

**APRIL 20, 2010 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3**

ITEM #4

PURPOSE

To consider amending the site plan and stipulations for Sigma Thermal, Inc. regarding Z-47 (TAK REAL ESTATE INVESTORS, LLC) of October 21, 2008, for property located in Land Lots 59 and 60 of the 16th District on the west side of Deen Road, north of Jamerson Road.

BACKGROUND

The subject property is zoned Light Industrial subject to numerous conditions/stipulations that are attached. This request seeks to amend the approved site plan and stipulations for a new owner that was not part of the original approval. The original request was for an office warehouse project. This project would be used for a light manufacturing facility.

The proposed site plan that is attached reduces the total square footage of the industrial usage from 109,500 square feet to approximately 61,800 square feet. The plan also indicates 23,000 square feet of office space to be used by the manufacturing facility. The total square footage of the light manufacturing facility and offices is 82,100 square feet. There is a second phase indicated on the site plan to be used for smaller independent industrial users that encompass a total of 24,000 square feet. The total square footage for the entire site is 106,100 square feet which does not exceed the originally approved square footage.

Also being requested is a second driveway at the southernmost end of the property to be primarily used for truck traffic. The other business application is also attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the request and if approved, all other previously approved conditions/stipulations are to remain in effect.

ATTACHMENTS

Board of Commissioners Decision
Proposed Site Plan
Other Business Application

ORIGINAL DATE OF APPLICATION: 10-21-08APPLICANTS NAME: TAK REAL ESTATE INVESTORS, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 11-18-08 ZONING HEARING:**

TAK REAL ESTATE INVESTORS, LLC (Litchfield Holdings, LLC, owner) requesting Rezoning from **R-20** to **LI** for the purpose of Office/Warehouse in Land Lots 59 and 60 of the 16th District. Located on the west side of Deen Road, north of Jamerson Road.

The public hearing was opened and Mr. John Moore addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to **approve** Rezoning to the **LI** zoning district subject to:

- site plan received by the Zoning Division August 7, 2008, with District Commissioner approving minor modifications (attached and made a part of these minutes)
- letters of agreeable conditions from Mr. John Moore dated October 1, 2008 and October 28, 2008 *with the following change to the October 28, 2008 letter* (attached and made part of these minutes):
 - Item No. 1 – Amend to: *“Applicant agrees to prohibit left turns from the proposed development onto Deen Road by vehicles more than thirty feet in length or with more than two axles.”*
- District Commissioner approve landscape plan and building architecture (with an emphasis on the front and sides of buildings that face Deen Road)
- natural and enhanced landscape buffer along the Deen Road frontage to be a minimum of 15 feet with the landscape plan being approved by the County Arborist
- if detention pond design requires walls, they are to be treated with masonry or other architectural treatment
- before a land disturbance permit for any phase of the development is issued, the site should be cleaned up, including the removal of debris, junk vehicles, and mobile homes that are existing
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- *revised* Cobb DOT comments and recommendations (attached and made a part of these minutes)

VOTE: **ADOPTED** unanimously



K: COMMERCIAL REAL ESTATE
 PREPARED FOR:
 690 SIBLEY FOREST DRIVE
 MARLBOROUGH, MA 01901
 773-833-9844

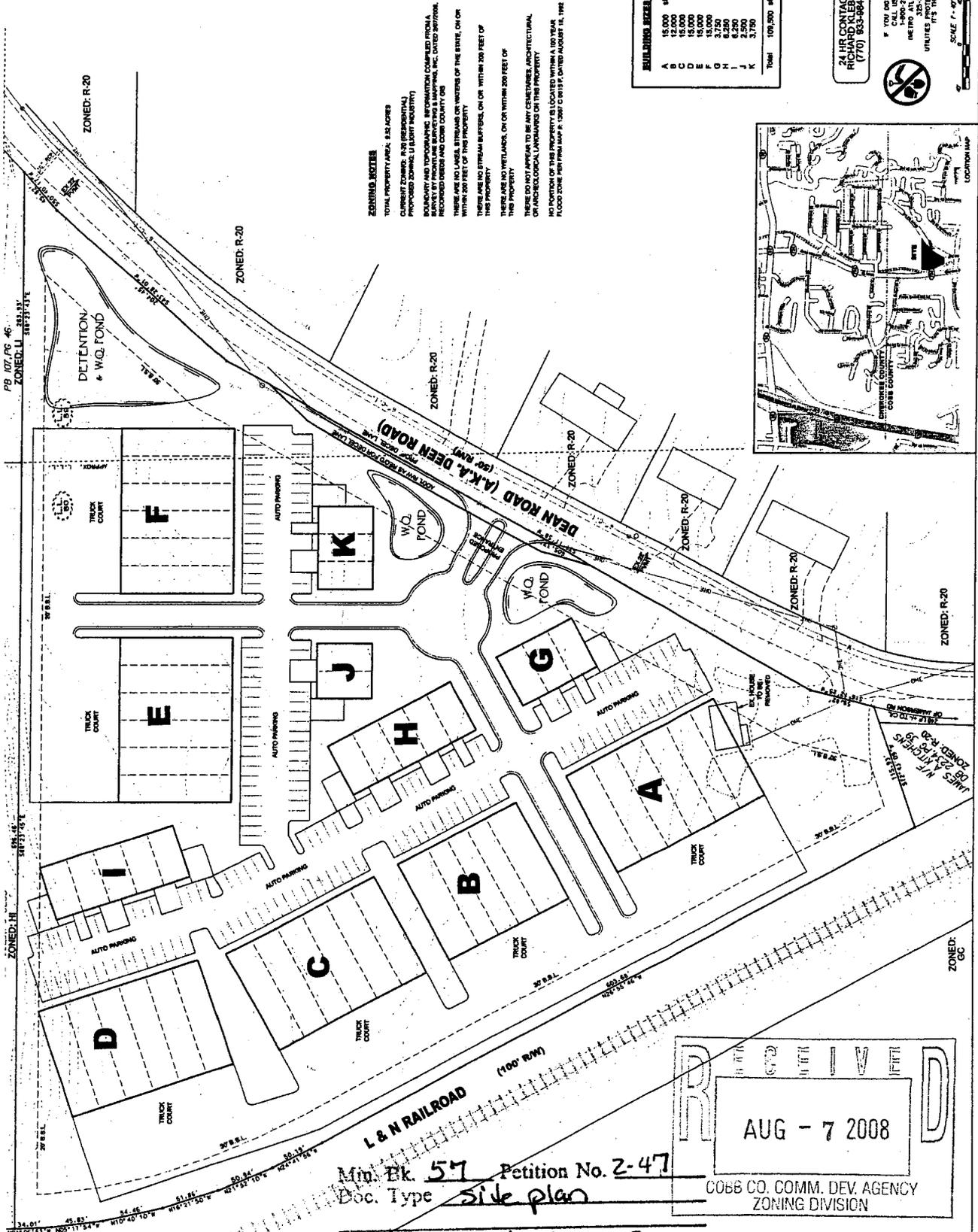
K: COMMERCIAL REAL ESTATE
 PREPARED FOR:
 690 SIBLEY FOREST DRIVE
 MARLBOROUGH, MA 01901
 773-833-9844

ZONING PLAN
 DEAN ROAD TRACT
 COBB COUNTY, GEORGIA
 THE LOTS 1, 2, 3 & 4
 4879 DEAN ROAD
 MARLBOROUGH, MA 01901



NO.	DATE	DESCRIPTION	BY
1	11-18-2008	AS SHOWN	

Z-01



Min. Bk. 57 Petition No. Z-47
 Doc. Type Side plan
 Meeting Date 11-18-2008

RECEIVED
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 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

PAGE 2 OF

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WWW.MIJS.COM

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BRANDON C. HARDY
STAYCE M. BURKHART*
CLAY S. O'DANIEL
GRAHAM E. MCDONALD
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S. NIKOL RICHARDSON*
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TIMOTHY H. STALLINGS
PRESTON D. PIERCE*

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
** ALSO ADMITTED IN FL
* ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
**** ADMITTED ONLY IN TN

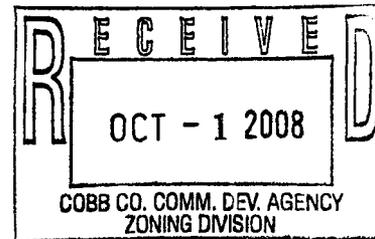
JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
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DARRELL L. SUTTON
NICHOLAS J. PETERSON*
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JENNIFER S. WHITE*

October 1, 2008

Hand Delivered

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



RE: Application for Rezoning - Application No. Z-47 (2008)

Applicant: TAK Real Estate Investors, LLC
Property Owner: Litchfield Holdings, LLC
Property: 9.52 acres located at 4879 Deen Road,
Land Lots 59 and 60, 16th District,
2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent the Applicant, TAK Real Estate Investors, LLC (hereinafter collectively referred to as "Applicant"), and the Property Owner, Litchfield Holdings, LLC (hereinafter referred to as "Owner"), in its Application for Rezoning with respect to property located at 4879 Deen Road, Land Lots 59 and 60, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting and discussions with planning and zoning staff and various Cobb County departmental representatives, discussions with area residents, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

Min. Bk. 57 Petition No. Z-47
Doc. Type letter of agreeable
conditions
Meeting Date 11-18-2008

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 5
October 1, 2008

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- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property.
- (2) Rezoning of the Subject Property shall be from the existing R-20 zoning category to the proposed Light Industrial ("LI") zoning category, with reference to the Zoning Plan prepared by Focus Development & Engineering, Inc., last revised August 7, 2008.
- (3) The total site area consists of 9.52 acres.
- (4) Applicant proposes the construction of a light industrial office and warehouse park in accordance with the LI zoning category.
- (5) The exterior façade of the proposed buildings facing Deen Road shall have brick, stone, stacked-stone, stucco-type, and related materials with accents.
- (6) Entrance signage for the proposed development shall be ground based, monument style signage. The finish, materials, and colors for the signage shall be compatible with the buildings within the development. Further, such signage shall contain no flashing sign components. There shall be no roof signs, no temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming development. Exterior signage on the buildings identifying specific businesses shall be permitted.
- (7) Lighting fixtures for parking areas shall be environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (8) Security lighting on the buildings shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (9) There shall be a minimum ten (10) foot natural and enhanced landscape buffer along the Subject Property fronting on Deen Road. This buffer area shall be professionally designed, implemented, and maintained.

Petition No. 2-47
Meeting Date 11-18-2008
Continued

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 5
October 1, 2008

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- (10) All utilities for the proposed development shall be located underground.
- (11) Minor modifications to the referenced Zoning Plan, including, but not limited to, stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (12) If the detention area is required to be fenced, then such fencing shall be vinyl-clad chain link fencing, with landscaping to the exterior.
- (13) All landscape and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (14) Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, hydrology, and downstream considerations, except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.
- (15) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (16) Access to the proposed development shall be as follows:
 - (a) Full access (right-in/right-out and left-in/left-out) prior to construction of the Jamerson Road Improvement Project;
 - (b) Upon commencement of construction of the Jamerson Road Improvement Project and after completion of the Project, access shall be limited to right-in, left-in, and right-out onto Deen Road from Jamerson Road, but no left out into Jamerson Road.

Petition No. 2-47
Meeting Date 11-18-2008
Continued

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
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Zoning Division
Cobb County Community Development Agency
Page 4 of 5
October 1, 2008

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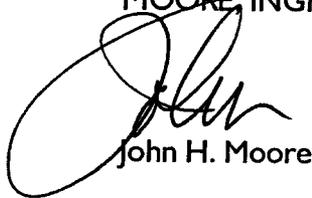
- (17) Further, Applicant agrees to comply with all revised Cobb County Department of Transportation comments and recommendations relating to the proposed development.

We believe the requested zoning, pursuant to the Zoning Plan and the stipulations set forth herein, is most appropriate for the Subject Property. The Subject Property is located within an industrial area of Cobb County and is bordered by industrial compatible businesses to the north and a railway line to the west. We very much appreciate your assistance and the consideration of the Planning Commission and Board of Commissioners in this rezoning request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Tom McCleskey

Petition No. 2-47
Meeting Date 11-18-2008
Continued

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 5
October 1, 2008

PAGE 10 OF _____

c: Carol Brown
Lee Berg
Canton Road Neighbors, Inc.

TAK Real Estate Investors, LLC

Petition No. 2-47
Meeting Date 11-18-2008
Continued

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OF COUNSEL:
JOHN L. SKELTON, JR.¹

¹ ALSO ADMITTED IN TN
^{*} ALSO ADMITTED IN FL
⁻⁻⁻ ALSO ADMITTED IN NM
⁻⁻⁻⁻ ALSO ADMITTED IN NC
⁻⁻⁻⁻ ALSO ADMITTED IN CA
[•] ADMITTED ONLY IN TN

October 28, 2008

Hand Delivered

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



RE: Application for Rezoning - Application No. Z-47 (2008)
Applicant: TAK Real Estate Investors, LLC
Property Owner: Litchfield Holdings, LLC
Property: 9.52 acres located at 4879 Deen Road,
Land Lots 59 and 60, 16th District,
2nd Section, Cobb County, Georgia

Dear John:

On behalf of TAK Real Estate Investors, LLC and Litchfield Holdings, LLC, Applicant and Property Owner, respectively, in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated and filed with your office on October 1, 2008, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

- (1) Applicant agrees to prohibit left turns from the proposed development onto Deen Road by vehicles more than fifty (50) feet in length.
- (2) No use within the proposed development shall have excessive noise or odors.

Min. Bk. 57 Petition No. Z-47
Doc. Type letter of agreeable
conditions
Meeting Date 11-18-2008

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
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Zoning Division
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Page 2 of 2
October 28, 2008

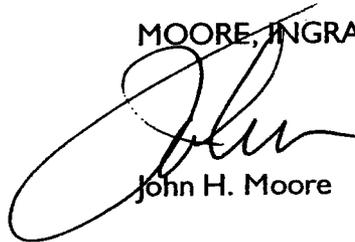
PAGE 12 OF

As previously stated, we believe the requested zoning, pursuant to the Zoning Plan and the stipulations set forth herein, is most appropriate for the Subject Property. The Subject Property is located within an industrial area of Cobb County and is bordered by industrial compatible businesses to the north and a railway line to the west. We very much appreciate your assistance and the consideration of the Planning Commission and Board of Commissioners in this rezoning request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:
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Carol Brown
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Canton Road Neighbors, Inc.

TAK Real Estate Investors, LLC

Petition No. 2-47
Meeting Date 11-18-2008
Continued

APPLICANT: TAK Real Estate Investors, LLC

PETITION NO.: Z-47

PRESENT ZONING: R-20

PETITION FOR: LI

TRANSPORTATION COMMENTS

PAGE 13 OF 13

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Jamerson Road	NA	Arterial	45 mph	Cobb County	100'
Dean Road	NA	Local	35 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Dean Road is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Jamerson Road is identified in the 2005 SPLOST as a widen project.

Dean Road at Jamerson Road is identified as a realignment project. The realignment will improve safety and operational concerns with the existing at-grade rail road crossing. Until Dean Road is relocated, eastbound left turn movements from Dean Road onto Jamerson Road will be restricted.

As necessitated by this development for egress from Dean Road, a left turn lane will be required at the proposed access drive.

Install sidewalk, curb and gutter along all road frontages.

RECOMMENDATIONS

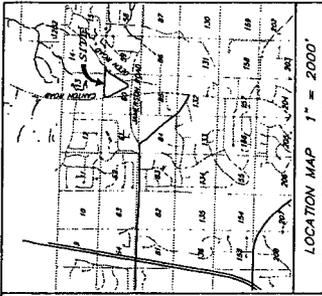
Recommend applicant coordinate with Cobb County Department of Transportation prior to development plan approval to ensure compatibility with the proposed road improvements.

Recommend a left turn lane on Dean Road at the proposed entrance.

Recommend installing sidewalk, curb and gutter along all road frontages.

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

Min. Bk. 57 Petition No. Z-47
Doc. Type revised DOT
Comments
Meeting Date 11-18-2008



SITE SUMMARY
 TOTAL SITE AREA: 9.52 AC.
 EXISTING ZONING: LI (Z-47, 2008)
 PROPOSED ZONING: LI
 MIN. LOT SIZE: 40,000 SQ.FT.
 BUILDING SETBACKS:
 50' FRONT
 40' REAR
 20' SIDE

* PROPOSED MINOR CHANGES TO ORIGINAL ZONING PLAN TO BE HANDLED UNDER "OTHER BUSINESS"

- ZONING NOTES:** INFORMATION COMPILED FROM A COBB COUNTY GIS AND RECORDED RECORDS.
1. TOPOGRAPHY: AERIAL (FROM COBB GIS)
 2. PRESENT AND PROPOSED BUILDINGS ARE SHOWN ON WITHIN 200 FEET OF THE PROPERTY.
 3. PRESENT AND PROPOSED STREAM BUFFERS, ON OR WITHIN 200 FEET OF THE PROPERTY ARE SHOWN.
 4. THERE ARE NO METAL PILES OR WITHIN 200 FEET OF THIS PROPERTY.
 5. THERE ARE NO METAL PILES OR WITHIN 200 FEET OF THIS PROPERTY.
 6. THERE ARE NO METAL PILES OR WITHIN 200 FEET OF THIS PROPERTY.
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REFERENCE NOTES ON APPROVED ZONING PLAN (Z-47, 2008)

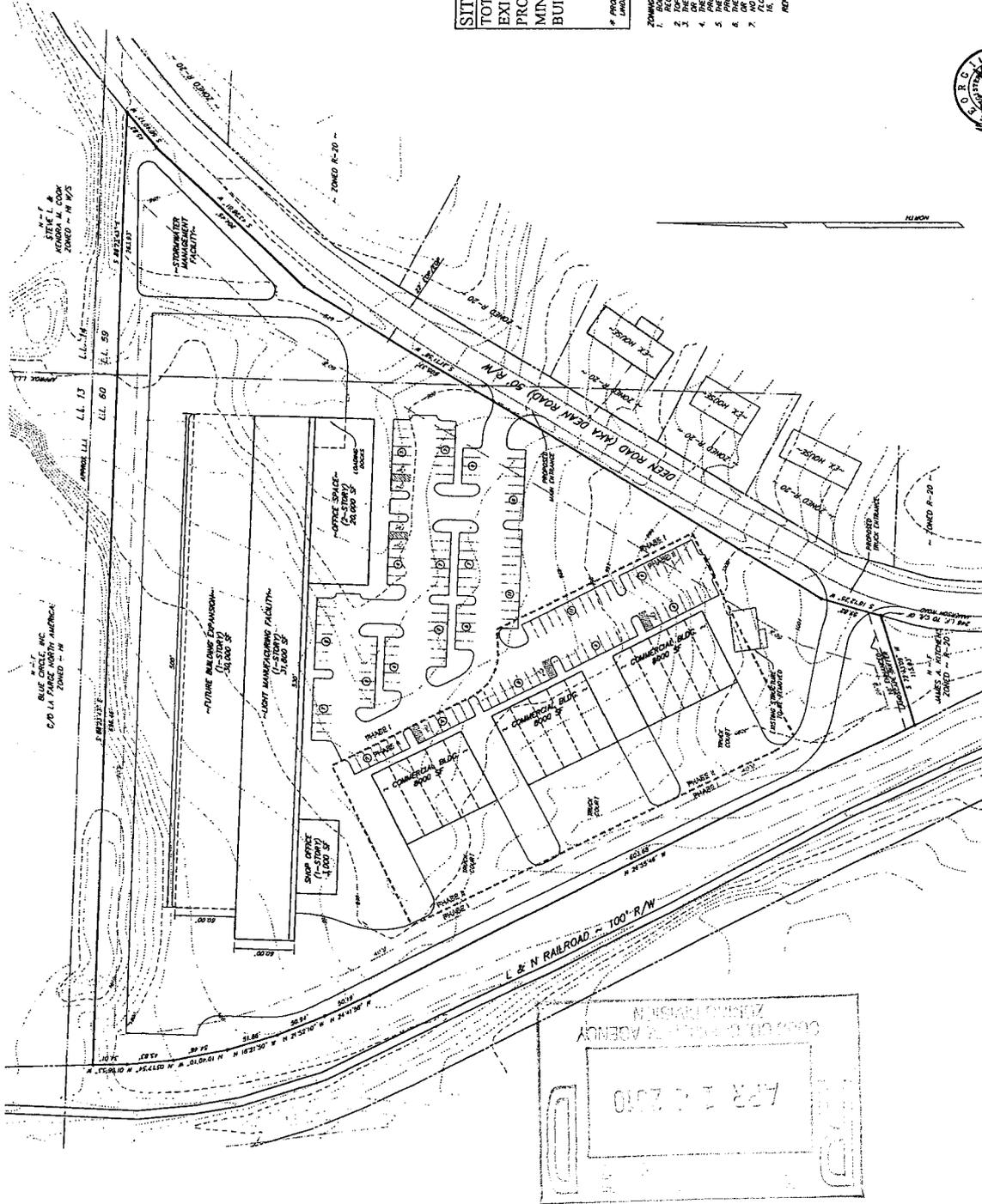
DATE	1/27/2010	BY	CS
SCALE	1" = 50'	PROJECT	04230-REARCE BLDG AREA
DRAWN BY	CS	DESIGNED BY	CS
CHECKED BY	CS	DATE	1/27/2010

ZONING PLAN FOR:
DEEN ROAD TRACT

100' DEEN RD. S. 1/2 SEC. 10
 COBB COUNTY, GA



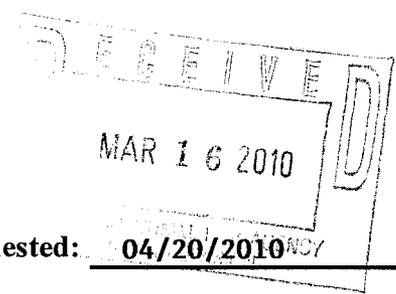
MEMBERSHIP: 1000+ MEMBERS
 1000+ MEMBERS
 1000+ MEMBERS



APR 2 2 2010
 COBB COUNTY PLANNING AGENCY
 ZONING DIVISION



811
 Call before you dig.



Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 04/20/2010

Applicant: Sigma Thermal, Inc. Phone #: (770) 427-5770
(applicant's name printed)

Address: Suite 409, 200 North Cobb Parkway, Marietta, GA 30062 **E-Mail:** _____
Moore Ingram Johnson & Steele, LLP

John H. Moore Address: Emerson Overlook, 326 Roswell Street
(representative's name printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jmoore@mijs.com; w7@mijs.com
(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:

[Signature] My commission expires: January 10, 2011
Notary Public

Titleholder(s): Estate of Nannie Catherine Wheat Phone #: (678) 431-0956
Estate of Clarence Wheat
(property owner's name printed)

Address: 4879 Deen Road, Marietta, GA 30066 **E-Mail:** ben_wheat2003@yahoo.com

See Attached for Signature
(Property owner's signature)

Signed, sealed and delivered in presence of:

_____ My commission expires: _____
Notary Public

Commission District: 3 (Lee) **Zoning Case:** Z-47 (2008)

Date of Zoning Decision: 11/18/2008 **Original Date of Hearing:** 10/21/2008

Location: 4879 Deen Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 59, 60 **District(s):** 16th

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

See Exhibit "A" attached hereto and made a part hereof by reference.

(List or attach additional information if needed)

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(SITE PLAN AND STIPULATION AMENDMENT)**

Application No.: Z-47 (2008)
Original Hearing Date: October 21, 2008
Date of Zoning Decision: November 18, 2008
Current Hearing Date: April 20, 2010

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Sigma Thermal, Inc.

On November 18, 2010, the Cobb County Board of Commissioners granted a request to rezone the Subject Property from the R-20 zoning category to the Light Industrial ("LI") zoning category to allow for the operation of office/warehouse facilities. Since the approval of the original rezoning request, the Applicant and Property Owner in the original Application for Rezoning are no longer involved or have any interest in the Subject Property; the Property having been transferred to a new owner as evidenced in the within Application. The current Applicant, Sigma Thermal, Inc. (hereinafter "Applicant"), desires to amend the previously approved site plan and certain stipulations approved in the original rezoning, as follows:

- (1) The proposed use of the Subject Property will be office and light manufacturing-assembly and office warehouse.
- (2) Applicant submits for approval the revised Zoning Plan for the proposed development of the Subject Property prepared by Gaskins Surveying and Engineering Company, Inc., dated March 16, 2010.
- (3) Two entrances will be allowed, if requested, with the southernmost entrance being the truck entrance.
- (4) The project will be re-evaluated by the Cobb County Department of Transportation during plan review for the second phase of the proposed development to determine whether a left-turn lane is required for the main (northernmost) entrance. If required, the left-turn lane will be constructed during the second phase construction period. No deceleration or acceleration lanes are required.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on November 18, 2008, are unaltered by this request for Site Plan and Stipulation Amendment.