

**MARCH 15, 2011 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 2

PURPOSE

To consider a site plan and stipulation amendments for Sigma Thermal, Inc. regarding rezoning application Z-47 of 2008 (TAK Real Estate Investors, LLC), for property located on the west side of Deen Road, north of Jamerson Road in Land Lot 59 and 60 of the 16th District.

BACKGROUND

The subject property was zoned LI with stipulations for an office and warehouse development in 2008, and was subsequently modified through Other Business in April 2010. The applicant is requesting to modify the approved site by moving the buildings around. The total square footage of the proposal would be 106,000 square feet, which is 100 square feet less than the approved site plan. The applicant is requesting to amend four zoning stipulations which include: 1) the landscape buffering and berming requirements along Deen Road; 2) clarifying that semi-trucks shall be prohibited from the northern entrance on Deen Road; and 3) to clarify the phases when certain right-of-way improvements are to be started. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendments.

ATTACHMENTS

Zoning Decision (Exhibit A)
Other Business application (Exhibit B)
Proposed site plan (Exhibit C)

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 18, 2008
9:02 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, November 18, 2008, at 9:02 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Samuel S. Olens
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Joe L. Thompson
Commissioner Annette Kesting

Z-47 **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

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 18, 2008
9:02 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, November 18, 2008, at 9:02 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Samuel S. Olens
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Joe L. Thompson
Commissioner Annette Kesting

Z-47 TAK REAL ESTATE INVESTORS, LLC

- **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

March 15, 2011
Exhibit "A"
Other Business Item 02

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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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
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• ADMITTED ONLY IN TN

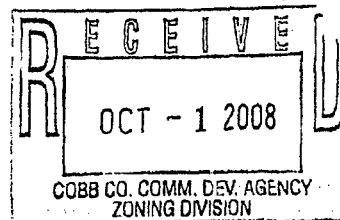
JOHN H. MOORE
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DARRELL L. SUTTON
NICHOLAS J. PETERSON*
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
JENNIFER S. WHITE*

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

- (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

- (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
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 5
October 1, 2008

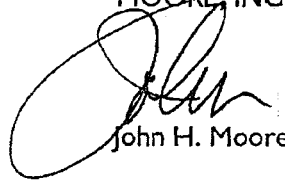
- (17) Further, Applicant agrees to comply with all revised Cobb County Department of Transportation comments and recommendations relating to the proposed development.

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

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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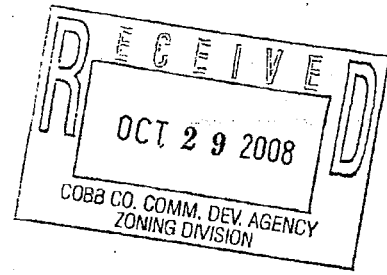
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OF COUNSEL:
JOHN L. SKELTON, JR.[†]

[†] ALSO ADMITTED IN TN
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^{**} 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

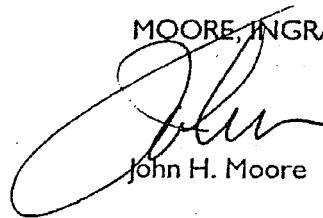
Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 2
October 28, 2008

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:
Samuel S. Olens, Chairman
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Joe L. Thompson
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Tom McCleskey

Carol Brown
Lee Berg
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

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. Ek. 57 Petition No. Z-47
 Doc. Type revised DDT
Comments
 Meeting Date 11-18-2008

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 20, 2010
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, April 20, 2010 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Vice Chairman Woody Thompson
Commissioner Helen Goreham
Commissioner Robert Ott

NOTE: The Chairman's seat was vacant at this time, due to the resignation of Chairman Sam Olens, effective March 30, 2010 at 5:00 p.m. The District 3 Commission post was also vacant, due to Commissioner Tim Lee qualifying on April 13, 2010 to run for the office of Chairman of the Board of Commissioners.

ITEM #4

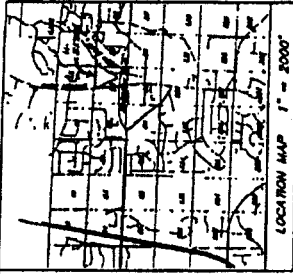
To consider amending the site plan and stipulations for Sigma Thermal, Inc. regarding Z-47 (TAK REAL ESTATE INVESTORS, LLC) of October 21, 2008, for property located in Land Lots 59 and 60 of the 16th District on the west side of Deen Road, north of Jamerson Road.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding site plan and stipulation amendments. Mr. John Moore, Ms. Carol Brown, Mr. Mike Skeehan, and Mr. Fred Dennis addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Ott, to approve Other Business Item #4 for site plan and stipulation amendment 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, subject to:

- site plan last revised April 10, 2010 (attached and made a part of these minutes)
- minimum 15' landscaped screening buffer to contain a berm (width expanded where possible) to be located along Deen Road frontage, with review by the County Arborist and approval by the District Commissioner
- if topography allows, installation of visual landscape screening of the stormwater detention facility from Deen Road
- northernmost access point to be designed to prevent access from large trucks; use entrance design of previous site plan (attached and made a part of these minutes)
- all other previously approved conditions/stipulations not in conflict with this request to remain in effect

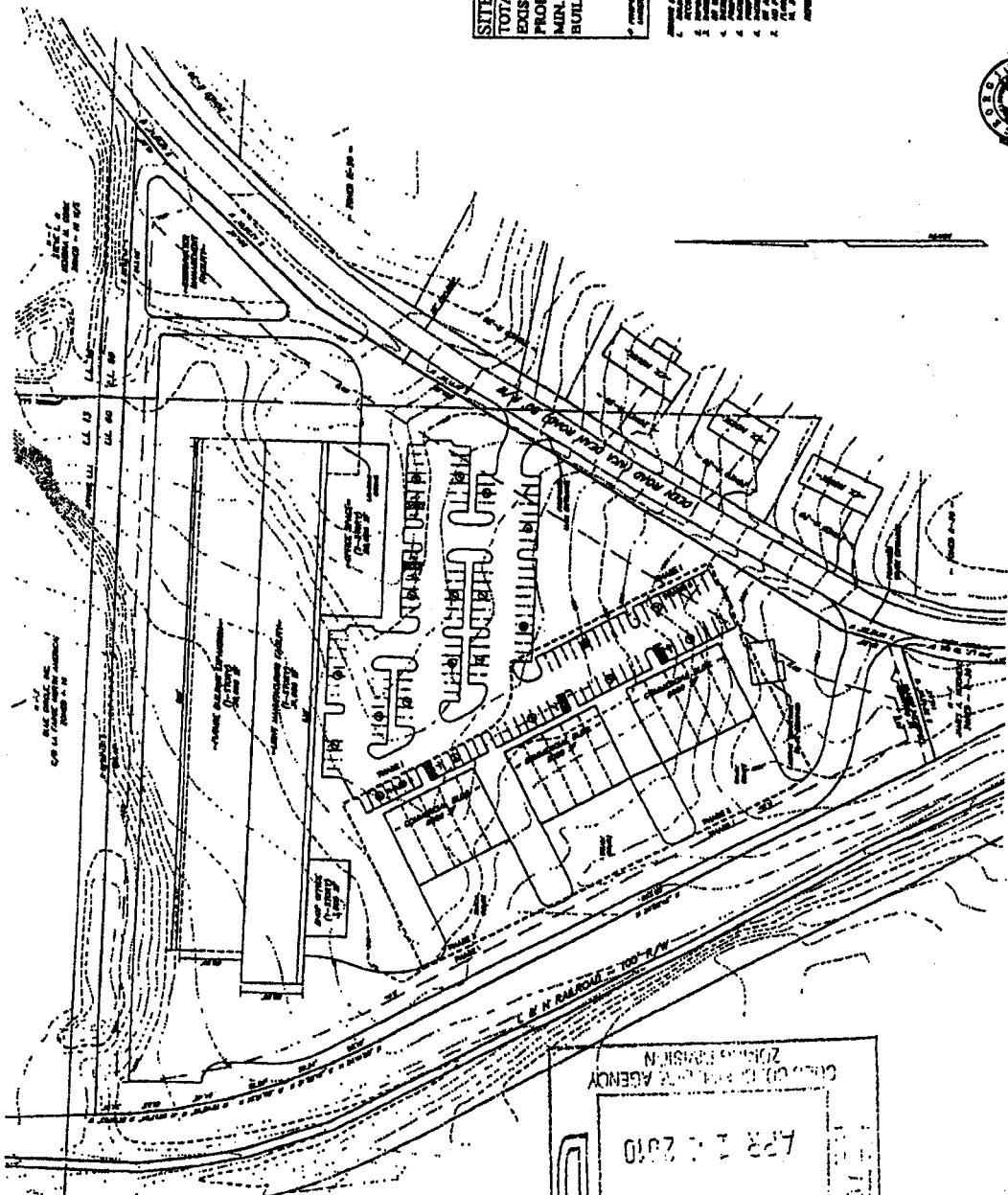
VOTE: ADOPTED 3-0



SITE SUMMARY	9.52 AC
TOTAL SITE AREA:	L1 (Z-47, 2008)
EXISTING ZONING:	40,000 SQ. FT.
PROPOSED ZONING:	50' FRONT
MIN. LOT SIZE:	40' REAR
BUILDING SETBACKS:	20' SIDES

1. THE ABOVE INFORMATION IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ANY KIND.
2. THE ABOVE INFORMATION IS BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND IS SUBJECT TO VERIFICATION BY THE CLIENT.
3. THE ABOVE INFORMATION IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED.
4. THE ABOVE INFORMATION IS NOT TO BE USED AS A BASIS FOR ANY LEGAL ACTION.
5. THE ABOVE INFORMATION IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION.
6. THE ABOVE INFORMATION IS NOT TO BE USED AS A BASIS FOR ANY FINANCIAL DECISION.
7. THE ABOVE INFORMATION IS NOT TO BE USED AS A BASIS FOR ANY OTHER DECISION.

Gaskins
 REAL ESTATE
 1000 ...
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APR 1 2 2010
 CHICAGO PLANNING AGENCY
 ZONING DIVISION



Min. Bk. 600 Petition No. 084
 Doc. Type Side Plan (revised)
 Meeting Date 4/20/10

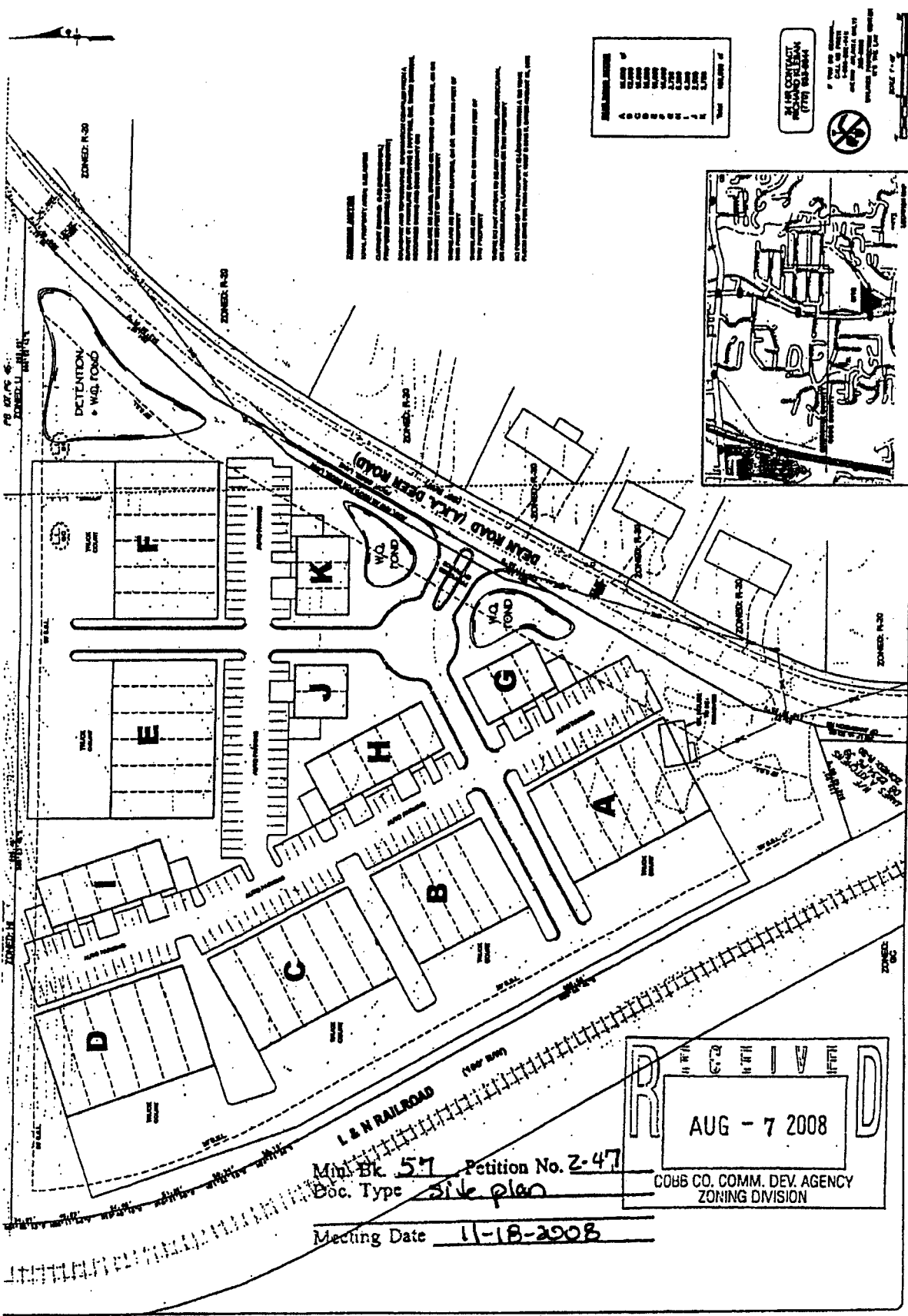
COBB COUNTY
PLANNING DEPARTMENT

K COMMERCIAL REAL ESTATE
K COMMERCIAL REAL ESTATE

DEEN ROAD TRACT

ZONING PLAN

COBB COUNTY
PLANNING DEPARTMENT



PAGE 5 OF

Min. Bk. 6D Petition No. 084
 Doc. Type previous site plan
 for entrance design
 Meeting Date 4/20/10

RECEIVED
 AUG - 7 2008
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

Min. Bk. 57 Petition No. 2-47
 Doc. Type site plan
 Meeting Date 11-18-2008

March 15, 2011
Exhibit "B"
Other Business Item 02

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 03/15/2011

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

Address: Suite 409, 200 North Cobb Parkway, Marietta, GA 30062 E-Mail: jbeville@sigmathermal.com
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, 2015
Notary Public



Titleholder(s): Sigma Holdings, LLC Phone #: (770) 427-5770
(property owner's name printed)

Address: Suite 409, 200 North Cobb Parkway, Marietta, GA 30062 E-Mail: jbeville@sigmathermal.com

BY: [Signature]
(Property owner's signature) Jason A. Beville
Managing Member

Signed, sealed and delivered in presence of:

[Signature] My commission expires: July 27, 2013
Notary Public

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

Date of Zoning Decision: 11/18/2008 Original Date of Hearing: 10/21/2008
04/20/2010-OB

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)

JENNY OSTENSON
Notary Public
Cobb County
State of Georgia
My Commission Expires Jul 27, 2013

**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
OB Hearing Date: April 20, 2010
Current Hearing Date: March 15, 2011

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Sigma Thermal, Inc.
Property Owner: Sigma Holdings, LLC

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. Thereafter, on April 20, 2010, the Cobb County Board of Commissioners approved certain amendments to the site plan and stipulations through an Application for "Other Business" item filed on behalf of Applicant herein, Sigma Thermal, Inc. (hereinafter "Applicant"). As Applicant has moved forward to commence development, certain revisions to the site plan and previously approved stipulations are required. Therefore, Applicant desires to amend the previously approved site plan and certain stipulations approved in the amended rezoning, as follows:

(1) Applicant submits herewith the revised Zoning Plan for the Subject Property, being prepared by Gaskins Engineering and Surveying Company, Inc. dated January 19, 2011. The site plans approved through the initial zoning and the "Other Business" amendment are attached collectively hereto as Exhibit "I" and incorporated herein by reference.

(2) The square footage of the buildings in the overall development previously approved is 106,100 square feet. Applicant proposes to reduce the total square footage of the buildings within the proposed development to 106,000 square feet.

(3) Applicant requests deletion in its entirety of unnumbered point 2 within the official minutes of the Board of Commissioners Zoning Hearing held on April 20, 2010, which reads as follows:

- > minimum 15' landscaped screening buffer to contain a berm (width expanded where possible) to be located along Deen Road frontage, with review by the County Arborist and approval by the District Commissioner

Applicant proposes the following revised stipulation be inserted in lieu thereof:

- > A natural and enhanced buffer, fifteen (15) feet in width along the frontage of Deen Road; excepting only that the area designated as Phase 2 shall be enhanced during the development of Phase 2.

(4) Applicant requests deletion in its entirety of unnumbered point 3 within the official minutes of the Board of Commissioners Zoning Hearing held on April 20, 2010, which reads as follows:

- > if topography allows, installation of visual landscape screening of the stormwater detention facility from Deen Road

Applicant proposes the following revised stipulation be inserted in lieu thereof:

- > There shall be a minimum of fifteen (15) feet in depth landscape screening between the right-of-way of Deen Road and the toe of the slope of the detention pond. Fencing around the detention area shall be black, vinyl-clad chain link fence. The landscaping shall be completed during the first phase development and construction.

(5) Applicant requests deletion in its entirety of unnumbered point 4 within the official minutes of the Board of Commissioners Zoning Hearing held on April 20, 2010, which reads as follows:

- > northernmost access point to be designed to prevent access from large trucks; use entrance design of previous site plan (attached and made a part of these minutes)

Applicant proposes the following revised stipulation be inserted in lieu thereof:

- > The northernmost access point shall be designed to prevent access from semi-trailer trucks. The southernmost entrance will be the main entrance and will be professionally designed, landscaped, and maintained.

(6) Roadway improvements will be done in phases as the project is developed, as follows:

- (a) Curb and gutter for the first phase will be required for the approximately 275 feet of Phase I frontage when this phase is developed;
- (b) Sidewalks or contribution to the sidewalk fund will be required for the first phase frontage (approximately 275 feet) when it is developed;

- (c) No additional roadway improvements will be required during the development of Phase I;
- (d) At this time, it is not anticipated that a deceleration lane or left-turn lane is required for Phase 2 of the development; however, the Cobb County Department of Transportation will re-evaluate the site and traffic conditions when Phase 2 is developed to determine if additional improvements will be required at that time.

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, and April 20, 2010, are unaltered by this request for Site Plan and Stipulation Amendment.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

March 15, 2011
Exhibit "B"
Other Business Item 02

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†

JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS
T. SHANE MAYES
JOYCE W. HARPER
ANGELA H. SMITH
NICHOLAS J. PETERSON*
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
JENNIFER S. WHITE*
RYAN G. PRESCOTT*
CHRISTOPHER C. MINGLEDORFF
COLE B. STINSON**
ANGELA D. TARTLINE
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TELECOPIER (615) 783-1665

PHILLIP G. GOMBAR*
SARAH E. STOTTLEMYER
PRESTON D. HOLLOWAY
JENNIFER B. SIMPSON
ASPEN S. RAINS*
MARC E. SIROTKIN
BETH GEARHART****
S. NIKOL RICHARDSON*
JENNIFER L. LAFOUNTAINE*
TIMOTHY H. STALLINGS
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
CALANIT HAYES
TODD I. HEIRD*
DANIEL W. STARNES*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.

APRIL R. HOLLOWAY
CARLA C. WESTER[§]
PATRICK J. MCCORMICK^{§*}
JAIME E. KNOEBEL*
ADON J. SOLOMON*
AMY L. JETT*

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
**** ALSO ADMITTED IN CA
§ ALSO ADMITTED IN PA
◆ ADMITTED ONLY IN TN
◇ ADMITTED ONLY IN FL

March 8, 2011

Hand Delivered

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

MAR - 8 2011

RE: Application for "Other Business"

Applicant: Sigma Thermal, Inc.
Owner: Sigma Holdings, LLC
Property: 4879 Deen Road, Land Lots 59 and 60,
16th District, 2nd Section, Cobb County, Georgia

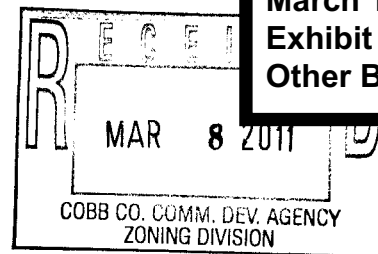
Dear John:

On behalf of the Applicant and Property Owner in the above-referenced Application for "Other Business," we submit the attached First Amendment to the "Other Business" Application which is presently pending for hearing before the Board of Commissioners on March 15, 2011. The amendments are set forth in paragraphs 3, 4, and 5, with the balance as originally submitted.

Thank you for your consideration and assistance in this matter. If you should have any questions or require additional information or documentation prior to the upcoming hearing, please do not hesitate to contact me.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 2 of 2
March 8, 2011



March 15, 2011
Exhibit "B"
Other Business Item 02

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

John H. Moore

JHM:cc

Attachment

c: Cobb County Board of Commissioners:

Tim Lee, Chairman
George W. "Woody" Thompson
Helen C. Goreham
Robert Ott
Joann Birrell
(With Copy of Attachment)

Carol Brown, Chairman
Margaret Milo
Canton Road Neighbors, Inc.
(With Copy of Attachment)

Sigma Thermal, Inc.
(With Copy of Attachment)

EXHIBIT "A"
FIRST AMENDMENT 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
OB Hearing Date: April 20, 2010
Current Hearing Date: March 15, 2011

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Sigma Thermal, Inc.
Property Owner: Sigma Holdings, LLC

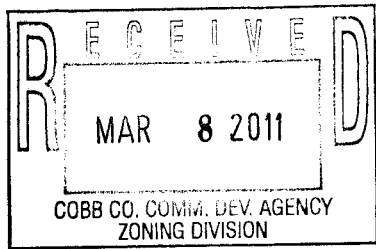
On November 18, 2010, the Cobb County Board of Commissioners granted a request to rezone the Subject Property from the R-20 zoning category to the Light Industrial ("LI") zoning category to allow for the operation of office/warehouse facilities. Thereafter, on April 20, 2010, the Cobb County Board of Commissioners approved certain amendments to the site plan and stipulations through an Application for "Other Business" item filed on behalf of Applicant herein, Sigma Thermal, Inc. (hereinafter "Applicant"). As Applicant has moved forward to commence development, certain revisions to the site plan and previously approved stipulations are required. This First Amendment to Application for "Other Business" shall supersede and replace in full the Exhibit "A" Attachment filed with the Application for "Other Business" on or about February 8, 2011. The revised amendments are as follows:

(1) Applicant submits herewith the revised Zoning Plan for the Subject Property, being prepared by Gaskins Engineering and Surveying Company, Inc. dated January 19, 2011. The site plans approved through the initial zoning and the "Other Business" amendment are attached collectively hereto as Exhibit "I" and incorporated herein by reference.

(2) The square footage of the buildings in the overall development previously approved is 106,100 square feet. Applicant proposes to reduce the total square footage of the buildings within the proposed development to 106,000 square feet.

(3) Applicant requests deletion in its entirety of unnumbered point 2 within the official minutes of the Board of Commissioners Zoning Hearing held on April 20, 2010, which reads as follows:

- > minimum 15' landscaped screening buffer to contain a berm (width expanded where possible) to be located along Deen Road frontage, with review by the County Arborist and approval by the District Commissioner



Applicant proposes the following revised stipulation be inserted in lieu thereof:

- > minimum 15 foot landscaped screening buffer to contain a berm (width expanded where possible), being approximately two (2) to three (3) feet in height, and located along Deen Road frontage, with review by the County Arborist and approval by the District Commissioner; excepting only, that the buffer and berm for the area designated as Phase 2 shall be constructed and installed during the development of Phase 2.

(4) Applicant requests deletion in its entirety of unnumbered point 3 within the official minutes of the Board of Commissioners Zoning Hearing held on April 20, 2010, which reads as follows:

- > if topography allows, installation of visual landscape screening of the stormwater detention facility from Deen Road

Applicant proposes the following revised stipulation be inserted in lieu thereof:

- > There shall be a landscaped buffer a minimum of fifteen (15) feet in width between the right-of-way of Deen Road and the toe of the slope of the detention pond. This buffer shall contain a berm approximately two (2) to three (3) feet in height with landscaping approved as for the Phase I berm. This landscaping shall be completed during the first phase of the development and construction. Fencing around the detention area shall be black, vinyl-clad, chain link fence.

(5) Applicant requests deletion in its entirety of unnumbered point 4 within the official minutes of the Board of Commissioners Zoning Hearing held on April 20, 2010, which reads as follows:

- > northernmost access point to be designed to prevent access from large trucks; use entrance design of previous site plan (attached and made a part of these minutes)

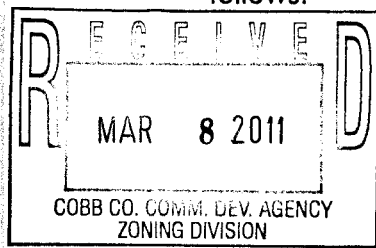
Applicant proposes the following revised stipulation be inserted in lieu thereof:

- > The northernmost access point shall be designed to prevent ingress and egress from large trucks (those greater than thirty (30) feet in length or having more than two (2) axles). The southernmost entrance will be the main entrance and will be professionally designed, landscaped, and maintained.

(6) Roadway improvements will be done in phases as the project is developed, as follows:

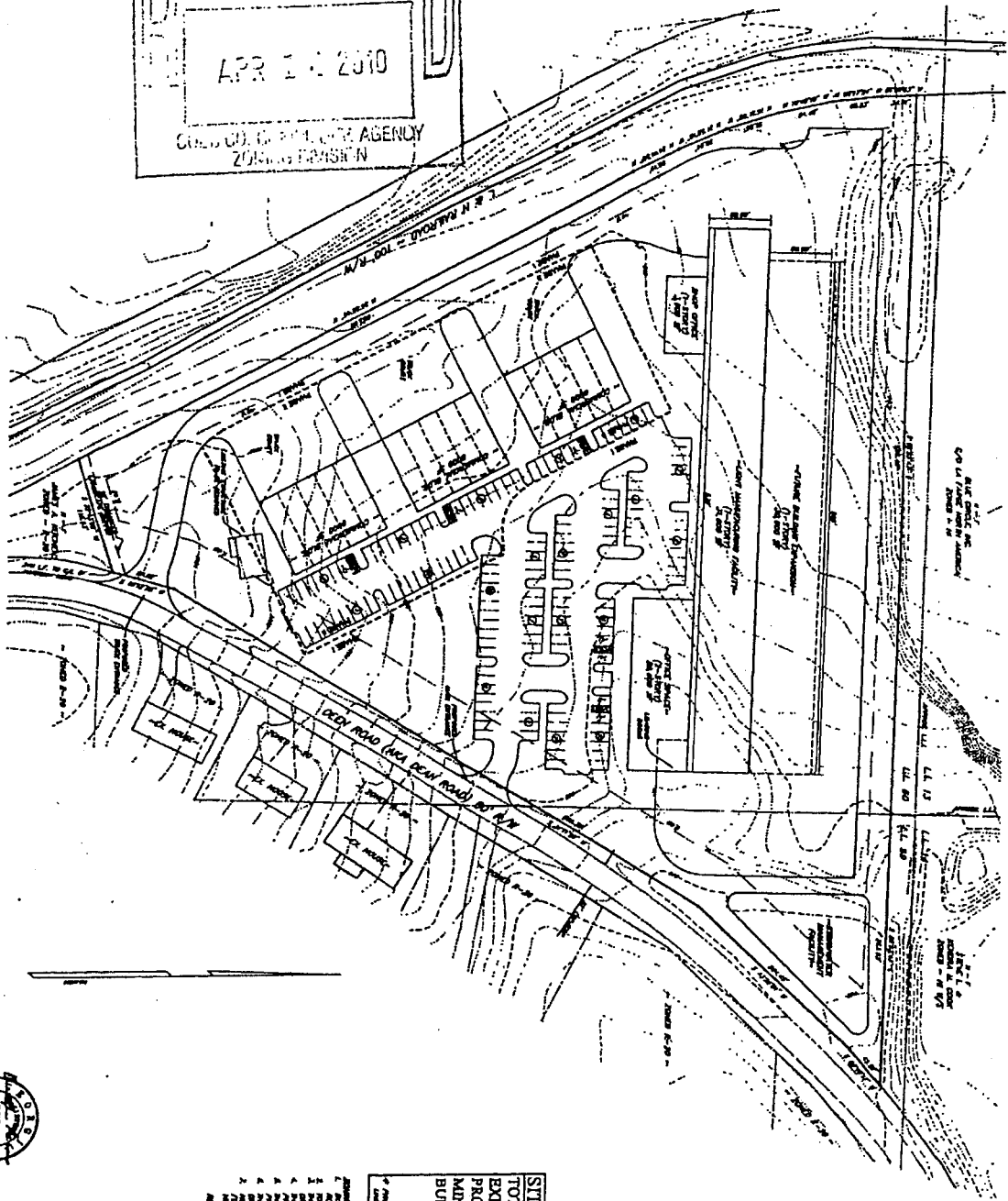
- (a) Curb and gutter for the first phase will be required for the approximately 275 feet of Phase I frontage when this phase is developed;
- (b) Sidewalks or contribution to the sidewalk fund will be required for the first phase frontage (approximately 275 feet) when it is developed;
- (c) No additional roadway improvements will be required during the development of Phase I;
- (d) At this time, it is not anticipated that a deceleration lane or left-turn lane is required for Phase 2 of the development; however, the Cobb County Department of Transportation will re-evaluate the site and traffic conditions when Phase 2 is developed to determine if additional improvements will be required at that time.

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, and April 20, 2010, are unaltered by this request for Site Plan and Stipulation Amendment.





APR 14 2010
 CIVIL ENGINEERING AGENCY
 ZONING DIVISION



Min. Bk. No. 60 Petition No. 084
 Doc. Type Site Plan (revised)
 Meeting Date 4/20/10

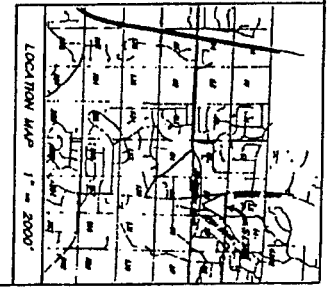
Gaskins

1100 12th St., San Diego, CA 92101
 (619) 594-1100
 Fax: (619) 594-1101
 www.gaskins.com

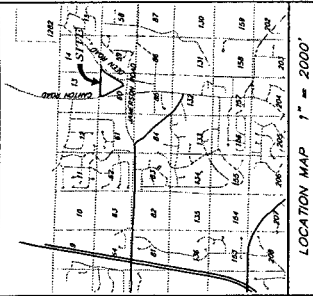
NEW ROAD TRACT
 1100 12th St., San Diego, CA 92101
 CIVIL ENGINEERING AGENCY

1. ALL INFORMATION CONTAINED HEREIN IS THE PROPERTY OF GASKINS ENGINEERING AND ARCHITECTURE, INC. (GASKINS). IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THE TITLE OF THIS DOCUMENT.
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SITE SUMMARY	
TOTAL SITE AREA:	9.52 AC.
EXISTING ZONING:	L1 (2-47, 2008)
PROPOSED ZONING:	L1*
MAIN LOT SIZE:	40,000 SQ.FT.
BUILDING SETBACKS:	50 FRONT 40' SIDE 20' REAR



March 15, 2011
 Exhibit "C"
 Other Business Item 02



SITE SUMMARY
 TOTAL SITE AREA: 9.52 AC.
 EXISTING ZONING: LI (Z-47, 2008)
 PROPOSED ZONING: LI¹
 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:
 1. THIS ZONING MAP IS THE PROPERTY OF GASKINS SURVEYING COMPANY, INC. (DATED 6/30/10 REVISED 9/2/10)
 2. TOPOGRAPHY: AERIAL (FROM COBB GIS)
 3. THERE ARE NO STREAM BUFFERS, ON OR WITHIN 200 FEET OF THIS PROPERTY.
 4. THERE ARE NO WETLANDS, ON OR WITHIN 200 FEET OF THIS PROPERTY.
 5. THERE ARE NO METLANDS, ON OR WITHIN 200 FEET OF THIS PROPERTY.
 6. THERE DOES NOT APPEAR TO BE ANY CENTERLINES, ARCHITECTURAL OR ADDRESSOLOGICAL LANDMARKS ON THIS PROPERTY.
 7. FLOOD ZONE PER FIRM MAP # 13862 C 0214A, DATED DECEMBER 16, 2008.

REFERENCE NOTES (1-7) ON APPROVED ZONING PLAN (Z-47, 2008.)

DATE	1/28/2011	REVISION	ZONING PLAN 1/11
SCALE	1" = 250'		
DESIGNED BY	COLIN J. GASKINS		
CHECKED BY	COLIN J. GASKINS		
FIELD BOOK	N/A		

LOCATED IN THE 1616 DISTRICT, COBB COUNTY

