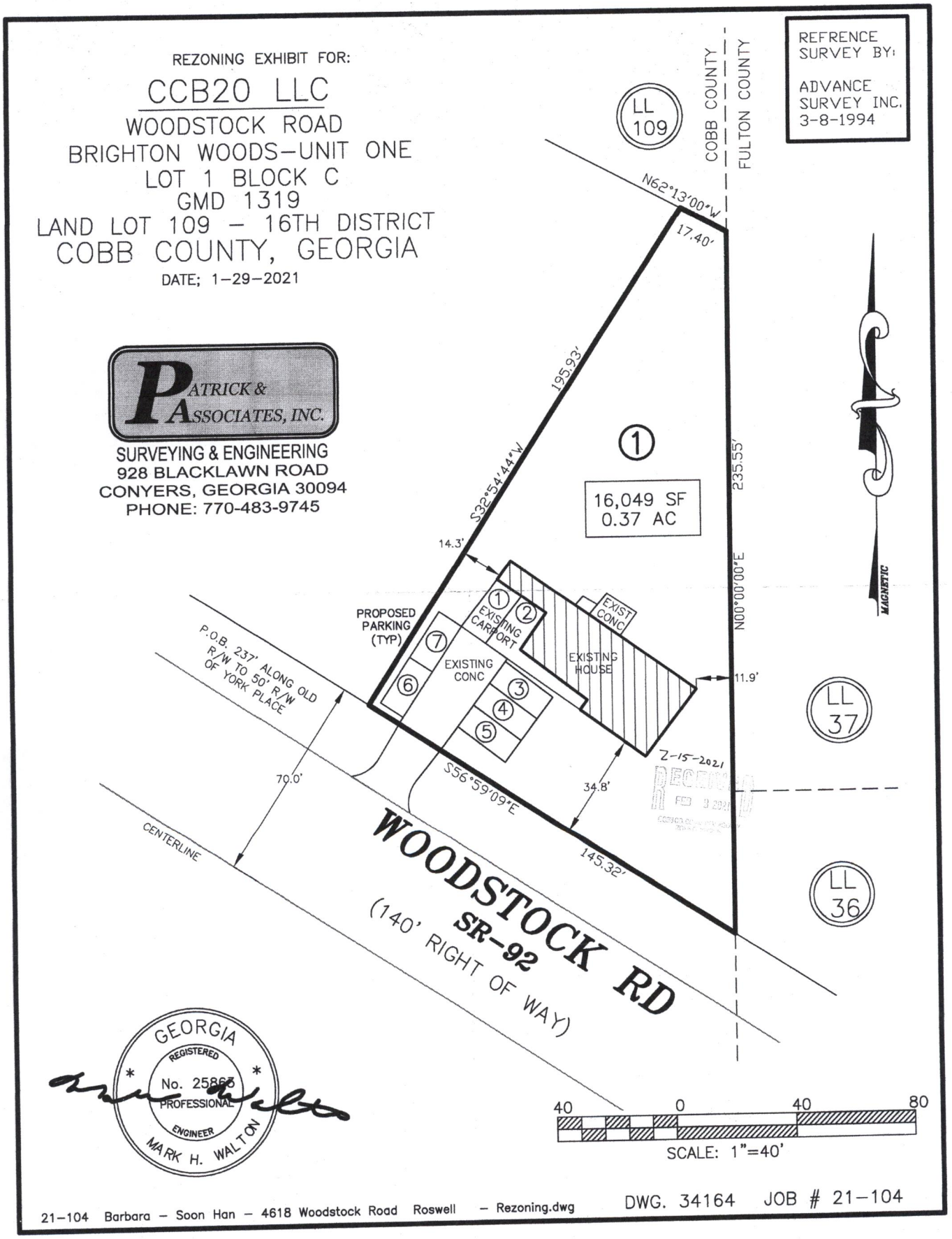
REZONING EXHIBIT FOR:

CCB20 LLC

WOODSTOCK ROAD
BRIGHTON WOODS–UNIT ONE
LOT 1 BLOCK C
GMD 1319
LAND LOT 109 – 16TH DISTRICT
COBB COUNTY, GEORGIA
DATE; 1–29–2021

PATRICK & ASSOCIATES, INC.
SURVEYING & ENGINEERING
928 BLACKLAWN ROAD
CONYERS, GEORGIA 30094
PHONE: 770-483-9745

REFRENCE SURVEY BY:
ADVANCE SURVEY INC.
3-8-1994

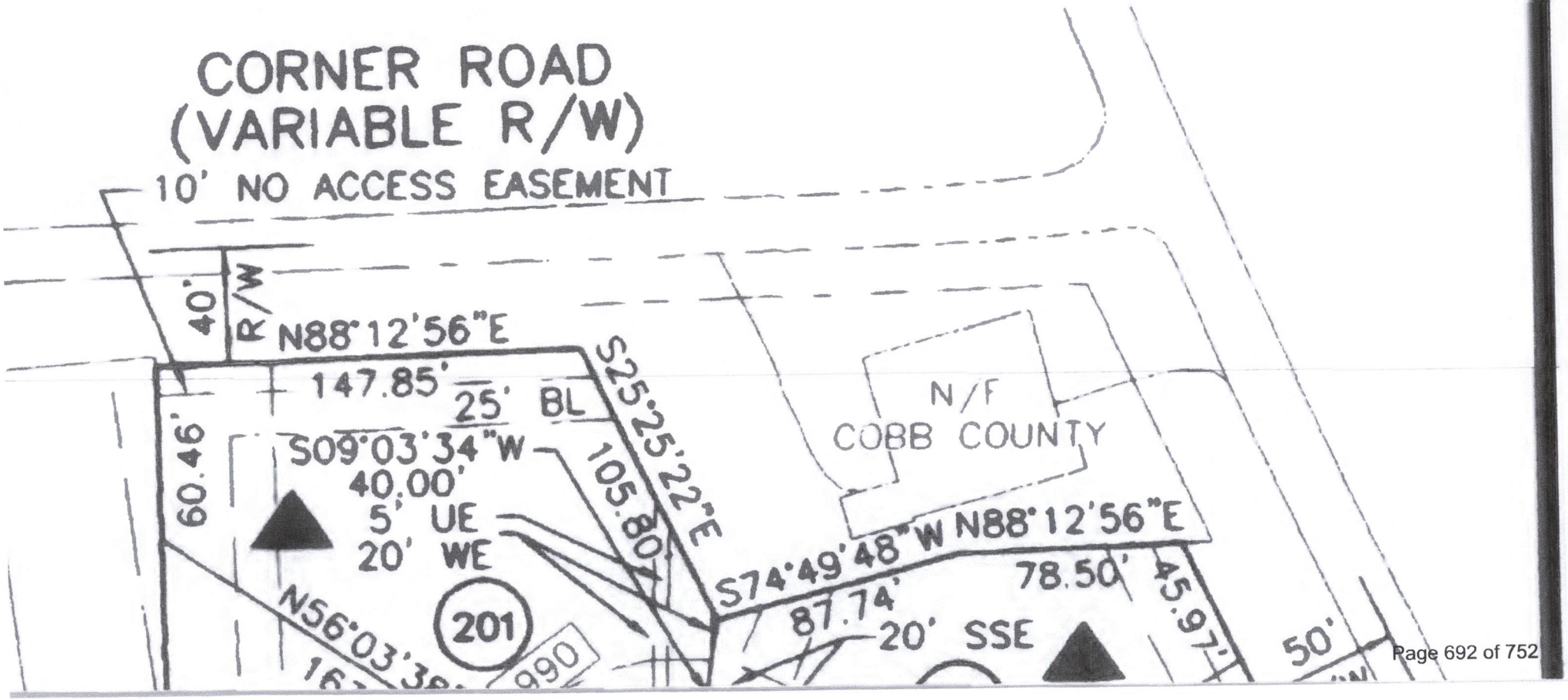


GEORGIA REGISTERED No. 25865 PROFESSIONAL ENGINEER MARK H. WALTON

21–104 Barbara – Soon Han – 4618 Woodstock Road Roswell – Rezoning.dwg DWG. 34164 JOB # 21–104

Min. Bk. 92 Petition No. LPSP-1
Doc. Type Site Plan

Meeting Date 4-20-21



Min. Bk. 92 Petition No. O.B.13
Doc. Type Letter from Jennifer Tucker + family
Meeting Date 4-20-21

OB13

13

March 10, 2021

Dear Board of Commissioners:

The intent of this letter is to offer a bit more background into our situation than the Other Business application has space to allow. In short, we are seeking permission from Cobb County for a small flock of ducks to remain on our property. The current county zoning requirement states that a minimum of two acres must exist for "livestock" to be permitted, and we sit on just under one acre. Our hope is that the members of the board will consider the adjacent lake area, the creek that runs through our property, and the permission of the lake residents and other nearby homeowners to be an adequate and non-harmful exception to the above-stated rule. We also hope that you all will come to understand and to appreciate that in this particular instance the ducks in question are an otherwise normal part of the environment they inhabit.

Our family has lived in Fox Hollow for fifteen years, was in a nearby East Cobb neighborhood the five years prior to that, and my husband grew up in East Cobb. We are business owners, and we serve the community in which we live. We work very hard to constantly improve our acreage, inside and out, and in making our little piece of Cobb our own, it is not our intent to interfere with or interrupt the way of life of the folks around us. Our yard was honored to be a featured stop on the American Hydrangea Society's tour a few years ago, and recently, it received the recognition of being named a Certified Wildlife Habitat by the National Wildlife Federation. All of this is to say that we take excellent care of our property, and we spend the bulk of our time here with friends and family. However, please know that it is not our stance that laws do not apply to us. Rather, in this situation, we must claim complete ignorance; it truly did not occur to us that allowing ducks to shelter on our property while they enjoy what is clearly their natural habitat was not allowed.

The six Silver Appleyard ducks in question joined our family during the Covid shutdown, and were specifically chosen by us because of their presence on the National Livestock Conservancy's list of endangered breeds. We are animal lovers, and we wanted to show our children that there is always something that you can do to help a cause, no matter how small. And because we have purchased from a reputable breeder and given these ducks an opportunity to inhabit our part of Georgia, they will become more recognized and appreciated for the wonderful animals that they are. In fact, a census of endangered heritage breed birds is currently being done by the National Livestock Conservancy, and our ducks will be counted as part of the groups that are growing and thriving!

The ducks spend their days on the water. They cruise the lake, eating weeds and yummy insects off the banks, and you'll also find them trailing behind the geese and other wood ducks that call the Fox Hollow lake home. They're very curious creatures, and they like to chat, too. The females quack to say hello, to alert the flock to intruders (animals or people they don't recognize), or to let us know that they're ready for dinner. Don, the drake, has a low-toned voice that he uses to herd the ladies when they're acting silly or refusing to follow his lead. Ducks are very social, so they are always together, and if one of them gets out of line there will be lots of quacks and wing flapping until everyone is back in a row. Since they've been a part of the Fox Hollow lake environment they've helped tidy up the water and surrounding banks, and they encourage and supervise other wildlife on a body of water that has the tendency to become

Petition No. O.B.13
Meeting Date 4-20-21
Continued

OB-13
2 of 3

stagnant and uninteresting in other circumstances. At dusk they make their way back to the duck house we've provided them in an effort to remain safe during predatory hours. Silver Appleyards are very personable and they are good layers, but they cannot fly away. It is vital to their survival that they have a secure place to sleep at night. That secure place gives them quick access to the creek and lake, and offers them a refuge, or a quick bite to eat whenever needed.

We ask that you please consider supporting these ducks by allowing them to remain here. They are beautiful, funny creatures, and they are endangered. Rehoming them would be very difficult and possibly harmful to them. Abandoned and unwanted ducks can quickly become residents of animal shelters and are there because they can no longer be cared for, or because they are no longer wanted. That is definitely not the case with Don and his ladies. They are loved, they are wanted, and they are happy being a part of the natural environment that exists around them.

We fully understand that because of the anonymity of the complaint filed against us that you all can only assume that someone finds these creatures to be a nuisance. However, we have spoken with all of the neighbors that we share property lines with, as well as all of the lake residents, and a multitude of Fox Hollow homeowners that pass our home while out on walks or who head to the lake to fish and watch the ducks. They are in full support of Don and his ladies and are quite perplexed that the complaint even exists. Many of them visit the ducks with their their children and grandchildren, and the Appleyards are quickly becoming the most popular Fox Hollow residents!

Our plan is to continue to speak with people about the ducks, and to educate whomever we can about their breed, why they're endangered, and what a wonderful opportunity it is for them to become thriving members of the Fox Hollow lake. Our hope is that the more folks that we can offer up to negate the anonymously filed complaint the better off our rebuttal will be received. Our family, which includes the ducks, would like to believe that there is still some sliver of acceptance that exists between neighbors, and that a community can be built that has ample space for every one and every thing.

Thank you for your time and consideration.

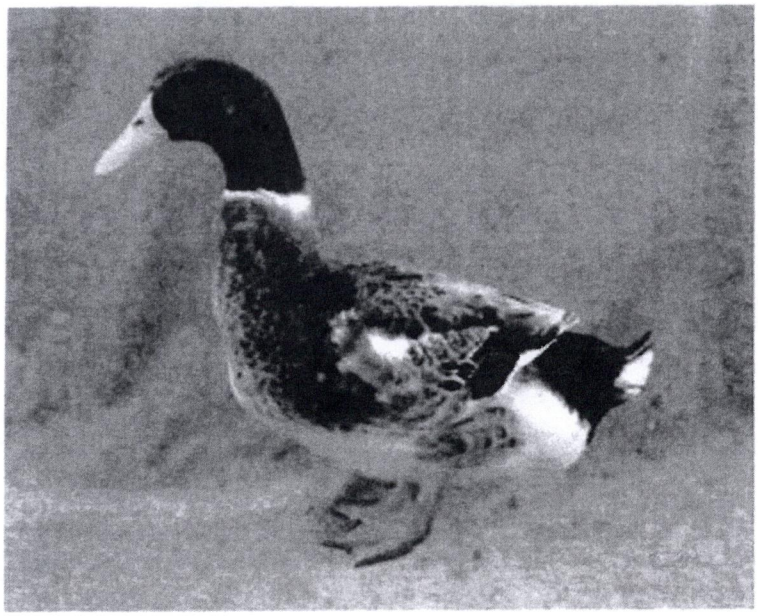
Best Regards,

Jennifer Tucker and Family

(And the ducks — Don, Sister, Alex, Mere, Christina & Bailey)

Petition No. O.B.13
Meeting Date 4-20-21
Continued

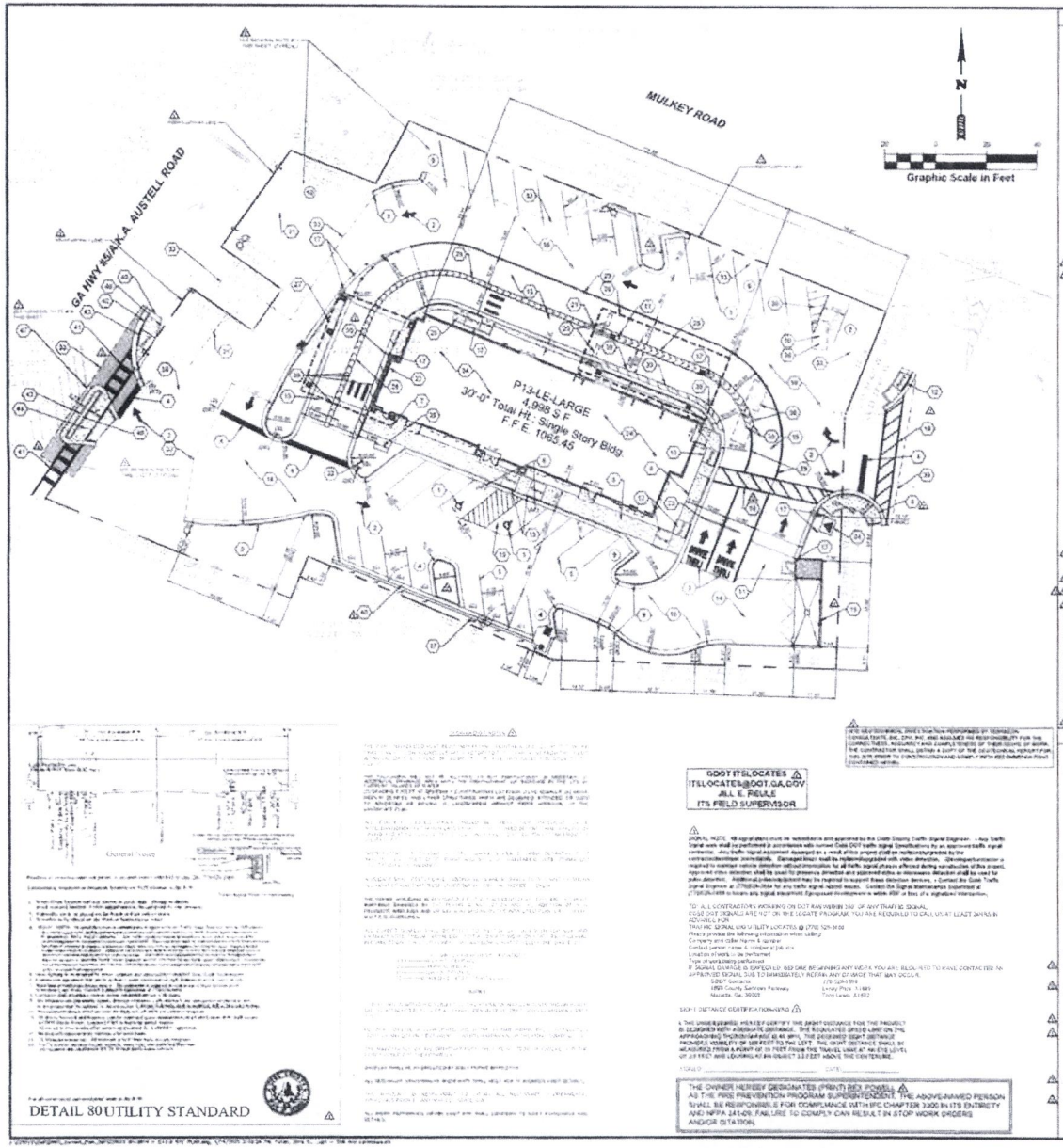
OB-13
383



"This big, colorful duck was developed by Reginald Appleyard at his famous Priory Waterfowl Farm near Bury St. Edmund, England. His goal, as stated in a 1940's farm brochure, was to make a beautiful breed of duck, with a combination of beauty, size, lots of big white eggs, and a deep long, wide, breast." (Holderread, 2001). Appleyards were brought to the United States in the 1960's and became available to the public in 1984. The American Poultry Association accepted the breed for inclusion to the American Standard of Perfection in 2000.

The Silver Appleyard is a large, sturdily built duck that weighs between 8-9 pounds. This breed's carriage varies from 15 to 25 degrees above horizontal and its body has a "blocky" conformation. The drake's bill is greenish or yellow with a black tip, his eyes are brown and his head and neck are greenish-black, sometimes exhibiting striping with age. The breast, sides, shoulders, and flank on a drake are reddish-chestnut with white frosting and lacing, his underbody is creamy or silvery white and his wings are gray and white with bright blue cross-stripe. The tail is blackish bronze, and legs and feet are orange. The female's bill is yellow or orange with a black bean, her eyes are brown and all plumage is generally whitish with gray, brown, fawn and buff markings with a blue cross-stripe on the wings. The legs and feet are orange with dark toenails."

Holderread, Dave. Storey's Guide to Raising Ducks. Pownal, VT: Storey Publishing, 2001.



DESIGN NOTES & KEY PLAN

1. PROPOSED PAINTED ACCESSIBILITY SYMBOL
2. PROPOSED DIRECTIONAL ARROW (TYP.)
3. PROPOSED SINGLE-YARD STRIPING (TYP.)
4. PROPOSED STOP SIGN (SHOWN)
5. PROPOSED PARKING STRIPING
6. PROPOSED ADA PARKING SIGN
7. PROPOSED CONCRETE SIDEWALK
8. PROPOSED CONCRETE SIDEWALK WITH CURB & GUTTER
9. PROPOSED CONCRETE CURB & GUTTER
10. PROPOSED MEDIUM DUTY CONCRETE PAVING
11. PROPOSED HEAVY DUTY CONCRETE PAVING
12. PROPOSED RAMP
13. PROPOSED SIDEWALK ACCESSIBLE RAMP
14. PROPOSED CONCRETE APRON AT TRASH ENCLOSURE
15. PROPOSED CONCRETE PAVEMENT JOINS-THRU LINE
16. PROPOSED ASPHALT PAVEMENT VECTRUL
17. PROPOSED CONCRETE BOLLARD
18. PROPOSED CROSSWALK STRIPING (PER COBB COUNTY STANDARDS)
19. PROPOSED DRIVE-THRU ORDER/PICK-UP WINDOW (SEE GENERAL NOTE 11 OF THIS SHEET)
20. PROPOSED MENU BOARD LAMP DETECTOR SYSTEM
21. PROPOSED SAWS-THRU UNDER POINT SLOPED CURB
22. PROPOSED DRIVE-THRU DOOR W/ CONCRETE RAMP ACCESS. SEE TOS TO ARCH. PLANS AND DRAINAGE PLAN D.C.E.
23. PROPOSED DOUBLE CLEARANCE BAR - LOCATION BASED ON SITE CONDITIONS (TYP.) (TYP.)
24. PROPOSED BUILDING - SEE TOS TO ARCH. PLANS FOR SPECIFICATIONS
25. PROPOSED 3 X 5' SLAB PAD
26. PROPOSED CANOPY PAINT CANOPY - REFER TO ARCH. PLANS FOR SPECIFICATIONS
27. PROPOSED ULTRA-LOW MEAL DELIVERY CANOPY - REFER TO ARCH. PLANS FOR SPECIFICATIONS
28. PROPOSED DRIVE-THRU OVERHEAD DIAGONAL STRIPING (SINGLE YELLOW SOLID LINE) (TYP.)
29. PROPOSED LANE LINE STRIPING (SINGLE WHITE SOLID LINE) (TYP.)
30. PROPOSED DIAGONAL STRIPING (SINGLE WHITE SOLID LINE) (TYP.)
31. RESTRIPE TO MATCH EXISTING CONDITIONS
32. PRE-POSTED 'NO' WALK RIGHT TURN SIGN
33. PROPOSED EXHAUST LINES. CONTRACTOR SHALL SAFELY SAWCUT, REMOVE AND MATCH EXISTING PAVEMENT & CURBING WITH SMOOTH TRANSITION.
34. PROPOSED 6" DETECTABLE WARNING CONCRETE PAD. COORDINATE WITH POWER EQUIPMENT FOR PAD & BOLLARD PROTECTION REQUIREMENTS PRIOR TO WORK IN THIS AREA.
35. PROPOSED BIKE RACK - 5 SPACES MIN.
36. PROPOSED GREASE INTERCEPTOR. REFER TO SHEET PS-1.2
37. PROPOSED GRAVITY WALL PER GDOT INDEX 9031 OR APPROVED EQUAL
38. EXISTING PYLON SIGN TO REMAIN. DRAINAGE VENDOR TO UPDATE EXISTING PYLON SIGN TO GUARANTEE A 100-25YR DRAINAGE. PROVIDE SHOP DRAWINGS FOR REVIEW BY ARCHITECT AND CPA DESIGN PRIOR TO COMPLETING ANY FABRICATION ON WORK
39. PROPOSED MONUMENT SIGN/DOOR PER CPA SPECIFICATIONS
40. PROPOSED 18" RCP CONCRETE GUTTER FLUME
41. PROPOSED CROSSWALK STRIPING IN ACCORDANCE WITH GDOT STD.
42. PROPOSED CURB & GUTTER IN ACCORDANCE WITH GDOT DETAIL 9032D AND SHALL MATCH GRADE OF ADJACENT GUTTER WHERE APPLICABLE
43. PROPOSED CONCRETE CURB RAMP IN ACCORDANCE WITH GDOT.
44. PROPOSED CONCRETE SIDEWALK WITH INTEGRAL CURB RAMP SIGN IN ACCORDANCE WITH GDOT.
45. PROPOSED CONCRETE SIDEWALK IN ACCORDANCE WITH GDOT AS AND SHALL MATCH GRADE OF ADJACENT SIDEWALK.
46. ADJUST EXISTING MANHOLE RIM ELEV AS REQUIRED BY GDOT. FIELD VERIFY.
47. EXISTING STRUCTURE(S) TO BE REMOVED/DEMOLISHED DURING CONSTRUCTION SHALL BE IN ACCORDANCE W/ GDOT SPECS. & MATCH EXISTING CONDITIONS.
48. FILL OUT BETWEEN SIDEWALK AND CURBS IN ACCORDANCE W/ GDOT SPECS.

SEE SEC DRAWINGS, SHEET NOTES PREPARED BY GEORGIA CONSULTANTS, INC. (GCI, INC. #000) ARE NOT RESPONSIBILITY FOR THE CORRECTNESS, ADEQUACY AND COMPLETENESS OF THESE DRAWINGS. THE CONTRACTOR SHALL OBTAIN A COPY OF THE GEOTECHNICAL REPORT FOR THIS SITE PRIOR TO CONSTRUCTION AND COMPLY WITH RECOMMENDATIONS CONTAINED HEREIN.

COBB COUNTY NOTES

1. NO PERMANENT SIGNS, TURF POLES, PROPOSED FIRE HYDRANTS, POWER TRANSFORMERS, TELEPHONE OR CATV BOXES WILL BE PLACED IN CONFLICT WITH AN ORDINANCE ISSUED OR APPROVED TREE PLANTING LOCATION.
2. THE COBB COUNTY ARBORIST OR LANDSCAPE ARCHITECT MUST APPROVE THE SITE LIGHTING PLAN. LIGHT POLES ARE NOT PERMITTED IN PARKING / DRIVELINE ISLANDS AND MEDIANS WITHOUT TREE PROTECTION, OR THE EQUIVALENT AS ASSURED BY MINIMUM SPACING IS REQUIRED BETWEEN THE TRUNK OF ANY PROPOSED OVERSTORY HARDWOOD TREE (DA, DBH) AND THE CLOSEST POLE FOR TREE ORDINANCE CREDIT) AND ANY EXISTING OR PROPOSED LIGHT POLE. IF THE SURFACE PROVIDER ELECTING CONTAINS LIGHTING PLANS, IT MUST ADHERE TO THE LIGHTING PLAN SHOWN IN THE CPA ENGINEERING DRAINAGE APPROVED BY COBB COUNTY FOR THIS LAND DISTURBING PERMIT. IF A LIGHT PLAN IS NOT PART OF THE CPA DRAWINGS, THE LIGHTING PLAN DESIGNER MUST SUBMIT A PLAN TO THE ARCHITECT/LANDSCAPE ARCHITECT FOR FINAL APPROVAL. IF SITE LIGHTING IS INSTALLED WITHOUT AN APPROVED PLAN, THE CERTIFICATE OF OCCUPANCY WILL BE WITHHELD UNTIL ALL NONCONFORMING POLES ARE REMOVED. ONLY TRADITIONAL COBB COUNTY ADOPTS NO RESPONSIBILITY FOR THE ENFORCEMENT WITH DRIVELITES) AREAS, EXCEPT FOR NONCONFORMING POLES. THE PROPERTY OWNER IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH SAID ACT.
3. ANY CONSTRUCTION TRAILERS TO BE PERMITTED THROUGH THE ZONING DIVISION.
4. ANY SIGNS TO BE PERMITTED THROUGH THE COBB COUNTY ZONING DIVISION (I.E. SUBDIVISION ENTRANCE SIGNS, MONUMENTS, AND ALL DOWNSIGNS). SIGNS, THE LOCATION OF SUBDIVISION SIGNS MUST ALSO BE SHOWN ON THE PLANS.
5. THE PARKING LOT AND PARKING STRIPES SHALL CONFORM TO COBB COUNTY DETAIL #114. THE COBB COUNTY CEMETERY PRESERVATION COMMISSION RESERVES THE RIGHT TO EXAMINE THIS PROPERTY FOR ADDITIONAL GRAVES AND RELATIVELY EVIDENCE LOCATED THEREIN. IF ANY (STAINED, CULTURAL OR RELATIVE) EVIDENCE IS FOUND DURING DEVELOPMENT, THEN THE COBB COUNTY CEMETERY PRESERVATION COMMISSION MUST BE NOTIFIED AT ONCE AT (770) 528-2035. FAILURE TO DO SO WILL RESULT IN A STOP WORK ORDER.
6. ANYWORK, ACCESS, DRIVEWAY / SHOULDER CROSS SLOPE, IN THE R/W IS TO MATCH THE STANDARD 1/4" PER FT. (2% SLOPE).
7. SITE PLAN APPROVAL DOES NOT INCLUDE TANKS. TANKS SHALL BE PERMITTED SEPARATELY AT EXISTING BUILDINGS AND ARE REQUIRED TO BE SCHEDULED ONLINE AT WWW.COBBCOUNTY.ORG.
8. NO FIRE LINES TO BE INSTALLED WITHOUT FIRE MARSHALL APPROVAL.
9. ANY CHAIN OR MESH OF SIMILAR COMPONENT SHOWN ON THESE PLANS IS OUTSIDE OF LAND DISTURBANCE PERMIT REVIEW PROCESS. ALL STAIRS AND OTHER MEANS OF EGRESS COMPONENT MUST BE SUBMITTED FOR REVIEW AND APPROVAL BY THE FIRE MARSHALL'S OFFICE PRIOR TO CONSTRUCTION.
10. ALL COBB COUNTY FIRE MARSHAL OFFICE INSPECTIONS ARE REQUIRED TO BE SCHEDULED ONLINE AT WWW.COBBCOUNTY.ORG.
11. STREET NUMBERS SHALL BE INSTALLED IN ACCORDANCE WITH SECTION 506.1 COBB COUNTY CODE. NUMBER SHALL BE ON THE STREET SIDE OF THE BUILDING NOT LESS THAN 4 INCHES HIGH. NUMBERS SHALL BE REFLECTIVE ON A CONTRASTING BACKGROUND OR CONTRASTING NUMBERS ON A REFLECTIVE BACKGROUND. WHERE MONUMENT SIGNS ARE USED ADDRESS NUMERALS SHALL BE INSTALLED ON BOTH SIDES OF THE MONUMENT SIGN. SIGNS AND REFLECTIVE NUMBERS SHALL COMPLY WITH SECTION 110-106(c). COBB COUNTY CODE.
12. MAINTAIN ACCESS FOR FIRE APPARATUS TO ALL BUILDINGS UNDER CONSTRUCTION INCLUDING TRACK OF RAIN. ALL ROAD SURFACES SHALL BE MAINTAINED AND MINIMALLY PROVIDED WITH CRUSHED STONE BASE AT 20' WIDE.
13. THE OWNER AND / OR DEVELOPER, DESIGNATE A FIRE PREVENTION PROGRAM SUPERINTENDENT IN ACCORDANCE WITH IFC 3308 AND NFPA 241. THE SUPERINTENDENT SHALL BE FAMILIAR WITH THE REQUIREMENTS OF IFC 3308 AND NFPA 241 AS ADOPTED BY THE STATE OF GEORGIA.

GDOT ITSLOCATES
ITSLOCATES@DOT.GA.GOV
ALL E. REULE
ITS FIELD SUPERVISOR

SIGNAL NOTE: All signal plans must be submitted to and approved by the Cobb County Traffic Signal Engineer. Any traffic signal work shall be performed in accordance with current Cobb DOT traffic signal specifications by an approved traffic signal contractor. Any traffic signal equipment damaged as a result of this project shall be replaced/repaired by the contractor/developer (contractor). Damaged loops shall be replaced/upgraded with video detection. Developer/contractor is required to maintain vehicle detection without interruption for all traffic signal phases affected during construction of this project. Approved video detection shall be used to preserve detection and approved video or microwave detection shall be used for pedestrian detection. Additional pedestrian detection may be required to support these detection devices. Contact the Cobb Traffic Signal Engineer at (770)528-1546 for any traffic signal related issues. Contact the Signal Maintenance Supervisor at (770)528-1600 24 hours any signal equipment. Equipment involvement is within ROW or limit of a signalized intersection.

TO: ALL CONTRACTORS WORKING ON DOT RW/WITHIN 250' OF ANY TRAFFIC SIGNAL
CODE DOT SIGNALS ARE NOT ON THE ISOLATE PROGRAM. YOU ARE REQUIRED TO CALL US AT LEAST 24HRS IN ADVANCE FOR
TRAFFIC SIGNAL LOOP UTILITY LOCATES @ (770) 528-3100
(Please provide the following information when calling)
Company and caller name & number
Contact person's name & number (if on site)
Location where to be performed
Type of work being performed
IF SIGNAL DAMAGE IS EXPECTED, BID ONE BEFORE ANY WORK YOU ARE ABOUT TO HAVE CONTACTED AN APPROVED SIGNAL SUB TO IMMEDIATELY REPAIR ANY DAMAGE THAT MAY OCCUR.

DOT Contacts	
1890 County Services Parkway	Leroy Pitts 31-949
Marietta, Ga. 30060	Tony Lewis 31-952

SIGHT DISTANCE CERTIFICATION NOTE

I, THE UNDERSIGNED, HEREBY CERTIFY THE SIGHT DISTANCE FOR THE PROJECT IS DESIGNED WITH ADEQUATE DISTANCE. THE REGULATED SPEED LIMIT ON THE APPROACHING THOROUGHFARE IS 45 MPH. THE DESIGNED SIGHT DISTANCE PROVIDES VISIBILITY OF 385 FEET TO THE LEFT. THE SIGHT DISTANCE SHALL BE MEASURED FROM A POINT OF 10 FEET FROM THE TRAVEL LANE AT AN EYE LEVEL OF 3.5 FEET AND LOOKING AT AN OBJECT 3.5 FEET ABOVE THE DEN TERLINE.

SIGNED _____ DATE: _____

THE OWNER HEREBY DESIGNATES (PRINT) REX POWELL AS THE FIRE PREVENTION PROGRAM SUPERINTENDENT. THE ABOVE-NAMED PERSON SHALL BE RESPONSIBLE FOR COMPLIANCE WITH IFC CHAPTER 3300 IN ITS ENTIRETY AND NFPA 241-06. FAILURE TO COMPLY CAN RESULT IN STOP WORK ORDER(S) AND/OR CITATION.

DETAIL 80 UTILITY STANDARD

SITE DATA

STATEMENT OF INTENT

PROPOSED PROJECT IS PART OF OWNER'S EXISTING PROPERTY REINVESTMENT PROGRAM TO IMPROVE CUSTOMER SERVICE AND RESTAURANT OPERATIONS. PROPERTY IMPROVEMENTS WILL INCLUDE CONSTRUCTION OF A 4,998 S.F. BUILDING, DRIVE-THRU LANE (WITH CANOPY AND), EXISTING PARKING LOT WILL BE ADJUSTED TO SUPPORT ELEMENTS PROPOSED.

ADDRESS: 3951 AUSTELL ROAD, AUSTELL, GEORGIA 30144

CHICK-FIL-A SITE AREA: 1.97 ACS (85,821 S.F. ±)

ZONING: GC - GENERAL COMMERCIAL

PARCEL ID: 19092100160

BUILDING INFORMATION

EXISTING CONDITION:
EXISTING BUILDING AREA: 4,284 S.F.
EXISTING FLOOR AREA RATIO: .0521
NUMBER OF STORIES: 1

PROPOSED CONDITION:
PROPOSED TOTAL BUILDING AREA: 4,998 S.F.
PROPOSED FLOOR AREA RATIO: .1047
NUMBER OF STORIES: 1

LAND COVERAGE SUMMARY

EXISTING CONDITION:

IMPERVIOUS AREA:	49,661 S.F. (58.0%)	
OPEN SPACE:	1,160 S.F. (41.9%)	
	85,821 S.F. (100.00%)	

PROPOSED CONDITION

IMPERVIOUS AREA:	71,294 S.F. (83.04%)	
OPEN SPACE:	7,367 S.F. (16.9%)	
TOTAL:	85,821 S.F. (100.00%)	

BUILDING SETBACK	REQUIRED	PROVIDED
FRONT (WEST):	60'	74'
SIDE (NORTH):	25'	94'
SIDE (SOUTH):	15'	54'
REAR (EAST):	30'	91'

LANDSCAPE BUFFER	REQUIRED	PROVIDED
FRONT (WEST):	12'	7' (EXISTING CONDITION)
SIDE (NORTH):	10'	7' (EXISTING CONDITION)
SIDE (SOUTH):	7'	6'
REAR (EAST):	5'	5'

PARKING INFORMATION

EXISTING CONDITION:

REGULAR:	50 SPACES
ADA:	3 SPACES
TOTAL:	53 SPACES

PROPOSED CONDITION

REGULAR:	34 SPACES
COMPACT:	6 SPACES
ADA:	4 SPACES
TOTAL:	44 SPACES

REQUIRED PARKING: 1/300 S.F. NET FLOOR SPACE = 3,834'/300 = 29 SPACES
ADA: 1 ADA SPACES REQUIRED (1 VAN ACCESSIBLE)

* SQUARE FOOTAGE BASED ON COUNTY'S DEFINITION OF NET FLOOR SPACE

GENERAL NOTES

1. DIMENSIONS SHOWN ARE TO THE FACE OF CURB OR, IF NO CURB IS SHOWN, FACE OF BUILDING UNLESS NOTED OTHERWISE.
2. ALL CURVES RADII ARE TO BE 15' AND 2' UNLESS OTHERWISE NOTED.
3. ALL SIGNS SHALL HAVE A 25' MIN. CLEARANCE FROM FINISH GRADE TO BOTTOM OF LOWEST SIGN MOUNTED SIGN POST. ALL SIGNAGE INCLUDING FUNCTIONAL SIGNAGE SHALL MEET THE LOCAL AGENCY SIGN ORDINANCE & MUTCD REQUIREMENTS.
4. ALL SIGNS SHALL BE PROVIDED AND INSTALLED BY THE CONTRACTOR.
5. ALL STRIPING SHALL BE IN CONFORMANCE WITH LOCAL AGENCY REQUIREMENTS.
6. ADA ST ALL MANHOLE RINGS AND CLEAN OUT COVERS TO BE FLUSH WITH FINISHED GRADE. ALL PARTS TO BE TRAFFIC BEARING MAXIMUM ON LANDING. MANHOLE COVERS SHALL MEET THE LOCAL AGENCY STANDARD.
7. TRANSITIONS TO BE FLUSH ALL ALONG THE ACCESSIBLE ROUTE. CONTRACTOR SHALL ENSURE THE MAXIMUM CONSTRUCTED LEVEL TRANSITION AT EVERY JOINT DOES NOT EXCEED THE MAXIMUM ALLOWABLE UNDER THE ADA AFTER SETTLEMENT. EXPANSION CONSTRUCTION, ETC. EVENNESS IN LEVEL OF 1/4" HIGH MAXIMUM SHALL BE PERMITTED TO BE VERTICAL. CHANGE IN LEVEL BETWEEN 1/4" HIGH MINIMUM AND 1/2" HIGH MAXIMUM SHALL BE BEVELED WITH A SLOPE OF 2:1 (PER TYP-1.2).
8. ALL CONCRETE PAVING SHALL BE SAWN BY EXPANSION JOINTS WHICH MEETING ANOTHER CONCRETE POUR / SLAB OR ASPHALT PAVEMENT SURFACES CLEANLY.
9. ALL AFFECTED SIDEWALKS, RAMPS AND CROSSWALKS WILL BE BUILT AND INSPECTED TO MEET CURRENT ADA REQUIREMENTS.
10. FOR OPTION OR RELOCATE SECURITY/OPERATIONAL CAMERAS AT SERVICE YARD LANES, REFER TO ARCHITECT PLANS.
11. EXISTING ASPHALT PAVEMENT TO BE MILLED AND REPLACED. EXISTING STRIPING AND PAVEMENT MARKINGS SHALL BE REPAINTED TO MATCH EXISTING CONDITIONS UNLESS OTHERWISE NOTED.
12. ALL EXPOSED METALS SHALL BE OR PAINTED DARK BRONZE, WHICH SHOULD INCLUDE BUT LIMITED TO: DOOR POSTS, BOLLARDS, LIGHT POLES, GAS VENTS & DUMPSTER ENCLOSURE MANUFACTURES.
13. THE DUMPSTER AND MUST BE COVERED WITH A ROOF OR CANOPY AND SURFACE WATER MUST BE ALLOWED INTO THE DRAIN. DRAIN MUST CONNECT THROUGH AN OIL/WATER SEPARATOR.
14. PAVEMENT CONSTRUCTED WITHIN AUSTELL, ROAD SHALL BE INSTALLED IN ACCORDANCE WITH GDOT SPECIFICATIONS.

SITE LEGEND

- (HP) - ACCESSIBLE PARKING SIGN
- (DE) - DO NOT ENTER SIGN (R5-1)
- (S) - STOP SIGN (R1-1)
- (C) - COMPACT CAR PARKING ONLY SIGN
- NEW LIGHT POLE & FIXTURE
- EXISTING LIGHT POLE & FIXTURE
- NEW LIGHT POLE & FIXTURE
- PARKING SPACE PER ROW
- DETAIL NUMBER
- SHEET NUMBER

TYPICAL ON-SITE ASPHALT PAVEMENT SECTION. REFER TO SHEET C-2.2

TYPICAL ON-SITE CONCRETE PAVEMENT SECTION. REFER TO SHEET C-2.2

TYPICAL OFF-SITE ASPHALT PAVEMENT SECTION. REFER TO GEORGIA DOT NOTES, THIS SHEET

GEORGIA 811
Utilities Protection Center, Inc.
Know what's below. Call before you dig.

Chick-fil-A
3200 Buffington Rd.
Atlanta, Georgia
30349-2998

cph
www.cphcorp.com
A Full Service A&E Firm

Plans Prepared By
CPH, Inc.
State of Georgia Licensed Engineer No. PEP00121
Licensed Professional Architect(s) No. RA005121

GEORGIA
PROFESSIONAL ENGINEER
PEP00121
3/12/21

Rev.	Date	Description
1	2/26/21	PER CITY COMMENTS & REVISIONS
2	3/12/21	PER CITY COMMENTS & REVISIONS
3	3/22/21	PER CITY COMMENTS, STAFF REVIEW, AND PLAN REVISIONS

Designed: G. Pulvino
Drawn: C. Pulvino
Checked: J. Toole
Job No.: 220113
STORE: #du1614
VERSION: 10A
Date: 3/2020
© 2021

SITE PLAN
CHICK-FIL-A
STORE NO. 1614
3951 AUSTELL ROAD, AUSTELL, GEORGIA

THIS SHEET NOT VALID FOR CONSTRUCTION WITHOUT COMPLETE SET OF PLANS

Sheet No
C-2.0

08-15-21 Proposed Site Plan

Min. Bk. 92 Petition No. 0.8.15
Doc. Type Site Plan
Meeting Date 4-20-21
Recvd 3-12-21

Min. Bk. 92 Petition No. O.B.15
Doc. Type Cobb DOT comments + recommendations
Meeting Date 4-20-21

APRIL 20, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

ITEM OB-015

PURPOSE

To consider a site plan amendment for CPH, Inc regarding rezoning application Z-104 of 1986 for property located at the southeasterly intersection of Austell Road and Mulkey Road in Land Lot 921 of the 19th District (3951 Austell Road).

BACKGROUND

The subject property was zoned GC with stipulations for commercial development in 1986. One of the stipulations required the final plan to be approved by the Board of Commissioners. There is currently an older Chick-Fil-A store on the property that will be demolished. A new Chick-Fil-A store with double drive-thru's and an order canopy will be constructed. The proposed site plan is attached for your review. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Stormwater management: No comments.

Cobb DOT: Recommend no parking within the right-of-way. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Fire Department: The CCFMO has no issues with the proposed OB. All applicable fire and life safety provisions must be met.

RECOMMENDATION

The Board of Commissioners conduct a public hearing and consider the proposed site plan amendment.

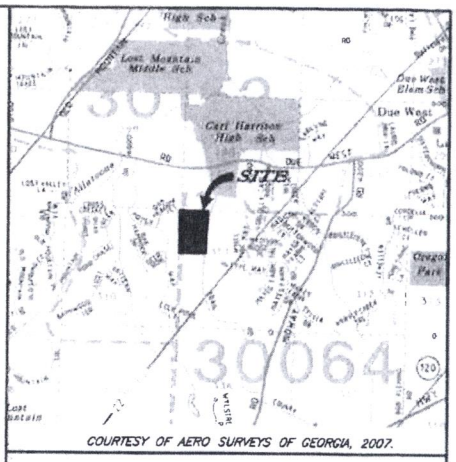
ATTACHMENTS

Other Business application and zoning minutes.

Min. Bk. 92 Petition No. O.B.16
Doc. Type Site Plan
Meeting Date 4-20-21

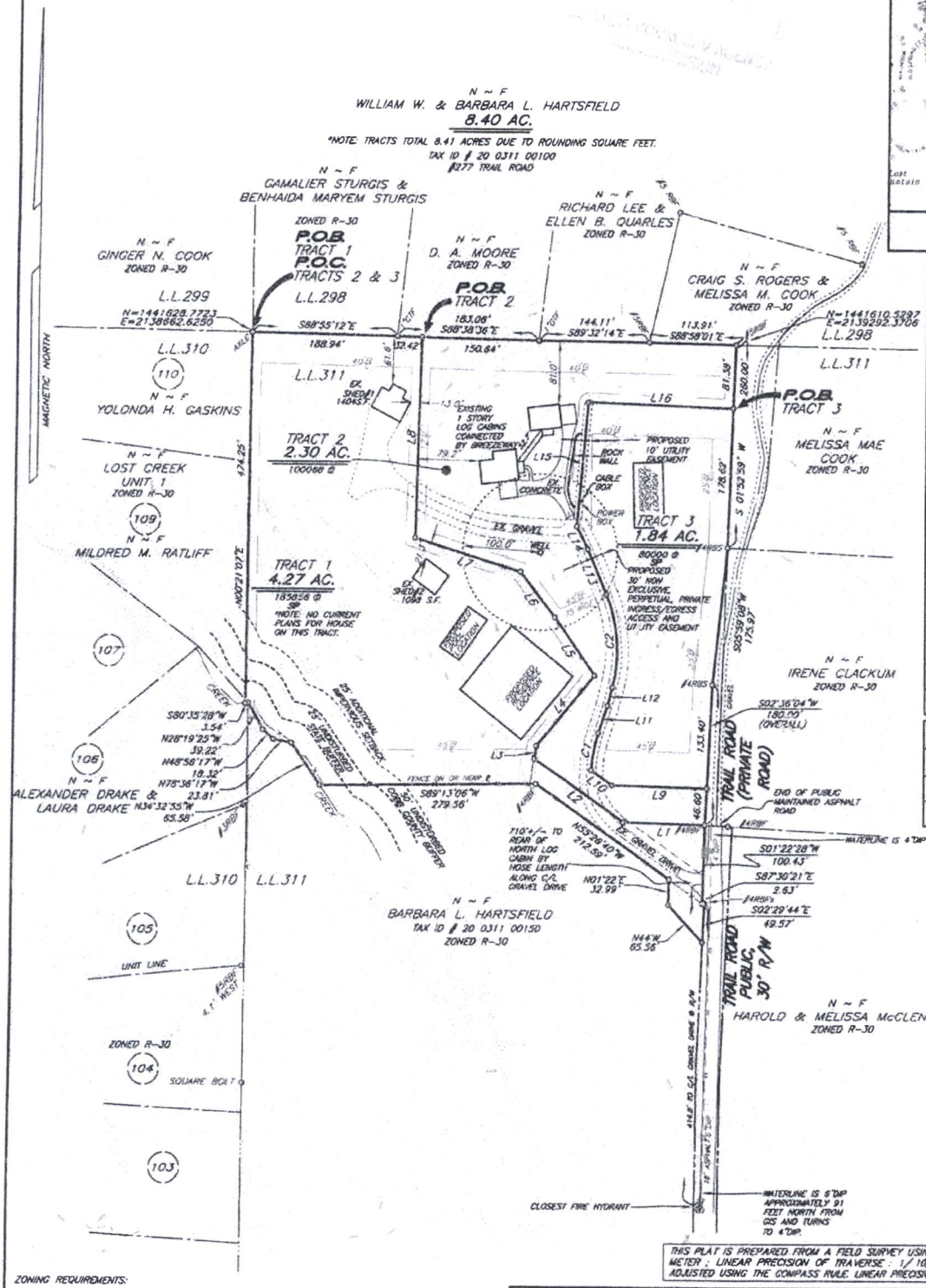
OB-16-2021
Proposed site plan

LEGEND	
⊕	F.H.– FIRE HYDRANT
W/M	W.M.– WATER METER
○	RBS– REINFORCING BAR SET
○	RBF– REINFORCING BAR FOUND
○	CTF– CRIMP TOP PIPE FOUND
○	OTF– OPEN TOP PIPE FOUND
—x—	TYPE OF FENCE



COURTESY OF AERO SURVEYS OF GEORGIA, 2007.

LOCATION MAP 1" = 2000'



LINE TABLE		
LINE #	BEARING	DISTANCE
L1	N88°37'32"W	107.90'
L2	N55°26'40"W	140.92'
L3	N7°39'46"E	16.99'
L4	N39°19'01"E	117.43'
L5	N35°18'06"W	90.16'
L6	N37°20'22"W	73.33'
L7	N72°42'12"W	142.22'
L8	N1°21'24"E	257.18'
L9	N88°37'32"W	125.33'
L10	N55°26'40"W	33.17'
L11	N18°33'57"E	37.08'
L12	N14°34'22"E	24.46'
L13	N23°14'50"W	62.99'
L14	N26°48'00"W	32.37'
L15	N4°52'57"E	160.06'
L16	S88°07'01"E	190.84'

CURVE TABLE				
CURVE #	BEARING	DISTANCE	RADIUS	ARC
C1	N10°37'00"E	48.79	176.39	48.94
C2	N4°20'14"W	118.57	182.94	120.75

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

GEORGIA PROFESSIONAL LAND SURVEYOR CHRISTOPHER A. EVANS

3/16/21
DATE

100 0 100 200
SCALE IN FEET

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER ; LINEAR PRECISION OF TRAVERSE : 1/ 10,000+ ; ANGULAR ERROR: 3" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT : 1/198,158 . MATTERS OF TITLE ARE EXCEPTED.

ZONING REQUIREMENTS:

R-30 ZONING:
- MINIMUM LOT AREA– 30,000 S. F.
- MINIMUM FRONT SETBACK– 45 FT.
- MAJOR SIDE SETBACK– 25 FT.
- MINIMUM SIDE SETBACK– 12 FT.
- MINIMUM REAR SETBACK– 40 FT.
- MINIMUM HOUSE SIZE– 1,350 S.F.
- MAXIMUM DENSITY– 1.1 AVERAGE
- MAXIMUM IMPERVIOUS AREA– 35%
- MAXIMUM BUILDING HEIGHT– 35'

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X , ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130052 MAP NUMBER
13067 C 0079 G DATED DECEMBER 16, 2008
13067 C 0083 G DATED DECEMBER 16, 2008

OWNER:
BARBARA L. HARTSFIELD
239 TRAIL ROAD
MARIETTA, GA 30064

REPRESENTATIVE:
MIKE GASKINS
770-364-9771

CURRENT OWNER:
BARBARA L. HARTSFIELD
D.B. 15293, PG. 4039

DRAWN BY: MAN	
CHECKED BY: CAE	
FILE: TRAIL MINOR SD	
FIELD DATE: 3-30-09	
OFFICE DATE: 3-9-21	
SCALE: 1"=100'	
REVISIONS	

Gaskins
ENGINEERING•SURVEYING•PLANNING/CONSULTING•CONSTRUCTION MGMT
www.gaskinsurvey.com LSF# 789
Marietta Office
1266 Powder Springs Rd
Marietta, GA 30064
Phone: (770) 424-7168
Canton Office
147 Reinhardt College Pkwy
Ste. 3 Canton, GA 30114
Phone: (770) 479-9093
Lawrenceville Office
358 Old Norcross Rd Ste. 204
Lawrenceville GA 30046
Phone: (770) 299-1005
Newnan Office
4046 Ga. Hwy. 154, Ste. 109
Newnan, GA 30265
Phone: (770) 424-7168

SITE PLAN FOR:

BARBARA L. HARTSFIELD
#277 TRAIL ROAD

LOCATED IN L.L. 311
20th DISTRICT, 2nd SECTION
COBB COUNTY, GA.

Min. Bk. 92 Petition No. O.B.16
Doc. Type Cobb DOT, Stormwater Mgmt, + Water and Sewer comments + recommendations
Meeting Date 4-20-21

APRIL 20, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1

ITEM OB-16-2021

To consider a reduction of public road frontage for Barbara L. Hartsfield for property located on the north end of Trail Road, northwesterly of Midway Road, in Land Lot 311 of the 20th District (277 Trail Road).

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage pursuant to a code amendment to Sec. 134-271(7)(a) adopted on February 27, 2018. The subject property is zoned R-30 and is required to have 75-feet of public road frontage per lot. The applicant's lot is 8.4 acres and she would like to subdivide off two lots to give to her grandchildren, being tract 1 (4.27 acres) and tract 3 (1.84 acres). The parent tract (tract 2) would be left with 2.3 acres. Tracts 2 and 3 would have no public road frontage and all the tracts would use a shared driveway easement. The applicant has submitted a letter detailing other variances due to existing construction needed to accommodate this proposal.

STAFF COMMENTS

Cobb DOT: Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements. Recommend the driveway on Trail Road be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.

Stormwater Management: Any new impervious surfaces over 5,000 square feet on any lot will require storm water quality mitigation on that lot.

Water and Sewer: Variance #10 is contrary to Code Section 110-26 Procedure for plat approval for subdivisions. Water services must be installed by developer prior to approval of the subdivision plat. No hardship has been presented to support this variance request.

Fire Department: See next page.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum lot size.

ATTACHMENT: Other Business application.

Min. Bk. 92 Petition No. O.B.16
Doc. Type Fire Dept. comments & recommendations
Meeting Date 4-20-21

FIRE COMMENTS for OB-16-2021:

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

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

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

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

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

a) Residential cul-de-sac without an island shall have a 38 foot outside radius. A cul-de-sac with an island reverts to the commercial standards, refer to www.cobbfire.org for dimensions.
b) Hammerhead turn-around: total of 102 feet needed (45 feet + 12 foot drive + 45 feet) with the turn-around leg to be a minimum of 20 feet wide.

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

Provide emergency access through all gates securing Fire Department access with a minimum 12 foot 0 inch clear width and approved means of operation www.knoxbox.com.

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

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.*
(Required Flow: 1,000 gpm @ 20 psi)

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

1.) NFPA 13D sprinkler system.
2.) Complete structure (framing and decking materials) treated with a Class A-Fire Retardant spray with a flame spread rating of 25 or less and smoke development of 450 or less.
3.) Non-Combustible construction.

(Indicate on the site plan which option will be utilized.)

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

Josh Davis
(770) 528-8161 josh.davis@cobbcounty.org

Exhibit "A" 03-16-2021 1 of 2

Gaskins
ENGINEERING • SURVEYING • PLANNING/CONSULTING • CONSTRUCTION MGMT

1266 POWDER SPRINGS ROAD
MARIETTA, GA 30064
PHONE: (770) 424-7168
FAX: (770) 424-7593
WWW.GSCSURVEY.COM

Min. Bk. 92 Petition No. O.B.16
Doc. Type Exhibit "A" letter
Meeting Date 4-20-21

March 15, 2021

RECEIVED
MAR 16 2021

Application for "Other Business" Cobb County, Georgia
Applicant/ Owner: Barbara L. Hartsfield
Representative: Michael Gaskins
Property: 277 Trail Road, Marietta, GA 30064, 8.40 Acres located on the westerly right of way line of Trail Road, Land Lot 311, 20th District, 2nd Section, Cobb County, Georgia

Original Zoning Case: 277 Trail Road was originally zoned under V-173 (August 1979). V-173 (August 1979) was granted for a building permit to waive subdivision regulations to build one house.

Reason for Other Business: Family would like for property to remain in the family and subdivide into 3 Tracts. Proposed Tracts 1 and 3 are for the applicant's grandchildren to build on the property. By granting variance, 3 generations of Hartsfields/Gaskins would live adjacent to one another with 239 Trail Road (also owned by Barbara L. Hartsfield) and 298 Oak Meadow Court (owned by Yolonda H. Gaskins).

Properties on Trail Road are larger tracts of land in comparison to many of the surrounding properties that are subdivisions. Surrounding property owners have signed off in agreement that a family estate is preferred over a future subdivision when we originally thought we were applying for a zoning variance. The current condition of the public section of Trail Road is an asphalt road with a public waterline that runs along the west portion of road.

The following are variances requested:

(1) We are asking for the zoning to be amended for the property to be subdivided and requesting a contemporaneous waiver of the current subdivision requirements and development standards;

(2) Subject property is 8.40 Acres of total site area with the addition of 49.57 feet of road frontage (0.04 Acres/ 1927 Square Feet) from 239 Trail Road. Property is currently zoned R-30. Maximum density for R-30 is 1.1 average. 3 Tracts density is 0.35;

(3) A variance is requested to waive the minimum public road frontage on Tracts 2 & 3 and to allow three homes off a 30 foot private easement in land lot 311, 20th District;

(4) A variance is requested on Tract 1 to waive the setback for an accessory structure over 650 square feet (Existing Shed #1 1404 square feet built in 1996 per Tax Assessor) from the required 100 feet to 61.6 feet from northern exterior property line and 13.0 feet from eastern interior property line of Tract 2;

(5) A variance is requested on Tract 1 to waive the setback for an accessory structure over 650 square feet (Existing Shed #2 1098 square feet built in 1996 per Tax Assessor) from the required 100 feet to 21.3 feet from northeastern interior property line of Tract 2;

(6) A variance is requested on Tract 1 to allow for existing accessory structures (Sheds #1 & #2) to remain on Tract 1 without a primary structure and remain once house is built on Tract 1;

(7) A variance is requested on Tract 2 to waive maximum breezeway distance to 52.7 feet between existing log cabins (built in 1981 per Tax Assessor);

(8) A variance is requested for the Lot Reconfiguration Requirements and Analysis required by Cobb & Douglas Public Health for 239 Trail Road for the addition of 49.57 feet of road frontage (0.04 Acres/ 1927 Square Feet) to be added to 277 Trail Road;

(9) A variance is requested to allow for continued use of the existing 12 foot gravel driveway. Gravel and asphalt millings were used in its construction. Engineer certification can be provided if needed to certify it supports 25 tons for fire marshall requirements;

(10) A variance is requested to allow for installation of water meters for Tracts 1 & 3 prior to the issuance of the certificate of occupancy and not at the time of lot reconfiguration;

(11) A variance is requested to allow for the existing fire hydrant on Trail Road as the closest fire hydrant which exceeds 500 feet of the most remote portion of the existing structures and future structures as is shown on site plan. Applicant is currently looking into alternative equivalency for the above requirement but is waiting on costs before committing to NFPA 13D sprinkler system. *Note: Waterline runs in the road of Trail Road (Public, 30' R/W) . A 4"DIP water line runs along the frontage of 277 Trail Road. To meet hydrant location within 500 feet of the most remote portion of the structure, applicant would be required to open cut Trail Road and dig up the 4"DIP water line and upsize to a 6"DIP for approximately 230 feet. Then run an additional 200 feet of 6"DIP on private property and add fire hydrant. The cost of running new waterline and new fire hydrant is cost prohibitive to applicant.

RECEIVED
MAR 16 2021
COBB COUNTY
ZONING DIVISION

NOTES

1. NO CERTIFICATE OF OCCUPANCY WILL BE ISSUED UNTIL ALL SITE IMPROVEMENTS HAVE BEEN COMPLETED.

2. ALL BUFFERS AND TREE SAVE AREAS SHALL BE CLEARLY IDENTIFIED BY FLAGGING AND/OR FENCING PRIOR TO COMMENCEMENT OF ANY LAND DISTURBANCE.

3. SIGNS, LOCATION, NUMBER, AND SIZE, ARE NOT APPROVED UNDER THIS BUILDING PERMIT. A SEPERATE PERMIT IS REQUIRED FOR EACH SIGN.

4. ALL IMPROVEMENTS TO CONFORM WITH CITY OF CANTON CONSTRUCTION STANDARDS AND SPECIFICATIONS, LATEST EDITION.

5. EACH BUILDING AND ITS LOCATION RELATIVE TO PROPERTY LINES AND OTHER STRUCTURES SHALL COMPLY WITH THE 2000 STANDARD BUILDING CODE WITH GA STATE AMENDMENTS (SBC) WITH REGARD THE HEIGHT AND AREA REQUIREMENTS OF SBC TABLE 503 AND THE FIRE RESISTANCE AND HORIZONTAL SEPARATION REQUIREMENTS OF SBC TABLE 601 AND 602 BASED ON OCCUPANCY GROUP CLASSIFICATION AND TYPE OF CONSTRUCTION.

6. 12:1 IS THE MAXIMUM SLOPE FOR HANDICAP RAMPS

7. COBB COUNTY ACCEPTS NO RESPONSIBILITY FOR THE AMERICANS WITH DISABILITIES ACT (ADA), EXCEPT FOR NOTIFICATION REQUIREMENT. THE OWNER/DEVELOPER IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH SAID ACT.

8. COBB COUNTY ACCEPTS NO RESPONSIBILITY FOR THE AMERICANS WITH DISABILITIES ACT (ADA), EXCEPT FOR NOTIFICATION REQUIREMENT. THE OWNER/DEVELOPER IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH SAID ACT.

9. ANY CONSTRUCTION TRAILERS TO BE PERMITTED THROUGH THE ZONING DIVISION.

10. ANY SIGNS TO BE PERMITTED THROUGH THE COBB COUNTY ZONING DIVISION: I.E. SUBDIVISION ENTRANCE SIGNS, MONUMENTS, AND ALL COMMERCIAL SIGNS. THE LOCATION OF SUBDIVISION SIGNS MUST ALSO BE SHOWN ON PLANS.

11. THE PARKING LOT AND PARKING SPACES SHALL CONFORM TO COUNTY DETAIL 9116.

12. SITE PLAN APPROVAL DOES NOT INCLUDE TANKS. TANKS SHALL BE PERMITTED SEPARATELY AT COBB DOT. INSPECTIONS ARE REQUIRED TO BE SCHEDULED ONLINE AT WWW.COBBFIRMO.ORG.

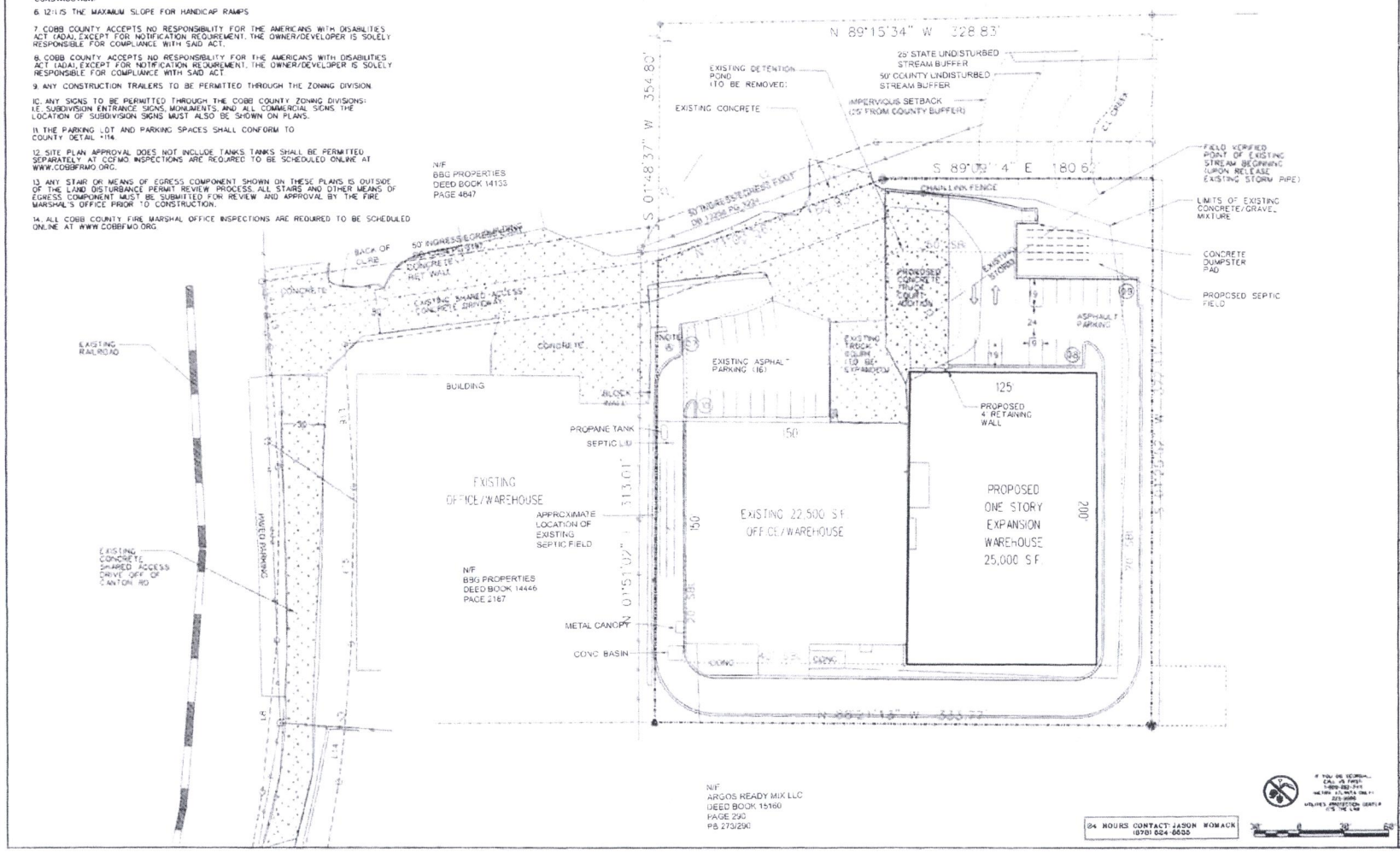
13. ANY STAIR OR MEANS OF EGRESS COMPONENT SHOWN ON THESE PLANS IS OUTSIDE OF THE LAND DISTURBANCE PERMIT REVIEW PROCESS. ALL STAIRS AND OTHER MEANS OF EGRESS COMPONENT MUST BE SUBMITTED FOR REVIEW AND APPROVAL BY THE FIRE MARSHAL'S OFFICE PRIOR TO CONSTRUCTION.

14. ALL COBB COUNTY FIRE MARSHAL OFFICE INSPECTIONS ARE REQUIRED TO BE SCHEDULED ONLINE AT WWW.COBBFMO.ORG

THERE ARE NO WETLANDS, CEMETARIES, FLOOD PLAIN ON SITE

PROPOSED BUILDING PARKING SUMMARY

	SQ.FT. TOTAL	OFFICE	WAREHOUSE	PARKING SPACES REQUIRED	PARKING SPACES PROVIDED
EXISTING BUILDING	22,500 S.F.	11 SPACES 3,000 S.F. (1/285)	10 SPACES REQ 10,500 S.F. (1/2000)	21	17
PROPOSED BUILDING	25,000 S.F.	0	13 SPACES REQ (1/2000)	13	17
			TOTAL	34	34



PREPARED BY
HAMMERTON VENTURES, LLC
2942 RHODENHAVEN DR.
ATLANTA, GEORGIA 30327
(404) 883-8424
VALERIE HAMMERTON, PE
VHAMMERTON@COMCAST.NET

OWNER
JW INDUSTRIAL HOLDINGS, LLC
1035 Cobb Industrial Dr.
Marietta, GA 30066
678-524-8535
jwomack@esfinc.net

CONTRACTOR

PROJECT
JW INDUSTRIAL

TASK
SITE PLAN

PROJECT INFORMATION
4986 CANTON RD
Project Name
0035
Project Number
4986 CANTON RD
Project Address
Lot No., Block, Unit
LL 12, 16TH DISTRICT, 2ND SECTION
Land Lot No. 1st District Section
15001300180
Tax Parcel
COBB COUNTY, GA
City, County, State

NO.	DESCRIPTION	DATE
1	CONCEPT PLAN SUBMITTAL	12/16/20

VLH DESIGN
VLH DRAWN
JJH RECORD
12/10/20 DATE
SCALE
SHEET 4 OF 4
PROJECT NO.

Min. Bk. 92 Petition No. 0.8.17
Doc. Type S.U. Plan
Meeting Date 4-20-21

Min. Bk. 92 Petition No. O.B.17
Doc. Type Staff comments + recom. (Cobb DOT, Stormwater Mgmt, & Fire Dept)
Meeting Date 4-20-21

APRIL 20, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

ITEM OB-17-2021

To consider a reduction of public road frontage for JW Industrial Holdings, LLC for property located on the east side of Canton Road, north Jamerson Road, in Land Lot 13 of the 16th District (4986 Canton Road).

BACKGROUND

The Board of Commissioners considers all reductions to minimum public road frontage pursuant to a code amendment to Sec. 134-271(7)(a) adopted on February 27, 2018. The subject property is zoned Heavy Industrial (HI) and is required to have 50-feet of public road frontage. The applicant's lot is 2.73 acres and has no public road frontage. The applicant would like to improve the property with a 25,000 square foot building addition to the existing warehouse.

STAFF COMMENTS

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

Stormwater Management: Subject to Plan Review Comments and current Stormwater Code and Regulations. Stormwater management must be provided for all new or reformed impervious coverage.

Fire Department: See attached comments.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed reduction of minimum lot size.

ATTACHMENT

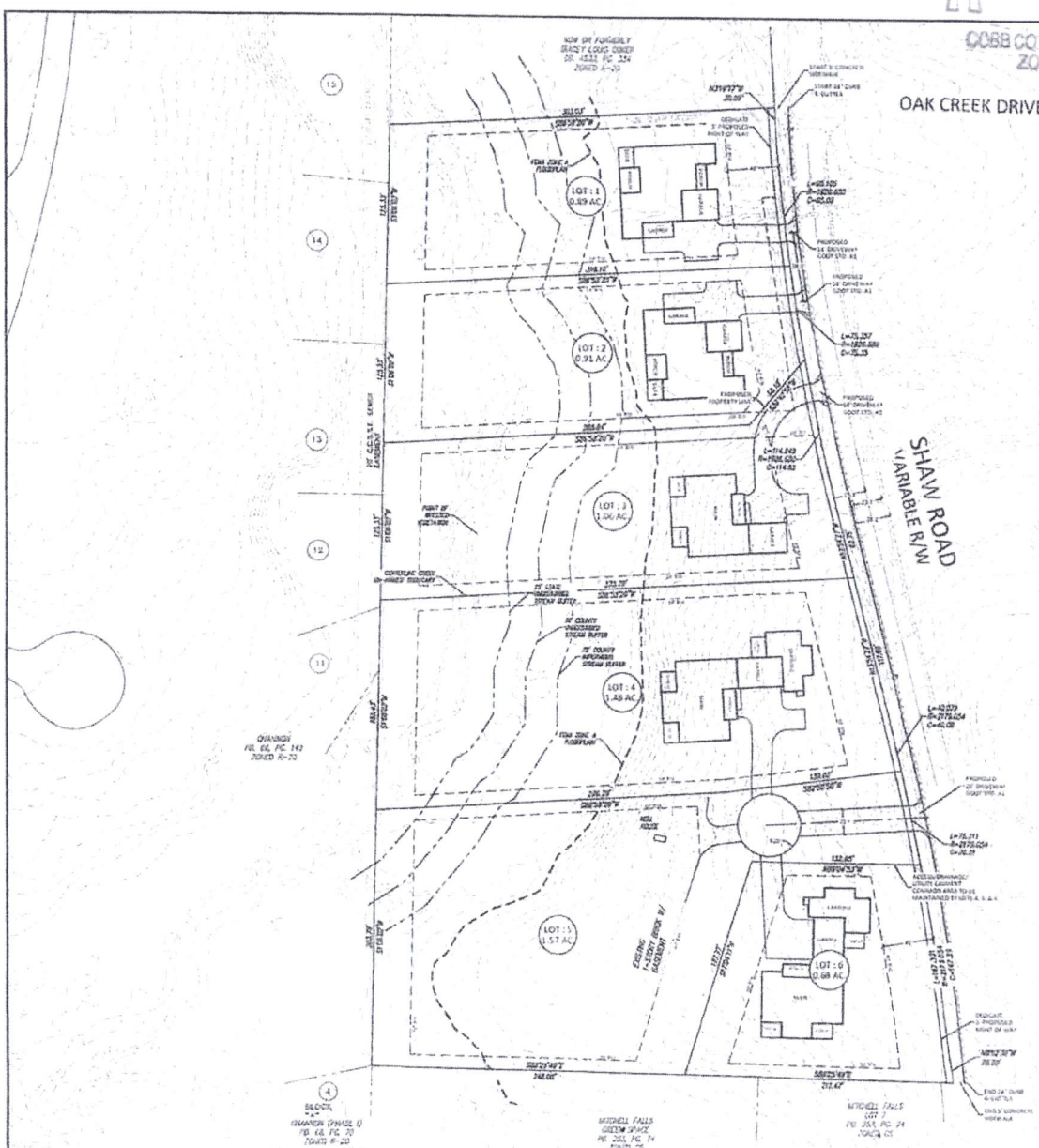
Other Business application.

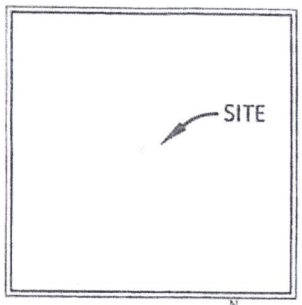
APPLICANT: JW Industrial Holdings **PETITION NO.:** OB-17

PRESENT ZONING: **PETITION FOR:**

* * * \

RECEIVED
MAR 16 2021
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION





VICINITY MAP

OWNER/DEVELOPER
ENVIRONMENTAL LOGISTICS, LLC
3011 SHAW ROAD
MARIETTA, GA 30066
RUSS WEST

ENGINEER:
BAILEY CIVIL GROUP, LLC
MATT BAILEY, P.E.
650 HENDERSON ROAD, SUITE 431
CARTERSVILLE, GA 30120
TELEPHONE: 678.925.6003
EMAIL: MATT@BAILEYCIVILGROUP.COM

SITE DATA:
-TOTAL SITE AREA=6.59 AC.
-3011 SHAW ROAD COBB COUNTY, GA
-LAND LOTS 489 & 520, 16TH DISTRICT, 2ND SECTION
-PARCEL #16048900020
-SPR-2021-00068
-ZONING=R-15 (RESIDENTIAL DISTRICT)
-REZONING CASE Z-16 OF 2019
-EXISTING USE: SINGLE FAMILY RESIDENTIAL
-PROPOSED USE: SINGLE FAMILY RESIDENTIAL
-MINIMUM LOT SIZE: 15,000 SQ. FT.
-MINIMUM LOT WIDTH AT FRONT SETBACK LINE: 75 FT.
-MINIMUM PUBLIC ROAD FRONTAGE: 75 FT.
-FRONT SETBACK: 35 FT.
-SIDE SETBACK : 10 FT.
-REAR SETBACK: 30 FT.
-THERE IS FEMA ZONE A FLOODPLAIN ON THE PROPERTY PER FIRM PANEL NO.
13067C0044G, DATED 12/16/2008
-WATER PROVIDE BY COBB COUNTY
-SANITARY SEWER PROVIDED BY COBB COUNTY
-DISTURBED AREA=TBD AC.

SIDEWALK NOTE:
A FEE IN LIEU OF SIDEWALK WILL BE MADE TO THE COBB COUNTY SIDEWALK FUND FOR THE REQUIRED SIDEWALK ALONG THE PROPERTY FRONTAGE.

24 HOUR CONTACT
RUSS WEST
770-352-4340

811 Know what's below. Call before you dig.

SCALE: 1" = 40'

SITE PLAN

SPR-2021-00068

GEORGIA REGISTERED No. PE035277 MATTHEW D. BAILEY

Group BAILEY

FOR ENVIRONMENTAL LOGISTICS, LLC
3011 SHAW ROAD
COBB COUNTY, GA

PROJECT THE OVERLOOK AT COKER CREEK
3011 SHAW ROAD
COBB COUNTY, GA

SHEET TITLE SITE PLAN

SHEET NUMBER C201

PROJECT NUMBER 21112

DATE MARCH 13TH, 2021

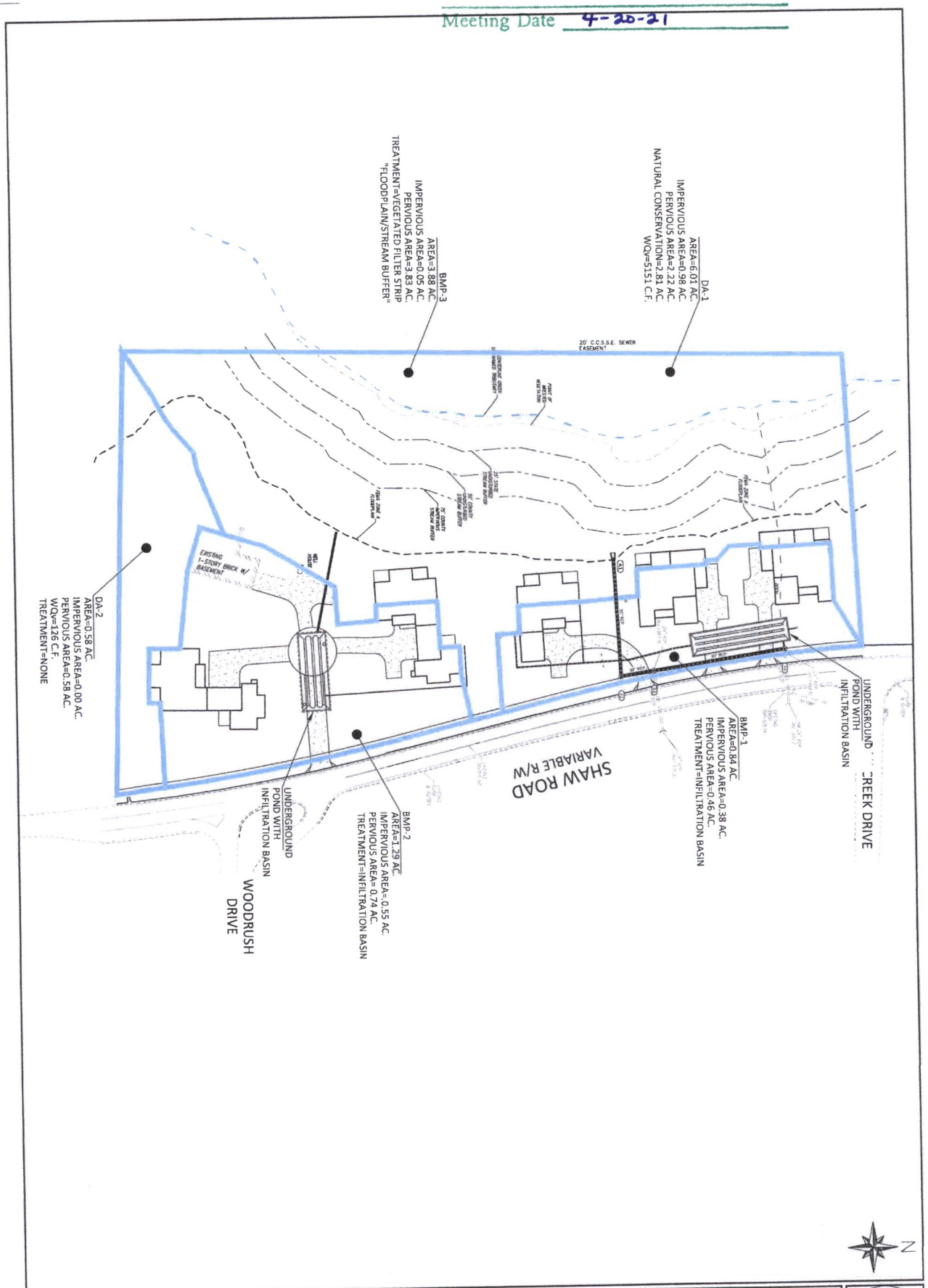
REVISIONS

Min. Bk. 92 Petition No. 0.B.18
Doc. Type Proposed Site Plan
Meeting Date 4-20-21

NEW Proposed OB 18

Min. Bk. 92 Petition No. O.B.18
Doc. Type Water Quality Map

Meeting Date 4-20-21



REVISIONS	DATE: MARCH 31ST, 2021	PROJECT NUMBER: 21112	SHEET NUMBER: MAP-3	SHEET TITLE: WATER QUALITY MAP	FOR: ENVIRONMENTAL LOGISTICS, LLC, 3011 SHAW ROAD, COBB COUNTY, GA PROJECT: THE OVERLOOK AT COKER CREEK, 3011 SHAW ROAD, COBB COUNTY, GA	BAILEY civil Group, P.O. Box 1382, Cartersville, GA 30120, 678.925.6481

Min. Bk. 92 Petition No. O.B.18
Doc. Type Stormwater Management & Cobb DOT comments & recommendations
Meeting Date 4-20-21

APRIL 20, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

ITEM OB-018

PURPOSE

To consider a site plan and stipulation amendment for Environmental Logistics, LLC regarding rezoning application Z-16 of 2019, for property located on the west side of Shaw Road at Woodrush Drive in Land Lots 489 and 520 of the 16th District (3011 Shaw Road).

BACKGROUND

The subject property was zoned R-15 with stipulations for an eight-lot detached housing development. The applicant has done some engineering and has found that six lots fits the property better due to the creek on the west side of the property. This two-house reduction has resulted in the revision to the driveway number and the locations of the driveway. The applicant has submitted a detailed letter dated March 17th that outlines the amendments to the site and the stipulations. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Stormwater management: The stormwater management plan received on 03/31/21 is acceptable for the project. The detailed design of the stormwater management facility will be reviewed and approved during plan review.

Cobb DOT:

1. Recommend modification of the lot lines so the Lot 3 driveway is included on Lot 3 and will not require an access easement.
2. Recommend retaining all DOT recommendations for Z-16-2019 and OB-22-2020, which include the following:
   a. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Shaw Road, a minimum of 30' from the roadway centerline;
   b. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements;
   c. Recommend sidewalk, curb, and gutter along the frontage of Shaw Road; and,
   d. Recommend a minimum spacing of 50 ft between driveways. (***3/31/21 Note: The driveway placements shown on the site plan received March 18, 2021 have been reviewed in Plan Review as part of SPR-2021-00068 and are acceptable in order to meet sight distance requirements.)***

(Continued on the next page)

APPLICANT: Environmental Logistics **PETITION NO.:** OB-118

PRESENT ZONING: **PETITION FOR:**

* * * \

Petition No. O.B.18
Meeting Date 4-20-21
Continued

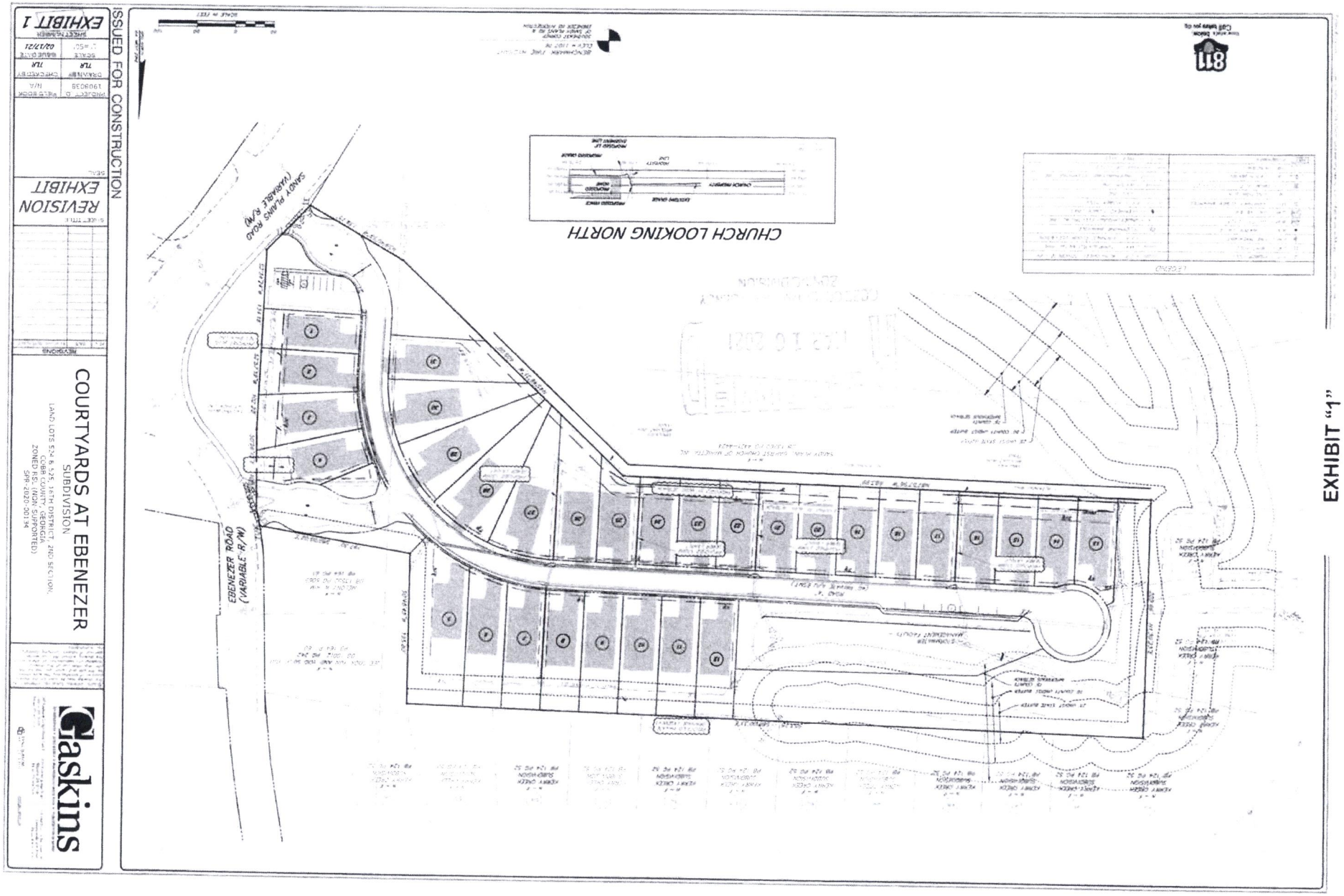
APPLICANT: Environmental Logistics **PETITION NO.:** OB-118

PRESENT ZONING: **PETITION FOR:**

* * * *

Min. Bk. 92 Petition No. 0.B.19
Doc. Type Proposed Site Plan

Meeting Date 4-20-21



Min. Bk. 92 Petition No. O.B.19
Doc. Type Exhibit "B"

Meeting Date 4-20-21

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

OB Application No.:	**OB-19 (2021)**
Application No.:	**Z-71 (2019)**
Original Hearing Date:	**December 17, 2019**
Date of Zoning Decision:	**February 18, 2020**
Current OB Hearing Date:	**April 20, 2021**
Applicant:	**Traton, LLC**
Titleholder:	**GDCI GA 7, L.P.**

RECEIVED
MAR 10 2021

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

The property which is the subject of this Application for "Other Business" is 9.45 acres, more or less, located on the northwesterly side of Sandy Plains Road and the westerly side of Ebenezer Road, Land Lots 524 and 525, 16th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). On February 18, 2020, the Cobb County Board of Commissioners approved the rezoning of the Property to the Residential Senior Living ("RSL") (non-supportive) zoning classification for use as an age-restricted, senior residential community.

Subsequent to development, Traton, LLC ("Applicant") became aware that certain adjustments to the approved Site Plan were required in order to accommodate the proposed homes. Applicant brings this "Other Business" Application to amend the previously approved Site Plan, and related stipulation, to allow for the reduction of the minimum rear setbacks only along specific lots to accommodate the homes, as follows:

(1) Reduction of the rear setback along the southern boundary from the required thirty (30) feet to fifteen (15) feet; and
(2) Reduction of the rear setback for lots 1 – 4, adjacent to Ebenezer Road, from the required thirty (30) feet to twenty-four feet.

Applicant submits for approval the revised Site Plan for the proposed development, prepared for Applicant by Gaskins Surveying Company, Inc., dated February 17, 2021, a reduced copy of which is attached as Exhibit "1." Further, Applicant requests amendment of the stipulation (paragraph (8) of the November 26, 2019; December 11, 2019; and February 12, 2020, stipulation letters) related to setbacks, as set forth above.

The approvals sought for the amended Site Plan and stipulation presented in this Application in no way adversely impact or affect the integrity of the approved rezoning. If the amended Site Plan and stipulation are approved, as submitted in this Application, the amendments shall become an additional part of the final rezoning and shall be binding upon the Subject Property and the development going forward. The proposed amendment only affects the adjoining property of Sandy Plains Baptist Church, Inc. The Church has been contacted and has confirmed its support of this proposal. A supporting communication from the Church in this regard will be submitted prior to the respective Board of Commission Zoning Hearing.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on February18, 2020, applicable to the Subject Property are unaltered by this request for Site Plan Amendment and shall remain in full force and effect.

Stone, Robin

Min. Bk. 92 Petition No. O.B.19
Doc. Type Email correspondence from Mr. Kline to Kevin Moore
Meeting Date 4-20-21

From: Stone, Robin
Sent: Friday, April 23, 2021 8:59 AM
To: Stone, Robin
Subject: FW: SPBC Support for OB-19-2021 Revised Site Plan

From: Kevin Moore <JKM@mijs.com>
Sent: Wednesday, April 14, 2021 12:01 PM
To: Birrell, JoAnn <JoAnn.Birrell@cobbcounty.org>
Cc: Pederson, John <John.Pederson@cobbcounty.org>
Subject: FW: SPBC Support for OB-19-2021 Revised Site Plan

Commissioner Birrell,

Please find the email below from Billy Kline, president of the leadership team at Sandy Plains Baptist Church, in support of the reduction in rear setback, as proposed in OB-8.

Thanks,

Kevin

J. Kevin Moore
Partner
Moore Ingram Johnson & Steele, LLP

Main: 770-429-1499
Fax: 770-429-8631
JKM@mijs.com
Attorney Biography

Emerson Overlook
326 Roswell Street, Suite 100
Marietta, Georgia 30060

MIJS Profile Practice Areas Events Locations

From: Billy Kline <billy_kline@hotmail.com>
Sent: Thursday, March 25, 2021 12:11 AM
To: Kevin Moore <JKM@mijs.com>
Cc: Steve Stephens <sjs3337@outlook.com>
Subject: SPBC Support for OB-19-2021 Revised Site Plan

Mr. Kevin Moore:

On March 7, 2021, the Sandy Plains Baptist Church and I reviewed the revised site plan for the Courtyards at Ebenezer subdivision. We have no objections to the proposed variance request to reduce the setback from 30 feet to 15 feet along the shared property line. Please consider this email as supporting communication for the upcoming "Other Business" Hearing on April 20, 2021.

Yours truly,

Billy Kline

President
Sandy Plains Baptist Church of Marietta, Georgia, Inc.
Mobile: 404-606-9034
Email: billy_kline@hotmail.com

Petition No. O.B.19
Meeting Date 4-20-21
Continued

Confidentiality Notice

This email and all attachments are CONFIDENTIAL and intended SOLELY for the recipients as identified in the "To", "Cc" and "Bcc" lines of this email. If you are not an intended recipient, your receipt of this email and its attachments is the result of an inadvertent disclosure or unauthorized transmittal. This email may contain privileged attorney-client communications or work product. Any dissemination of this email by or to anyone other than an intended recipient is strictly prohibited. Sender reserves and asserts all rights to confidentiality, including all privileges which may apply. Pursuant to those rights and privileges, if you are an unintended recipient, immediately DELETE and DESTROY all copies of the email and its attachments, in whatever form, and immediately NOTIFY the sender of your receipt of this email. DO NOT review, copy, or rely on in any way the contents of this email and its attachments. No duties or privileged relationships are intended or created by this communication where they do not otherwise exist. All rights of the sender for violations of the confidentiality and privileges applicable to this email and any attachments are expressly reserved. This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521, is confidential and may be legally privileged.

CAUTION: This email originated outside Cobb County Government. Please exercise caution when opening links/attachments in this email .

Min. Bk. 92 Petition No. O.B.19
Doc. Type Site Plan Review comments and recommendations
Meeting Date 4-20-21

APRIL 20, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

ITEM OB-019

PURPOSE

To consider a site plan and stipulation amendment for Traton, LLC regarding rezoning application Z-71 of 2019, for property located on the southwesterly intersection of Sandy Plains Road and Ebenezer Road in Land Lots 524 and 525 of the 16th District (Sandy Plains Road).

BACKGROUND

The subject property was zoned RSL with stipulations for a 31-lot detached housing development. The applicant has done some engineering with their proposed houses and has found that some of the lots need a small setback reduction in order to fit the stipulated houses on the lots. This reduction would affect lots 1-4 and lots 13-25. None of the lots adjacent to adjoining single family houses would be impacted. Lots 1 -4 would need a rear setback reduction from 30' to 24', and lots 13-25 would need a rear setback reduction from 30' to 15'. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Site Plan Review: If this Other Business item is approved, the civil engineering plans (site, grading, landscaping, and retaining walls) must be revised accordingly. The final plat must also be revised and rerecorded to indicate the reduced setbacks.

Cobb DOT: See attached.

Fire Department: See attached.

RECOMMENDATION

The Board of Commissioners conduct a public hearing and consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business application and zoning minutes.

Min. Bk. 92 Petition No. O.B.19
Doc. Type Cobb DOT comments & recommendations
Meeting Date 4-20-21

APRIL 20, 2021 ZONING HEARING
"OTHER BUSINESS" page 2
COMMISSION DISTRICT 3

Cobb DOT Recommendations

1. Recommend gates and all parts of be set back a minimum of 50' from the right-of-way and meet Cobb County Development Standards.

2. Recommend private streets, lighting, and utilities be constructed to the Cobb County Standard Specifications.

3. Recommend retaining all DOT recommendations for Z-71-2019, which include:

    a. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements. ***(3/31/21 Note: Addressed in Plan Review SPR-2020-00134.)***

    b. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Sandy Plains Road, a minimum of 50' from the roadway centerline. ***(3/31/21 Note: Addressed in Plan Review SPR-2020-00134.)***

    c. Recommend no access easement to Sandy Plains Road and Ebenezer Road for individual lot access. ***(3/31/21 Note: Addressed in Plan Review SPR-2020-00134.)***

    d. Recommend development consider relocating access to Sandy Plains Road. Because of the new median at this location it would be a right-in right-out access, but there are available U-turn locations within a short distance of this driveway. ***(3/31/21 Note: OB-19-2021 Site Plan includes right-in right-out access on Sandy Plains Road.)***

    e. If development access remains on Ebenezer Road, recommend a minimum left turn lane be installed. The striping plan and use of ROW on the eastern side of Ebenezer Road to install this turn lane will require coordination with Cobb County DOT. ***(3/31/21 Note: Left turns from Ebenezer Road are prohibited on the SPR-2020-00134 site plan, which changes the Ebenezer Road access to right-in right-out. This turn prohibition would remove the need for the left turn lane.)***

    f. As necessitated by this development, recommend access include taper or improved turn radius. Recommend location and design be determined during plan review.

Min. Bk. 92 Petition No. O.B.19
Doc. Type Fire Dept. comments recommendations
Meeting Date 4-20-21

APRIL 20, 2021 ZONING HEARING
"OTHER BUSINESS" page 3
COMMISSION DISTRICT 3

FIRE COMMENTS:

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

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.* (Required Flow: 1,000 gpm @ 20 psi)

* * * *

Petition No. O.B.19
Meeting Date 4-20-21
Continued

FIRE COMMENTS:

- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- Guest parking spaces must be evenly distributed throughout the project.

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

International Fire Code (IFC) Appendix D
(Adopted by the State of Georgia at the beginning of 2020. Partially noted below.)
SECTION D103
MINIMUM SPECIFICATIONS
D103.1 Access road width with a hydrant.
Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

SECTION D107
ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS
D107.1 One- or two-family dwelling residential developments.
Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads, and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.

The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

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

Josh Davis
(770) 528-8161
josh.davis@cobbcounty.org

Min. Bk. 92 Petition No. O.B.20
Doc. Type letter

Meeting Date 4-20-21

S L H

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

April 15, 2021

VIA HAND DELIVERY:

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

Re: Other Business Application of The Kroger Company regarding a 10.831 Acre Tract (OB #20 [2021])

Dear John:

You will recall that this firm represents The Kroger Company ("Kroger") which is both the Applicant and the Property Owner concerning the above-captioned Other Business ("OB") Application which was filed on March 16, 2021. The Application is presently scheduled to be heard and considered by the Cobb County Board of Commissioners ("BOC") on the BOC's OB Agenda immediately following the regularly scheduled Zoning Hearings on April 20, 2021.

Closely on the heels of the submittal of the OB Application, we submitted a letter on March 18, 2021 explaining the differences between the plan which was originally approved by the BOC (No. Z-12 [2017]) and the site plan which was submitted concurrently with the OB Application. The filing of that letter in conjunction with the filing of the OB Application precipitated an extraordinary dialogue with your Staff; Planning Commissioner Tony Waybright (whom Commissioner Richardson asked to assist her); representatives of the Powers Ferry Corridor Alliance ("PFCA") and, business and other property owners within the sub-area in which the Subject Property is situated. Also, those discussions have included J. R. Connolly, Brandon Ashkouti (the original Developers of the underlying Mixed-Use Development), Paul Harrell, P.E. and Alison Vaughan, RLA., both of whom work with Robertson Loia & Roof ("RLR").

Petition No. O.B.20
Meeting Date 4-20-21
Continued

S L H

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 15, 2021
Page 2

The discussions and the dialogue have been fruitful. In that regard, enclosed/attached is a revised site plan. The summary of the revisions to the site plan which have been made include the following:

- The parking in front of the in-line shops (approximately 7,470 sq. ft.) has been adjusted in order to create a five foot (5') walkway between the pharmacy drive-through and the building wall.

- The shops along the Subject Property's frontage (approximately 6,530 sq. ft.) has had its parking adjusted in order to create some additional pedestrian access points.

- The positioning of the dumpster for 6,530 sq. ft. shops has been relocated/rotated in accordance with discussions.

- In order to ensure that there are no unnecessary expectations or concerns, the designated words "Future Expansion" contiguous to the primary Kroger building has been eliminated in its entirety.

- We discussed a revision regarding the positioning or the manner in which Kroger's at-grade compactor could be improved but decided after fully considering same that the substantial existing forty foot (40') planted buffer, in addition to the elevation differential between the compactor and adjacent residential apartment buildings, was optimal.

In addition to the foregoing, also enclosed/attached is a Pedestrian Access Plan which clearly delineates meaningfully positioned pedestrian connectivity throughout the Kroger site but also clarifying pedestrian maneuverability and walkability issues throughout the Mixed-Use Development. This Pedestrian Access Plan was formulated in response to a need for a more clear delineation which was readily discernable in terms of pedestrian connectivity and in order to continue the reality of the Market Village aspects of the totality of the Mixed-Use Development.

Petition No. O.B.20
Meeting Date 4-20-21
Continued

S L H

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 15, 2021
Page 3

Finally, for clarification purposes, there is an existing landscape/streetscape plan along Powers Ferry Road which was part of the agreed upon zoning conditions. That portion of the landscaping and tree planting will remain unchanged. Additionally, this letter will confirm that internal streetscape plantings will be implemented consistent with the previously imposed zoning conditions and in current Cobb County Arborist requirements.

By way of explanation, this letter and its exhibits were not filed and formally submitted by yesterday's noon deadline for submitting such additional revised documentation and information. However, I am authorized to advise you and the recipients of this letter and exhibits that Planning Commissioner Tony Waybright generously extended that deadline until the close of business tomorrow. However, having the completed documents in hand late this afternoon, this letter and exhibits are being provided as quickly as possible.

John, I know that you are out of the office this week on vacation. Therefore, even though addressed to you, I have also included others as recipients within your Division and within the Community Development Agency who may be assisting you in your absence. Please do not hesitate to contact me should you have any questions whatsoever regarding these matters. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./dls
Enclosures

Petition No. O.B.20
Meeting Date 4-20-21
Continued

S L H

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 15, 2021
Page 4

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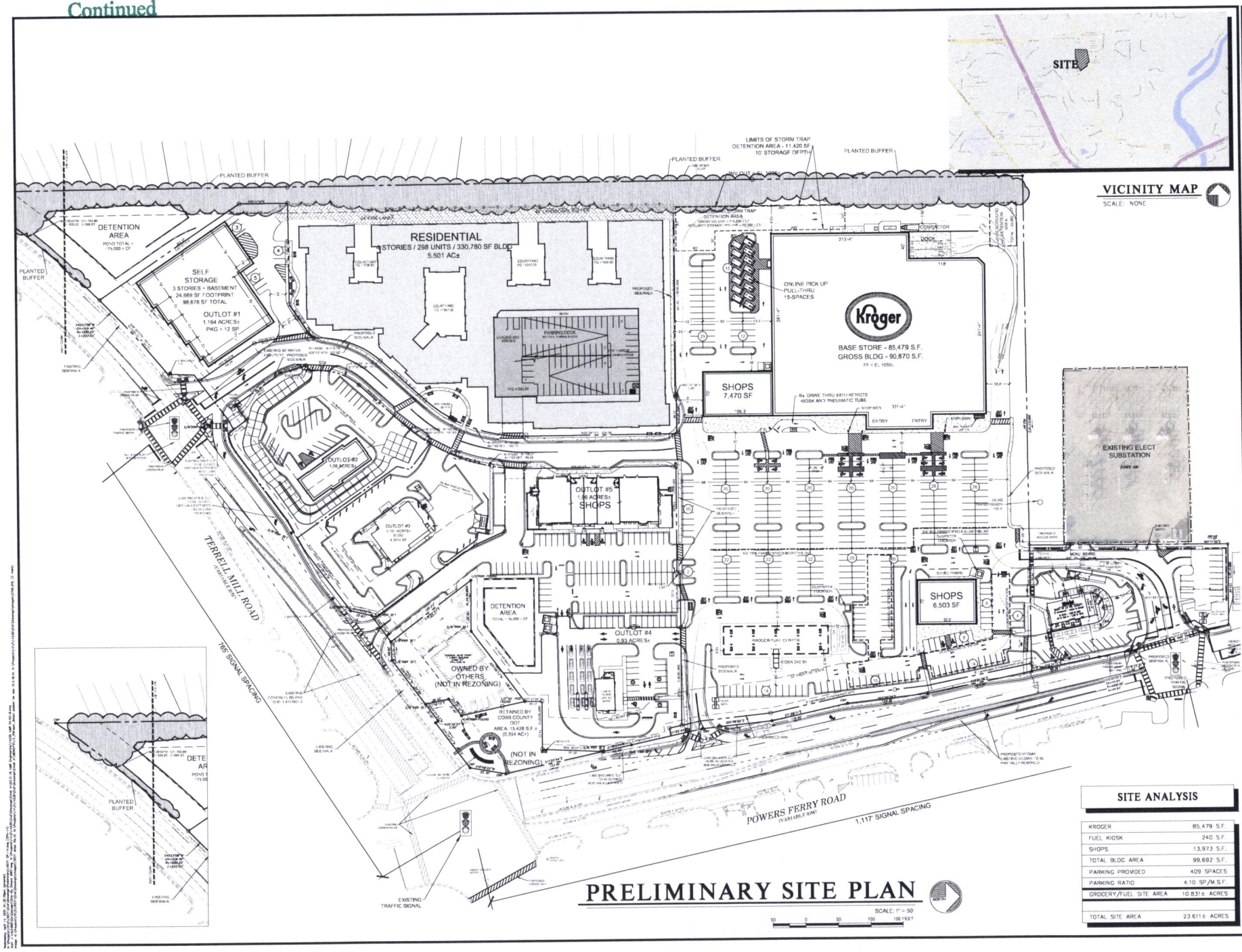
cc: Ms. Jerica Richardson, District 2 Commissioner (via email w/attachments)
Members, Cobb County Board of Commissioners (via email w/attachments)
Mr. Tony Waybright, Planning Commissioner (via email w/attachments)
Dr. Jackie McMorris, County Manager (via email w/attachments)
Board of Commissioners' Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Community Development Agency Director (via email w/attachments)
Mr. Jason A. Gaines, AICP, Planning Division Manager (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Mr. Donald Wells, Planner I (via email w/attachments)
Ms. Tannesha Bates, Planner I (via email w/attachments)
Ms. Margie Vazquez, Planner I (via email w/attachments)
Ms. Pamela Mabry, County Clerk (via email w/attachments)
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Capt. Josh Davis, Fire Marshal's Office (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)
Ms. Abby Rettig, P.E., Cobb DOT (via email w/attachments)
Mr. David Breaden, P.E., Stormwater Management Division (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments)
Mr. Tim Davidson, Plan Review Engineer, Water and Sewer Division (via email w/attachments)
Ms. Patti Rice, President, Powers Ferry Corridor Alliance (via email w/attachments)
Ms. Sheri George, Powers Ferry Corridor Alliance (via email w/attachments)
Mr. Nick Hodge, Vice President, Corporate Real Estate, The Kroger Co. (via email w/attachments)
Ms. Taylor Jensen, Kroger Regional Construction Manager, The Kroger Co. (via email w/attachments)
Ms. Ehiaghe Akojie, Regional Project Manager, The Kroger Co. (via email w/attachments)
Mr. Timothy "J.R." Connolly, II, Managing Partner, SSP, LLC (via email w/attachments)
Mr. Brandon Ashkouti, Development Manager, Ashkouti Realty Corporation (via email w/attachments)
Mr. Paul Harrell, Robertson Loia Roof, Architects & Engineers (via email w/attachments)
Ms. Alison Vaughan, RLA, Robertson, Loia Roof (via email w/attachments)

Petition No. 0.B.20
Meeting Date 4-20-21
Continued



PRELIMINARY SITE PLAN

SCALE: 1" = 50'

50 0 50 100 150 FEET

SITE ANALYSIS

KROGER	85,479 S.F.
FUEL KIOSK	240 S.F.
SHOPS	13,973 S.F.
TOTAL BLDG AREA	99,692 S.F.
PARKING PROVIDED	409 SPACES
PARKING RATIO	4.10 SP/M.S.F.
GROCERY/FUEL SITE AREA	10.831± ACRES
TOTAL SITE AREA	23.611± ACRES

ROBERTSON LOIA ROOF
ARCHITECTS & ENGINEERS
3460 Preston Ridge Road · Suite 275 · Alpharetta, Georgia 30005
770-674-2600 · Fax 678-319-0745

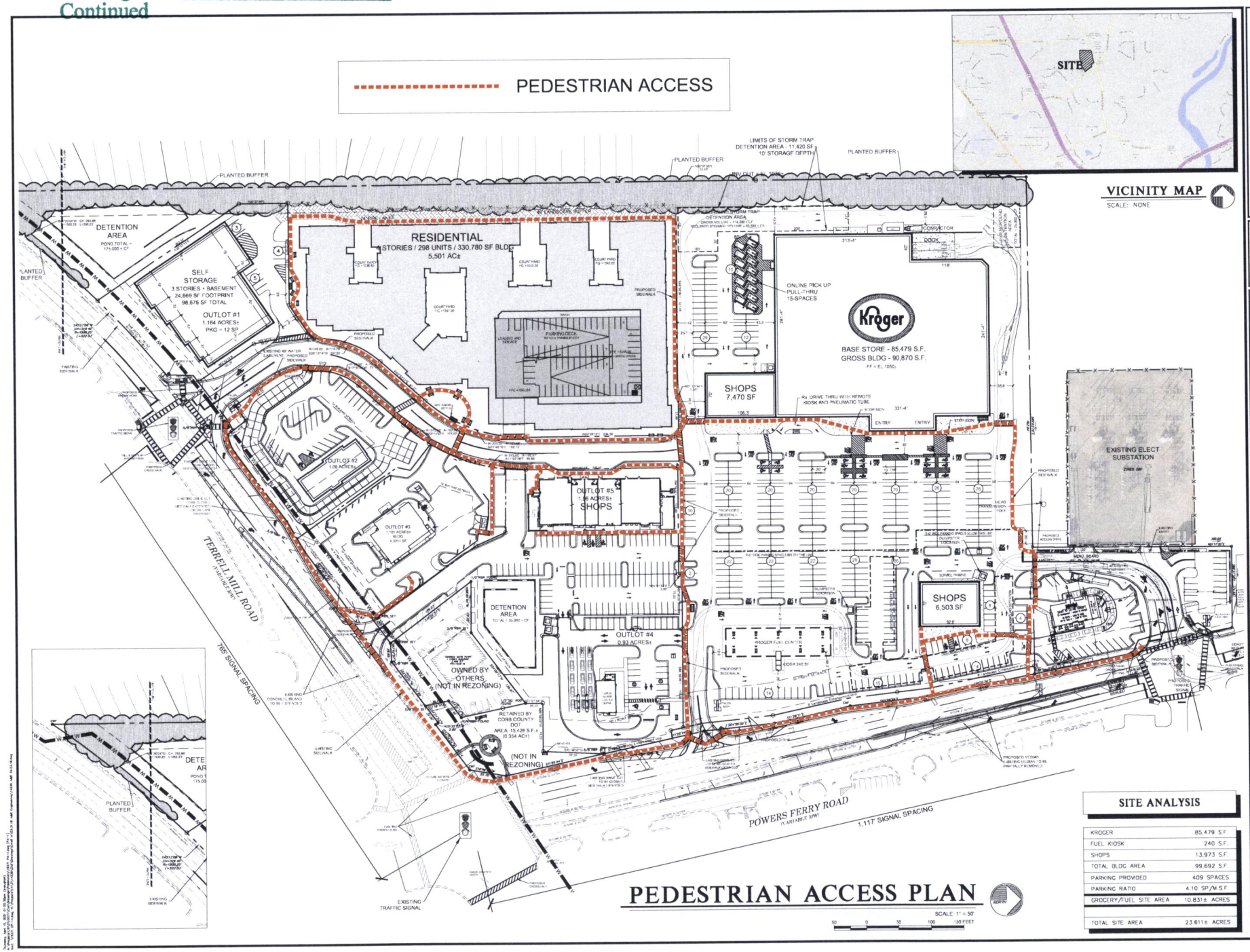
KROGER GA-730
MARKETPLACE TERRELL MILL
COBB COUNTY, GA
FOR
THE KROGER COMPANY
ATLANTA, GEORGIA

REVISIONS

SHEET TITLE
PRELIMINARY SITE PLAN

DATE 04/14/21
PROJECT NUMBER 19271
SHEET NUMBER CPs -14

Petition No. O.B.20
Meeting Date 4-20-21
Continued



SITE ANALYSIS

KROGER	85,479 S.F.
FUEL KIOSK	240 S.F.
SHOPS	13,973 S.F.
TOTAL BLDG AREA	99,692 S.F.
PARKING PROVIDED	409 SPACES
PARKING RATIO	4.10 SP/M S.F.
GROCERY/FUEL SITE AREA	10.831± ACRES
TOTAL SITE AREA	23.611± ACRES

ROBERTSON LOIA ROOF
ARCHITECTS & ENGINEERS
3480 Preston Ridge Road Suite 275 Alpharetta, Georgia 30005
770-674-7600 Fax 678-319-0745

KROGER GA-730
MARKETPLACE TERRELL MILL
COBB COUNTY, GA
FOR
THE KROGER COMPANY
ATLANTA, GEORGIA

REVISIONS

SHEET TITLE
PEDESTRIAN ACCESS PLAN

DATE 04/14/21
PROJECT NUMBER 19271
SHEET NUMBER PA -1

Min. Bk. 92 Petition No. O.B.20
Doc. Type 3-18-21 letter
referenced in the 4-15-2021 letter
Meeting Date 4-20-21

S L H

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

March 18, 2021

VIA EMAIL:

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

Re: Other Business Application of The Kroger Company regarding a 10.831 Acre Tract (OB #20 [2021])

Dear John:

As you know, this firm represents Kroger which is both the Applicant and the Property Owner concerning the above-captioned Other Business ("OB") Application (No. 20) which was submitted earlier this week on March 16, 2021.

Consistent with representations that I would do so, please allow this letter to serve as an analysis regarding minor deviations from the previously approved site plan which constitute concurrent variances, all of which was approved on February 20, 2018.

I know that you and your staff will conduct your own OB Analysis and Recommendations; however, the following constitute changes between the original and current site plans which may not be readily discernable, as follows:

1. Chapter 134-Article IV, § 134-217(13)(w) – Maximum impervious surface – the previous Variance granted was a maximum of seventy-five percent (75%) impervious surface; whereas, the new impervious surface is approximately seventy-six percent (76%) which requires a waiver to allow an increase of one percent (1%).

2. Section 134-228(12)(j) – Maximum impervious surface for RRC – this is a section also covering maximum percentage of impervious surface and reiterates the preceding paragraph by requesting a waiver of an additional one percent (1%) of impervious surfaces for the RRC Zoning District.

Petition No. O.B.20
Meeting Date 4-20-21
Continued

S L H

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 18, 2021
Page 2

3. Chapter 134 – Article V, § 134-279(g) – Dumpsters – A waiver is requested to requirements regarding the positioning of the dumpster as is shown on the revised site plan adjacent to the outparcel "Shops – 6,503 sq. ft.".

4. Stipulation letter (Village Design Standards/Building Materials) – Waive the requirements that all buildings have used at least one (1) brick color from the Kroger prototype presented during the rezoning. Kroger is requesting a variance waiving this requirement. In the alternative, Kroger may be compelled to secure a brick color which is common among twenty percent (20%) of the elevations of the other constructed buildings. This is best termed as an anticipatory request based upon discussions and negotiations during the pendency of the OB Application.

5. Stipulation letter (Village Design Standards/Outparcel Parking) – The Village Design Standards may require . . . the "majority" of parking spaces on the site be situated in the side and rear yards for the new retail commercial shops/outparcels. Again, this is an anticipatory request for a concurrent variance dependent upon the interpretation of protocols by County Staff and Board Members.

6. Chapter 134 – Article V, § 134-272(5)(b) – Parking – A previous variance specific to the site plan was approved for the reduction of 100 parking spaces. Calculations indicate that there are now 499 spaces being required based on current parking ratios; whereas, 414 parking spaces are provided. Kroger believes that the previous variance covers this parking scenario and that no new variance is needed.

7. Chapter 134-228(5), fifty foot (50') - landscaped buffer adjacent to residential – Because of the previous site plan approval specific to the buffer between the Subject Property and existing residential properties which are located contiguous and to the north of the Subject Property, a variance does not need to be secured based upon previous site plan approvals.

8. Cobb County Development Standards, §§ 416.223 & 416.2.4, respectively, covering replacement density factors and unique density requirements for commercial developments – 15 tree density units per acre are required. That breaks down to 114.4 units for the Kroger parcel, plus 19 four inch (4") trees for specimen recompence (114.4 = 128 five inch (5") caliper trees plus 19 four inch (4") caliper trees.

Petition No. O.B.20
Meeting Date 4-20-21
Continued

S L H

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 18, 2021
Page 3

There simply is not enough room on the site to plant this many trees unless Kroger agrees to reducing the number of parking spaces in order to add more landscaped islands. In that regard, Kroger agrees to pay into the Cobb County Tree Fund for not being able to meet replacement density factors on site. A conservative estimated amount to be paid into the Tree Fund based on deficient tree density units will be approximately Twenty Thousand Dollars ($20,000.00) (See Development Standard 416.6.2 [County Tree Replacement Fund] for more information on the manner in which monetary amounts are calculated.)

In addition to the foregoing, a sufficient number of trees must be planted in interior portions of parking lots to achieve a ratio of one tree per 1,140 sq. ft. of parking bay area. Additionally, every parking space must be within fifty feet (50') of the trunk of a tree to ensure uniform distribution of trees throughout the parking area. Kroger will likely need a variance for both requirements unless Kroger is willing to jettison some of its parking spaces which does not make sense from a customer-service related perspective.

Please let me know when you and your Staff have had an opportunity to review the content of this letter in juxtaposition to the revised site plan which was filed concurrently with the OB Application earlier this week. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./dls

Petition No. 0.8.20
Meeting Date 4-20-21
Continued

S L H

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 18, 2021
Page 4

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cc: Ms. Jerica Richardson, District 2 Commissioner (via email)
Members, Cobb County Board of Commissioners (via email)
Dr. Jackie McMorris, County Manager (via email)
Board of Commissioners' Assistants (via email)
Ms. Jessica Guinn, AICP, Community Development Agency Director (via email)
Mr. Jason A. Gaines, AICP, Planning Division Manager (via email)
Ms. Jeannie Peyton, Senior Planner (via email)
Mr. Terry Martin, Planner III (via email)
Mr. Donald Wells, Planner I (via email)
Ms. Tannesha Bates, Planner I (via email)
Ms. Margie Vazquez, Planner I (via email)
Ms. Pamela Mabry, County Clerk (via email)
Ms. Robin Stone, Deputy County Clerk (via email)
Ms. Leila Washington, Deputy County Clerk (via email)
Ms. Mary Lanning, RLA, Fire Marshal's Office (via email)
Capt. Josh Davis, Fire Marshal's Office (via email)
Ms. Amy Diaz, P.E., Cobb DOT (via email)
Ms. Abby Rettig, P.E., Cobb DOT (via email)
Mr. David Breaden, P.E., Stormwater Management Division (via email)
Mr. Carl Carver, P.E., Stormwater Management Division (via email)
Mr. Tim Davidson, Plan Review Engineer, Water and Sewer Division (via email)
Ms. Patti Rice, President, Powers Ferry Corridor Alliance (via email)
Ms. Sheri George, Powers Ferry Corridor Alliance (via email)
Mr. Nick Hodge, Vice President, Corporate Real Estate, The Kroger Co. (via email)
Ms. Taylor Jensen, Kroger Regional Construction Manager, The Kroger Co. (via email)
Ms. Ehiaghe Akojie, Regional Project Manager, The Kroger Co. (via email)
Mr. Timothy "J.R." Connolly, II, Managing Partner, SSP, LLC (via email)
Mr. Brandon Ashkouti, Development Manager, Ashkouti Realty Corporation (via email)
Mr. Paul Harrell, Robertson Loia Roof, Architects & Engineers (via email)

Min. Bk. 92 Petition No. O.B.20
Doc. Type Site Plan Review, Cobb DOT • Fire Dept. Comments • recomendations
Meeting Date 4-20-21

APRIL 20, 2021 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2

ITEM OB-020

PURPOSE

To consider a site plan and stipulation amendment for The Kroger Company regarding rezoning application Z-12 of 2017, for property located on the west side of Powers Ferry Road, and on the north side of Terrell Mill Road in Land Lots 923 and 924 of the 17th District (1306 Powers Ferry Road).

BACKGROUND

The subject property was zoned Regional Retail Commercial (RRC) with stipulations for a mixed development. The applicant would like to amend the site plan to allow another outlot in front of the Kroger store. The proposed outlot would contain 6,503 square feet of shops that may have restaurants, retail or offices. The proposed Kroger store has gotten smaller since it was approved in 2018, which results in the required parking still being met. The proposed shops building would be one-story in height and would meet all the architectural and signage stipulations contained in the zoning minutes. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Site Plan Review: The proposed site plan does not provide compliance with the parking lot tree portion of the Cobb County Tree Ordinance. Additional parking lot islands and peninsulas will be required, to be determined by the Cobb County Arborist during Site Plan Review.

Cobb DOT: See attached.

Fire Department: The CCFMO has no issues with the proposed OB. All applicable fire and life safety provisions must be met.

RECOMMENDATION

The Board of Commissioners conduct a public hearing and consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business application and zoning minutes.

Petition No. O.B.20
Meeting Date 4-20-21
Continued

APRIL 20, 2021 ZONING HEARING
"OTHER BUSINESS" page 2
COMMISSION DISTRICT 3

Cobb DOT Recommendations

Recommendations

1. Recommend retaining all DOT recommendations for Z-12-2017 which include:
    a. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Powers Ferry Road, a minimum of 50' from the roadway centerline.
    b. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Terrell Mill Road, a minimum of 50' from the roadway centerline.
    c. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
    d. Recommend replacing disturbed curb, gutter, and sidewalk along the Powers Ferry Road and Terrill Mill Road frontages.
    e. Recommend developer contribute 100% of the cost for the traffic signals, if and when warranted and installation approved by Cobb County DOT. ***(3/31/21 Note: The referenced traffic signals are currently in place.)***
    f. Recommend removing and closing driveway aprons along Powers Ferry Road and Terrill Mill Road frontages that development renders unnecessary.
    g. Recommend the full movement entrance on Terrell Mill Road include a deceleration lane and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval. ***(3/31/21 Note: The referenced turn lanes are currently in place.)***
    h. Recommend deceleration lanes for both right-in/ right-out entrances closest to the intersection of Terrell Mill Road at Powers Ferry Road. Recommend location and design be determined during plan review, subject to Cobb County DOT approval. ***(3/31/21 Note: The deceleration lane for the Powers Ferry Road entrance referenced above is currently in place. The Terrell Mill Road entrance referenced above was designed as an improved radius because of geometric restrictions. Both locations have received Cobb DOT approval.)***
    i. Recommend a large turn radius for the two northernmost entrances on Powers Ferry Road. Recommend location and design be determined during plan review, subject to Cobb County DOT approval. ***(3/31/21 Note: The OB-20-2021 removes one of these two entrances. The intersection design for the remaining entrance was approved by Cobb DOT as part of the signal design.)***
    j. Recommend raised concrete islands on Powers Ferry Road and Terrell Mill Road.
    k. Recommend developer obtain a landscape license from Cobb County DOT for any signage and landscaping on County property. Recommend signage and landscaping on Cobb County property be maintained by the Developer. ***(4/5/21 Note: DOT has confirmed the landscape license process is complete.)***

Amend Something Previously Adopted Item #1
Min. Bk. 92 Petition No.
Doc. Type O.B 27 from 8-18-2020 BOC Zoning Minutes
Meeting Date 4-20-21

OTHER BUSINESS (CONT.)

O.B. 27 To consider a site plan and stipulation amendment for Rekeep Investments, Inc. regarding rezoning case #32 of 1988. The property is located on the north side of Veterans Memorial Highway, east of Vonda Lane, in land lots 1294 and 1297 of the 19th district (1058 Veterans Memorial Highway). ***(Previously continued by Staff from the May 19, 2020, Board of Commissioners' (BOC) Zoning hearing until the June 16, 2020, and July 21, 2020, BOC Zoning hearings until the August 18, 2020, BOC Zoning hearing).***

Mr. Pederson presented the Applicant's request for a site plan and stipulation amendment for Rekeep Investments. The public hearing was opened; Alvin Kindle and Robin Meyer (virtual speaker) addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Boyce, to **approve** O.B. 27, subject to:

1. **Letter from the Mableton Improvement Coalition dated June 10, 2020 (attached and made a part of these minutes)**
2. **Add to the list of prohibited uses: liquor stores; adult entertainment; sales of sexually explicit or drug related paraphernalia; pawn shops and title pawn shops; gold or precious metal dealers; night clubs; video arcades as a primary use; check cashing; discounted sales; auto/truck sales; auto parts; auto services; used tire sales; taxi dispatching services; gun, knife, or weapon sales; shooting ranges; firewood sales; thrift, second hand stores, or flea markets; convenience stores with gasoline sales; gas stations; vehicle parking lots for cars, trucks, or commercial trucks**
3. **Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 4-0, Ott absent

O.B. 29 To consider a site plan approval for Pedro Santana regarding rezoning application Z-167 of 2005 for property located on the southwesterly side of Glencree Court, westerly of Claremorris Trace, in land lot 138 of the 19th district (4911 Glencree Court). ***(Previously continued by the Board of Commissioners (BOC) from the June 16, 2020, BOC Zoning hearing until the July 21, 2020, BOC Zoning hearing; continued by the BOC until the August 18, 2020, BOC Zoning hearing).***

Min. Bk. 92 Petition No. Amend Something Previously Adopted - Item #1
Doc. Type Mableton Improvement Coalition (MIC) letter
Meeting Date 4-20-21

June 10, 2020

Cobb County Board of Commissioners
100 Cherokee Street
Marietta, GA 30090

Re: OB-27, Rekeep Investments

Dear Mr. Chairman and Commissioners:

I am writing on behalf of the Mableton Improvement Coalition Board to ask that you postpone the hearing on the applicant's request to remove all zoning conditions for this property currently zoned General Commercial. Despite a month of inquiries to the Zoning Division and the applicant, it is still unclear what property is under consideration in this Other Business item.

Parcel ID	Street Address	County GIS map	OB Application p1	OB Application p3
19129400300	1058 VMH	Yes	No	No
19129600330	1095 VMH	Yes	No	No
19129700030	None	Yes	Yes	Yes
19129400490	None	Yes	?	Yes
19129500370	None	Yes	?	Yes
19129500740	None	Yes	?	No

Additionally, the notice sent to nearby property owners was internally inconsistent. It contained an illegible map, described the property as Land Lots 1294 and 1297 (about 80 acres), and included the first page of the application, which references only 1058 Veterans Memorial Highway (which is not 7.0123 acres as stated). A copy of the notice is attached.

Please postpone this hearing and require this applicant to re-file an application with a clear site plan that includes all the parcels. Preferably, that application would be for a full re-zoning to a modern category such as NRC and CRC.

If, however, you move ahead with this hearing, we recommend approval with the conditions listed below. Our position assumes that all six parcel numbers listed above are under consideration. We understand that the current conditions referencing a grocery store-anchored shopping center might no longer be feasible. We have asked the applicant about their plans for the property and learned that they intend to rent to whatever tenants present themselves.

Amend Something Previously Adopted - Item #1
Petition No. 4-20-21
Meeting Date
Continued

Thus, we suggest these conditions:

1. Landscape Review Committee composed of the applicant, MIC and the Community Development Department to develop a plan consistent with the Veterans Memorial Design Guidelines; landscaping to be installed by Dec 31, 2020. Any dead or damaged landscaping materials installed as a result of this plan will be replaced within 90 days.
2. Any dumpsters to be placed in code-compliant enclosures
3. No outside storage or display
4. No new building construction or parking areas without rezoning application
5. Buildings to be repainted with colors to be approved by the District Commissioner
6. Signage compliant with Veterans Memorial Design Guidelines
7. Prohibited uses:
    1. Liquor stores;
    2. Adult entertainment;
    3. Sales of sexually explicit or drug-related paraphernalia;
    4. Pawn shops and title pawn shops;
    5. Gold or precious metal dealers;
    6. Nightclubs;
    7. Video arcades as a primary use;
    8. Check cashing;
    9. Discount sales;
    10. Auto/truck sales, auto parts, auto service, and used tire sales;
    11. Taxi dispatching services;
    12. Gun, knife or weapons sales;
    13. Shooting ranges;
    14. Firewood sales;
    15. Thrift stores, second hand stores, or flea markets;
    16. Convenience stores with gasoline sales
    17. Gas stations
    18. Vehicle parking lots for cars, trucks or commercial trucks
8. Removal of the chain link fence between the 1058 and 1095 VMH (if 1095 VMH is in application)
9. Repaving and restriping of parking lot at 1058 VMH
10. All improvements completed prior to issuance of additional business licenses.

Amend Something Previously Adopted-Item #1
Petition No. 4-20-21
Meeting Date
Continued

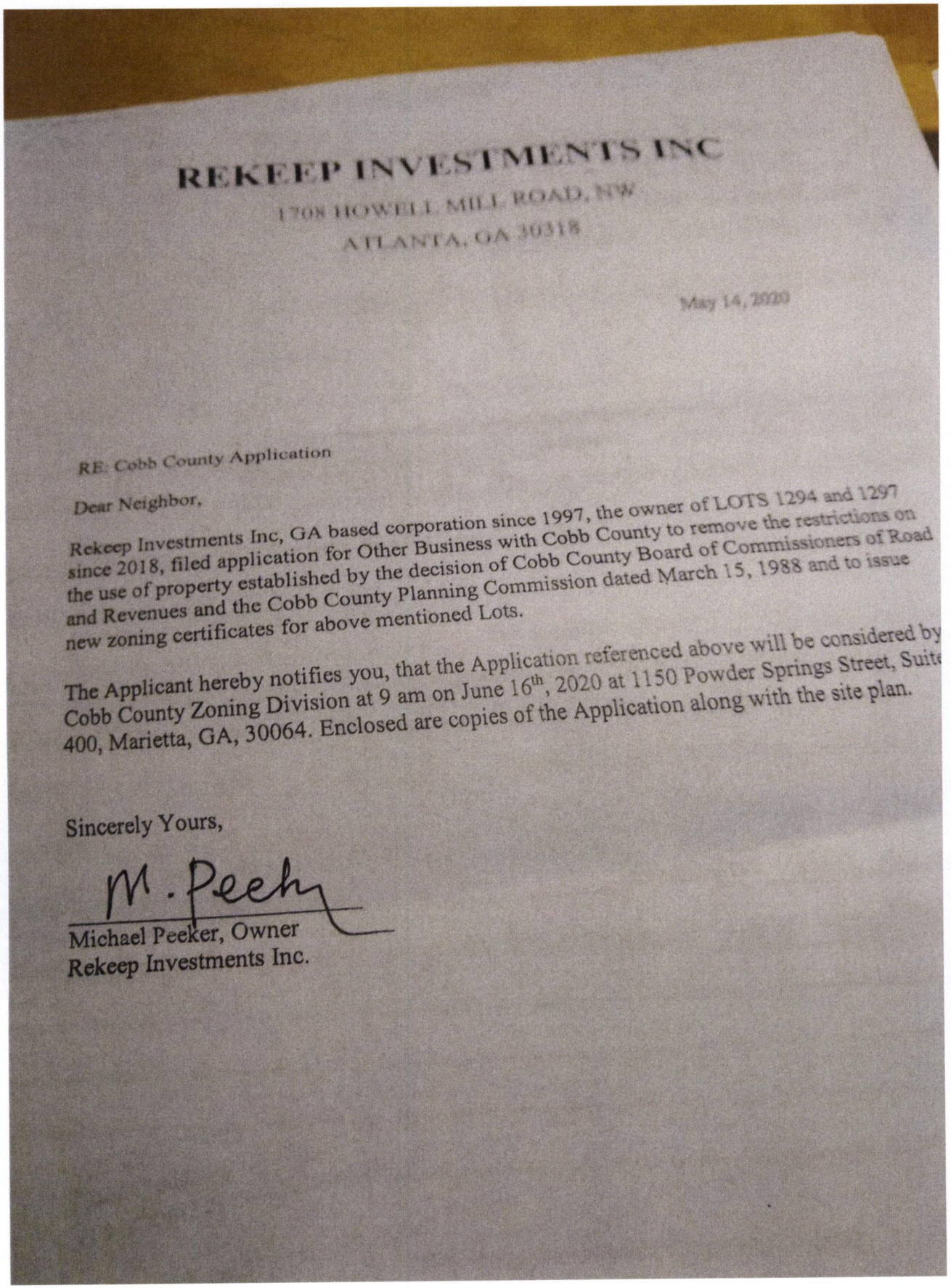
As always, thank you for the opportunity to be a part of this public comment process. If you have any questions, please feel free to contact me at 770 948-5394.

Sincerely,

Robin Meyer
Zoning Committee Chair

cc: Cobb County Board of Commissioners
John Pederson, Cobb County Zoning Division Manager
Robin Presley, Deputy County Clerk
Oksana Klymovych
MIC Board of Directors and Zoning Committee

Petition No. Amend Something Previously Adopted-Item #1
Meeting Date 4-20-21
Continued



REKEEP INVESTMENTS INC
1708 HOWELL MILL ROAD, NW
ATLANTA, GA 30318

May 14, 2020

RE: Cobb County Application

Dear Neighbor,

Rekeep Investments Inc, GA based corporation since 1997, the owner of LOTS 1294 and 1297 since 2018, filed application for Other Business with Cobb County to remove the restrictions on the use of property established by the decision of Cobb County Board of Commissioners of Road and Revenues and the Cobb County Planning Commission dated March 15, 1988 and to issue new zoning certificates for above mentioned Lots.

The Applicant hereby notifies you, that the Application referenced above will be considered by Cobb County Zoning Division at 9 am on June 16th, 2020 at 1150 Powder Springs Street, Suite 400, Marietta, GA, 30064. Enclosed are copies of the Application along with the site plan.

Sincerely Yours,

M. Peeh

Michael Peeker, Owner
Rekeep Investments Inc.

Petition No. Amend Something Previously Adopted-Item #1
Meeting Date 4-20-21
Continued

Application for Other Business

08-27

Cobb County, Georgia
(Cobb County Zoning Division – 770-528-2035) BOC Hearing Date Requested: 5-19-20

Applicant: Rekeep Investments Inc (applicant's name printed) Phone #: 404 367 98 81
Address: 1408 Howell Mill Road Atlanta 3031 E-Mail: rekeep@gmail
Michael Becker Address: 1408 Howell Mill Road, Atla
(representative's name printed)
(representative's signature) Phone #: 404 458 7054 E-Mail: rekeep@gmail.
Signed, sealed and delivered in presence of:
COBB COUNTY
Notary Public My commission expires:

Titleholder(s): Rekeep Investments Inc (property owner's name printed) Phone #: 404 367
Address: 1408 Howell Mill Road, Atlanta E-Mail: rekeep@

(Property owner's signature)

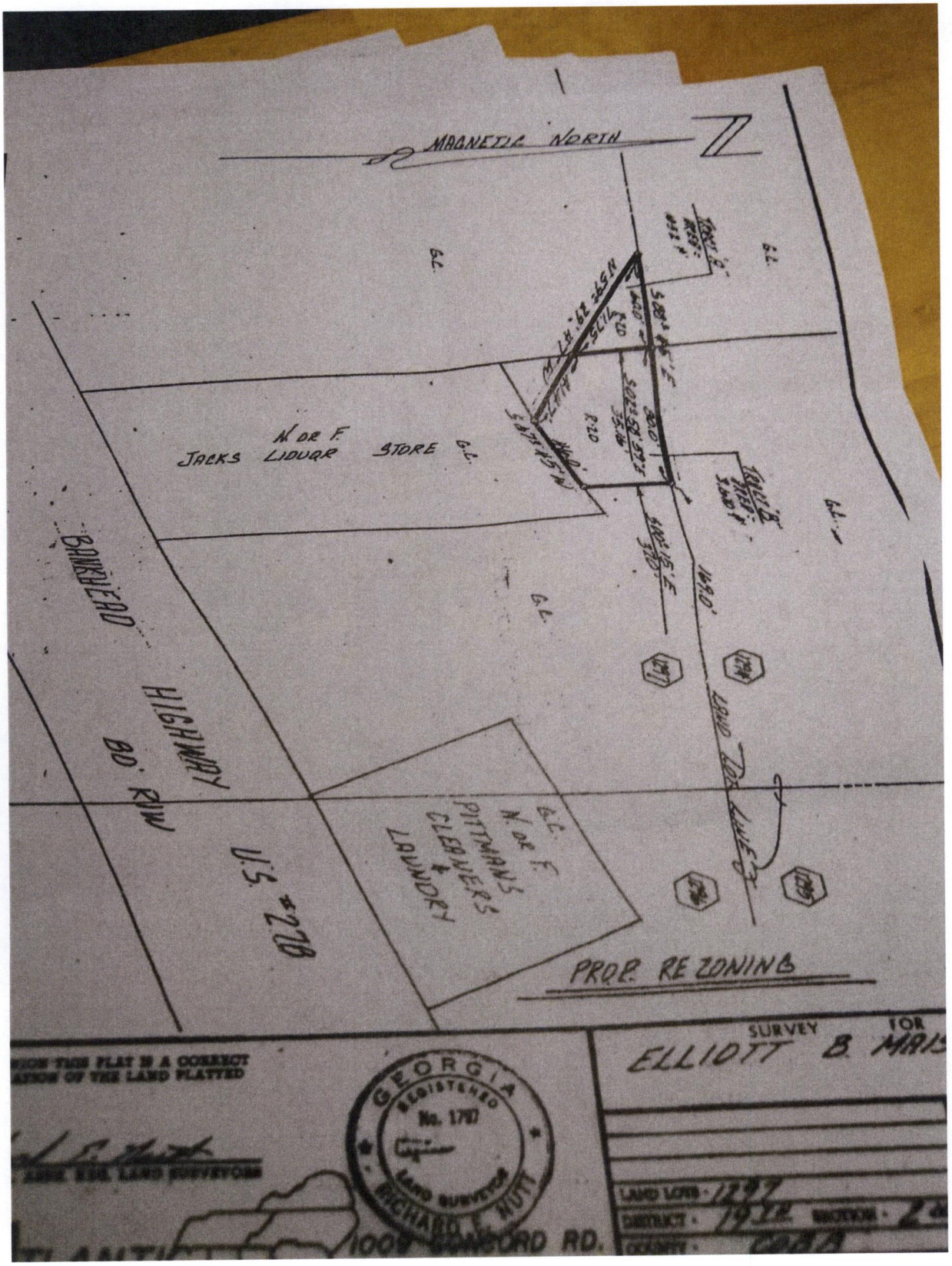
Signed, sealed and delivered in presence of:

Notary Public My commission expires:

Commission District: Cobb County Zoning Case: 37
Size of property in acres: 7,0123 Original Date of Hearing: 3
Location: 1058 Veterans Memorial Highway
(street address, if applicable; nearest intersection, etc.)
Land Lot(s): 1294 and 1297 District(s): 1

State specifically the need or reason(s) for Other Business: See e

Petition No. Amend Something Previously Adopted- Item #1
Meeting Date 4-20-21
Continued



Amend Something Previously Adopted - Item #2
Min. Bk. 92 Petition No.
Doc. Type Z-10 from 3-16-21 BOC Zoning Minutes
Meeting Date 4-20-21

REGULAR AGENDA (CONT.)

Z-10 **STACEY BAGWELL** (Jose R. Medina and Eleuteria Diaz, as joint tenants with rights of survivorship, owners) requesting rezoning from **NS** to **NRC** for a convenience store with fuel and retail sales in land lot 15 of the 17th district. Property is located on the northwest side of Austell Road, south of Millwood Drive (2520 Austell Road).

The public hearing was opened, and Garvis L. Sams, Jr. addressed the Board. No opposition was present, and Mr. Sams, Jr. announced that issues raised from the opposition who attended the Planning Commission hearing had been resolved. Since the case was originally on the Consent Agenda for the Planning Commission, Mr. Sams, Jr. requested Z-10 be added to the Consent Agenda. The Board was agreeable to his request, and the case was not heard. Thereafter, the following motion was made to add Z-10 to the Consent Agenda:

MOTION: Motion by Sheffield, second by Birrell, to **add** Z-10 to the Consent Agenda, with the following *revised* stipulations:

1. **Add to the list of prohibited uses:**
   A. Dollar Stores and/or Discounted Merchandise Stores
2. **At no time should the dumpsters be located outside of the enclosure**
3. **District Commissioner to approval all building, fuel canopy, and sign architecture**
4. **Six-foot black metal fence instead of a six-foot black vinyl coated chain link fence**

VOTE: **ADOPTED** 5-0

Following the vote, Mr. Bill Rowling, the County Attorney, announced that while the previous motion was to add Z-10 to the Consent Agenda, the application itself needed to be voted on. Therefore, Commissioner Sheffield made the following motion for Z-10.

MOTION: Motion by Sheffield, second by Birrell, to **approve** Z-10 to the **NRC** zoning district.

VOTE: **ADOPTED** 5-0

Amend Something
Min. Bk. 92 Petition No. Previously Adopted-Item #2
Doc. Type Planning Commission
Comments & rec. for Z-10 from 3-2-21 PC minutes
Meeting Date 4-20-21

REGULAR AGENDA (CONT.)

Z-10 **STACEY BAGWELL** (Jose R. Medina and Eleuteria Diaz, as joint tenants with rights of survivorship, owners) requesting rezoning from **NS** to **NRC** for a convenience store with fuel and retail sales in land lot 15 of the 17th district. Property is located on the northwest side of Austell Road, south of Millwood Drive (2520 Austell Road).

The public hearing was opened; Garvis L. Sams, Jr. and Michael Coolbroth addressed the Planning Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Porter, second by Summerour, to recommend **approval** of Z-10 to the **NRC** zoning district, subject to:

1. **Convenience Food Store with fuel sales, Neighborhood Retail uses, and Eating and Drinking Establishment uses *only***
2. **Letter of agreeable conditions from Garvis L. Sams, Jr. dated February 19, 2021 (on file in the Zoning Division), with the following changes:**
   - **A. Strike Item No. 4**
   - **B. Item No. 5 – add the following prohibited uses:**
     - **i. Light Automotive Repair**
     - **ii. Tire and Rim Sales or Installation**
     - **iii. Bail Bond Establishments**
     - **iv. Gold or other precious metal buying or selling**
     - **v. Thrift stores, second-hand store or flea markets**
     - **vi. Car Washes**
     - **vii. Emissions and/or Inspection Stations**
     - **viii. Nursery Schools and Child Daycare**
     - **ix. Video Arcades (strike the words, "as primary use")**
     - **x. Adult themed shops or bookstores (strike the words, "as primary use")**
   - **C. Item No. 13 – add to the following prohibited minor modifications:**
     - **i. increase the overall building square footage**
     - **ii. change that is in conflict with an expressed stipulation or condition of zoning**
     - **iii. requires a variance or violates Cobb County Ordinance**
3. **Adherence to Austell Road Design Guidelines**
4. **No loitering allowed; property owner and businesses to take necessary actions to prevent loitering**
5. **Convenient Food Store uses to have a security plan approved by the Cobb County Police Department**

Amend Something Previously Adopted - Item #2
Petition No. 4-20-21
Meeting Date
Continued

REGULAR AGENDA (CONT.)

Z-10 **STACEY BAGWELL (CONT.)**

6. **24-hour video surveillance to be provided with cameras located around the property to reasonably cover all sides of any convenience food store with fuel sales; video to be retained for at least 14 days and made available to Cobb County Police upon request**
7. **The Quick Serve Restaurant (QSR) to have the drive-thru window on the southern side of the building (as shown on the most recent site plan)**
8. **Hours of operation for all businesses to be 6:00 a.m. to midnight (12:00 a.m.)**
9. **Photometric Plan to be approved by Cobb County Department of Transportation and Community Development**
10. **Lower intensity of lighting during closed hours and that to be detailed in the Photometric Plan**
11. **Six-foot black vinyl coated chain link fencing to be provided along all residentially zoned properties**
12. **The 35-foot screening buffer to be a landscape buffer with at least three rows of planting of evergreens**
13. **Landscape Plan to be approved by the County Arborist**
14. **Staff comments and recommendations,** ***not otherwise in conflict***

VOTE: **ADOPTED** 5-0

Z-11 **VENTURE COMMUNITIES, LLC** (SHH Partners, L.P., owner) requesting rezoning from **GC** to **RM-12** for condominiums in land lot 854 of the 17th district. Property is located on the east side of I-75, at the terminus of Leland Drive (no address).

The public hearing was opened; Parks Huff and Jay Thomas addressed the Planning Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Waybright, second by Summerour, to **hold** Z-11 until the April 6, 2021, Planning Commission Zoning Hearing.

VOTE: **ADOPTED** 5-0

LUP-9 **JOHN R. SMITH** (Sara Deal Smith, owner) requesting a **Temporary Land Use Permit** to allow occupancy of an accessory structure in land lot 79 of the 18th district. Property is located on the north side of Old Alabama Road, west of the intersection of Old Alabama Road and Pisgah Road (860 Old Alabama Road).

Amend Something Previously Adopted Item #2
Min. Bk. 92 Petition No.
Doc. Type Letter
Meeting Date 4-20-21

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

March 10, 2021

(REVISED STIPULATION LETTER & SAFETY PLAN)

VIA EMAIL

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

Re: Application of Stacey Bagwell to Rezone a 2.44 Acre Tract from NS to NRC (No. Z-10)

Dear John:

As you know, this firm represents the Applicant and property owner concerning the above-captioned Application for Rezoning. The Application was heard, considered and unanimously recommended for approval by the Planning Commission on March 2, 2021. Presently, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on March 16, 2021.

With respect to the foregoing, my clients have addressed certain issues and are now incorporating additional direction from the Planning Commission within the context of its recommendation to the Board of Commissioners all of which is consistent with Cobb County policy and complementary to the Subject Property's neighbors' property/homes, respectively. Overall and considering the context of both planned and existing development within this sub-area of the County, this revised proposal constitutes a "good fit" for the community with the totality of the Subject Property being situated within a Neighborhood Activity Center ("NAC") under the County's Future Land Use Map ("FLUM").

As previously noted, the Subject Property is adjacent to NRC zoned property to the south (rezoned in 2017) and is otherwise contiguous to commercially zoned and utilized properties which run southerly along the western side of Austell Road. Additionally, the Subject Property has contiguous single-family residentially zoned and utilized properties on both the west and the north. In that regard, a representative from the community and speaking on behalf of his neighbors was present at the public hearing before the Planning Commission. This revised letter takes into consideration both his and his neighbors' issues and considerations.

Amend Something Previously Adopted - Item #20
Petition No.
Meeting Date 4-20-21
Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
March 10, 2021
Page 2

In accordance with direction from the Planning Commission and our discussions with Staff and area residents, I have been authorized to submit this revised letter of agreeable stipulations which, upon approval, said stipulations shall become conditions and a part of the grant of the requested Rezoning and shall be binding upon the Subject Property thereafter.

The referenced stipulations/conditions consist of the following, to wit:

1. The revised 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 concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

2. The rezoning of the Subject Property shall be from NS to NRC consistent with the revised Site Plan, prepared by Jon G. Amsberry, P.E., which was signed and sealed on 02-10-21 and which was submitted concurrently with the previous Stipulation Letter on February 19, 2021.

3. The property at issue consists of an approximate 2.44 acre tract ("Subject Property") which shall be developed for the purposes of the construction of a 3,240 square-foot convenience center with fuel sales, 1,260 square feet of leased space, and a 3,240 square-foot fast-casual restaurant.

4. The architectural style and composition of the building to be constructed on the Subject Property shall be consistent with terms, provisions and regulations of the Austell Road Corridor Design District Guidelines and shall be subject to review and approval by the District Commissioner.

5. The following otherwise permitted uses under the NRC district shall be prohibited.

   a. Automotive or truck sales or rentals.

   b. Full-service gas stations.

   c. Automotive paint and/or body repair shops.

   d. Billiards and/or pool halls.

   e. Bus stations.

   f. Commercial greenhouses and/or nurseries.

g. Community farms.

h. Designated recycling collection locations.

i. Fraternity or sorority facilities.

j. Motels or hotels.

k. Pain clinics and/or pain management clinics.

l. Rest homes, personal care homes.

m. Rooming homes or boardinghouses.

n. Self-service laundry facilities.

o. Sale of adult-themed books, magazines or materials.

p. Gaming arcade machines except those associated with legally-sanctioned uses such as the Georgia Lottery.

q. Pawn shops and check cashing establishments.

r. Skating rinks, except for small, season-appropriate rinks.

s. Tattoo or body piercing parlors and any business which principally features sexually explicit products or drug related paraphernalia.

t. Retail facilities which sell knives, guns or weapons.

u. Light automotive or vehicular repair.

v. Bail bondsmen's offices.

w. Gold and precious metal sales.

x. Thrift stores and/or flea markets.

y. Vehicle inspections/emissions stations.

z. Children's daycare facilities.

Amend Something Previously Adopted - Item #3
Petition No. 4-20-21
Meeting Date
Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
March 10, 2021
Page 4

6. The parking area lighting will be maximally illuminated for security purposes to the extent allowed under the Cobb County Zoning Ordinance. Security lighting on the building shall be maximally illuminated as well; however, no lighting shall be allowed to penetrate outside the boundaries of the Subject Property.

   The submission of a photometric plan during the Plan Review process which will include wall-pack security lights on the building and the automatic cut-offs of all site lighting upon the close of business each day at midnight. The hours of operation shall be from approximately 6 a.m. until midnight at the latest, seven days a week. In other words, a maximum of 18 hours per 24 hours.

7. The submission of a Landscape Plan during the Plan Review Process, subject to review and approval by the County Arborist with final review and approval by the District Commissioner. Additionally, the 35-foot buffer shall remain as heavily vegetated except for "gaps" which shall be planted with evergreen trees such as Leyland Cypress, Green Giant Arborvitae and/or Cryptomeria, subject to the County Arborist's review and approval as well as final approval from the District Commissioner.

   Additionally, as a part of the landscape plan, the Applicant and/or property owner shall install a six-foot, black vinyl-coated, chain link fence along the common property line between the Subject Property and residentially zoned properties in order to discourage pedestrian inter-parcel access.

8. Dumpsters shall be located in a manner which complies in full with Cobb County Ordinance regulations with dumpster lids containing rubber cushions to reduce noise and with the enclosure surrounding the dumpster being designed to be complementary to the building's architecture while meeting all Development Standards.

9. Compliance with the following recommendations from the Cobb County Department of Transportation ("DOT"), as follows:

   a. Submission of an interior maneuverability plan with respect to stacking, queuing and the ability to maneuver throughout the site for gas pump trucks and other vehicles, including public safety, fire and other oversized vehicles.

Amend Something Previously
Petition No. Adopted - Item #2
Meeting Date 4-20-21
Continued

VIA EMAIL:

b. Any encroachment onto Austell Road will require approval from the Georgia Department of Transportation ("GDOT").

c. The point of ingress/egress on Austell Road shall be restricted to be a right-in/right-out only as shown on the revised Site Plan.

10. Compliance with recommendations from the Stormwater Management Division with respect to stormwater management, detention, water quality and downstream considerations, including the following:

    a. The location and configuration of on-site detention and water quality components.

    b. All stormwater management and water quality components shall be constructed in a manner which meaningfully connects them to existing downstream drainage features.

11. Compliance with recommendations from the Cobb County Water System with respect to the availability of water and sewer, water is available on Austell Road. Sewer will connect via an easement to the west. The Applicant shall be responsible for maintaining the proper setbacks from said sewer easement.

12. Compliance with recommendations from the Cobb County Fire Marshal's Office regarding Fire Prevention and Life-Safety issues, including the following:

    a. Compliance with International Fire Code Prevention ("IFC 510") – Emergency Responder Radio coverage, to the extent applicable to the proposed building.

    b. Providing a 24-hour emergency contact(s) and phone number(s) on the plans which will proceed through the Plan Review Process.

    c. Providing appropriate access to the Subject Property for fire apparatus and public safety vehicles and ensuring that there is sufficient interior maneuverability and accessibility for said public safety and fire apparatus vehicles.

Petition No. Amend Something Previously Adopted - Item #2
Meeting Date 4-20-21
Continued

VIA EMAIL:

13. The formulation of a Safety Plan to the Cobb County Police Department which is being submitted concurrently herewith.

14. The District Commissioner shall have the authority to approve certain minor modifications to the site plan, the architecture and these stipulations/conditions as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:

    a. Reduce the size of an approved buffer adjacent to property which is zoned in a more restrictive zoning district.

    b. Relocate a structure closer to the property line to an adjacent property which is zoned in a more restrictive zoning district.

    c. Increase the height of a building adjacent to property which is zoned in a more restrictive zoning district.

    d. Change access location to different roadways.

    e. Seeking additional Variances to provisions of the Cobb County Zoning Ordinance.

    f. Increase the size of the building.

    g. Which is adverse to the provisions of Cobb County Zoning Ordinance.

Having additional stipulations/conditions from the Planning Commission as a part of its recommendation for approval and having received the County's Professional Staff's recommendation for approval. The Subject Property is properly positioned for approval by the Board of Commissioners. However, please do not hesitate to contact me should you or Staff require any further information or documentation prior to this Application being heard and considered by the Board of Commissioners on March 16, 2021.

Amend Something Previously Adopted - Item #2
Petition No. 4-20-21
Meeting Date
Continued

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
March 10, 2021
Page 7

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./jac
Attachment

cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Dr. Jackie McMorris, County Manager (via email w/attachment)
Board of Commissioners Assistants (via email w/attachment)
Ms. Jessica Guinn, AICP, Director Cobb County Community Development Agency (via email w/attachment)
Mr. Jason S. Gaines, AICP, Planning Manager (via email w/attachment)
Ms. Jeannie Peyton, Senior Planner (via email w/attachment)
Mr. Terry Martin, Planner III (via email w/attachment)
Mr. Donald Wells, Planner I (via email w/attachment)
Ms. Tannesha Bates, Planner I (via email w/attachment)
Ms. Margie Vazquez, Planner I (via email w/attachment)
Ms. Pam Mabry, County Clerk (via email w/attachment)
Ms. Robin Stone, Deputy County Clerk (via email w/attachment)
Ms. Leila Washington, Deputy County Clerk (via email w/attachment)
Capt. Josh Davis, Cobb County Fire Marshal's Office (via email w/attachment)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachment)
Ms. Abby Rettig, P.E., Cobb DOT (via email w/attachment)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachment)
Mr. Tim Davidson, Cobb Water System (via email w/attachment)
Mr. Stacey Bagwell (via email w/attachment)
Mr. Jon G. Amsberry, P.E. (via email w/attachment)
Mr. William J. Cripps, P.E., Landworks Associates, Inc. (via email w/attachment)
Mr. Michael Coolbroth, Millwood Forest Subdivision (via email w/attachment)

Amend Something Previously Adopted - Item #2
Petition No.
Meeting Date 4-20-21
Continued

COBB COUNTY
STATE OF GEORGIA

2520 AUSTELL ROAD

SAFETY PLAN

This Safety Plan is being submitted to Cobb County's District 4 Commissioner and to the Cobb County Police Department ("CCPD") pursuant to stipulations/conditions regarding a Rezoning Application which will be considered by the Cobb County Board of Commissioners ("BOC") on March 16, 2021 (No. Z-10 [2021]). The Safety Plan addresses the security and response-management needs associated with the proposed Convenience Store with Fuel and Ancillary Retail Sales ("Store").

I. ON-SITE MANAGEMENT

The day-to-day operations of the Store will be managed by a Property Manager ("Manager") who has specific expertise in security and response-management needs within the Convenience Store Industry. Additionally, the Manager, management and maintenance staff will maintain 24-hour emergency on-call protocols and be available to address security and/or other issues.

1. After-hours contact information, which includes the phone number and other contact information for the Manager will be posted on the Store's website upon completion of the construction and the issuance of the appropriate permits. Additionally, to the extent permitted by the Sign Ordinance, a visible sign will be installed near the entrance of the Store which will include the name of the Manager, contact information and an after-hours telephone contact number for emergencies.

2. The Manager and the on-site management team shall keep a log of comments or complaints received, the date and nature of the comments or complaints and how they were addressed from a security and response-management perspective. The Store's Manager shall make the log available for review by the District Commissioner, BOC or the CCPD during normal business hours upon advance request.

As part of their respective employment, each employee will review and sign an acknowledgement of the security rules and regulations which are designed to acquaint employees with the community and the Store and in order to define policies and procedures. The Manager and the property management staff shall be responsible for enforcing rules and regulations and for the physical management of the property, including regular maintenance and emergency repairs and the updating of security components as needed or as necessary.

Amend Something Previously Adopted - Item #2
Petition No.
Meeting Date 4-20-21
Continued

The Store and its Manager shall provide the staff and employees with appropriate training and consult with the CCPD on available training programs which are offered. An Emergency Preparedness and Disaster Recovery Plan for the Store will be created and each member of the property management team and/or employees will be trained on how to respond in an emergency, a disaster or during the potential commission of a crime.

II. SECURITY

The Store's management and maintenance staff will maintain 24-hour emergency on-call protocols, with the Manager being available to respond to emergency calls. The Manager and management staff will conduct crime prevention and awareness programs covering security in commercial buildings, common areas and parking lots. If and when crime incidents occur, the Manager, on-site management and maintenance staff and individual employees will be alerted with a formal electronic communication via texts and/or emails from the Manager.

Strategically positioned video surveillance cameras and associated signage will be installed on and within the Store to deter improper activity. Selected entrances and the vehicular points of ingress/egress will have camera surveillance to record when people enter and exit the property/building. There will also be security cameras around and within the Store in places to provide visual surveillance and coverage of parking and canopy/fuel dispensing areas.

The parking lot, fuel dispensers/canopy and landscaped areas will be maximally lighted in accordance with applicable Codes. The Manager and the management staff will regularly inspect the property to ensure that all lights are in working condition.

A fence will be installed around the property on the common property line between the Store and the area residents. Given that the property is located just south of the intersection of two busy, intersecting streets, vehicular traffic along the frontage of Austell Road will help deter illegal activity through natural surveillance.

III. PARKING

Parking on the property will be permitted by authorized employees and staff and, of course, customers. To the extent permitted by applicable law, parking enforcement and fines will be assessed to violators to cover the cost of enforcing the rules and to prevent the storage and/or abandonment of non-compliant and/or nonoperational vehicles on the property. Customers and employees of the Store shall be required to park their vehicles on the property but not in the adjacent developments, properties or within rights-of-way.

IV. OPERATING PARAMETERS

The Store will institute and enforce operating hours for the Store to ensure a safe and secure environment for all employees and customers. The hours of operation shall be from 6:00 a.m. until Midnight, 7 days per week. Said time frame may be adjusted to address needs which may arise during the operations of the Store.

Amend Something Previously
Petition No. Adopted - Item #2
Meeting Date 4-20-21
Continued

V. PROPERTY RULES

- The Store on the Subject Property shall be a smoke-free environment.
- Gatherings within the parking areas and/or the fuel dispenser/canopy areas, as well as loitering within and outside of the Store shall be strictly prohibited.
- To the extent not in conflict with State and Local Laws, the improper use of guns or weapons shall be prohibited.
- No posting or hanging of materials on interior/exterior surfaces without approval of the Manager.
- All trash and recyclables are to be disposed of in the proper containers which shall be emptied regularly and completely.
- Windows, doors and entry ways shall not be obstructed.
- Loitering or other illegal activities are not allowed within or around the Store and the parking areas or the fuel dispensing/canopy areas.

VI. PROHIBITED ITEMS

- Firearms or other weapons (real or fake).
- Drugs and drug paraphernalia.
- Solicitations.
- Hazardous chemicals, fireworks, and illegal substances of any kind.
- Those items or uses incorporated into the Rezoning of the Subject Property.

Respectfully submitted, this the _____ day of _____, 2021.

SAMS, LARKIN & HUFF, LLP

By: _____
GARVIS L. SAMS, JR.
Attorney for Applicant