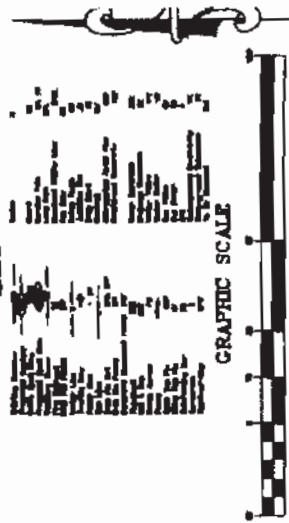


Z-13
(2013)



NOTICE: THE CO. SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

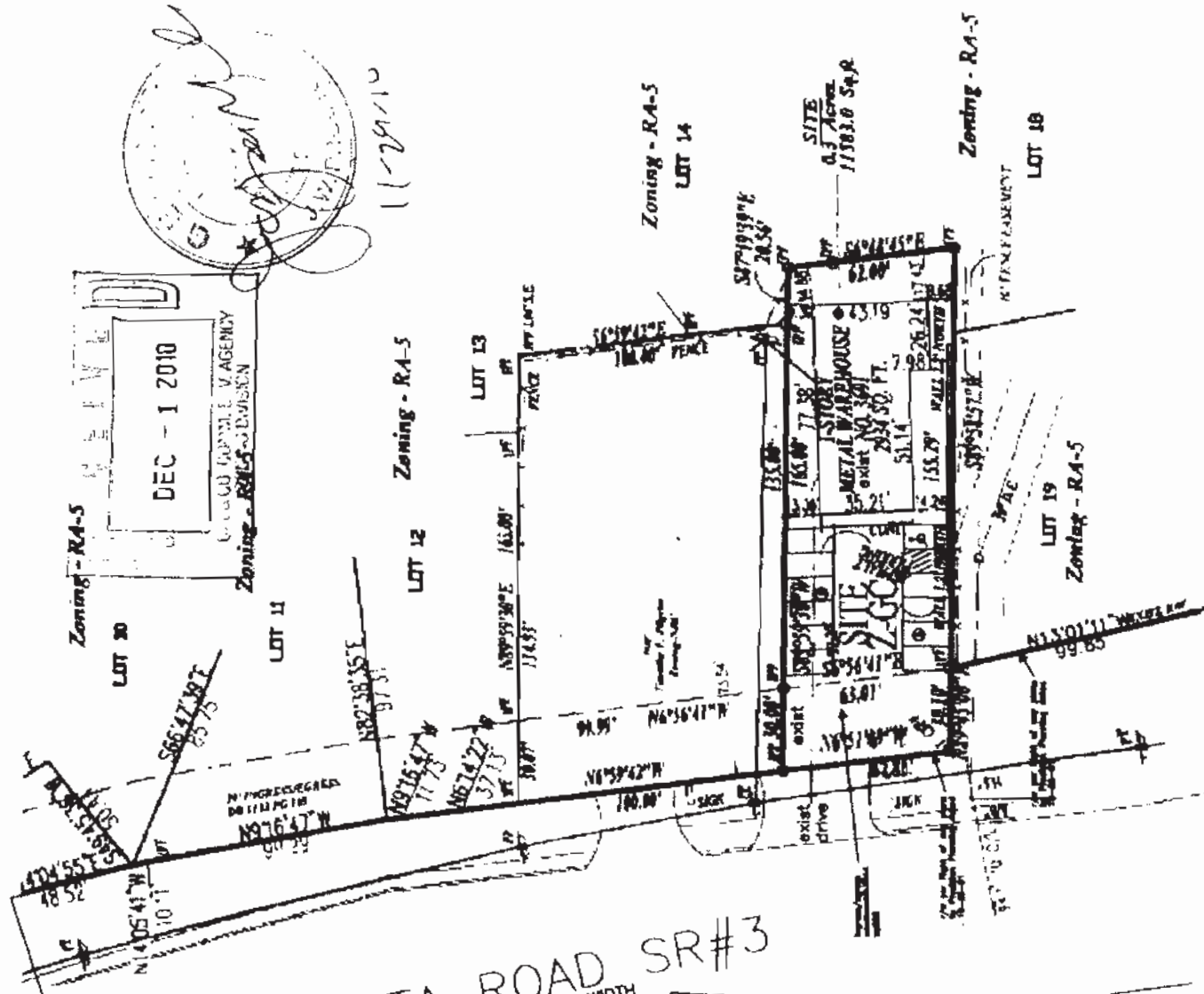
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site map

DEC - 1 2010
COBB COUNTY AGENCY
Zoning - RA-5
J. JOHNSON

11-29-10



ATLANTA ROAD SR#3
VARIABLE R/W & VARIABLE PAVEMENT WIDTH

138.17 to miter
posters

RECEIVED
FEB - 7 2013
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

ENGINEER/SURVEYOR
JAMES PRINCE
309 ATLANTA STREET, SE
MARIETTA, GA 30060
PHONE 770-425-6890



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APPLICANT: Michael McMillen and Justin McMillen

PETITION NO: Z-13

REPRESENTATIVE: James A. Balli (770) 422-7016
Sams, Larkin & Huff

HEARING DATE (PC): 04-02-13

HEARING DATE (BOC): 04-16-13

PRESENT ZONING: R-12

TITLEHOLDER: Michael McMillen and Justin McMillen

PROPOSED ZONING: LRC

PROPERTY LOCATION: East side of Atlanta Road, south of Paces Ferry Road
(3691 Atlanta Road).

PROPOSED USE: Professional Office

ACCESS TO PROPERTY: Atlanta Road

SIZE OF TRACT: .30 acre

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Vacant commercial metal building, former Georgia Auto Electric building

LAND LOT(S): 743

PARCEL(S): 26

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** LRC/Hair Salon
- SOUTH:** RA-5/Paces High Park Subdivision
- EAST:** RA-5/Paces High Park Subdivision
- WEST:** RA-6/Paces Ferry Subdivision

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

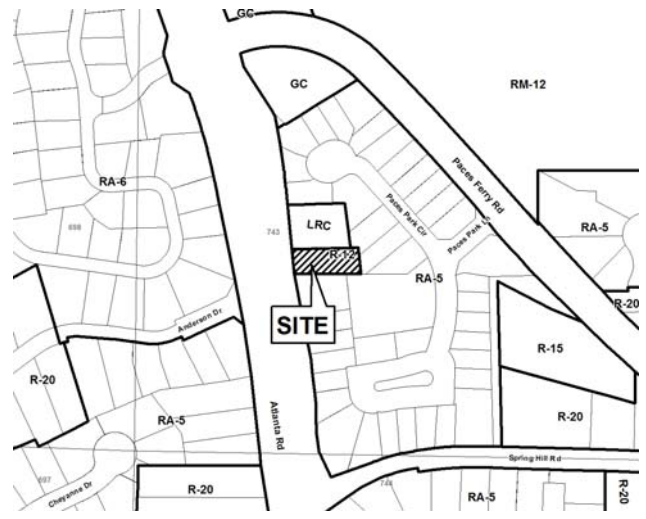
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

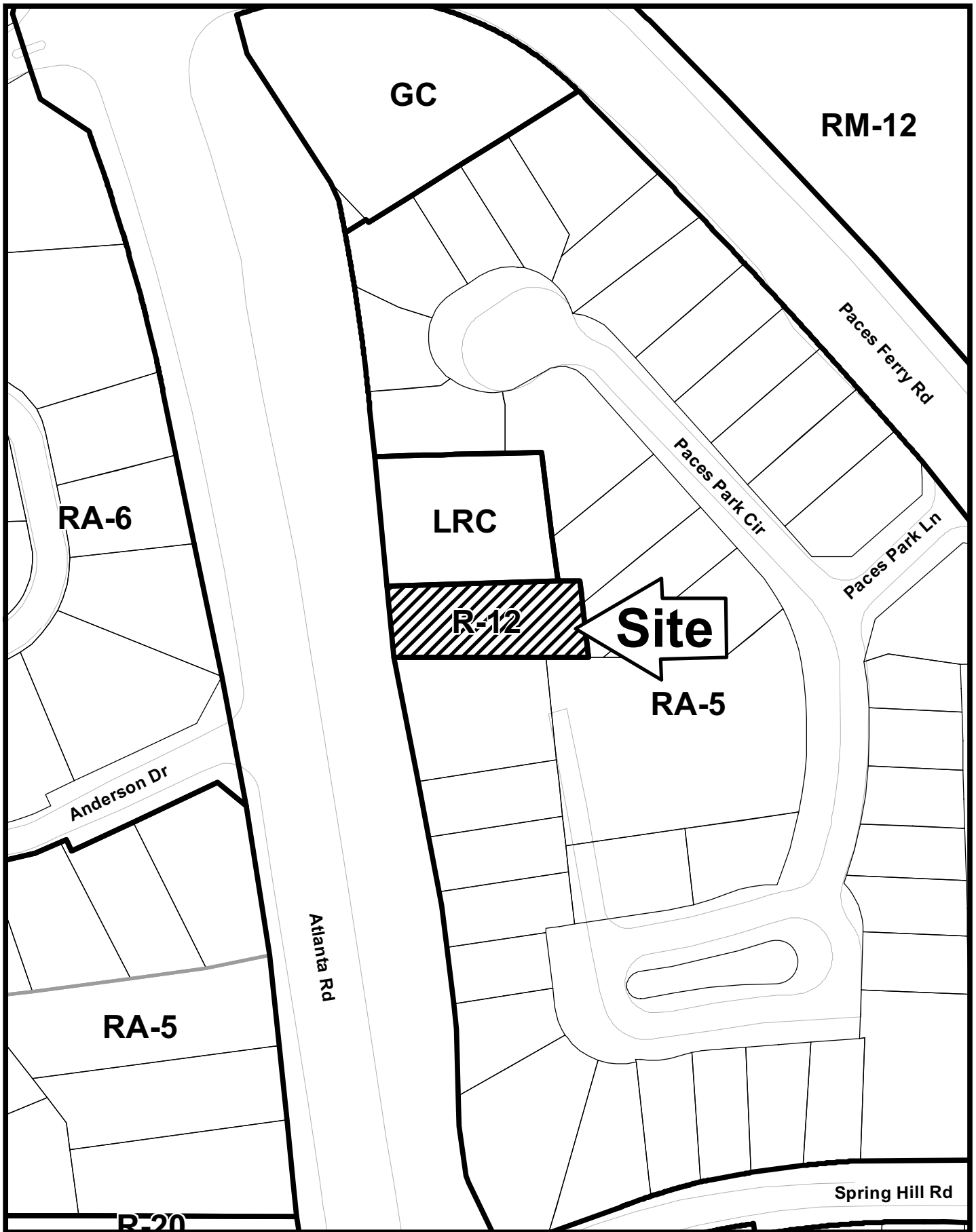
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-13



This map is provided for display and planning purposes only. It is not meant to be a legal description.

100 0 100 Feet



City Boundary
Zoning Boundary

APPLICANT: Michael McMillen and Justin McMillen **PETITION NO.:** Z-13

PRESENT ZONING: R-12 **PETITION FOR:** LRC

ZONING COMMENTS: **Staff Member Responsible:** Jason A. Campbell

Land Use Plan Recommendation: Medium Density Residential (2.5--5 units per acre)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 2,934

F.A.R.: .253 **Square Footage/Acre:** 9,780

Parking Spaces Required: 10 **Parking Spaces Provided:** 13

Applicants are requesting the Limited Retail Commercial (LRC) category in order to use the property for a professional office and other permitted uses under LRC. The applicants' representative has indicated that the property **will not** serve as a residence. The property will be used for an office by appointment only, and there will be no overnight parking nor any vehicles used for advertising parked at the property. The property was previously in for rezoning as Z-1 of 2011 and was deleted to its current R-12 category. The attached stipulation letter also indicates that a ground based monument-style, brick/stucco sign is proposed. The proposed office hours will be 9 a.m. to 7 p.m., Monday through Saturday, and the office will be closed on Sundays. The building will be remodeled in accordance with the elevations attached to the stipulation letter. The property was granted a variance in 2010 (V-79) waiving the required lot size from 20,000 square feet to 11,583 square feet.

Based upon the submitted site plan, the proposal will need a contemporaneous variance to waive the side setbacks from the required 15 feet to eight feet (existing); waive the rear setback from the required feet to 14 feet (existing); and waive the required 20-foot landscape buffer abutting residential properties to the east and south to zero.

Cemetery Preservation: No comment.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Michael McMillen and Justin McMillen

PETITION NO.: Z-13

PRESENT ZONING: R-12

PETITION FOR: LRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-12 and LRC for purposes of professional office use. The .30 acre site is located on the East side of Atlanta Road, south of Paces Ferry Road.

Comprehensive Plan

The parcel is within a Medium Density Residential (MDR) future land use category, with R-12 zoning designation. The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

APPLICANT Michael and Justin McMillen

PETITION NO. Z-013

PRESENT ZONING R-12

PETITION FOR LRC

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): **20" DI / E side of Atlanta Road**

Additional Comments: existing water customer (inactive)

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: **90' north in Atlanta Road ROW**

Estimated Waste Generation (in G.P.D.): **A D F 160 Peak= 400**

Treatment Plant: **South Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drw Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments: Not currently billed for sewer. Health Dept. has no record of septic system. Connection to sewer required.

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Michael and Justin McMillen

PETITION NO.: Z-13

PRESENT ZONING: R-12

PETITION FOR: LRC

DRAINAGE COMMENTS

Since the existing structure and pavement areas are to remain and no site improvements are proposed at the present time no stormwater management is required. However, full stormwater management must be provided upon redevelopment of the site.

APPLICANT: Michael McMillen and Justin McMillen **PETITION NO.: Z-13**

PRESENT ZONING: R-12 **PETITION FOR: LRC**

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
Atlanta Road	18,810	Arterial	45 mph	Cobb County	100'

Based on 2011 traffic counting data taken by Georgia DOT (Atlanta Road)

COMMENTS AND OBSERVATIONS

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

RECOMMENDATIONS

Recommend no parking in the existing 30 ft ingress and egress easement.

Recommend no advertising on right-of-way.

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

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STAFF RECOMMENDATIONS

Z-13 MICHAEL MCMILLEN AND JUSTIN MCMILLEN

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The property to the north was zoned commercially in 2010. The subject property is too small to support many retail uses and the proposed office use by appointment only will not generate as much traffic as retail uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposed office will operate by appointment only. Applicants are remodeling the existing metal building as shown in the elevations rendering attached to the stipulation letter.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. While it is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates the property as being in the Medium Density Residential (2.5-5 units per acre) land use category, Staff believes the property would be better utilized as a professional office.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for deleting the applicant's rezoning proposal to the Low Rise Office (LRO) category. Also, Staff is of the opinion that because the property fronts on Atlanta Road and because of the small size of the property, the appropriate category would be LRO.

Based on the above analysis, Staff recommends DELETING to LRO subject to the following conditions:

- Professional office use only;
- No residential use;
- District Commissioner to approve the final site plan, landscape plan and ground based monument sign;
- Applicants' stipulation letter dated March 14, 2013, not otherwise in conflict with Board of Commissioners' stipulations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- Cobb DOT comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

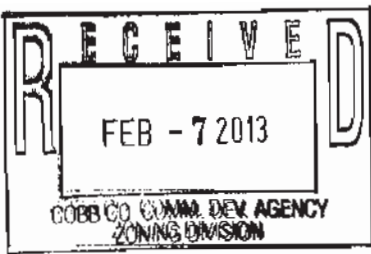
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Application No. Z-13

April
2013

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) **Proposed unit square-footage(s):** _____
- b) **Proposed building architecture:** _____
- c) **Proposed selling prices(s):** _____
- d) **List all requested variances:** _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

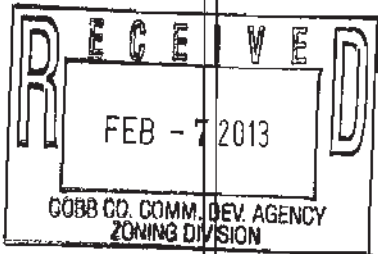
- a) **Proposed use(s):** Professional Office or other permitted use in LRC NOTE APPLICANT IS NOT REQUESTING
A RESIDENTIAL USE OF THIS PROPERTY
- b) **Proposed building architecture:** Remodeling of the existing building in compliance with Cobb County Codes Final architecture
shall be addressed by stipulation letter prior to the public hearing
- c) **Proposed hours/days of operation:** Final hours to be supplemented by stipulation letter, however normal business hours
and/or substantially similar to the adjacent commercial business.
- d) **List all requested variances:** This property was granted a variance by V-79 (2010) However, Applicants will be requesting
any contemporaneous variances identified as needed by Staff for the proposed zoning classification

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

This property has been zoned General Commercial (GC) for decades until Z-1 of 2011 resulted in a R-12 zoning classification The adjacent
property is zoned for commercial use Staff has previously recommended (Z-1 of 2011) that this Property be zoned commercially without any
residential use This Application is consistent with that recommendation as it seek low intensity commercial without residential

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

N/A



ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION OF MICHAEL and JUSTIN MCMILLEN

COMES NOW, MICHAEL AND JUSTIN MCMILLEN, and, pursuant to the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along Atlanta Road. The immediate adjacent property is zoned Limited Retail Commercial (LRC) with a more intense use than the use proposed by the Applicant. Additionally, the Board of Zoning Appeals, confirmed by the Board of Commissioners, approved Variance V-79 (2010), thereby allowing development of the Property at this lot size.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property being located on an arterial roadway, directly adjacent to property zoned LRC and within an area which has a mixture of commercial and residential uses. See Staff Recommendations at (B) to Z-21 (2010).
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Further, there are little, if any property zoned R-12 within Cobb County and no applicant may apply for a zoning classification of R-12. Additionally, the present owners of the subject property are suffering a significant economic detriment by virtue of the continuation of the present classification of R-12.

- D. The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. See Staff Comments at (C) to Z-1 of 2011.
- E. The zoning proposal is located within an area that is identified as Medium Density Residential but the proposed use is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map for areas that are mixed commercial and residential and located on a road such as Atlanta Road.
- F. There are existing conditions affecting the use and development of the property as R-12 which give support for approval of the rezoning proposal. These include, but are not limited to, the adjacent property has been recently rezoned to LRC; (2) the property is located in an area that is mixed commercial and residential; (3) the property cannot be developed or marketed as zoned; (4) any other reason identified in the rezoning application or subsequent filings by the Applicant.

Respectfully submitted, this the 7 day of February, 2013.

SAMS, LARKIN & HUFF, LLP

By: 

JAMES A. BALLI
Attorney for Applicant
Ga. Bar No. 035828

ORIGINAL DATE OF APPLICATION: 11-10-10

APPLICANT'S NAME: MICHAEL MCMILLEN

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB
COUNTY BOARD OF ZONING APPEALS**

**THE BELOW STYLED VARIANCE WAS HEARD BY THE COBB COUNTY
BOARD OF ZONING APPEALS ON NOVEMBER 10, 2010**

MICHAEL MCMILLEN (Michael McMillen and Justin McMillen, JTWROS, owners) requesting a variance to waive the lot size from the required 20,000 square-feet to 11,583 square-feet to allow the applicant to apply for ~~a commercially usable zoning district~~ rezoning in Land Lot 743 of the 17th District. Located on the east side of Atlanta Road, south of Paces Ferry Road (3691 Atlanta Road).

The public hearing was opened and Mr. Hylton Dupree, Mr. Mary Rose Barnes, Mr. Chuck Hamilton and Ms. Sandra Hembree addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Swanson, second by Williams, to **approve** variance request **subject to:**

- **approval is to allow the Applicant/Owner to apply for rezoning**
- **final ratification of lot size reduction by the Board of Commissioners at the zoning hearing on November 16, 2010 at 9:00 a.m.**

VOTE: **ADOPTED** unanimously

Clerk's Note: DOT staff was asked to verify, prior to the Board of Commissioners' zoning hearing, that the submitted lot size of 11,583 square feet does not include right-of-way.

PAGE 3 OF 3

APPLICATION NO. V-79

ORIGINAL DATE OF APPLICATION: 11-10-10

APPLICANTS NAME: MICHAEL MCMILLEN

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**

BOC DECISION OF 11-16-10 ZONING HEARING:

**OTHER BUSINESS ITEM #6 – TO CONSIDER GRANTING A SPECIAL EXCEPTION
FOR REDUCING THE REQUIRED LOT SIZE AS RECOMMENDED BY THE BOARD
OF ZONING APPEALS FROM THEIR NOVEMBER 10, 2010 VARIANCE HEARING**

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their November 10, 2010 Variance Hearing regarding Variance Application:

V-79 **MICHAEL MCMILLEN** (Michael McMillen and Justin McMillen, JTWROS, owners) requesting a variance to waive the lot size from the required 20,000 square-feet to 11,583 square-feet to allow the applicant to apply for a commercially usable zoning district in Land Lot 743 of the 17th District. Located on the east side of Atlanta Road, south of Paces Ferry Road (3691 Atlanta Road).

Mr. John Pederson, Zoning Division Manager, provided information regarding V-79 (Michael McMillen). Mr. Pederson confirmed the size of the property is 11,583 square feet. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **approve** Special Exception for V-79 of 2010 (Michael McMillen) to waive the lot size from the required 20,000 square-feet to 11,583 square-feet *to allow the applicant to apply for rezoning* in Land Lot 743 of the 17th District, on the east side of Atlanta Road, south of Paces Ferry Road (3691 Atlanta Road).

VOTE: **ADOPTED** unanimously

ORIGINAL DATE OF APPLICATION: 02-15-11APPLICANTS NAME: MICHAEL MCMILLENTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 03-15-11 ZONING HEARING:**

MICHAEL MCMILLEN (Michael McMillen and Justin McMillen, owners) requesting Rezoning from **GC** to **UVC** for the purpose of Psychic Readings and a Residence in Land Lot 743 of the 17th District. Located on the east side of Atlanta Road, south of Paces Ferry Road.

The public hearing was opened and Mr. Hylton Dupree, Ms. Mary Rose Barnes, Mr. Chuck Hamilton, Ms. Cheryl Eaves and Ms. Suzanne Ballew addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to delete Rezoning to the R-12 zoning district subject to:

- **no business use of property**
- **prohibited uses:**
 - **clubs and lodges**
 - **recycling facilities or collection**
 - **in-home day care**
 - **vehicle sales**
- **Fire Department comments and recommendations, *where not otherwise in conflict with the R-12 zoning category***
- **Water and Sewer Division comments and recommendations, *where not otherwise in conflict with the R-12 zoning category***
- **Stormwater Management Division comments and recommendations, *where not otherwise in conflict with the R-12 zoning category***
- **Cobb DOT comments and recommendations, *where not otherwise in conflict with the R-12 zoning category***

VOTE: **ADOPTED** unanimously

SAMS, LARKIN & HUFF, LLP

ATTORNEYS AT LAW

376 POWDER SPRINGS STREET
SUITE 100
MARIETTA, GA 30064-3448

JAMES A. W. BALLI

(Admitted in GA and AL)

TELEPHONE
(770) 422-7016

FACSIMILE

(770) 426-6583

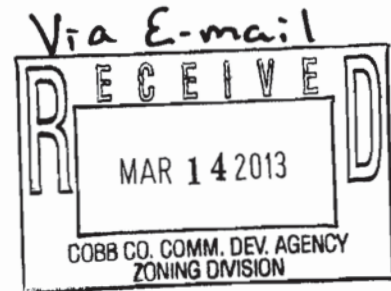
JBALLI@SAMSLARKINHUFF.COM

WWW.SAMSLARKINHUFF.COM

March 14, 2013

VIA HAND DELIVERY

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



Re: Application of Michael McMillen and Justin McMillen to Rezone a tract of land from R-12 to LRC; Land Lot 743, Parcel 26, 17th District, 2nd Section, Cobb County, Georgia ("Property") (Z-13)

Dear John:

As you are aware, I represent the Applicant with regard to the re-zoning request for LRC as shown on the plan submitted with the rezoning request ("Plan"). The proposed use is for a professional office use consistent with the provisions of the LRC zoning designation. As you are aware, the property was previously zoned General Commercial for numerous years and was a commercial business called Georgia Auto Electric. The Property is also adjacent to property also zoned LRC and in use as a hair business. However, the property went through the zoning process as Z-1 of 2011. During that zoning process, certain requests and uses of the property were proposed which are not requested or proposed in this application. The differences include, but are not limited to, (1) the property **will not** serve as a residence; (2) the property will be an office use **by appointment only**; and (3) there will not be any overnight parking nor any vehicles used for advertising parked at the Property.

Prior to filing, and subsequent to filing, the Applicants have had the opportunity to obtain input from Staff, surrounding property owners, interested civic organizations and previous applications. In light of those considerations, I wanted to submit this letter of stipulations that will address may, if not all, of the known concerns. I would appreciate you circulating this letter to

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
March 14, 2013

everyone involved with this Application who is not otherwise copied. The following stipulations, upon approval by the Board of Commissioners, shall become conditions of the zoning ordinance applicable to this Property, shall run with the land and become binding on any and all subsequent owners:

1. The proposed business shall have a sign that is ground based monument-style brick/stucco and that complies with the Cobb County Sign Ordinance as to size and visibility. There will not be any neon signs in the windows of the office building. There will not be any placard signs in the windows.
2. The proposed office use shall be **by appointment only**. The office will be open 9 a.m. to 7 p.m., Monday to Saturday. The office will be closed on Sunday.¹
3. There will not be any residential use of the Property. No person shall be allowed to reside on the Property and the Property shall not be used as a dwelling.
4. The building will be remodeled so as to produce the look of a professional office such as a hair salon, insurance agent, dentist or the like. The building shall not exceed one-story in height. The remodeled building shall consist of stucco, high grade windows, decorative doors and resemble the exterior elevation drawings attached hereto and be a substantial improvement on the current metal two-car garage industrial building. (Attached exterior elevations).
5. No overnight parking of vehicles. There will be no parking of r.v. travel trailers or the like at the Property.
6. Any lighting, including outdoor lighting, shall be designed so as to prevent any lighting from penetrating into any surrounding residential properties.
7. There will be no cars or vehicles listed "for sale" at the Property.
8. There will be no outdoor storage of any material or products at the Property. There will be no dumpster on the Property and garbage shall be addressed via rolling trash cans with plastic lids. Any trash containers shall be shielded from view and trash pick-up shall be restricted to 6:00 a.m. to 8:00 a.m.

¹ The adjacent business has been approved to be open 9:00 a.m. to 9:00 p.m., Monday to Saturday.

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A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
March 14, 2013

9. No parking of vehicles displaying advertisement to be parked at the Property.
10. Parking of any customers/clients shall be only on the Property. There shall be no parking on the adjacent property currently in use as a hair dresser. The no parking area shall be clearly delineated by markings installed by the Applicant.
11. The following shall be provisions to **exclude** uses from the Property and shall describe uses that **shall not** be allowed:
 - (a) No clubs or lodges;
 - (b) No recycling facilities or collection;
 - (c) No in-home day care;
 - (d) No vehicle sales
 - (e) No outdoor speakers, bells or music;
 - (f) No Neon Signs;
 - (g) No emission stations;
 - (h) No car washes;
 - (i) No adult entertainment, arcades or pool halls;
 - (j) No drive through restaurants of any kind;
 - (k) No check cashing or money transfer facility;
 - (l) No adult novelty or adult book store;
 - (m) No alcohol sales;
 - (n) No pawn shops or thrift shops;
 - (o) No veterinarian with boarding;
 - (p) No commercial towers or antennae;
 - (q) No tattoo parlors;
 - (r) No massage parlors, except as part of a medical facility or spa;
 - (s) No dog grooming;
 - (t) No convenience stores;
 - (u) No vehicle repair
12. Minor modifications to be approved by the District Commissioner. District Commissioner to approve any landscape buffers.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
March 14, 2013

While not everyone's requested stipulations can be achieved, these stipulations represent a blended majority of the requested stipulations and further reflect an agreement by the Applicant to address many of the concerns previously submitted. Please submit this letter to the Planning Commissioners and Board of Commissioners for inclusion in the Application.

Thank you for your time and assistance.

Sincerely,

SAMS, LARKIN & HUFF LLP



James A. Balli
jballi@samslarkinhuff.com

cc: Members, Cobb County Board of Commissioners
Members, Cobb County Planning Commission
Mr. Robert L. Hosack, Jr., AICP, Director
Mr. Jason Campbell, Planner III
Mary Rose Barnes, Oakdale Community Association
All neighbors within the 1000 feet radius (approximately 227).

Z-13 (2013)
 Stipulation Letter
 and Elevations

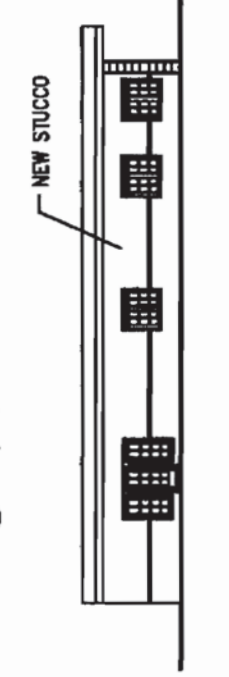
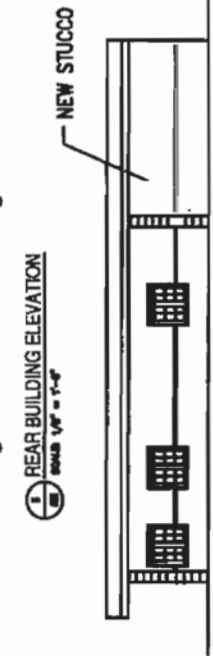
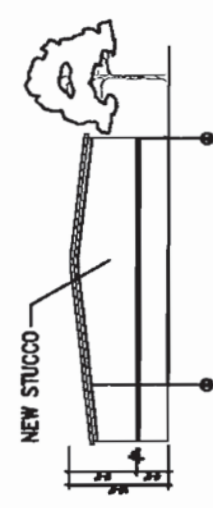
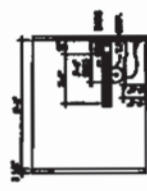
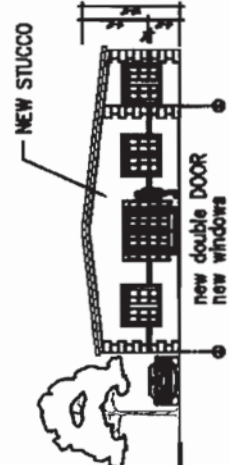
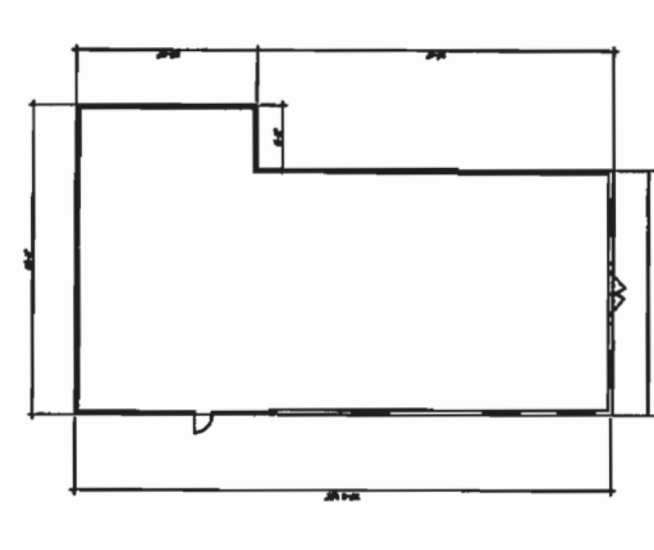
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