

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 18, 2022, in the second-floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

CALL TO ORDER – CHAIRWOMAN CUPID

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

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 John Pederson, Zoning Division Manager, reviewed the hearing procedures and announced the following cases which were *withdrawn, held, or continued*.

WITHDRAWN, HELD, AND CONTINUED CASES

- Z-46** **WATMOR, LLC** (John D. Ford, as Trustee of the Survivor's Trust, owners) requesting rezoning from **R-20** to **NRC** for a carwash in land lot 311 of the 16th district. Property is located on the north side of Shallowford Road, east of Trickum Road (Shallowford Road). *(Continued by Staff from the August 22, 2022, Planning Commission (PC) hearing until the September 6, 2022, PC hearing; continued by the PC until the October 4, 2022, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**
- Z-47** **ANGEL EYES STUDIOS 5, INC.** (Watts Associates, Ltd., owner) requesting rezoning from **GC** and **R-15** to **PVC** for production stages, retail, restaurants, and multi-family residential in land lots 268, 269, 299, and 300 of the 18th district. Property is located on the northwest side of Factory Shoals Road, on the southwest side of Factory Shoals Drive (6410 Factory Shoals Road). *(Continued by Staff from the August 2, 2022, Planning Commission (PC) hearing until the October 4, 2022, PC hearing).* **WITHDRAWN WITHOUT PREJUDICE**
- O.B. 22** To consider a site plan and stipulation amendment for Robert A. Kerr and Rachelle Kerr regarding rezoning application Z-51 of 2013, for property located on the north side of Roswell Road, west of Robert Lane in land lots 961, 984, and 985 of the 16th district (925 Sunny Meadows Lane). *(Continued by Staff from the May 17, 2022, Board of Commissioners' (BOC) Zoning hearing; continued by the BOC from the June 21, 2022, BOC Zoning hearing; continued by Staff until the July 19, 2022, BOC Zoning hearing; held by the BOC from the July 19, 2022, through the September 20, 2022, BOC Zoning hearings until the October 18, 2022, BOC Zoning hearing).* **WITHDRAWN WITHOUT PREJUDICE**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 2**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

O.B. 51 To consider a stipulation amendment for Target Corporation regarding rezoning application Z-51 of 1997 for property located at the southeast intersection of Austell Road and the East West Connector, in land lots 930, 931, 994, and 995 of the 19th district (4125 Austell Road). ***WITHDRAWN WITHOUT PREJUDICE***

Z-7 **KM HOMES** (Luther John Deavers, Luther Guy Deavers Jr., owners) requesting rezoning from **R-20** to **FST** for a townhome community in land lot 22 of the 20th district. Property is located on the southeast side of Wade Green Road, north of Wooten Lake Road (4556, 4570, and 4600 Wade Green Road). *(Previously continued by Staff from the February 1, 2022, and March 1, 2022, Planning Commission (PC) hearings until the April 5, 2022, PC hearing; held by the PC from the April 5, 2022, PC hearing until the May, 3, 2022, PC hearing; continued by Staff from the May 3, 2022, and June 7, 2022, PC hearings until the July 5, 2022, PC hearing; held by the PC until the August 2, 2022, PC hearing; continued by Staff until the September 6, 2022, PC hearing; held by the PC until the October 4, 2022, PC hearing; continued by Staff until the November 15, 2022, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*

Z-41 **SOUTHERN GAS PARTNERS, LLC** (Southern Gas Partners, LLC, owner) requesting rezoning from **NS** and **GC** to **NRC** for a convenience store with fuel sales and carwash in land lot 339 of the 16th district. Property is located on the southwest corner of the intersection of Shallowford Road and Trickum Road (Shallowford Road, 3705 Trickum Road). *(Previously held by the Board of Commissioners (BOC) until the August 16, 2022, BOC Zoning hearing; continued by Staff until the September 20, 2022, BOC Zoning hearing; held by the BOC until the October 18, 2022, BOC Zoning hearing; continued by Staff until the November 15, 2022, BOC Zoning hearing; therefore, was not considered at this hearing).*

Z-50 **ROMUSA PROPERTIES, LLC** (Romusa Properties, LLC, owner) requesting rezoning from **R-20** to **NRC** for a daycare in land lot 494 of the 19th district. Property is located on the south side of Macland Road, on the west side of West Sandtown Road (2260 West Sandtown Road, 2845 Macland Road). *(Previously held by the Planning Commission (PC) until the September 6, 2022, PC hearing; continued by the Board of Commissioners (BOC) until the October 18, 2022, BOC Zoning hearing; continued by Staff until the November 15, 2022, BOC Zoning hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 3**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-55** **KENNETH B. CLARY** (Kenneth B. Clary, owner) requesting rezoning from **R-30** to **R-15** for a single-family subdivision in land lots 25, 54, and 55 of the 1st district. Property is located on the north side of Post Oak Tritt Road, west of McPherson Road (4701 Post Oak Tritt Road). *(Previously continued by Staff from the September 6, 2022, and October 4, 2022, Planning Commission (PC) hearings until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-56** **ISSAN CHETTY** (Issan Chetty, owner) requesting rezoning from **R-30** to **R-20** for single-family residences in land lot 321 of the 19th district. Property is located on the west side of W. Sandtown Road, north of Friendship Church Road (1534 W. Sandtown Road). *(Previously continued by Staff until the October 4, 2022, Planning Commission (PC) hearing; held by the PC until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-58** **PULTE HOME COMPANY** (Marie F. Johnson, owner) requesting rezoning from **R-30** to **R-20/OSC** for a single-family subdivision in land lots 62 and 87 of the 19th district. Property is located on the west side of Midway Road, south of Dallas Highway (636 Midway Road). *(Previously held by the Planning Commission (PC) until the October 4, 2022, PC hearing; continued by the PC until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-59** **GLENSIDE MABLETON, LLC** (Glenside Mableton, LLC, owner) requesting rezoning from **GC** to **O&I** for a climate-controlled self-storage facility in land lot 297 of the 18th district. Property is located on the southwest side of Mableton Parkway, north of South Gordon Road (Mableton Parkway). *(Previously continued by Staff from the September 20, 2022, and October 18, 2022, Board of Commissioners (BOC) Zoning hearings until the November 15, 2022, BOC Zoning hearing; therefore, was not considered at this hearing).*
- Z-60** **BRANCH ACQUISITION COMPANY, LLC** (Branch Atlanta Road Associates II, L.P.; SJ Georgia Investor, LLC; Michael Howarth and Christine Howarth, owners) requesting rezoning from **HI** to **RRC** for a mixed-use development in land lots 894 and 900 of the 17th district. Property is located on the south side of Atlanta Road, north of Plant Atkinson Road (4874 and 4888 Atlanta Road, 2840 Plant Atkinson Road). *(Previously continued by Staff from the September 6, 2022, and October 4, 2022, Planning Commission (PC) hearings until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 4**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-61** **GREEN COMMUNITY DEVELOPMENT, LLC** (Joline D. Cole as Trustee of the Joline D. Cole Living Trust, owner) requesting rezoning from **R-80** and **R-20** to **R-15/OSC** for a single-family subdivision in land lots 27 and 28 of the 17th district and 999 of the 19th district. Property is located on the north side of Bates Road, and on the west side of Hicks Road (900 Bates Road). *(Continued by Staff until the November 15, 2022, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*
- Z-65** **DRAPAC INVESTMENTS, LLC** (DRAPAC Group 3, LLC, owner) requesting rezoning from **RA-5** to **RA-5** for a single-family attached and detached subdivision in land lots 87 and 88 of the 18th district. Property is located on the west side of Michael Road, south of Vanesa Circle, at the terminus of Linda Drive, and at the terminus of Oak Hill Drive (Maxham Road). *(Continued by the Planning Commission (PC) until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*
- Z-66** **ADP - TERRELL MILL LLC** (The Estate of Ruby Inez Fridell, owner) requesting rezoning from **R-80** to a **SLUP** for a climate-controlled self-storage in land lot 936 of the 17th district. Property is located on the west side of Terrell Mill Road, and on the south side of Delk Road (1140 and 1150 Terrell Mill Road). *(Continued by Staff until the November 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-67** **S&B INVESTMENTS, INC.** (S&B Investments, Inc., owner) requesting rezoning from **GF** and **R-80** to **NRC** for a retail coffee shop in land lots 73 and 81 of the 1st district. Property is located on the west side of Johnson Ferry Road, and on the north side of Paper Mill Road (31 Johnson Ferry Road). *(Continued by Staff until the November 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*
- Z-68** **THE REVIVE LAND GROUP, LLC** (Estate of Hazel Elizabeth Cash, Estate of Mildred A. Reeves, Estate of Mary Ruth Allen, L.P.; SJ Georgia Investor, LLC; Michael Howarth and Christine Howarth, owners) requesting rezoning from **GC** to **FST** for a townhome community in land lot 45 of the 18th district. Property is located on the south side of Veterans Memorial Highway, west of Allen Road (220, 230, 240, 250, 260, 262, 272, and 280 Veterans Memorial Highway). *(Continued by the Planning Commission (PC) until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 5**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

- Z-69** **BEAZER HOMES, LLC** (Diversified Trust Company, Successor Trustee under instrument dated May 1, 1981, for the benefit of Nancy T. [Montgomery] and grandchildren of George A. Montgomery, owners) requesting rezoning from **R-20** to **RA-6** for a single-family detached and townhome community in land lots 655, 656, 713, 714, 715, 725, 726, 727, 787, and 788 of the 16th district. Property is located on the west side of Bells Ferry Road, on the east side of I- 75 and I-575 (2247 Bells Ferry Road; 150, 151, and 154 Laurel Lake Road). *(Continued by the Planning Commission (PC) until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*
- SLUP-5** **PARALLEL TOWERS III, LLC aka PARALLEL INFRASTRUCTURE LLC** (FDP Properties, LLC, owner) requesting a **Special Land Use Permit** for a cellular tower in land lots 131 and 132 of the 16th district. Property is located on the east side of Canton Road, across from the terminus of Shallowford Road (4648 Canton Rd). *(Previously continued by Staff until the May 3, 2022, Planning Commission (PC) hearing; held by the PC until the June 7, 2022, PC hearing; continued by Staff until the July 5, 2022, PC hearing; continued by the PC from the July 5, 2022, and August 2, 2022, PC hearings until the September 6, 2022, PC hearing; continued by Staff from the September 6, 2022, and October 4, 2022, PC hearings until the November 1, 2022, PC hearing; therefore, was not considered at this hearing).*
- SLUP-11** **GLENSIDE MABLETON, LLC** (Glenside Mableton, LLC, owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage facility in land lot 297 of the 18th district. Property is located on the southwest side of Mableton Parkway, north of South Gordon Road (Mableton Parkway). *(Previously continued by Staff from the September 20, 2022, and October 18, 2022, Board of Commissioners (BOC) Zoning hearings until the November 15, 2022, BOC Zoning hearing; therefore, was not considered at this hearing).*
- SLUP-13** **WH STORAGE, LLC** (Kofer Properties, Inc., owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage in land lots 15 and 58 of the 17th district. Property is located on the south side of Windy Hill Road, on the west side of Arkose Drive (749 Windy Hill Road, 2410 Arkose Drive). *(Continued by Staff until the November 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 6**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

SLUP-14 **ADP - TERRELL MILL LLC** (The Estate of Ruby Inez Fridell, owner) requesting a **Special Land Use Permit** for a climate-controlled self-storage in land lot 936 of the 17th district. Property is located on the west side of Terrell Mill Road, and on the south side of Delk Road (1140 and 1150 Terrell Mill Road). *(Continued by Staff until the November 1, 2022, Planning Commission hearing; therefore, was not considered at this hearing).*

O.B. 56 To consider amending the site plan for Stein Investment Group regarding rezoning application Z-223 (Evelyn J. Gordy-Rankin) of 1988 and rezoning application Z-95 (Evelyn J. Gordy-Rankin) of 1990, for property located at the northwest intersection of Shallowford Road and Gordy Parkway in land lots 335 and 386 of the 16th district (Gordy Parkway). *(Continued by Staff until the November 15, 2022, Board of Commissioners' Zoning hearing; therefore, was not considered at this hearing).*

Z-49 **JOHNNIE HASTINGS, INTEGRITY DEVELOPMENT GROUP** (Floy A. Clonts, owner) requesting rezoning from **R-20** to **RA-5** for a townhome community in land lots 690 and 691 of the 19th district. Property is located on the west side of Ernest Barrett Parkway, at the terminus of Old Horseshoe Bend Road, north of Macedonia Road (6152 Ernest Barrett Parkway, unaddressed parcel Old Horseshoe Bend Road). *(Continued by Staff until the September 6, 2022, Planning Commission (PC) hearing; held by the PC until the October 4, 2022, PC hearing).*

Mr. Pederson presented the Applicant's request for a continuance of Z-49; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** Z-49 until the November 15, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**

Z-64 **ALLIANCE INDUSTRIAL PARTNERS, LLC** (Carl James Clarkson and Virginia Lee Clarkson Revocable Living Trust, owners) requesting rezoning from **R-20** to **LI** for a warehouse in land lot 705 of the 18th district. Property is located on the east and west side of Factory Shoals Road, north of Six Flags Road (Factory Shoals Road).

Mr. Pederson presented the Applicant's request for a continuance of Z-64; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** Z-64 until the December 20, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 7**

WITHDRAWN, HELD, AND CONTINUED CASES (CONT.)

Z-38 **DAVID PEARSON COMMUNITIES, INC.** (Barnes Farms, LLC, owner) requesting rezoning from **R-30** to **R-15/OSC** for a single-family subdivision in land lots 8 and 9 of the 18th district; 1251, 1266, 1267, 1268, 1269, 1322, 1323, 1324, and 1325 of the 19th district. Property is located on the east and west side of Brown Road, north of Stout Parkway (5690, unaddressed parcel Brown Road). *(Previously continued by Staff from the June 7, 2022, Planning Commission (PC) hearing until the July 5, 2022, PC hearing; held by the PC until the August 2, 2022, PC hearing; continued by the Board of Commissioners (BOC) from the August 16, 2022, BOC Zoning hearing to the September 20, 2022, BOC Zoning hearing; continued by Staff until the October 18, 2022, BOC Zoning hearing).*

Mr. Pederson presented the Applicant's request for a continuance of Z-38; thereafter, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to **continue** Z-38 until the November 15, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**

O.B. 48 To consider a reduction of public road frontage for lots 1 and 2 from 75-feet to 47-feet each for Alva Glass. The property is located on the south side of Bullard Road, south of Devonhurst Way in land lot 434 of the 19th district (2011 Bullard Road).

Mr. Pederson presented the Applicant's request for a continuance of O.B. 48; thereafter, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to **continue** O.B. 48 until the November 15, 2022, Board of Commissioners' Zoning Hearing.

VOTE: **ADOPTED 5-0**

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

CAMPAIGN DISCLOSURE

All speakers who have made a campaign contribution totaling \$250.00 or more, within the last two years, to a local government official considering a zoning case are required to complete the "Campaign Disclosure Form" prior to speaking.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 8**

INFORMATION REGARDING ZONING CASES

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

CONSENT AGENDA

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

Z-57 **AFSHEEN FOODMART, INC.** (Afsheen Foodmart, Inc., owner) requesting rezoning from **GC** to **NRC** for a convenience store with fuel sales in land lot 20 of the 17th district. Property is located on the east side of Hicks Road, on the south side of Grindstone Drive (3191 Hicks Road). *(Previously continued by the Planning Commission (PC) from the September 6, 2022, PC hearing until the October 4, 2022, PC hearing).*

To **approve** Z-57 to the **NRC** zoning district, subject to:

1. Letters of agreeable conditions from Parks Huff dated September 30, 2022 and October 18, 2022 (attached and made a part of these minutes)
2. Applicant shall submit a Lighting Plan no later than November 17, 2022, to be approved by the District Commissioner; Lighting Plan shall be installed no later than December 17, 2022
3. Hours of operation to be from 6:00 a.m. until midnight, seven days a week
4. All Staff comments and recommendations, *not otherwise in conflict*

Z-63 **MARTINE TURNNE** (Porfirio Landaverde and Villar Socorro, owners) requesting rezoning from **NS** to **NRC** for a beauty shop and retail in land lot 60 of the 17th district. Property is located on the northwest side of Austell Road, and on the southwest side of Kurt Drive (2202 Austell Road).

To **approve** Z-63 to the **NRC** zoning district, subject to:

1. Site Plan received by the Zoning Division on August 1, 2022, with the District Commissioner to approve the final plan (attached and made a part of these minutes)
2. District Commissioner to approve the building architecture; the building to meet the Austell Road Design Guidelines if remodeled or a new building is built
3. Retail of beauty supply and hair care products *only*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 9**

CONSENT AGENDA (CONT.)

Z-63 MARTINE TURNNE (CONT.)

- 4. Customers to park on the driveway, not on the grass**
- 5. Owner to remove the garage that straddles the rear property line or submit a lot combination so all buildings are on subject property**
- 6. Fire Department comments and recommendations**
- 7. Water and Sewer Division comments and recommendations**
- 8. Department of Transportation comments and recommendations**

LUP-17 DAVID LIU (Wei Li, owner) requesting a **Temporary Land Use Permit** for outdoor storage of stone slabs and metal frames in land lot 1207 of the 16th district. Property is located on the east side of Harris Drive, north of Hazelwood Drive (25 Harris Drive).

To **approve** LUP-17 for **12 months**, subject to:

- 1. Property owner to provide to the Zoning Division every three months (90 days) a report showing activities, progress, and timetable of when the slabs will be moved**

LUP-18 RENATA BORGES-MCDONALD (Jacqueline Tio, owner) requesting a **Temporary Land Use Permit** to allow occupancy of an accessory structure in land lot 256 of the 16th district. Property is located on the west side of Wesley Chapel Road, north of Rivaridge Drive (4015 Wesley Chapel Road).

To **approve** LUP-18 for **24 months**, subject to:

- 1. To be used for personal (family) use *only***

LUP-19 WORD OF FAITH FAMILY WORSHIP CENTER, INC. (Word of Faith Family Worship Center, Inc., owner) requesting a **Temporary Land Use Permit (Renewal)** for a daycare facility in land lots 697 and 698 of the 18th district. Property is located on the west side of Riverside Parkway, and on the north side of The Bluffs (7680 The Bluffs).

To **approve** LUP-19 for **24 months**, subject to:

- 1. Department of Transportation (DOT) comments and recommendations**
- 2. DOT to approve the traffic circulation plan**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 10**

CONSENT AGENDA (CONT.)

OTHER BUSINESS

O.B. 44 To consider a stipulation and site plan amendment for Brent Stepp regarding application OSC 05-17 of 2005 for property located at the southwest corner of Old Alabama Road and Cardell Road, in land lots 201 and 258 of the 18th district (Old Alabama Road).

To **approve** O.B. 44, subject to:

- 1. Site Plan last *revised* September 23, 2022 (attached and made a part of these minutes), with the District Commissioner approving minor modifications**
- 2. Cemetery buffer to be a 35-foot landscape buffer**
- 3. Fire Department 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. All previous stipulations and conditions, *not otherwise in conflict with this amendment*, to remain in effect**

O.B. 47 To consider a Hardship Sign Variance for Riverside EpiCenter, LLC for property located in land lots 604 and 689 of the 18th district. Property is located at the southeasterly intersection of South Service Road and Riverside Parkway (135 Riverside Parkway). *(Continued by Staff until the October 18, 2022, Board of Commissioners' Zoning hearing).*

To **approve** O.B. 47, subject to:

- 1. *Revised* sign rendering submitted by Kevin Moore on October 6, 2022 (attached and made a part of these minutes)**
- 2. District Commissioner to approve the final sign location**
- 3. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

O.B. 53 To consider a stipulation amendment for Davest Enterprises, LLC regarding rezoning application Z-24 of 2022 for property located on the southwest side of Cobb Parkway, north of Cedarcrest Road, in land lot 37 of the 20th district (4707 Cobb Parkway).

To **approve** O.B. 53, subject to:

- 1. Applicant is not required to do a downstream lake/pond study**
- 2. All other standard Stormwater Management comments to be completed**
- 3. District Commissioner to approve the final Stormwater Plan**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 11

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 53 (CONT.)

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

In reviewing the Cobb DOT comments, Commissioner Gambrill announced that item g. was in conflict with the original zoning and that item should be removed; therefore, the following motion was made to include an additional stipulation:

MOTION: Motion by Gambrill, second by Richardson, to **add** the following stipulation to O.B. 53:

- 5. Strike item g. from the Cobb DOT recommendations contained in the Other Business packet (attached and made a part of these minutes)**

VOTE: **ADOPTED 5-0**

O.B. 54 To consider a stipulation amendment for 3380 Chastain Meadows, LLC and 170-222-3330 Chastain Meadows, LLC regarding application Z-151 of 1995 for property located on the east side of Chastain Meadows Parkway and on the north side of Chastain Meadows Court, in land lots 427, 428, 437, and 438 of the 16th district (3330 and 3380 Chastain Meadows Parkway).

To **approve** O.B. 54, subject to:

- 1. Stipulation #9 from letter of stipulations be replaced with “Signage to meet County Code”**
- 2. Renderings and location site plan contained in the Other Business packet (attached and made a part of these minutes), with the District Commissioner to approve the final renderings**
- 3. Fire Department comments and recommendations contained in the Other Business packet (attached and made a part of these minutes)**

At the call for O.B. 55 (4283929 Delaware, LLC), opposition was present; therefore, O.B. 55 was pulled from the Consent Agenda and heard on the Regular Agenda in its numerical order (see page 16 of these minutes).

Commissioner Sheffield requested that O.B. 57 (Clydesdale Holdings, LLC) be added to the Consent Agenda. The Applicant was present, and there was no opposition present. Mr. Pederson read the case into the record, Commissioner Sheffield added her stipulations, and the motion was made to add O.B. 57 to the Consent Agenda.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 12**

CONSENT AGENDA (CONT.)

OTHER BUSINESS (CONT.)

O.B. 57 To consider a site plan amendment for Clydesdale Holdings, LLC regarding rezoning application Z-74 of 1995 for property located at the southeast intersection of Floyd Road and White Boulevard, in land lots 31 and 42 of the 17th district (4865 Floyd Road).

To **approve** O.B. 57, subject to:

- 1. The final Site Plan is to be reviewed by the County, with final approval by the District Commissioner**
- 2. The Landscaping Plan is to be reviewed by the County Arborist, with final approval by the District Commissioner**
- 3. Other uses are to come back to the Board of Commissioners as Other Business**
- 4. All Staff comments and recommendations, *not otherwise in conflict***

MOTION: Motion by Sheffield, second by Birrell, to **add** O.B. 57 to the Consent Agenda as previously read in.

VOTE: **ADOPTED 5-0**

CONSENT VOTE: **ADOPTED 5-0**

REGULAR AGENDA

Z-52 **NEWPORT 360 CAPITAL, LLC** (Municipal Gas Authority of Georgia, owner) requesting rezoning from **GC** to **RRC** for multifamily residential in land lot 363 of the 16th district. Property is located on the east side of Townpark Drive, north of Townpark Lane (108 Townpark Drive). *(Previously held by the Planning Commission (PC) from the August 2, 2022, PC hearing until the September 6, 2022, PC hearing; continued by the Board of Commissioners (BOC) until the October 18, 2022, BOC Zoning hearing).*

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

MOTION: Motion by Birrell, second by Richardson, to **approve** Z-52 to the **RRC** zoning district, subject to:

- 1. Letter of agreeable conditions from Kevin Moore dated October 10, 2022 (attached and made a part of these minutes)**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 13**

REGULAR AGENDA (CONT.)

Z-52 NEWPORT 360 CAPITAL, LLC (CONT.)

2. Maximum height of 55-feet
3. Security Plan and Lighting Plan pursuant to the Purpose-Built Student Housing Ordinance to be included
4. Maximum of 229 units
5. Applicant to work with the Town Center CID (Community Improvement District), Cobb DOT, and GDOT (Georgia DOT) regarding the future ramp project
6. Maximum impervious surface of 70%
7. Final Site Plan & elevations to be approved by the District Commissioner, with review by the Bells Ferry Civic Association and neighbors
8. Stormwater Management Division comments and recommendations from Carl Carver as contained in the Zoning Analysis and as stated at today's hearing; a Preliminary Hydrology Study (attached to Kevin Moore's letter) has been performed, with a final study to be submitted at Plan Review
9. Landscape Plan to be approved by the County Arborist and the District Commissioner, with review by the Bells Ferry Civic Association and neighbors
10. Fire Department comments and recommendations
11. All Staff comments and recommendations, *not otherwise in conflict*
12. Underground detention to be maintained by the owner

VOTE: ADOPTED 5-0

Z-62 ELMER SIBRIAN (Anthony Nnamani, owner) requesting rezoning from **NRC** to **CRC** for an automotive paint, body repair shop, and service facility in land lots 780 and 781 of the 19th district. Property is located on the north side of Mimosa Drive, west of Austell Road (Amy Lane).

At the call for Z-62, the Applicant was not present, and there was no opposition present. Discussion among the Board ensued, and then the following motion was made:

MOTION: Motion by Sheffield, second by Cupid, to **deny** Z-62.

VOTE: ADOPTED 5-0

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 14**

OTHER BUSINESS

O.B. 41 To consider a stipulation and site plan amendment for Terwilliger Pappas Multi-Family Partners, LLC regarding rezoning application Z-26 of 2007 for property located at the southeast corner of Big Shanty Road and Hidden Forest Court, in land lots 501 and 502 of the 16th district (3064 Hidden Forest Court). *(Previously continued by the Board of Commissioners (BOC) from the August 16, 2022, BOC Zoning hearing until the October 18, 2022, BOC Zoning hearing).*

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

MOTION: Motion by Birrell, second by Cupid, to **approve** O.B. 41, subject to:

1. Letter of agreeable conditions from Kevin Moore dated October 10, 2022 (attached and made a part of these minutes)
2. Maximum height of 55-feet
3. Security Plan and Lighting Plan pursuant to the Purpose-Built Student Housing Ordinance to be included
4. Maximum impervious surface of 70%
5. Maximum of 240 units
6. Final Site Plan & elevations to be approved by the District Commissioner, with review by the Bells Ferry Civic Association
7. Landscape Plan to be approved by the County Arborist and the District Commissioner, with review by the Bells Ferry Civic Association
8. Stormwater Management comments and recommendations, *not otherwise in conflict* (attached and made a part of these minutes)
9. Fire Department comments and recommendations, *not otherwise in conflict* (attached and made a part of these minutes)
10. Department of Transportation (DOT) comments and recommendations, *not otherwise in conflict* (attached and made a part of these minutes)
11. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect
12. No encroachment on wetlands
13. All other Staff comments and recommendations, *not otherwise in conflict*

VOTE: ADOPTED 5-0

Clerk's Note: The vote for O.B. 41, which was inadvertently left off, has been added (underlined above), and the correction was approved by the BOC at the March 14, 2023, BOC Regular Meeting.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 15**

OTHER BUSINESS (CONT.)

Chairwoman Cupid called for a brief recess from 11:13 a.m. until 11:22 a.m.

O.B. 50 To consider a settlement of litigation for Galaxy Properties & Investment, Inc. regarding rezoning application Z-8 of 2022 in land lots 68 and 165 of the 18th district. The property is located on the east side of Hickory Trail, and on the southwest side of Veterans Memorial Highway.

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

MOTION: Motion by Sheffield, second by Birrell, to **approve** O.B. 50.

VOTE: **ADOPTED 5-0**

Following the vote, discussion ensued, and Chairwoman Cupid made a motion to reconsider the previous motion. Commissioner Sheffield made a new motion to include stipulations that were to be part of the Other Business Item.

MOTION: MOTION by Cupid, second by Richardson, to **reconsider** the previous motion for O.B. 50.

VOTE: **ADOPTED 5-0**

MOTION: Motion by Sheffield, second by Birrell, to **approve** O.B. 50, subject to:

- 1. Letter from Garvis L. Sams, Jr. dated August 16, 2022 (attached and made a part of these minutes)**
- 2. Stormwater Management Division comments and recommendations contained in the original Z-8 (2022) Zoning Analysis (attached and made a part of these minutes)**
- 3. Department of Transportation (DOT) comments and recommendations contained in the original Z-8 (2022) Zoning Analysis (attached and made a part of these minutes)**
- 4. Fire Department comments and recommendations contained in the original Z-8 (2022) Zoning Analysis (attached and made a part of these minutes)**

VOTE: **ADOPTED 5-0**

O.B. 52 To consider a stipulation and site plan amendment for Hal Wilkins regarding rezoning application Z-61 of 2002 for property located on the west side of Hillside Green Way, west of Corner Road, in land lots 214 and 231 of the 19th district (1178 Hillside Green Way).

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 16**

OTHER BUSINESS (CONT.)

O.B. 52 (CONT.)

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

MOTION: Motion by Gambrill, second by Richardson, to **deny** O.B. 52.

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

Following the vote, Commissioner Sheffield indicated that she wanted to modify her vote for O.B. 52; therefore, Chairwoman Cupid made a motion to reconsider the previous motion. Commissioner Gambrill restated her motion for O.B. 52.

MOTION: MOTION by Cupid, second by Birrell, to **reconsider** the previous motion for O.B. 52.

VOTE: **ADOPTED** 5-0

MOTION: Motion by Gambrill, second by Richardson, to **deny** O.B. 52.

VOTE: **ADOPTED** 5-0

O.B. 55

To consider a reduction of lot size for a crematory from a required 2-acres to 1.75-acres for 4283929 Delaware, LLC. The property is located on the western end of Oak Ridge Commerce Way, north of Oak Ridge Road, in land lot 377 of the 18th district (6658 Oak Ridge Commerce Way).

The public hearing was opened; Misty Sirch, Charles Pedrick, and Joe Kennedy addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Cupid, to **approve** O.B. 55, subject to:

- 1. Building architecture to be approved by the District Commissioner**
- 2. Lot size be reduced to 1.75 acres for the crematory**
- 3. Landscape buffer along the west property line to be 60-feet**
- 4. Fire 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. All other Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 5-0

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2022
PAGE 17**

ADJOURNMENT

The hearing adjourned at 12:32 p.m.



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

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MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

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

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1485

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

October 10, 2022

Via E-mail Only

Min. Bk. 96 Petition No. Z-52
Doc. Type Letter
Meeting Date 10-18-2022

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-52 (2022)
 Applicant: Newport 360 Capital, LLC
 Property Owner: Municipal Gas Authority of Georgia
 Property: 3.484 acres, more or less, located on the easterly
 side of Townpark Drive, northerly of Chastain
 Road, being more particularly known as
 108 Townpark Drive, Land Lot 363, 16th District,
 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Newport 360 Capital, LLC, the Applicant (hereinafter referred to as "Applicant"), and Municipal Gas Authority of Georgia, the Property Owner (hereinafter referred to as "Owner" or "Property Owner"), in the above-referenced Application for Rezoning with regard to a total tract of 3.484 acres, more or less, located on the easterly side of Townpark Drive, northerly of Chastain Road, being more particularly known as 108 Townpark Drive, Land Lot 363, 16th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After communications with Planning and Zoning Staff and other County Staff, reviewing the Departmental Comments and Staff Recommendations, continued communications and discussions with area residents and homeowner representatives, 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 previous

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
October 10, 2022

letters of agreeable stipulations and conditions submitted with respect to the referenced Application for Rezoning. 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, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Rezoning of the Subject Property shall be from the existing General Commercial ("GC") zoning category to the Regional Retail Commercial ("RRC"), with reference to the revised Zoning Site Plan ("Site Plan") prepared for Applicant by Summit Engineering Consultants, Inc., dated and last revised July 13, 2022, and electronically filed with the Cobb Zoning Division on July 18, 2022. A reduced copy of the revised Site Plan is attached as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of approximately 3.484 acres of total site area and shall be developed for a multi-family residential community, including leasing and amenity areas.
- (4) The proposed development shall have a maximum of two hundred fifty (250) residential leased units.
- (5) Applicant agrees the height of the proposed multi-family development shall be a maximum of five (5) stories (basement level not included).
- (6) All residents of the proposed residential community shall have access to and use and enjoyment of the amenity area, which will include, at a minimum, the following:
 - (a) Pool;
 - (b) Fitness center; and
 - (c) Clubhouse.
- (7) In addition to the other high-end and concierge level amenities within the proposed development, Applicant agrees to provide a business center amenity for the use and enjoyment of residents and their guests.

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
October 10, 2022

- (8) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the buildings within the development.
- (9) Lease agreements shall not include any provisions for indemnification, financial assistance, or any other components requiring the signature of a guarantor.
- (10) Applicant agrees to prohibit the subleasing of any units within the proposed development. Such prohibition shall be placed in the lease agreements with all future residents of the proposed development.
- (11) Applicant agrees to coordinate with local law enforcement to develop a security plan. The security plan will be reviewed and updated annually.
- (12) Applicant agrees to install enhanced landscaping along the Property's street frontage in a manner consistent with the existing Townpark Drive mixed-use community.
- (13) Development and construction hours for the proposed project shall be limited to the following:
 - (a) 7:00 a.m. to 6:00 p.m. - Monday – Saturday; and
 - (b) No work on Sunday.
- (14) Residents and guests of the proposed community shall park on-site, and parking within adjacent or nearby residential communities shall be prohibited. Applicant agrees such prohibition shall be included in all lease agreements with future residents and signage to this effect shall also be displayed.
- (15) Setbacks for the proposed development shall be determined from the existing right-of-way.
- (16) Applicant agrees to the stormwater recommendations of the project engineer set forth in the Preliminary Stormwater Analysis prepared for Applicant by Summit Engineering Consultants, Inc. dated August 1, 2022, a complete copy of which is attached hereto as Exhibit "B" and incorporated herein by reference.
- (17) Applicant agrees the proposed project will obtain Cobb County Fire Marshal approval during the Plan Review Process, with reference made to the Fire Site

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
October 10, 2022

Access Exhibit prepared for Applicant by Summit Engineering Consultants, Inc., dated September 26, 2022, a reduced copy of which is attached as Exhibit "C" and incorporated herein by reference.

- (18) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, sanitary sewer, water, fire protection, power, surface parking, and any and all slopes or other required engineering features of the foregoing.
- (19) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (20) Applicant agrees to comply with all Cobb County Department of Transportation requirements applicable to the Subject Property.
- (21) Minor modifications to the within stipulations, the referenced Zoning Plan, lighting, signage, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (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

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-52
Meeting Date 10-18-2022
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
October 10, 2022

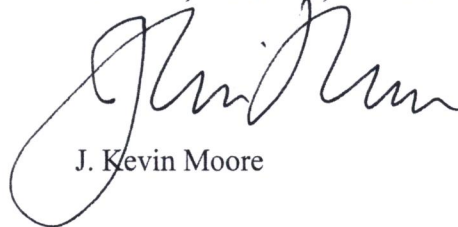
- (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.

We believe the development of the project, pursuant to the referenced, revised Site Plan and the revised and updated stipulations set forth herein, is an appropriate use of the Subject Property. The proposed development is an exciting project which redevelops an existing commercial property into a multi-family residential community in close proximity to interstate roadways, retail, office, and institutions of higher learning. The residential development shall be of the highest quality; shall be compatible with and complementary to surrounding developments, businesses, and venues; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

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

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

MOORE INGRAM JOHNSON & STEELE

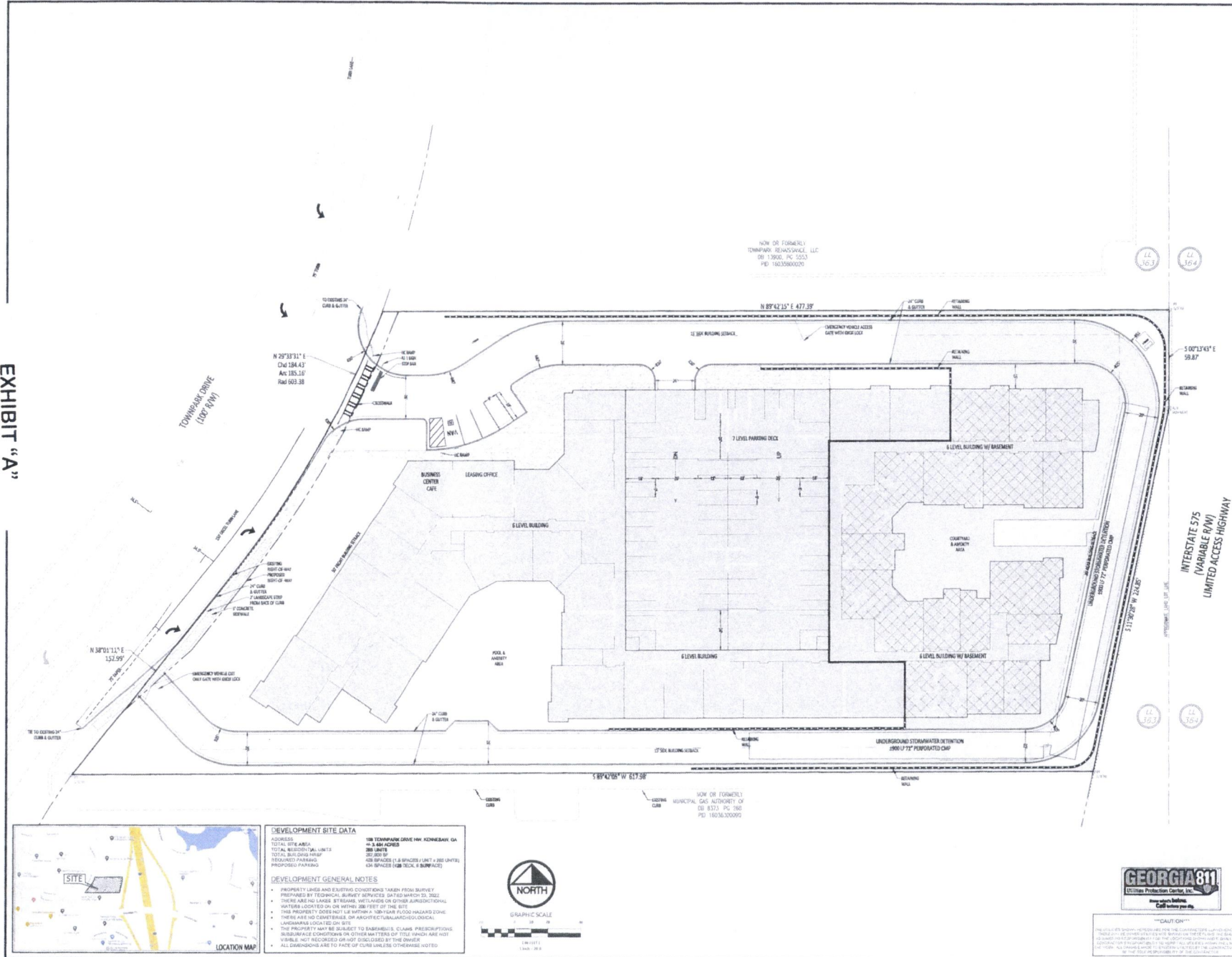
Petition No. Z-52
Meeting Date 10-18-2022
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
October 10, 2022

c: Bells Ferry Civic Association, Inc.
(With Copies of Attachments)

Newport 360 Capital, LLC
(With Copies of Attachments)

EXHIBIT "A"



DEVELOPMENT SITE DATA	
ADDRESS	108 TOWNPARK DRIVE NW, KENNESAW, GA
TOTAL SITE AREA	2.81 ACRES
TOTAL RESIDENTIAL UNITS	388 UNITS
TOTAL BUILDING AREA	257,300 SF
PROPOSED PARKING	408 SPACES (1.8 SPACES / UNIT) (388 UNITS) (20 SPACES / 100,000 SF BUILT-UP AREA)

DEVELOPMENT GENERAL NOTES	
1.	PROPERTY LINES AND SURVEY CORNER STAKES TAKEN FROM SURVEY PREPARED BY TETRA TECH SURVEY SERVICES DATED MARCH 23, 2022.
2.	THERE ARE NO KNOWN STREAMS, WETLANDS OR OTHER JURISDICTIONAL FEATURES LOCATED ON OR WITHIN 200 FEET OF THE SITE.
3.	THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD HAZARD ZONE.
4.	THERE ARE NO CONVEYANCES, OR ARCHITECTURAL/HISTORICAL/LANDMARKS LOCATED ON SITE.
5.	THE PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, EASEMENTS, OR OTHER MATTERS OF TITLE WHICH ARE NOT VISIBLE, NOT RECORDED OR NOT DISCLOSED BY THE OWNER.
6.	ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.



ZONING SITE PLAN NEWPORT TOWNPARK 108 TOWNPARK DRIVE NW, KENNESAW, GA LAND LOT 363, 16th DISTRICT, 2nd SECTION COBB COUNTY, GEORGIA	
Project No. Design By Drawn By Checked By Date	Revision Schedule 1" = 10' 11-18-2022
Drawing No. 1 of 1 5-22-007-000-dwg	

PRELIMINARY STORMWATER MANAGEMENT ANALYSIS

For

108 TownPark Drive NW
Kennesaw, GA 30144
Cobb County, Georgia

Owner/Developer

Newport Development Partners

3284 Northside Parkway, Suite 330
Atlanta, GA 30327
(770) 818-4120

&

360 Residential

3284 Northside Parkway, Suite 125
Atlanta, GA 30327
(770) 975-2804

Prepared By:



Summit Engineering Consultants, Inc.

6250 Shiloh Road
Suite 100
Alpharetta, Georgia 30005
770.667.0094 (p)
770.667.0095 (f)
Project # 22-007

August 1, 2022



Petition No. Z-52
Meeting Date 10-18-2022
Continued

August 1, 2022

Taylor Hawke
360 Residential
3284 Northside Parkway, NW
Suite 125
Atlanta, GA 30327

RE: Preliminary Stormwater Review for 108 TownPark Drive NW

Dear Mr. Hawke:

In anticipation of tomorrow's Planning Commission hearing, I've prepared a preliminary stormwater management analysis for the property located at 108 TownPark Drive. See my notes below and the included attachments:

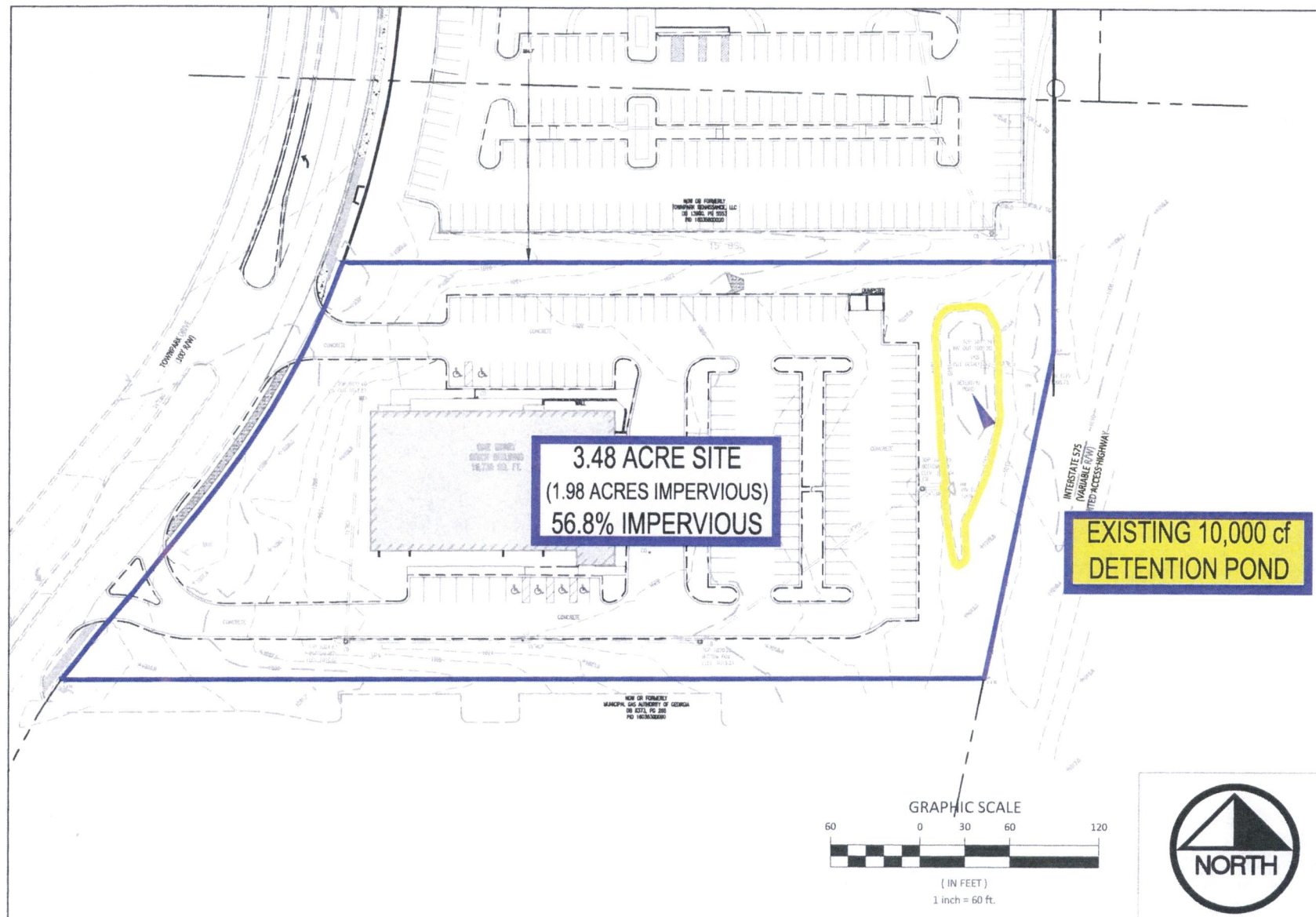
- The property is 3.48 acres (151,757 sf) in size. The existing development on the property includes 1.98 acres of impervious surface consisting of 56.9% of the site. It has a small pond on the property that provides approximately 10,000 cf of detention volume. There is no evidence that the existing facility provides Water Quality or Channel Protection (extended detention of the higher-frequency (1-year) storms to reduce flows and decrease the likelihood of erosion downstream). It is also unlikely that the existing facility provides any significant Overbank (25-year storm) or Extreme Flood (100-year storm) Protection.
- The proposed development will include 0.40 acres (1/3 the size of a football field) more impervious surface than the existing site (for a total of 2.38 acres of impervious surface consisting of 68.4% of the site).
- The current design includes a 36,000 cf stormwater management facility consisting of a +/- 450 ft double barrel 72" perforated corrugated metal pipe system encased in stone. The system will provide the required Runoff Reduction Volume for the developed site, meaning the first inch of rainfall across all impervious area of the site will be retained on the property via infiltration (assuming the native soils provide adequate percolation). The existing site provides no Runoff Reduction.
- An outlet control structure with strategically located orifices and weirs will ensure peak flows for all measured storm events (1-year through 100-year storms) released from the proposed development will be lower than peak flows from a completely undeveloped (CN=55) 3.48-acre site. Channel Protection (24-hour detention of runoff from the 1-year storm) will be provided in the proposed system.
- The existing detention pond outlets directly to a drainage swale located within the I-575 right-of-way. The proposed system will discharge to the same swale. That swale meanders north for 1,500 ft before adjoining a tributary, crossing I-575 and discharging into West Chastain Lake (aka Upper Chastain Lake). The I-575 crossing represents the first structural conveyance downstream of the site and has an upstream drainage basin of 335 acres, meaning the subject property represents approximately 1% of the crossing's contributing drainage basin. Downstream of the crossing, flow from the lake ultimately reaches Noonday creek one mile east of West Chastain Lake.

Please feel free to contact me with any questions.

Best Regards,

Chris Harrell, PE

6250 SHILOH ROAD, SUITE 100 • ALPHARETTA • GEORGIA 30005
PHONE 770-667-0094 • FAX 770-667-0095
WWW.SUMMITCON.NET



Engineering Consultants, Inc.
 6550 Shiloh Road, Suite 200
 Atlanta, GA 30328
 (404) 770-6550

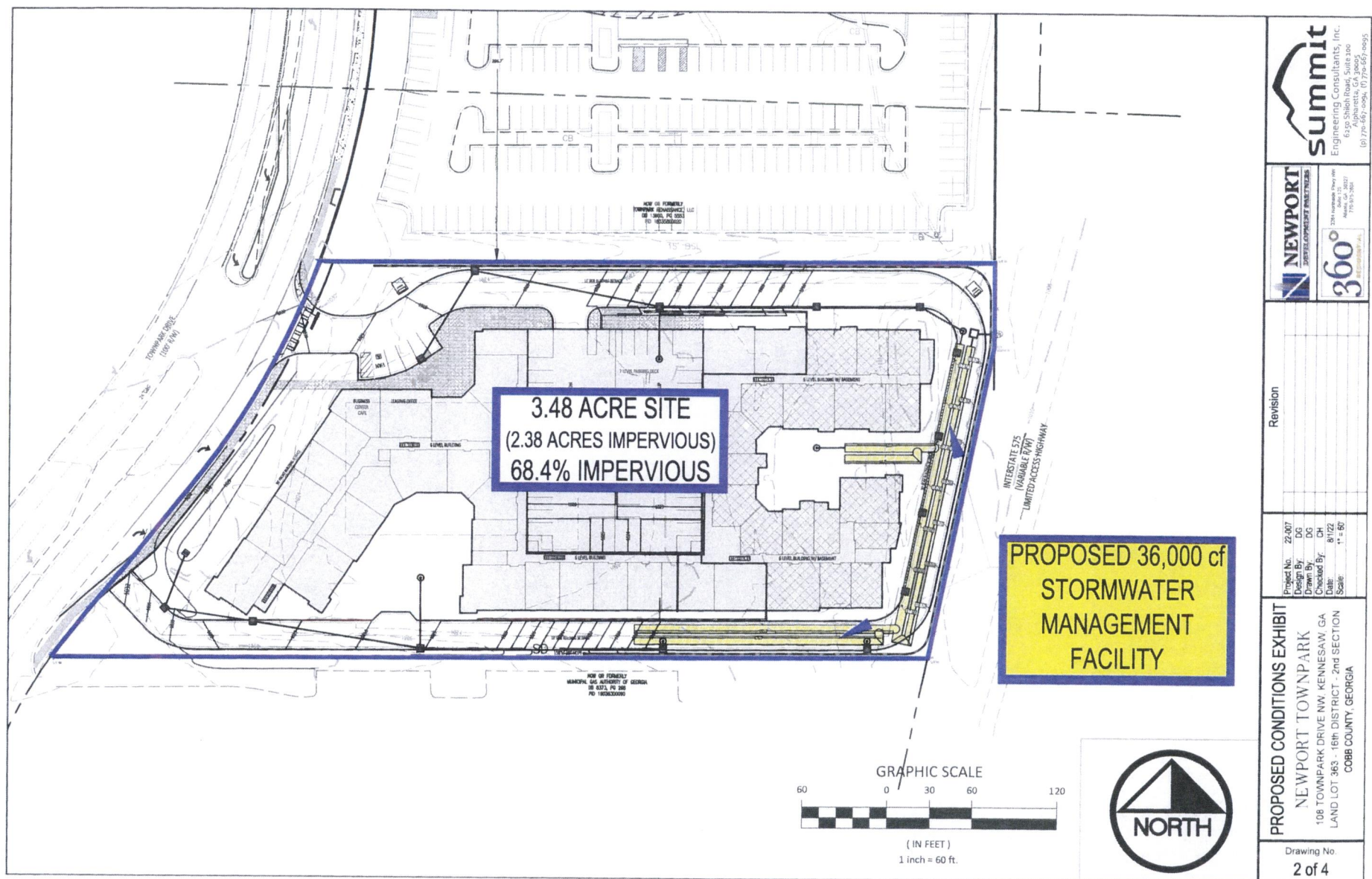
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 DEVELOPMENT PARTNERS

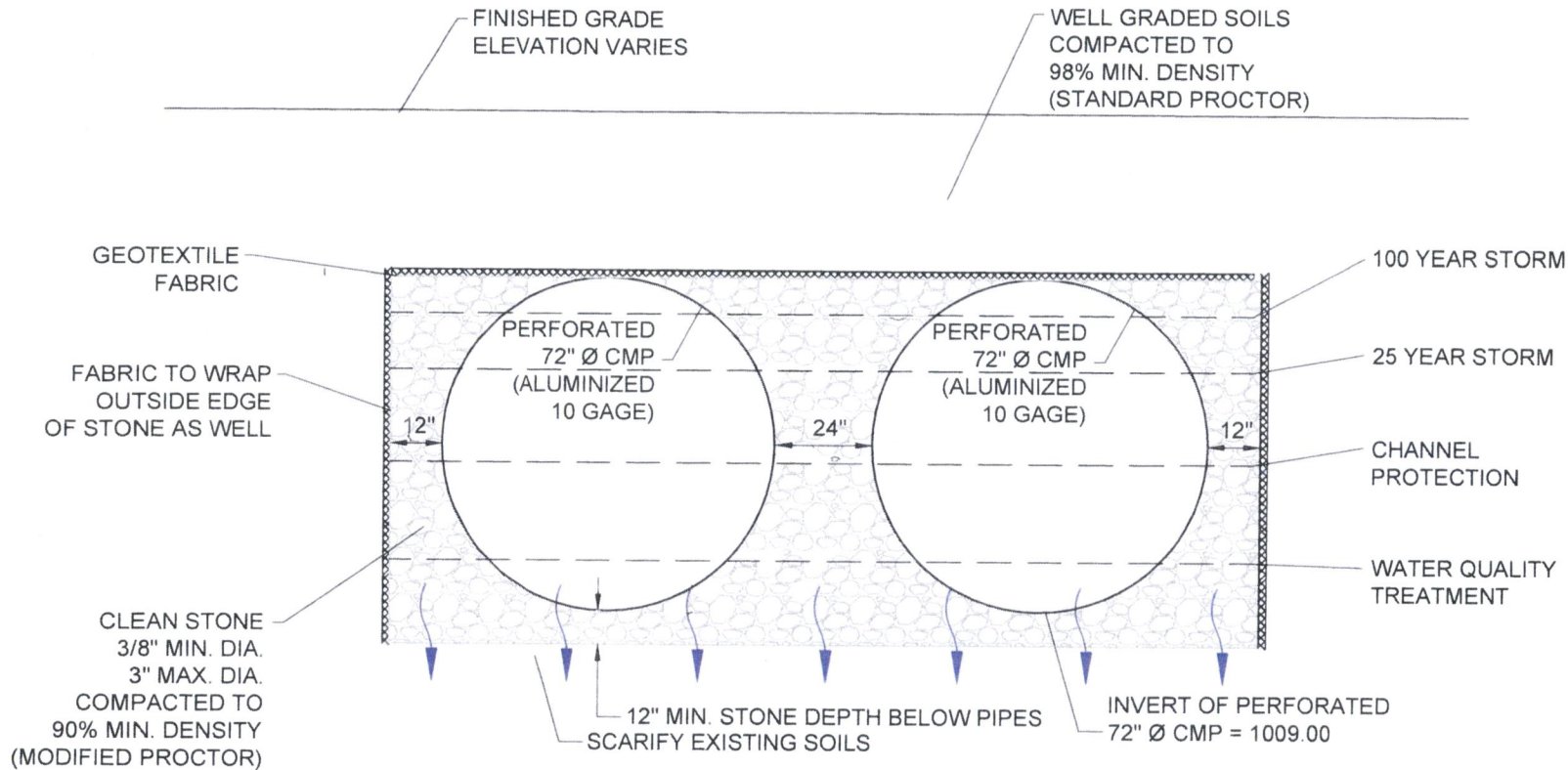
Revision	

Project No. 22-007
 Design By: DG
 Drawn By: DG
 Checked By: CH
 Date: 9/1/22
 Scale: 1" = 60'

EXISTING CONDITIONS EXHIBIT
 NEWPORT TOWNPARK
 108 TOWNPARK DRIVE NW, KENNESAW, GA
 LAND LOT 363 - 16th DISTRICT - 2nd SECTION
 COBB COUNTY, GEORGIA

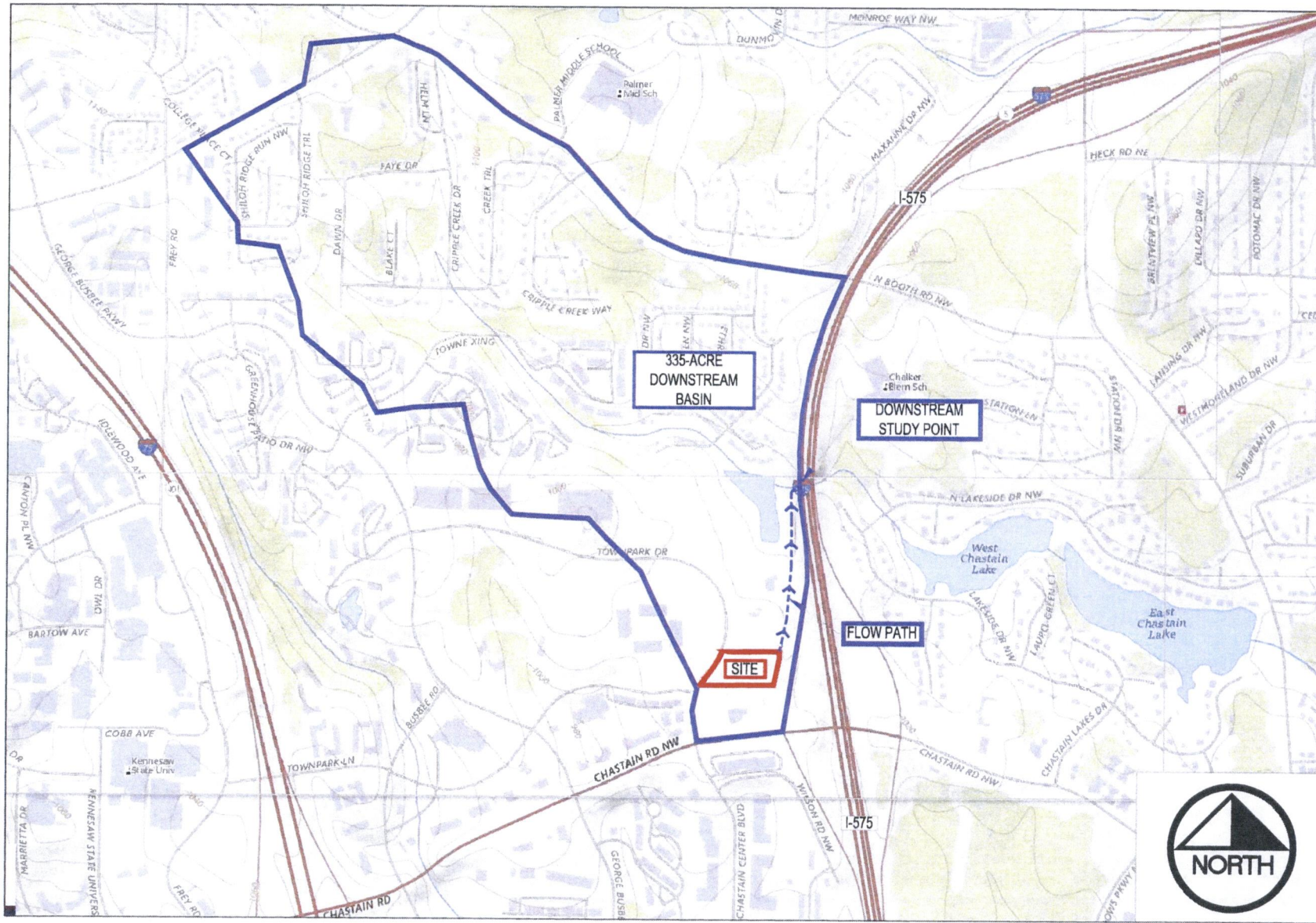
Drawing No.
1 of 4





STORMWATER MANAGEMENT FACILITY CROSS-SECTION NOT TO SCALE

 Engineering Consultants, Inc. 6335 Shiloh Road, Suite 100 Atlanta, GA 30328 (404) 775-4667	
 360° RESIDENTIAL	
Revision	
Project No. 22-007 Design By DG Drawn By DG Checked By JH Date 10/18/2022 Scale 1" = 150'	
STORMWATER FACILITY DETAIL NEWPORT TOWNPARK 108 TOWNPARK DRIVE NW, KENNESAW, GA LAND LOT 363 - 16th DISTRICT - 2nd SECTION COBB COUNTY, GEORGIA	
Drawing No. 3 of 4	





summit
Engineering Consultants, Inc.
Expo Station Road, Suite 200
Alpharetta, GA 30009
(404) 770-4000



NEWPORT
DEVELOPMENT PARTNERS



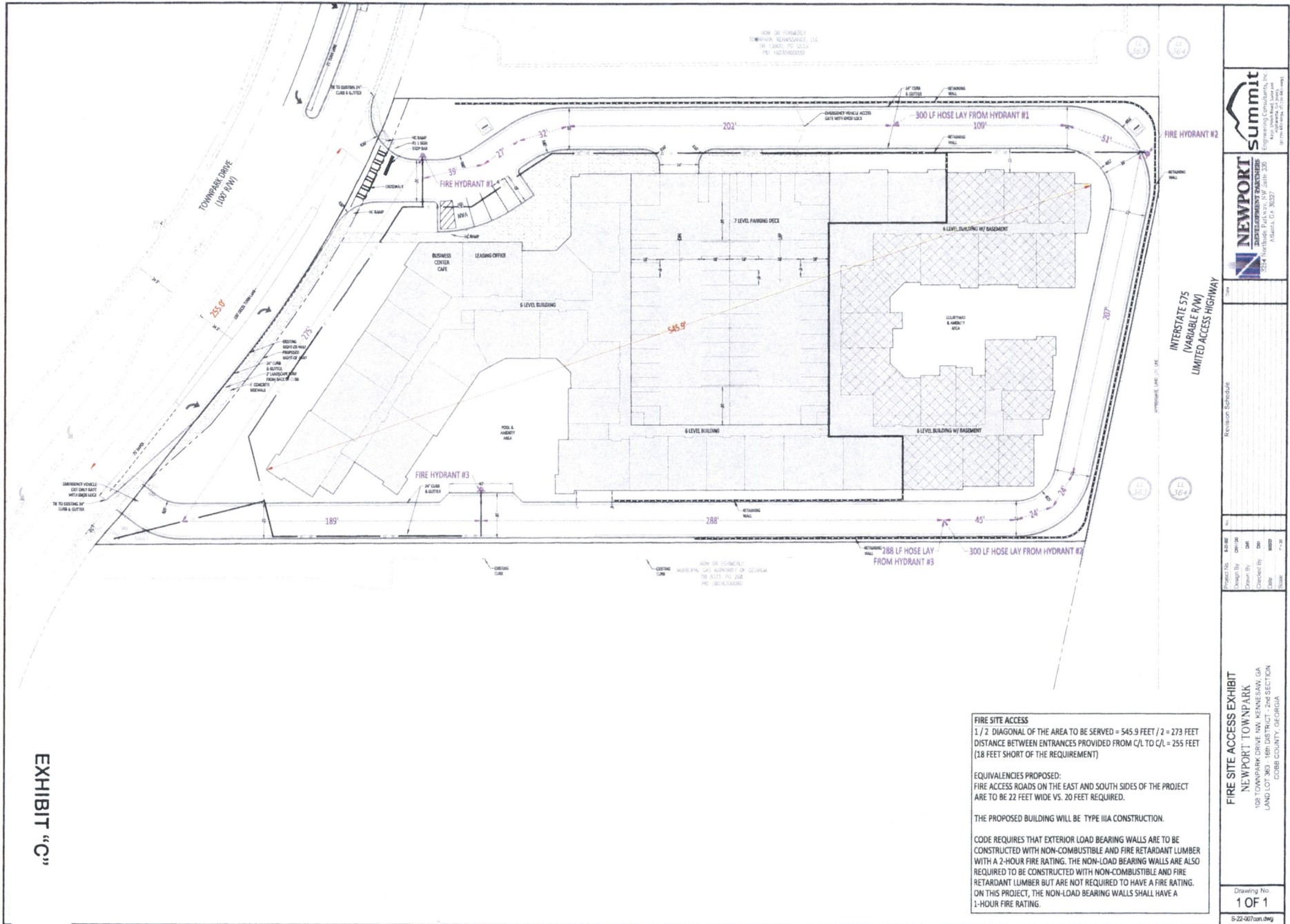
360°
REDESIGN

Revision	

Project No.	22-007	Design By	DG	Checked By	CH
Drawn By	DG	Scale	1" = 150'		

DOWNSTREAM BASIN MAP
NEWPORT TOWNPARK
 108 TOWNPARK DRIVE NW, KENNESAW, GA
 LAND LOT 363 - 16th DISTRICT - 2nd SECTION
 COBB COUNTY, GEORGIA

Drawing No.
4 of 4





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

Min. Bk. 96 Petition No. Z-57
Doc. Type 9-30-22 letter
Meeting Date 10-18-2022

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

September 30, 2022

REVISED

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 Afsheen Foodmart, Inc. to Rezone an approximate 1.172 ± Acre Tract of Land from GC to NRC - Land Lot 20, 17th District, 2nd Section, Cobb County, Georgia.

Dear John:

Afsheen Foodmart, Inc. is making improvements to the Village Store on Hicks Road at its intersection with Grindstone Drive. The store was originally built in 1971 and it serves the surrounding community. The property is zoned GC, however, because the area is not in a Community Activity Center the zoning is noncompliant and the use is a nonconforming use. The property legally must be rezoned to a conforming category which in this case is Neighborhood Retail Commercial (NRC). The zoning is appropriate and supported by the county professional staff because the store is in fact a store that serves the surrounding neighborhood. Unfortunately, the store has not had any meaningful investment in many years. Afsheen has already made significant improvements, including clearing bushes that block the visibility of the store from Grindstone and replacing it with sod so it is more attractive, inviting and safe. Following is a list of proposed stipulations my client proposes to be a condition on the grant of the rezoning request.

- 1) The property will be rezoned to NRC for the use of a convenience store with fuel sales. Any other use will have to be approved pursuant to an Other Business application. The second floor and the basement shall only be used for storage unless an additional use for these areas is approved via an Other Business application.
- 2) All lighting shall be downcast to prevent light from glaring onto the right of way or adjacent property. Any new lighting shall be shoe box style or directed LED lighting designed to be directional and light the subject property but not create a nuisance offsite.



VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
September 30, 2022
Page 2

Petition No. Z-57
Meeting Date 10-18-2022
Continued

- 3) The existing parking lot shall be repaved in its current configuration. Any changes to the paving or addition of curbing along or in the right of way will be done after review and approval by Cobb County and specifically Cobb DOT.
- 4) The existing nonconforming pole sign which is twenty-two (22) feet tall and 100 sq. ft. will be removed and replaced with a monument style sign placed one foot from the right of way line in the island located between the two entrances on Hicks Road. The proposed new sign is fifteen (15) feet tall and is 36 sq. ft. (roughly 1/3 the size of the existing sign). The Electronic Sign is for displaying the gas price and will be in full compliance with the lighting brightness and size requirements found at Cobb County Code Section 134-318. The sign height and size also comply with Sec. 134-321 of the sign ordinance with the exception of the setback from the right of way.
- 5) The dumpster is currently not in an enclosure. The applicant will create a dumpster enclosure on the north side of the building which will be a masonry enclosure with a door in compliance with Cobb County requirements for dumpster enclosures. Additionally, the applicant will create a landscape plan for around the dumpster.
- 6) The landscape island between the two entrances is largely Cobb County right of way. The applicant will landscape around the proposed new sign on its property and not encroach on county right of way.
- 7) The applicant shall develop a safety plan for the store which shall include landscaping, lighting and cameras.
- 8) The staff recommends buffering for the property to the south. In lieu of additional landscaping, the existing wooden privacy fence shall be maintained which is acceptable to the neighbor. The existing trees
- 9) If the store is redeveloped or additions are made, the additions shall conform to then current parking, stormwater and DOT requirements.



Petition No. Z-57
Meeting Date 10-18-2022
Continued

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
September 30, 2022
Page 3

Sincerely,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in dark ink, appearing to read "Parks F. Huff".

Parks F. Huff

phuff@samslarkinhuff.com

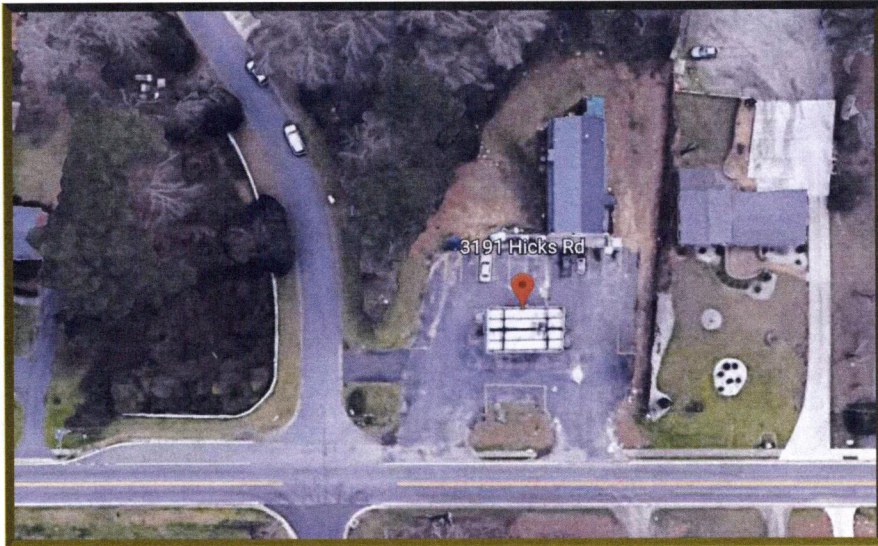
PFH/lkj
Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director, Community Development (via email w/attachments)
Ms. Jeannie Peyton, Senior Planner (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Ms. Margie Vazquez, Planner (via email w/attachments)
Mr. LeDarius Scott, Planner (via email w/attachments)
Mr. Cameron Jones, Planner (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)
Captain Josh Davis, Fire Marshal's Office (via email w/attachments)
Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments)
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)
Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Tim Davidson, Water System (via email w/attachments)

Petition No. Z-57
 Meeting Date 10-18-2022
 Continued



3191 Hicks Road
 Marietta, GA 30060
 SPL#



Customer Approval:

		____/____/____ Date
_____ Print Name		
_____ Signature		
I understand that by signing this drawing I am giving my approval for TII to proceed with this layout for my site as drawn for permitting & material procurement. I understand that any changes necessary due to permitting or Fuel Brand requirements will be communicated to me by TII and may require additional revisions.		



IMAGING THE PETROLEUM
 INDUSTRY FOR OVER 30 YEARS
 1-866-246-1985

Revisions:

Rev. 0 - Original Drawing

01/18/2022

Address: **3191 Hicks Road
 Marietta, GA 30060**

Job Number: USA-28478-VA

Date: 01/18/2022

Customer: UNITED STATES FUELING CO. LLC

Drawn by: EG

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Customer Approval: _____ <----- Please initial here



MAIN ID SIGN

Scope of Work:

Remove existing sign.
 Install new custom vertical monument sign to include Valero logo, 1-product (Regular) 2-tier (Cash/Credit) LED pricer and "Welcome Foods" panel.
 Sign to receive ACM cladded sign base as required by code (painted Thundercloud Gray) with address numerals added per code.
 Supply & install Qty: 4 new protective bollards around base of sign.
 Paint new bollards SAFETY YELLOW

Existing MID Sign To Be Removed

*Location to install Fleet Sign TBV by Valero.
 Fleet Sign must be a minimum of 7ft from grade.*



Square Footage Totals:

Existing:
 119.72 sq ft
 Proposed:
 48 sq ft



Existing MID

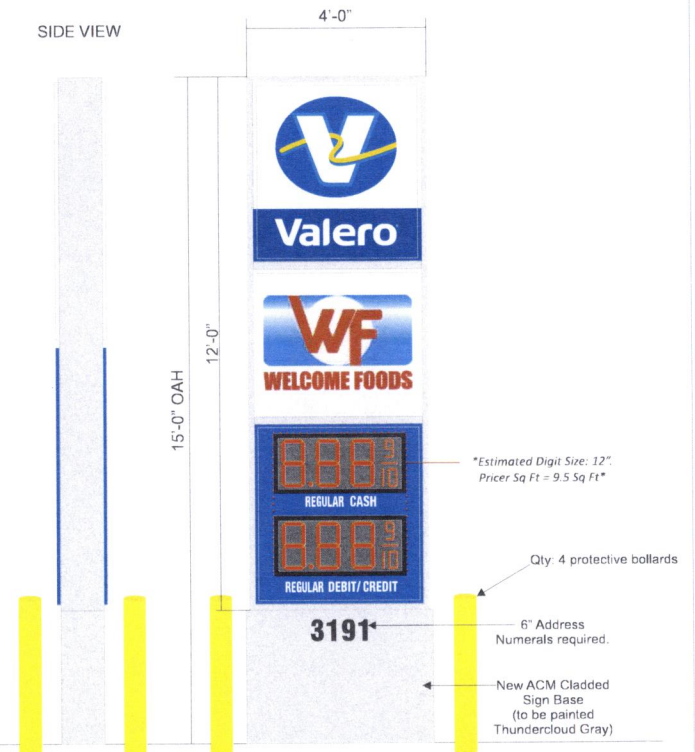
Existing MID



Lot Size 1.17 acres
 Sign Type Required: Monument w/ cladded base w/ street #.
 Max Sq Ft: 49 sq ft
 Max Sq Ft of LED pricers: NTE 32sq ft

Proposed MID

SIDE VIEW



IMAGING THE PETROLEUM
 INDUSTRY FOR OVER 30 YEARS
 1-866-246-1985

Revisions:

Rev. 0 - Original Drawing	01/18/2022
Rev. 1 - changed to taller custom vertical monument due to setbacks	04/12/2022
Rev. 3 - updated MID sign location & added protective bollards	09/21/2022

Address: **3191 Hicks Road
 Marietta, GA 30060**

Customer: UNITED STATES FUELING CO. LLC

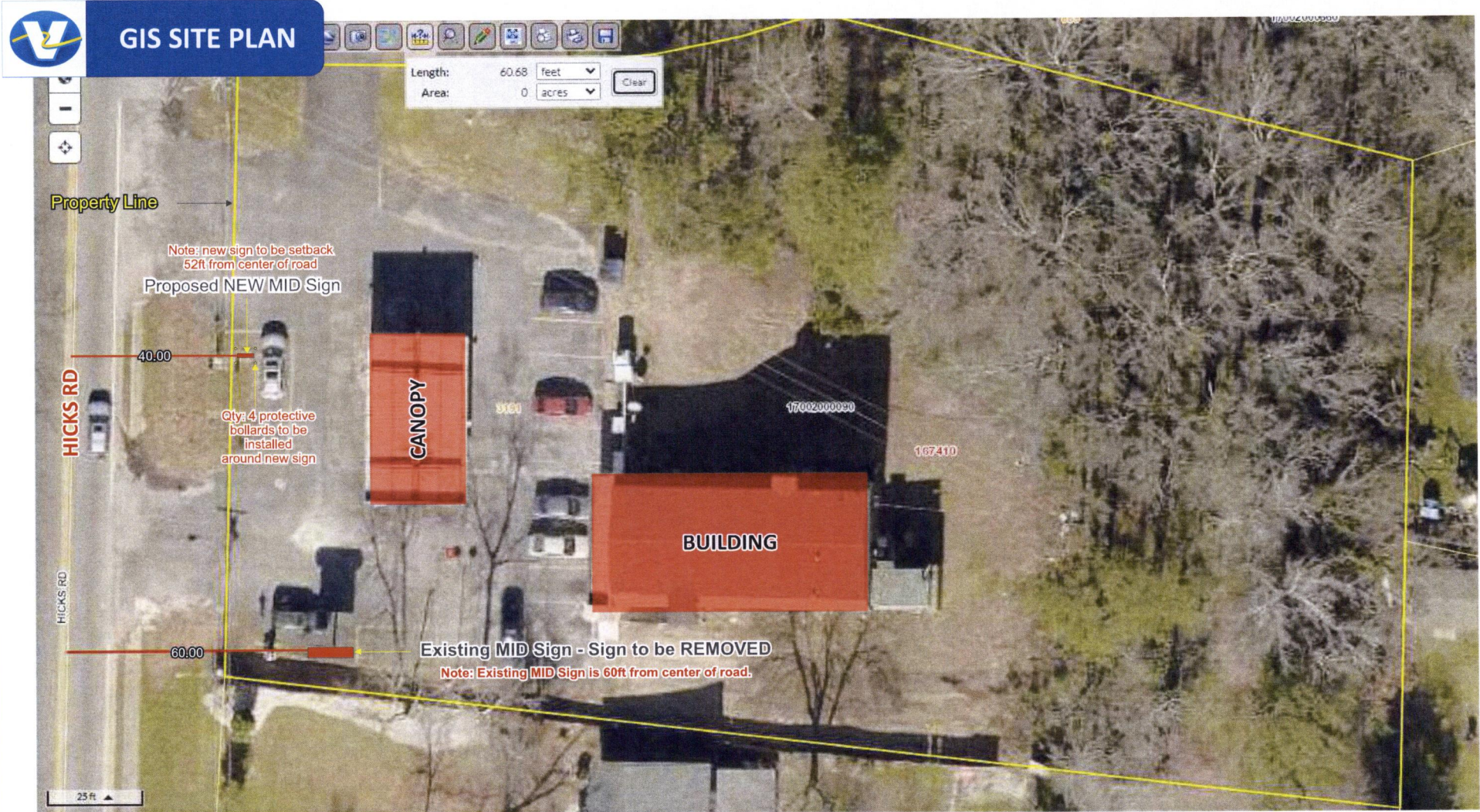
Drawn by: EG

Job Number: USA-28478-VA

Date: 01/18/2022

Customer Approval: _____ Please initial here

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IMAGING THE PETROLEUM
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Rev. 0 - Original Drawing	01/18/2022
Rev. 1 - changed to taller custom vertical monument due to setbacks	04/12/2022

Address: **3191 Hicks Road
 Marietta, GA 30060**

Customer: UNITED STATES FUELING CO. LLC

Drawn by: EG

Job Number: USA-28478-VA

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Customer Approval: _____ **Please initial here**

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Min. Bk. 96 Petition No. Z-57
Doc. Type 10-18-2022 letter
Meeting Date 10-18-2022

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

October 18, 2022

REVISED

VIA EMAIL

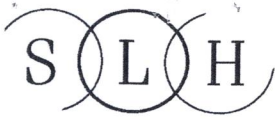
Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Application of Afsheen Foodmart, Inc. to Rezone an approximate 1.172 ± Acre Tract of Land from GC to NRC - Land Lot 20, 17th District, 2nd Section, Cobb County, Georgia.

Dear John:

Afsheen Foodmart, Inc. is making improvements to the Village Store on Hicks Road at its intersection with Grindstone Drive. The store was originally built in 1971 and it serves the surrounding community. The property is zoned GC, however, because the area is not in a Community Activity Center the zoning is noncompliant and the use is a nonconforming use. The property legally must be rezoned to a conforming category which in this case is Neighborhood Retail Commercial (NRC). The zoning is appropriate and supported by the county professional staff because the store is in fact a store that serves the surrounding neighborhood. Unfortunately, the store has not had any meaningful investment in many years. Afsheen has already made significant improvements, including clearing bushes that block the visibility of the store from Grindstone and replacing it with sod so it is more attractive, inviting and safe. Following is a list of proposed stipulations my client proposes to be a condition on the grant of the rezoning request.

- 1) The property will be rezoned to NRC for the use of a convenience store with fuel sales. Any other use will have to be approved pursuant to an Other Business application. The second floor and the basement shall only be used for storage unless an additional use for these areas is approved via an Other Business application. There shall be no alcohol pouring license.
- 2) All lighting shall be downcast to prevent light from glaring onto the right of way or adjacent property. Any new lighting shall be shoe box style or directed LED lighting designed to be directional and light the subject property but not create a nuisance offsite. The lights facing Hicks Road will be redirected downward.



VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
October 18, 2022
Page 2

Petition No. Z-57
Meeting Date 10-18-2022
Continued

- 3) The existing parking lot shall be repaved in its current configuration. Any changes to the paving or addition of curbing along or in the right of way will be done after review and approval by Cobb County and specifically Cobb DOT. The applicant will restripe defined parking spaces after repaving the parking lot.
- 4) The existing nonconforming pole sign which is twenty-two (22) feet tall and 100 sq. ft. will be removed and replaced with a monument style sign placed one foot from the right of way line in the island located between the two entrances on Hicks Road. The proposed new sign is fifteen (15) feet tall and is 36 sq. ft. (roughly 1/3 the size of the existing sign). The Electronic Sign is for displaying the gas price and will be in full compliance with the lighting brightness and size requirements found at Cobb County Code Section 134-318. The sign height and size also comply with Sec. 134-321 of the sign ordinance with the exception of the setback from the right of way.
- 5) The dumpster is currently not in an enclosure. The applicant will create a dumpster enclosure on the north side of the building which will be a masonry enclosure with a door in compliance with Cobb County requirements for dumpster enclosures. Additionally, the applicant will create a landscape plan for around the dumpster. The enclosure and landscape plan to be approved by the District Commissioner.
- 6) The landscape island between the two entrances is largely Cobb County right of way. The applicant will landscape around the proposed new sign on its property and not encroach on county right of way. The applicant will install low growing bushes at the Grindstone Drive entrance. A final landscape plan to be approved by the District Commissioner. The applicant will remove the telephone booth in the island area adjacent to Hicks Road.
- 7) The applicant has developed a safety plan for the store which shall be updated as necessary to address safety concerns. The safety plan is part of the previous stipulation letter.
- 8) The staff recommends buffering for the property to the south. In lieu of additional landscaping, the existing wooden privacy fence shall be maintained which is acceptable to the neighbor. The existing trees behind the store shall remain.
- 9) If the store is redeveloped or additions are made, the additions shall conform to then current parking, stormwater and DOT requirements.



Petition No. Z-57
Meeting Date 10-18-2022
Continued

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
October 18, 2022
Page 3

Sincerely,

SAMS, LARKIN & HUFF, LLP

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Parks F. Huff
phuff@samslarkinhuff.com

PFH/lkj
Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
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Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments)
Ms. Abby Rettig, Cobb DOT (via email w/attachments)
Mr. Tim Davidson, Water System (via email w/attachments)



MAIN ID SIGN

Scope of Work:

Remove existing sign.
 Install new custom vertical monument sign system to include Valero logo, 1-product (Regular) 2-tier (Cash/Credit) LED pricer and "Welcome Foods" panel.
 Sign to receive ACM cladded sign base as required by code (painted Thundercloud Gray) with address numerals added per code.

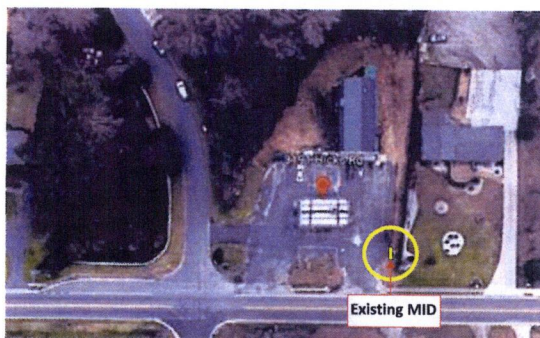
Existing MID Sign To Be Removed

*Location to install Fleet Sign TBV by Valero.
 Fleet Sign must be a minimum of 7ft from grade.*



Square Footage Totals:

Existing:
 119.72 sq ft
 Proposed:
 48 sq ft



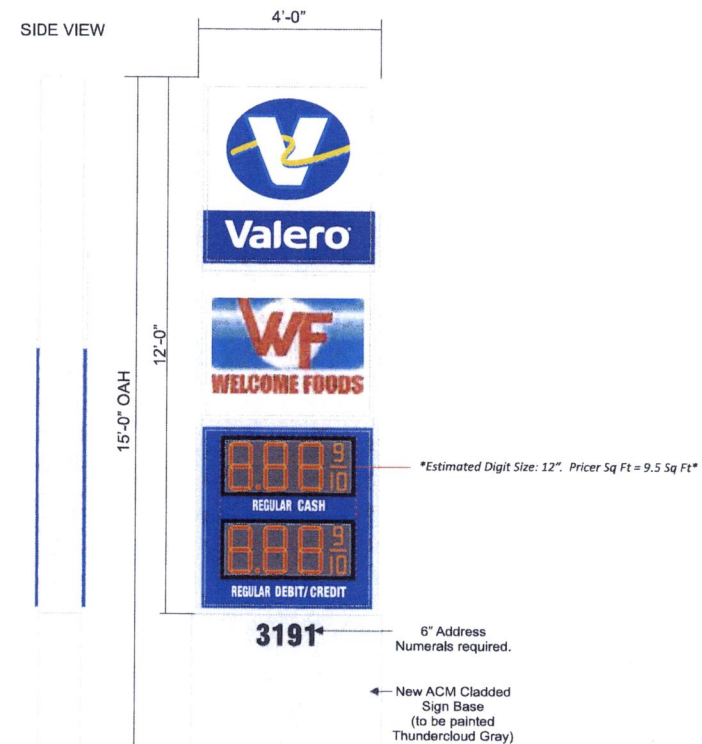
Existing MID

Existing MID



Lot Size 1.17 acres
 Sign Type Required: Monument w/ cladded base w/ street #.
 Max Sq Ft: 49 sq ft
 Max Sq Ft of LED pricers: NTE 32sq ft

Proposed MID



IMAGING THE PETROLEUM
 INDUSTRY FOR OVER 30 YEARS
 1-866-246-1985

Revisions:

Rev. 0 - Original Drawing	01/18/2022
Rev. 1 - changed to taller custom vertical monument due to setbacks	04/12/2022

Address: **3191 Hicks Road**
Marietta, GA 30060

Customer: UNITED STATES FUELING CO. LLC

Drawn by: EG

Job Number: USA-28478-VA

Date: 01/18/2022

Customer Approval: _____ Please initial here

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Petition No. Z-57
Meeting Date 10-18-2022
Continued



3191 Hicks Road
Marietta, GA 30060
SPL#



Know what's below.
Call before you dig.



Customer Approval:

_____ Date
_____ Print Name
_____ Signature
I understand that by signing this drawing I am giving my approval for TII to proceed with this layout for my site as drawn for permitting & material procurement. I understand that any changes necessary due to permitting or Fuel Brand requirements will be communicated to me by TII and may require additional revisions.



IMAGING THE PETROLEUM
INDUSTRY FOR OVER 30 YEARS
1-866-246-1985

Revisions:

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Marietta, GA 30060**

Customer: UNITED STATES FUELING CO. LLC

Drawn by: EG

Job Number: USA-28478-VA

Date: 01/18/2022

Customer Approval: _____

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GIS SITE PLAN



IMAGING THE PETROLEUM
 INDUSTRY FOR OVER 30 YEARS
 1-866-246-1985

Revisions:

Rev. 0 - Original Drawing	01/18/2022
Rev. 1 - changed to taller custom vertical monument due to setbacks	04/12/2022

Address: **3191 Hicks Road**
Marietta, GA 30060

Customer: UNITED STATES FUELING CO. LLC

Drawn by: EG

Job Number: USA-28478-VA

Date: 01/18/2022

Customer Approval: _____ <----- Please Initial here

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COBB COUNTY
STATE OF GEORGIA

AFSHEEN FOODMART, INC
VILLAGE STORE
3191 HICKS ROAD
SAFETY PLAN

This Safety Plan is being submitted to the Cobb County Board of Commissioners and to the Cobb County Police Department ("CCPD") pursuant to stipulations/conditions regarding Rezoning Application No. Z-57 to be heard by the Cobb County Board of Commissioners on October 18, 2022. The Safety Plan addresses the security and response-management needs associated with an existing Grocery/Convenience Store with Fuel Sales known as Village Store.

I. **ON-SITE MANAGEMENT**

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

1. A 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 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, Board of Commissioners 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.

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 privacy fence will be maintained along the common property line to the south between the Store and the abutting residential property. The front and northern side of the store shall remain clear of trees and underbrush, so the store parking lot remains visible to passing motorists.

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 7:00 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.

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, gambling or other illegal activities are not allowed within or around the Store and the parking areas or fuel dispensing/canopy areas.

VI. PROHIBITED ITEMS

- Firearms will be in compliance with State and Local ordinances and law.
- Drugs and drug paraphernalia.
- Solicitations.
- Hazardous chemicals, fireworks, and illegal substances of any kind.

Respectfully submitted, this the 23rd day of September 2022.

SAMS, LARKIN & HUFF, LLP

By: _____

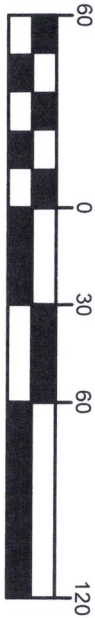
PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010

Min. Bk. 96 Petition No. Z-63
Doc. Type Site Plan

Meeting Date 10-18-2022

RESERVED FOR CLERK OF THE SUPERIOR COURT

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.

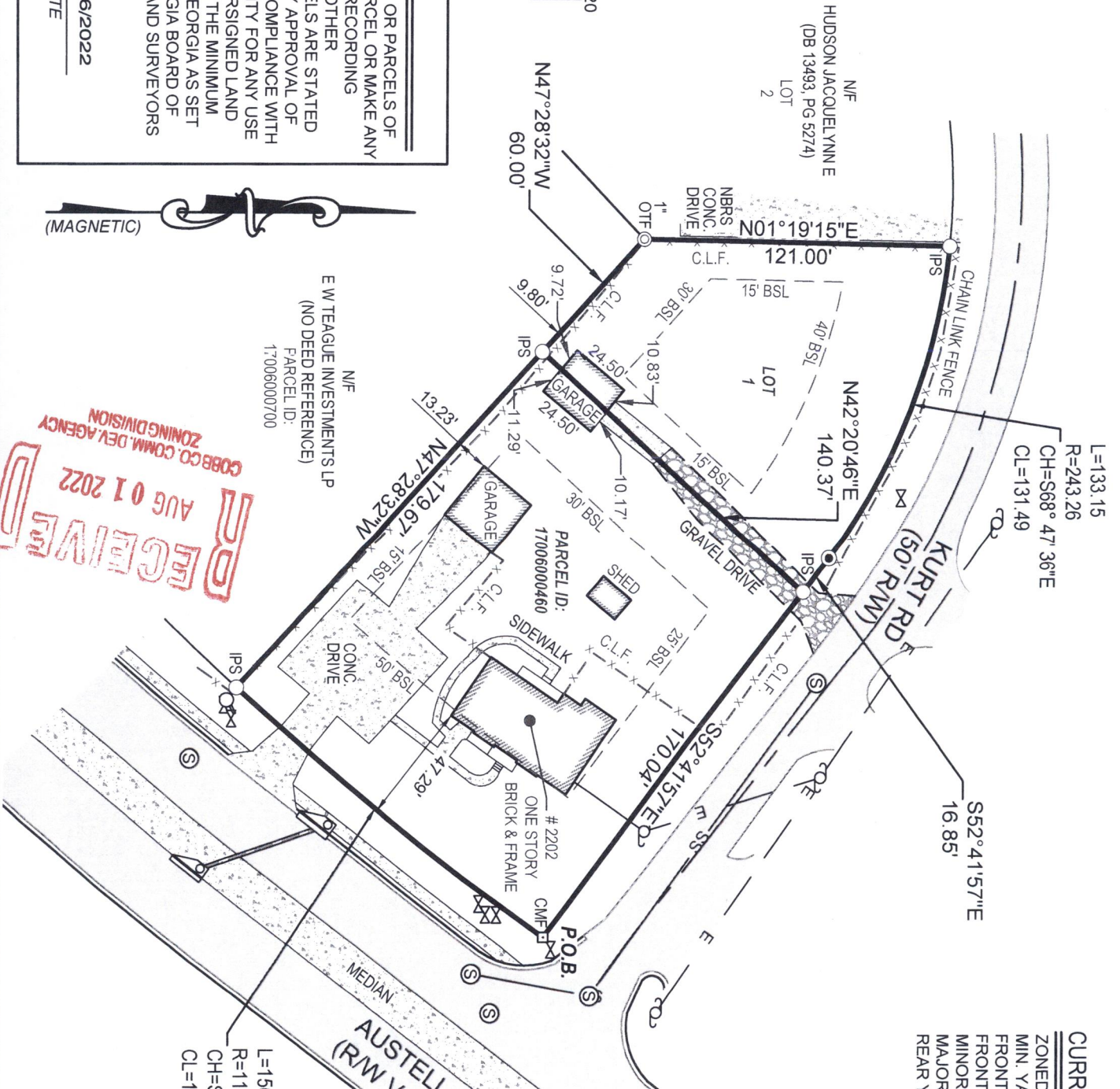
SURVEYORS CERTIFICATION

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

Cullen Preston Hardee

CULLEN PRESTON HARDEE
REGISTERED LAND SURVEYOR #3144

DATE
7/26/2022



CURR
ZONED
MIN. Y.A.
FRONT
MINOR
MAJOR
REAR

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

October 10, 2022

Via E-mail Only

Min. Bk. 96 Petition No. 0.8.41
Doc. Type letter
Meeting Date 10-18-2022

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

RE: Application for "Other Business" - OB-41 (2022)

Applicant: Terwilliger Pappas Multi-Family
Partners, LLC

Property Owner: TV Holdings, LLC

Property: 3.7 acres, more or less, located at the
intersection of the southerly side of Big
Shanty Road and the easterly side of Hidden
Forest Court, being more particularly known
as 3064 Hidden Forest Court, Land Lots 501
and 502, 16th District, 2nd Section,
Cobb County, Georgia ("Property" or
"Subject Property")

Dear John:

On behalf of the Applicant, Terwilliger Pappas Multi-Family Partners, LLC (hereinafter "Applicant"); as well as, the Property Owner, TV Holdings, LLC (hereinafter "Owner" or "Property Owner"), please accept the following as revised, additional agreeable stipulations and conditions, which, if the referenced Application for "Other Business" is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon the Property. This letter shall supersede and replace in full the previous letter of additional agreeable stipulations and conditions dated and submitted August 10, 2022. The proposed approval and revised additional stipulations are as follows:

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 4
October 10, 2022

- (1) Applicant requests approval of the Site Plan prepared by Dynamik Design, dated July 11, 2022, filed with the Application for "Other Business" on July 12, 2022. A reduced copy of the Site Plan is attached to this stipulation letter as Exhibit "A" and incorporated herein by reference.
- (2) Applicant agrees lighting shall be designed that does not spill over into abutting properties.
- (3) Applicant agrees to coordinate with local law enforcement to develop a security plan in accordance with the standards of Crime Prevention Through Environmental Design ("CPTED"). The security plan will be reviewed and updated annually.
- (4) Applicant agrees to provide on-site management, 24 hours per day, seven days per week.
- (5) Applicant agrees it will confirm stream bank buffers with the Cobb County Community Development Agency, Erosion Control Division.
- (6) Applicant agrees to control stormwater discharges, not to exceed the existing capacity of the downstream storm drainage system, including drainage swales and roadside ditches.
- (7) Applicant agrees to provide comprehensive hydrology/stormwater controls during the Plan Review and Permitting Process.
- (8) Applicant agrees that in the event any spring activity is discovered on the Subject Property, such activity will be addressed by a qualified registered geotechnical professional engineer, at the expense of Applicant or Developer.
- (9) Applicant agrees that any structural fill will be placed under the direction of a qualified registered geotechnical professional engineer, at the expense of Applicant or Developer.
- (10) Applicant agrees it will update calculations and provide the percentage of impervious coverage for the project site during the Plan Review Process.

MOORE INGRAM JOHNSON & STEELE

Petition No. 0.B.41
Meeting Date 10-18-2022
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 3
October 10, 2022

- (11) The balance and remainder of the stipulations and conditions previously approved relating to the Subject Property, not otherwise in direct conflict with the additional stipulations set forth herein; as well as the submitted Site Plan, shall remain unaltered and in effect for the Subject Property.

The requested approval of the Site Plan, together with the additional stipulations set forth herein, will enhance the Subject Property and provide for a quality development. We very much appreciate your consideration; as well as that of the Cobb County Board of Commissioners, in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachment

c: Cobb County Board of Commissioners:

Lisa N. Cupid, Chairwoman

JoAnn Birrell

Keli A. Gambrill

Jerica Richardson

Monique Sheffield

(With Copy of Attachment)

Jeannie Peyton

Senior Planner

Zoning Division

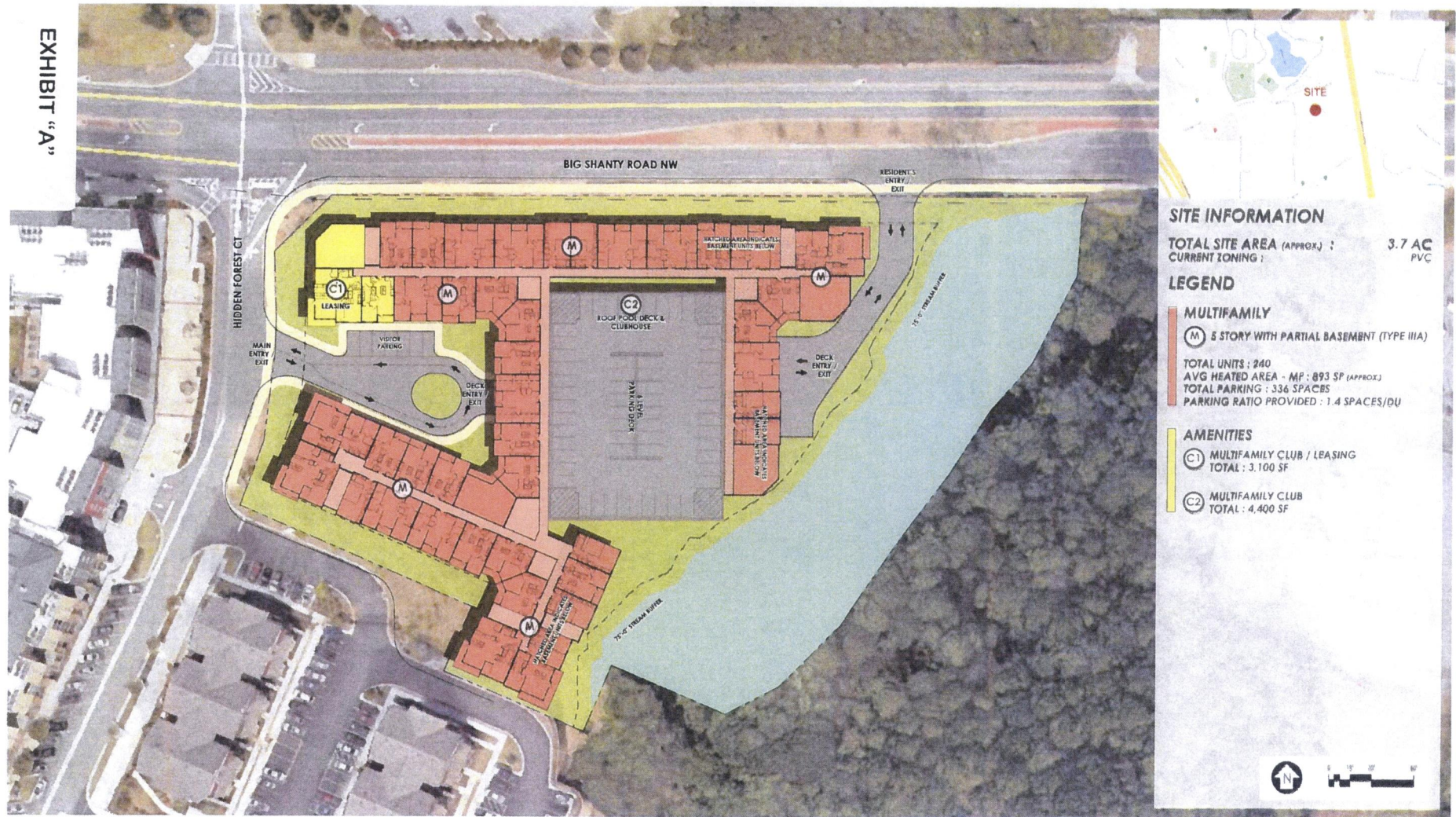
Cobb County Community Development Agency

(With Copy of Attachment)

Terwilliger Pappas Multi-Family Partners, LLC

(With Copy of Attachment)

EXHIBIT "A"



OCTOBER 18, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 96 Petition No. O.B.41
Doc. Type Stormwater Management, Cobb DOT, and
Fire Dept. comments and recommendations
Meeting Date 10-18-2022

ITEM OB-41-2022

PURPOSE

To consider a stipulation and site plan amendment for Terwilliger Pappas Multi-Family Partners, LLC regarding rezoning application Z-26 of 2007 for property located at the southeast corner of Big Shanty Road and Hidden Forest Court, in Land Lots 501 and 502 of the 16th District (3064 Hidden Forest Court). *(Previously continued by the Board of Commissioners from the August 16, 2022 Board of Commissioners hearing until the October 18, 2022 Board of Commissioners hearing).*

BACKGROUND

The subject property was rezoned to PVC in 2007 for a mixed used development with a maximum of 1,600 residential units on 50 acres. The applicant would like to amend the approved site plan and stipulations to allow their market-rate apartment project on the last phase of the original 50-acre project. The applicant is proposing 240 units on this 3.7-acre tract. The building and parking deck would be five-stories in height. There would be a rooftop pool and clubhouse as an amenity and the building architecture would be compatible with other phases of the development. Staff did check the previous phases of the development and with these 240 proposed units, there would be a grand total of 1375 residential units over the 50-acre tract. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Water & Sewer Comments: No additional comments.

Stormwater Management: No objection to the current request. All current stormwater codes and development regulations will be required.

Cobb DOT: Recommend a traffic study. Study assumptions (such as study intersections, trip distribution, future analysis years and annual growth rate) should be submitted in a memorandum (Submittal 1) and agreed to by Cobb DOT before continuing the study. Cobb DOT will then direct if the full traffic study is required based on the information in Submittal 1. Cobb DOT recommendations may be revised after the study's receipt. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.

APPLICANT: Terwilliger Pappas Multi-Family Partners, LLC

PETITION NO.: OB-41-2022

PRESENT ZONING: _____

PETITION FOR: _____

FIRE COMMENTS:

Petition No. 0.B.41
Meeting Date 10-18-2022
Continued

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

ACCESS:

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.

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:

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

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

FIRE ENGINE ACCESS:

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

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

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

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

The fire department must be able to access the long side of the building.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 26 feet maximum of 30 feet and a minimum of 15' from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

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

Gates

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway. Double lane gates shall be a minimum of 20 feet in clear width. Gates shall be of the swinging or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

SECTION D106

MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units.

Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2

D106.2 Projects having more than 200 dwelling units.

Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

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

Jeff Byrd

(770) 528-8814

jeffrey.byrd@cobbcounty.org

OCTOBER 18, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

Min. Bk. 96 Petition No. O.B.44
Doc. Type Cobb DOT and Fire Dept
Comments and recommendations
Meeting Date 10-18-2022

ITEM OB-44-2022

PURPOSE

To consider a stipulation and site plan amendment for Brent Stepp regarding application OSC 05-17 of 2005 for property located at the southwest corner of Old Alabama Road and Cardell Road, in Land Lots 201 and 258 of the 18th District (Old Alabama Road). *(Previously continued by the Board of Commissioners from the September 20, 2022 Board of Commissioners hearing until the October 18, 2022 Board of Commissioners hearing).*

BACKGROUND

The subject property was approved to R-20 OSC in 2005 for a 26-lot open space community with many stipulations. The applicant would like to develop the property but needs to amend a couple of things from the zoning case. First, the applicant would like to reduce the 50-foot cemetery buffer to 35-foot landscape buffer. Second, the applicant would like to align their entrance road with Shady Grove Walk, which was prohibited. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Water & Sewer Comments: No additional comments.

Stormwater Management: The proposal will need to follow the current Stormwater Management Codes and Regulations.

Cobb DOT: See attached.

Site Plan Review: Modular block retaining walls must be backfilled with compacted, non-organic soil. Therefore, walls are not conducive for landscape buffer plantings. The proposed modular block retaining wall within the 25' landscape buffer at the NW corner will severely limit the amount of landscape buffer material which can be installed in this area.

Fire Department: See attached.

Cemetery Preservation: The Cemetery Preservation Commission is agreeable to a reduction to a thirty-five (35) foot landscape buffer for this case.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.

OB-44-2022

DEPARTMENT COMMENTS - DOT

Recommendations

1. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Old Alabama Road, a minimum of 40' from the roadway centerline.
2. As necessitated by this development, recommend Old Alabama Road access include deceleration lane. A deceleration lane is shown on the site plan received on August 16, 2022. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
3. Recommend curb, gutter, and sidewalk along the Old Alabama Road frontage.
4. Recommend applicant verify that minimum intersection sight distance is available for the Old Alabama Road access, and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 500'.
5. Recommend a 10' no access easement for the lots along the Old Alabama Road frontage.
6. Recommend curb and gutter along both sides and sidewalk along one side of the proposed development roadway.
7. Recommend streets, lighting, and utilities be constructed to the Cobb County Standard Specifications for public streets.
8. Recommend the mail kiosk for the proposed development be located off the right-of-way and either on the inward flow of traffic or adjacent to off-street guest parking.
9. Recommend all cul-de-sac turnarounds be designed per Development Standard Detail 104, with final design determined during Plan Review, subject to Cobb County DOT approval.
10. Recommend the first internal residential driveways be constructed a minimum of 50' tangent distance from the right-of-way line along Old Alabama Road.
11. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

APPLICANT: Brent Stepp

PETITION NO.: OB-44-2022

PRESENT ZONING: _____

PETITION FOR: _____

FIRE COMMENTS:

Petition No. 0.B.44
Meeting Date 10-18-2022
Continued

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

FIRE HYDRANTS:

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

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

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).

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

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

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

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

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.

Guest Parking

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

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

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

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

PROPOSED DIGITAL DOUBLE FACED ON-PREMISE SIGN



RECEIVED
OCT 06 2022

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

JRP
John P. Pederson
Zoning Division Manager

SEPTEMBER 20, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

Min. Bk. 96 Petition No. O.B.47
Doc. Type Fire Dept. comments
and recommendations
Meeting Date 10-18-2022

ITEM OB-47-2022

PURPOSE

To consider a Hardship Sign Variance for Riverside EpiCenter, LLC for property located in Land Lots 604 and 689 of the 18th District. Located at the southeasterly intersection of South Service Road and Riverside Parkway (135 Riverside Parkway).

BACKGROUND

The subject property is developed with the EpiCenter family life center, which has been there for about 10 years. Recently, a road project was completed that realigned South Service Road with the entrance to Word of Faith Family Worship Cathedral. This was a safety improvement that moved this intersection further south from the I-20 on and off ramps. As part of the condemnation process, some of the EpiCenter property was taken which included a sign that was 80-feet tall and 288 square feet in size (see attached SIGN VALUATION paperwork). This sign was located on the north side of the property close to I-20. The applicant would like to place the new sign on the north side of the property close to the former location. The new sign would be approximately 84-feet tall and would have approximately 1,505 square-foot size.

STAFF COMMENTS

Water & Sewer Comments: No comments.

Stormwater Management: The proposal will need to follow the current Stormwater Management Codes and Regulations.

Cobb DOT: Comments not submitted by the due date.

Site Plan Review: No comments.

Fire Department: The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County. Where monument signs are used address numbers shall be installed on both side of the monument sign. Suite and building numbers shall comply with Section 106-2(b)(3) Cobb County Code. Landscaping materials shall not obstruct the street numbers.

RECOMMENDATION

The Board of Commissioners conduct a public hearing and consider the proposed application.

ATTACHMENTS

Other Business application and zoning minutes.



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

August 16, 2022

**(PROPOSED SETTLEMENT OF LITIGATION
PURSUANT TO MEDIATION BETWEEN THE PARTIES & COUNSEL)**

VIA EMAIL:

Brian Scott Johnson, Senior Associate County Attorney, Esq.
100 Cherokee Street, Suite 595
Marietta, GA 30090

Re: Galaxy Properties & Investment, Inc., et al. v. Cobb County, Georgia, et al.;
Cobb Superior Court Civil Action File No. 221-01780-68

Application of Streamline Development Partners ("Galaxy Properties & Investment, Inc.") to Rezone a 3.804 Acre Tract from Conditional NRC (School Use Only) to NRC (No. Z-8 [2022])

Dear Brian:

As you know, this firm represents Galaxy Properties & Investment, Inc. ("Galaxy") regarding the above-captioned litigation and the underlying rezoning from which the litigation emanates from a denial of the rezoning. The above-case was tentatively settled by the District Commissioner at a mandatory Mediation Conference which occurred on July 28, 2022.

With respect to the foregoing, it is my understanding from our discussions, that this matter will ultimately take the form of an "Other Business Application" if the Board of Commissioners ("BOC") in Executive Session ratify the tentative Agreement reached through Mediation.

It is my understanding that this matter will be discussed within the context of an Executive Session on August 22, 2022. In that regard, the submission of this letter (which embodies the tentative agreement reached through Mediation) is being sent to and received by you in a timely fashion in order to constitute an "Agenda Item" for that BOC Executive Session wherein the BOC can discuss personnel matters, the potential acquisition or sale of real estate and/or cases in litigation.



VIA EMAIL:

Brian Johnson, Senior Associate County Attorney, Esq.
August 16, 2022
Page 2

The property at issue ("Subject Property") consists of an approximate 3.804 acre tract of land which is located on the south side of Veterans Memorial Highway ("VMH") and the east side of Hickory Trail. The Subject Property is within an area denominated as a Neighborhood Activity Center ("NAC") under Cobb County's Future Land Use Map ("FLUM") which contemplates the type of uses proposed by Galaxy.

The Subject Property was originally rezoned as a part of a 16.05 acre assemblage which formed the underlying subject matter of an Application for Rezoning (No. Z-71 [2016]) and a Special Land Use Permit (SLUP No. 10 [2016]) which were collectively approved by the Board of Commissioners on August 16, 2016. However, the granting of the Rezoning and SLUP were exclusively and specifically for the purposes of the construction and development of a private school and attendant campus, including a building 96,495 square feet in size with associated parking, outside classroom areas, sports fields, et. al. The private school never closed on nor did it purchase the assembled properties and the Rezoning did not include any type of "reversionary" language.

Since the action taken by the BOC in 2016, the Subject Property has lain idle and undeveloped. Although, in July of 2021, a Rezoning Application seeking to develop 1.1 acres of the Subject Property for a retail auto parts and supply company was "Withdrawn Without Prejudice" (No. Z-47 [2021]). In the original and in the subsequent rezoning/entitlement process, Galaxy requested a rezoning for the purposes of the construction, buildout and development of a restaurant and/or retail uses analogous to those uses discussed during the pendency of the Application for Rezoning and for an AutoZone store with co-utilization of a single point of ingress/egress. The professional staff in both the Planning and Zoning Divisions of the Community Development Agency of Cobb County, recommended that the application be approved; however, it was not approved and was, in fact, denied in its totality.

As one of the required components of litigation, the parties and counsel scheduled a mediation and agreed upon a mediator wherein the case was tentatively settled as mentioned above subject to the following stipulations which shall become conditions and a part of the grant of the Other Business Application/Settlement of Litigation and which shall be binding upon the Subject Property thereafter. The referenced Settlement of Litigation Stipulations are as follows, to wit:

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



Petition No. O.B.50
Meeting Date 10-18-2022
Continued

VIA EMAIL:

Brian Johnson, Senior Associate County Attorney, Esq.
August 16, 2022
Page 3

2. The settlement reached between the parties, by and through Counsel, anticipates the development of the Subject Property under the Neighborhood Retail Commercial ("NRC") zoning district for all permitted uses thereunder except for those which are hereinafter expressly and conditionally set out.
3. The architectural style and composition of the buildings shall be consistent with the Mableton Parkway and VMH Design Guideline, adopted by Cobb County in 2017. With respect to architectural considerations and constructions, as well as final approval of a Revised Site Plan, which shall be subject to review and ultimate approval by the District Commissioner.
4. The proposed operating hours for the permitted uses under the NRC zoning district, except for those hereinafter expressly prohibited, shall be from 7:00 a.m. until Midnight, Monday through Saturday and on Sundays from 9:00 a.m. until 10:00 p.m.
5. Construction hours concerning the development of the buildings and related infrastructure on the Subject Property shall be from 8:00 a.m. until 6:00 p.m., Monday – Friday; from 9:00 a.m. until 4:00 p.m. on Saturdays; and, there shall be no construction on the Subject Property on Sundays.
6. The following otherwise permitted uses under the NRC district shall be expressly and conditionally prohibited, as follows, to wit:
 - 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. Recycling collection locations.
 - g. Pain clinics and/or pain management clinics.
 - h. Rest homes, personal care homes.
 - i. Rooming homes or boardinghouses.



Petition No. 0.8.50
Meeting Date 10-18-2022
Continued

VIA EMAIL:

Brian Johnson, Senior Associate County Attorney, Esq.
August 16, 2022
Page 4

- j. Self-service laundry facilities.
- k. Sale of adult-themed books, magazines or materials.
- l. Gaming arcade machines except those associated with legally-sanctioned uses such as the Georgia Lottery.
- m. Pawn shops and check cashing establishments.
- n. Tattoo or body piercing parlors and any business which principally features sexually explicit products or drug related paraphernalia.
- o. The sale of knives, guns or weapons.
- p. Light automotive or any type of vehicular repair.
- q. Bail bondsmen's offices.
- r. Gold and precious metal sales.
- s. Flea markets.
- t. Vehicle inspections/emissions stations.
- u. Drive-thru window (subject to determination to be made by the District Commissioner between "fast-casual and fast-food").
- v. Liquor stores.

In addition to the foregoing, the Subject Property shall be "Deed Restricted" in order to prohibit any type of business enterprise which includes the sale, storage, maintenance, supply, merchandizing of vehicular related businesses of any kind whatsoever for the maximum term allowed by law; embodied in a document reflecting same; and, recorded as a part of the Deed Records of the Superior Court of Cobb County which shall be submitted to said Deed Records within forty-five (45) days of the approval of this Settlement of Litigation and/or Other Business Application; and which will "run" with the Subject Property's chain of title.



Petition No. 0.8.50
Meeting Date 10-18-2022
Continued

VIA EMAIL:

Brian Johnson, Senior Associate County Attorney, Esq.
August 16, 2022
Page 5

Within five (5) days subsequent to the recordation of the deed restrictions as aforementioned, Galaxy shall cause to be filed a Dismissal of its litigation against Cobb County, et al.

7. Signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance and Design Guidelines adopted by the County in 2017. Additionally, there shall be identification signage on the buildings as allowed by Code. The entrance signage shall be incorporated into the Landscape Plan for the Subject Property with the entrance area being landscaped, lighted and irrigated.
8. The submission of a Landscape Plan during the Plan Review Process which shall be subject to review and approval by the County Arborist and final review and approval by the District Commissioner.
9. Compliance with recommendations from the Cobb County Department of Transportation, as follows:
 - a. Deceleration lane location will be determined during the Plan Review process, with the final location of the point of ingress/egress being approved by GDOT.
 - b. The installation of a striped "bulb-out" island to separate the proposed development drive with the existing deceleration lane for the adjacent development to the east.
 - c. Replacing any curb, gutter and/or sidewalk along VMH frontage which may be disturbed during construction and build-out and the installation of curb, gutter and sidewalk on Hickory Trail to the extent that such extends parallel to the stormwater pond as shown on the site plan.
 - d. All work permitted in the right-of-way of VMH to be approved by GDOT.
10. Compliance with directives from the Cobb County Fire Marshal's Office regarding Life, Safety and Fire Prevention issues, including the following:
 - a. Compliance with International Fire Code ("IFC No. 510").
 - b. Ensuring internal maneuverability and accessibility within the site for purposes of Fire and Public Safety vehicles and related firefighting apparatus.



Petition No. O.B. 30
Meeting Date 10-18-2022
Continued

VIA EMAIL:

Brian Johnson, Senior Associate County Attorney, Esq.
August 16, 2022
Page 6

- c. All construction and employee vehicles and equipment shall work from and remain on the site during the construction and build-out of the project infrastructure and there shall be no parking of such vehicles allowed on any of the adjacent public rights-of-way during the construction and build-out of the Subject Property.
 - d. The buildings shall be protected with Fire Sprinkler Systems if determined to be necessary during the Plan Review Process.
11. The submission of a photometric plan which shall include details regarding the utilization and lighting of the site and the inclusion of low-intensity, environmental type lighting, the illumination of which shall be contained within the Subject Property. Security lighting in the form of wall-packs with full cutoff shields shall be allowed for security purposes around and/or on the buildings.
12. Subject to recommendations from the Stormwater Management Division with respect to detention, hydrology, stormwater management, water quality and downstream considerations. This stipulation includes recommendations regarding the ultimate location and configuration of on-site detention and water quality.
13. The District Commissioner shall have the authority to approve minor modifications as this 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. Seek Variances to provisions of the Cobb County Zoning Ordinance.



Petition No. O.B. 50
Meeting Date 10-18-2022
Continued

VIA EMAIL:

Brian Johnson, Senior Associate County Attorney, Esq.
August 16, 2022
Page 7

The above and foregoing stipulations/conditions embody the tentative settlement reached between the parties and counsel subject to review/approval and/or ratification by the BOC in Executive Session. Thereafter, the application will proceed as an "Other Business Application ("OB") and scheduled as directed by the County Attorney and the Zoning Division Manager of the Community Development Agency.

Please do not hesitate to contact me should you have any questions or need any additional information or documentation prior to presenting this to the BOC for the purposes of it being heard, considered and discussed at the Executive Session Meeting of the BOC on August 22, 2022.

With kind personal regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read "Garvis L. Sams, Jr.", is enclosed within a large, hand-drawn oval. Below the signature, the text "Garvis L. Sams, Jr." and the email address "gsams@samslarkinhuff.com" are printed.

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

GLS, Jr./dls

cc: 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, Director (via email)
Mr. John Pederson, AICP, Zoning Division Manager (via email)
Ms. Jeannie Peyton, Senior Planner (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)
Mr. Jeffrey L. Byrd, Fire Marshal's Office (via email)
Ms. Amy Diaz, P.E., Cobb DOT (via email)
Mr. Carl Carver, P.E., Stormwater Management Division (via email)
Mr. Tim Davidson, Plan Review Engineer, Water System (via email)
Mr. Mohammed Ilyas (via email)

Z-08-2022 DEPARTMENT COMMENTS – Stormwater Management

12/29/2021

Min. Bk. 96 Petition No. O.B.50
Doc. Type Stormwater Management comments
and recommendations from Z-8 (2022) Zoning
Meeting Date 10-18-2022 Analysis

Project Information

1. Address: Veterans Memorial Parkway
2. District: 4
3. Existing Zoning: NRC Existing Allowable Impervious Coverage: 70%
4. Proposed Zoning: NRC Allowable Future Impervious Coverage: 70%

Site Data

1. Flood Damage Prevention Designated Flood Hazard: No
2. Drainage Basin: Liberty Hill Branch
3. State Stream Buffers: No
4. County Stream Buffer Ordinance: No
5. Wetlands: No

Comments and Recommendations

These comments and recommendations are typically required at the time of plan review and permitting.

1. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system including drainage swales and roadside ditches.
2. Substantially mitigate any effects of concentrated stormwater discharges onto adjacent properties. Level spreaders may be required to disburse the stormwater discharge.
3. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist downstream.
4. Stormwater discharges through an established residential neighborhood downstream.
5. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s). Including hydrologic routing through the downstream detention pond or lake.
6. At the time of plan review and permitting provide comprehensive hydrology/stormwater controls to include development of out- parcels.
7. Any spring activity discovered must be addressed by a qualified registered geotechnical professional engineer (PE) at the expense of the owner/developer.
8. Structural fill must be placed under the direction of a qualified registered geotechnical engineer (PE) at the expense of the owner/developer.
9. At the time of plan review calculate and provide percentage of impervious coverage for the project site. Impervious calculations for residential subdivision design shall be based the maximum allowable percentage per the zoning category plus additional impervious areas including but not limited to roads, sidewalks and amenity areas.

Z-08-2022 DEPARTMENT COMMENTS – Stormwater Management

(continued)

10. The proposed onsite storm drain system and stormwater management facility is considered private. All annual inspections, maintenance and repairs are the responsibility of the property owner. A stormwater facility maintenance agreement and access easement will be required at the time of the land disturbance permit with the Cobb County Stormwater Management Division.
11. As of January 1, 2021, Stormwater Runoff Reduction is required per the Georgia Stormwater Management Manual (GSMM); unless it is determined to be infeasible during plan review. If it is determined to be infeasible additional water quality designs will be required in accordance with the GSMM.
12. At the time of plan review all Erosion Control Best Management Practices (BMP's) shall be designed in accordance with the "Manual for Erosion and Sediment Control in Georgia".

Z-8-2022

DEPARTMENT COMMENTS - DOT

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

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

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

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

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

Comments and observations

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

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

Recommendations

1. Recommend GDOT permits for all work that encroaches upon State right-of-way.
2. As necessitated by this development, recommend Veterans Memorial Highway access to include deceleration lane. A deceleration lane is shown on the site plan received December 3, 2021. Recommend final location and design be determined during plan review, subject to GDOT and Cobb DOT approvals.
3. Recommend applicant verify that minimum intersection sight distance is available for the Veterans Memorial Drive driveway, and if it is not, implement remedial measures, subject to the Department and GDOT's approval, to achieve the minimum requirement of 630'.
4. Recommend applicant verify that minimum intersection sight distance is available for the Hickory Trail driveway, and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 280'.

Z-8-2022

DEPARTMENT COMMENTS - DOT

(continued)

5. Recommend installation of a striped bulb-out island to separate proposed development drive with existing deceleration lane for the adjacent development to the east. Recommend final location and design be determined during plan review, subject to GDOT and Cobb DOT approvals.
6. Recommend replacing disturbed curb, gutter, and sidewalk along the Veterans Memorial Highway frontage.
7. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Z-08-2022

DEPARTMENT COMMENTS – Fire Department

12/15/21

CCFMO is acceptable to the proposed zoning case as presented. A full review will be conducted when a full set of plans are submitted

Approval based on Professional Engineer-stamped plans that signify overall plan conformance to all Georgia State and Cobb County Codes. Design Professional and Developer maintain the sole responsibility for the design and for correcting all errors, omissions, problems, and code violations (if any) exposed during construction AFTER authorization by Cobb County.

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE:

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

FIRE DEPARTMENT ACCESS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2018 Edition and Cobb County Development Standards 402.11).

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

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

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

2022 DP
Z-08-2021 DEPARTMENT COMMENTS – Fire Department.

(continued)

SPECIFIC FIRE DEPARTMENT ACCESS (INTERNATIONAL FIRE CODE APPENDIX D):

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.8.2.1)

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 ft in height. A minimum of two remote means of fire department access roads must be provided

D104.2 Buildings exceeding 62,000 square feet in area. A minimum of two remote means of fire department access roads must be provided

Exception: Buildings not exceeding 124,000 sq ft and protected with an approved automatic sprinkler system a single fire department access road is permitted

D104.3 Remoteness. Where two fire department access road are required, they must be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the lot or area to be served

MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units.

Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2

CERTIFICATE OF OCCUPANCY:

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

^{2022 DJP}
~~Z-08-2021~~

DEPARTMENT COMMENTS – Fire Department

(continued)

FIRE HYDRANT:

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

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).

FIRE PROTECTION:

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

Josh Davis

(770) 528-8161

Josh.davis@cobbcounty.org

OB-53(2022)

Min. Bk. 96 Petition No. O.B.53
Doc. Type Cobb DOT recommendations

Meeting Date 10-18-2022

Cobb DOT Recommendations

1. Recommend retaining all DOT recommendations for Z-24-2022, which include:
 - a. As necessitated by this development, recommend Cobb Parkway access include a deceleration lane. A deceleration lane is shown on the site plan received February 22, 2022. Recommend location and design be determined during plan review, subject to Georgia DOT and Cobb County DOT approval;
 - b. Recommend removing and closing driveway aprons along Cobb Parkway frontage that the development renders unnecessary;
 - c. Recommend replacing disturbed curb, gutter, and adding sidewalk along private road frontage;
 - d. Recommend existing rollback curb along private road frontage be replaced with standard curbing as per Section 401.15.1, Curbing, of the Cobb County Development standards;
 - e. Recommend extending curb, gutter, and adding sidewalk along the full length of the Cobb Parkway frontage or fee in lieu of if constraints exist that cannot satisfy GDOT's requirements;
 - f. Recommend GDOT permits for all work that encroaches upon State right-of-way;
 - ~~g. Recommend installing the driveway on the private road a minimum of 100 feet from the intersection at Cobb Parkway as measured from intersection curb return to driveway curb return. Recommend location and design be determined during plan review, subject to Georgia DOT and Cobb County DOT approval; and,~~
 - h. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Strike
g.

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Colors & Finishes

Colors shown here may not exactly match reality due to color change or actual sample. Client to select color swatches or specifications for colors shown prior to production or approval. DeNyse color samples or color specifications.

- C1 ● Black
- C2 ● SW 6991 Black Magic
- C3 ● SW 7056 Magnetic Gray
- C4 ○ SW 7004 Snowbound
- C5 ● SW 6891 Mandarin
- C6 ● SW 6939 Turquoise
- C7 ● Powder coated wood
- C8 ● Concrete
- L1 ● 6500K White LEDs

Fonts Used

Font: TBO

Construction Specifications

- A Aluminum fabricated cabinet with .125" powder coated wood grain panels (with 1/8" gap between panels), 4"x8" aluminum toppers to mimic dimensional lumber
- B Paint aluminum fabricated cabinet, illuminated, with 1 1/2" x 1 1/2" aluminum retainers and divider bars
NOTE: Only panels with numbers are to illuminate
- C 3/4" Routed and push thru copy with first and second surface vinyl graphics
- D .125" Painted opaque aluminum tenant panels with first surface vinyl graphics
- E .125" Painted aluminum number panels with routed and backed copy and digitally printed translucent vinyl
- F .125"x2" Aluminum flatbar, painted accents
- G Concrete base with pad footer and (2) steel supports with mounting plates

Electrical Notes

- ☒ Disconnect switch(es) UL & ID labels ☒ Vent - 2" Dia. Lowvoltage
- FINAL ELECTRICAL HOOK UP BY OTHERS
- Suitable for Wet Location
- Electrical Requirements:
- Connection Type: permanent continuous connection
- Number of Circuits: (1) 20 amp Dedicated Branch Circuiting
- Primary Wire Size: 12 awg / conduit
- Secondary Wire Size: 18 awg
- Max. Line Current: 120v

- UL Insulated using UL listed parts and components of installation in accordance with Article 600 of the National Electrical Code and other applicable local codes. This includes proper grounding and bonding.
- Hg This lighted product may contain Fluorescent, Neon, HID lamps or components that use Mercury in them. Dispose of these lamps & components according to the laws of the territory having jurisdiction.

This sign is fabricated using UL approved 40619 Acrylic Adhesive

Scale
3/8" = 1'-0"



Designer Signature Required

DENYSE

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ELEMENTS
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Management Company
Atlantic Capital Properties

Property Name & Address
Chastain Meadows
3380/3300 Chastain
Meadows Parkway
Kennesaw, GA 30144

Opportunity Number
53604

DeNyse Representative
Amy Arnold

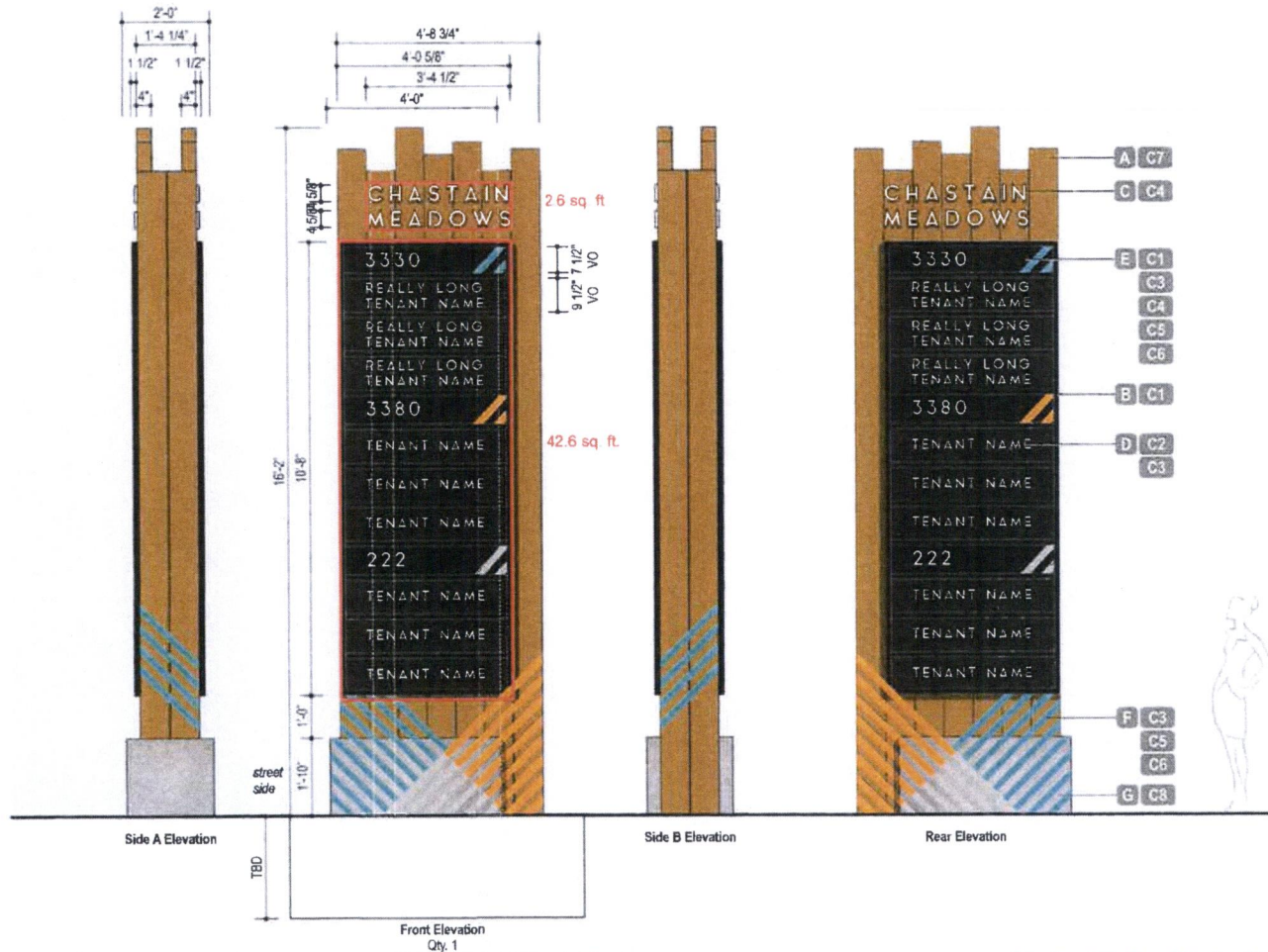
Designer
Jesse Black

Date
08.05.2022

Revision Date
2 08.09.2022 (black)
08.17.2022 (black)

Filepath
Z:\Drawings and
Graphics\Atlantic
Capital
Properties\Chastain
Meadows - Kennesaw
GA\Preliminary
Sign Package 1 v3.cdr

- ☐ Concept
- ☒ Preliminary
- ☐ Production



File Pathing Required
All measurements & site conditions are to be field verified prior to production. Patterns may be required for production.

Vector Artwork Required
Vector artwork needs to be provided to produce this product. Must be in AI, EPS, or CDR file and formatted for a PC.

Main ID A - Main ID

O.B.-54-2022
1/3
Proposed

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Colors & Finishes

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- C1 ● Black
- C2 ● SW 6991 Black Magic
- C3 ● SW 7058 Magnetic Gray
- C4 ○ SW 7004 Snowbound
- C5 ● SW 6891 Mandarin
- C6 ● SW 6939 Turquoise
- C7 ● Powder coated wood
- C8 ● Concrete
- L1 ● 6500k White LEDs

Fonts Used

Font: TBD

Construction Specifications

- A Aluminum fabricated cabinet with .125" powder coated wood grain panels (with 1/8" gap between panels), 4"x8" aluminum toppers to mimic dimensional lumber
- B Paint aluminum fabricated cabinet, illuminated, with 1 1/2" x 1 1/2" aluminum retainers and divider bars
NOTE: Only panels with numbers are to illuminate
- C 3/4" Routed and push thru copy with first and second surface vinyl graphics
- D .125" Painted opaque aluminum tenant panels with first surface vinyl graphics
- E .125" Painted aluminum number panels with routed and backed copy and digitally printed translucent vinyl
- F .125"x2" Aluminum flatbar, painted accents
- G Concrete base with pad footer and (2) steel supports with mounting plates

Electrical Notes

- ☒ Disconnect switch(es) UL & ID labels ☒ Vent - 2" Dia. Louvered

FINAL ELECTRICAL HOOK UP BY OTHERS

Suitable for Wet Location

Electrical Requirements:

Connection Type: permanent continuous operation
Number of Circuits: (1) 20 amp Dedicated Branch Circuit(s)
Primary Wire Size: 12 awg / conduit size: 3/4"
Secondary Wire Size: 18 awg
Max. Line Current: 120v

UL Inspected and labeled in accordance with UL Standard for Electric Signs. Installed using UL listed parts and methods of installation in accordance with Article 600 of the National Electric Code and other applicable local codes. This includes proper grounding and bonding.

Hg This lighted product may contain Fluorescent, Neon, HID lamps or components that use Mercury in them. Dispose of these lamps & components according to the laws of the authority having jurisdiction.

This sign is fabricated using UL approved 408/19 Acrylic Adhesive

Scale
3/8" = 1'-0"



Customer Signature Required

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Management Company
Atlantic Capital Properties

Property Name & Address
Chastain Meadows
3380/3300 Chastain
Meadows Parkway
Kennesaw, GA 30144

Opportunity Number
53604

DeNyse Representative
Amy Arnold

Designer
Jesse Black

Date
08.05.2022

Revision Date
2 08.09.2022 black
08.17.2022 black

Filepath
Z:\Drawings and
Graphics\Atlantic
Capital
Properties\Chastain
Meadows - Kennesaw
GA\Preliminary
Sign Package 1 v3.cdr

- ☐ Concept
- ☒ Preliminary
- ☐ Production



Field Safety Required

All measurements & site conditions are to be field verified prior to production. Patterns may be required for production.



Vector artwork Required

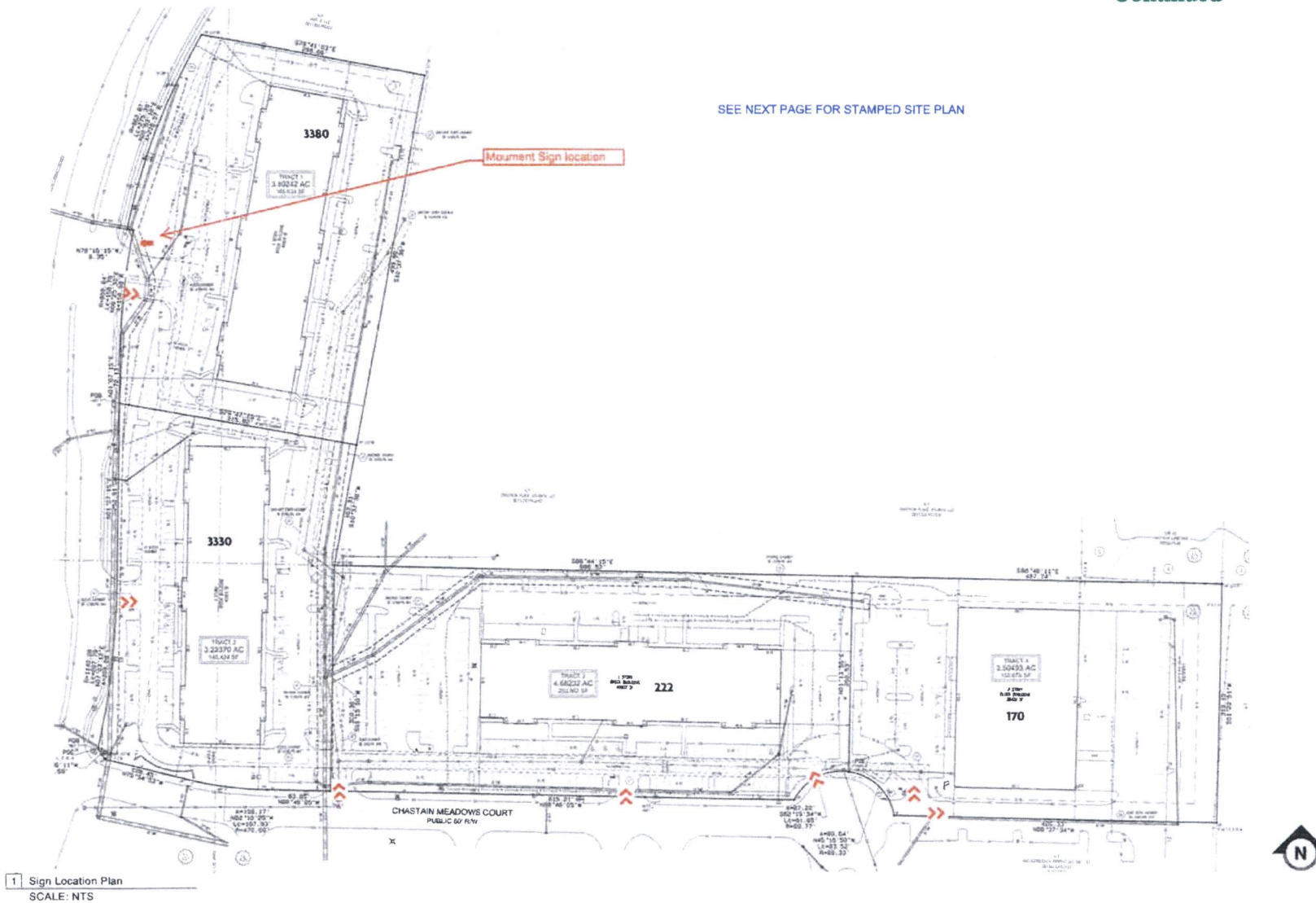
Vector artwork needs to be provided to produce this product. Must be in AI, EPS, or CDR file and furnished for a PC.

Main ID A - Main ID - Illuminated Rendering

08-54-2022
4
2/3

Petition No. 0.B.54
 Meeting Date 10-18-2022
 Continued

SEE NEXT PAGE FOR STAMPED SITE PLAN



ASD SKY	THE ATLANTIC COMPANIES ACQUISITIONS	CHASTAIN MEADOWS	PROJECT # 11853.00	06.16.2022	PRESENTATION 3	0.0
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08-54-2022
 3/3

OCTOBER 18, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3

Min. Bk. 96 Petition No. O.B.54
Doc. Type Fire Dept comments
and recommendations
Meeting Date 10-18-2022

ITEM OB-54-2022

PURPOSE

To consider a stipulation amendment for 3380 Chastain Meadows, LLC and 170-222-3330 Chastain Meadows, LLC regarding application Z-151 of 1995 for property located on the east side of Chastain Meadows Parkway and on the north side of Chastain Meadows Court, in Land Lots 427, 428, 437 and 438 of the 16th District (3330 and 3380 Chastain Meadows Parkway).

BACKGROUND

The subject property was approved to Office Services (OS) in 1995 subject to many stipulations. Stipulation #9 from the letter of agreeable stipulations limited the height of entrance sign to eight feet with the requirement of unpainted brick, stone, stucco or marble. The applicant would like to remodel their entrance sign to a more modern look that would also accommodate all the tenants within the buildings. The proposed sign would be 16'2" tall (19' tall is the sign code) with painted panels that would allow all the tenant names to be displayed. Day and night rendering are included in this Other Business agenda item for your review. If approved, all previous zoning conditions not in conflict would remain in effect.

STAFF COMMENTS

Water & Sewer Comments: No additional comments.

Stormwater Management: No objection to the current request.

Cobb DOT: No comment.

Site Plan Review: No comment.

Fire Department: The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County. Regarding addressing: Street numbers shall be installed in accordance with Section 106-2 Cobb County Code. Number shall be on the street side of the building, not less than 6 inches high, numbers shall be reflective on a contrasting background or contrasting numbers on a reflective background. Where monument signs are used address numbers shall be installed on both side of the monument sign. Suite and building numbers shall comply with Section 106-2(b)(3) Cobb County Code. Landscaping materials shall not obstruct the street numbers.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and zoning minutes.

OCTOBER 18, 2022 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4

Min. Bk. 96 Petition No. O.B.55
Doc. Type Cobb DOT and Fire Dept
Comments and recommendations
Meeting Date 10-18-2022

ITEM OB-55-2022

To consider a reduction of lot size for a crematory from required 2-acres to 1.75-acres for 4283929 Delaware, LLC. The property located on the western end of Oak Ridge Commerce Way, north of Oak Ridge Road, in Land Lot 377 of the 18th District (6658 Oak Ridge Commerce Way).

BACKGROUND

The Board of Commissioners considers all reductions to minimum lot size pursuant to Zoning Code Sec. 134-271(7)(a) adopted on February 27, 2018. The subject property is zoned Light Industrial and is required to have 2 acres for a pet crematory. The applicant is requesting the required lot size be reduced from 2 acres to 1.75 acres. All other zoning criteria will be met, including the requirement for the 50-foot landscape buffer.

STAFF COMMENTS

Cobb DOT: Recommend replacing disturbed curb and gutter along the Oak Ridge Commerce Way frontage. Recommend one commercial driveway on Oak Ridge Commerce Way be installed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Stormwater Management: No comments.

Water & Sewer Comments: No comments.

Site Plan Review: No comments.

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENT

Other Business application.

APPLICANT: 4283929 Delaware, LLC

PETITION NO.: OB-55

PRESENT ZONING:

PETITION FOR:

FIRE COMMENTS:

Petition No. O.B.55
Meeting Date 10-18-2022
Continued

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

FIRE HYDRANTS:

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

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

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

FIRE ENGINE ACCESS: The fire department must be able to access the long side of the building.

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

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

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

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

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

APPLICANT: 4283929 Delaware, LLC

PETITION NO.: OB-55

PRESENT ZONING:

PETITION FOR:

FIRE COMMENTS:

Petition No. OB-55
Meeting Date 10-18-2022
Continued

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m2) shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m2) that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.

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

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

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

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