

PRELIMINARY ZONING ANALYSIS

Planning Commission Hearing Date: May 6, 2014

Board of Commissioners Hearing Date: May 20, 2014

Due Date: April 4, 2014

Date Distributed/Mailed Out: March 19, 2014



Cobb County... Expect the Best!

Z-19
(2014)

CITY OF KENNESAW, COBB COUNTY, GEORGIA

RETRACTMENT SURVEY FOR:
TIDWELL NORTH COBB, LLC



DATE: 12/11/14
JOB NO. 100000000

LAND LOT 175 & 176

DISTRICT 30

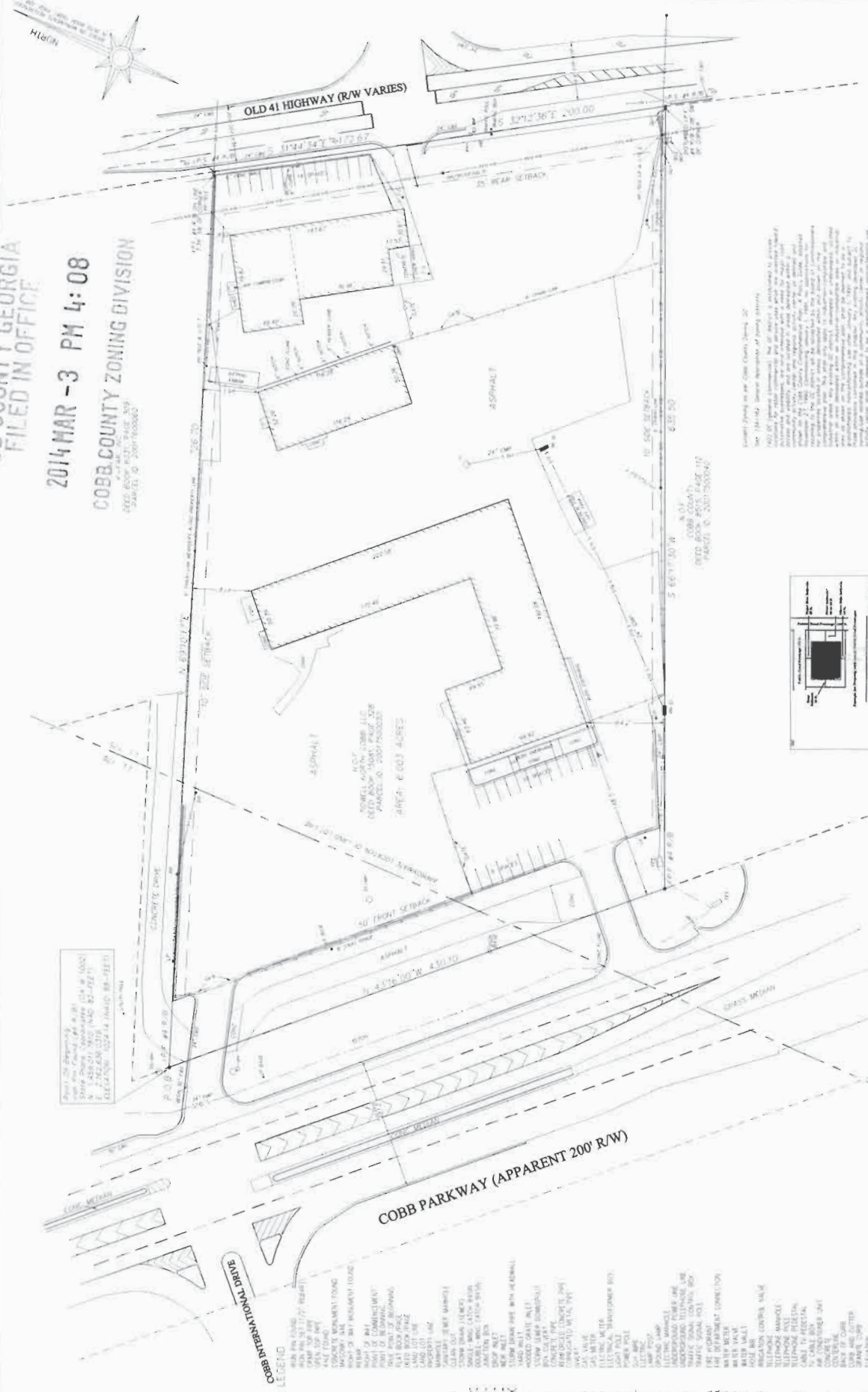
RETRACTMENT SURVEY FOR:
TIDWELL NORTH COBB, LLC

REVISIONS

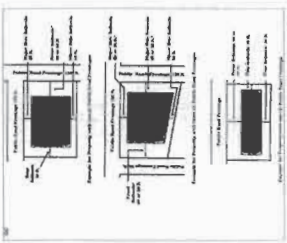
WORTHY, INC.
RD
N 30075



COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -3 PM 4:08
COBB COUNTY ZONING DIVISION
DEED BOOK # 2142 PAGE 219
SHEET # 2001300000



Legend
1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
2. DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
3. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. DIMENSIONS ARE TO SURFACE UNLESS OTHERWISE NOTED.
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10. DIMENSIONS ARE TO SURFACE UNLESS OTHERWISE NOTED.



PLAN OF THE PROPERTY...
TIDWELL NORTH COBB, LLC
DEED BOOK # 2142 PAGE 219
SHEET # 2001300000

COBB PARKWAY (APPARENT 200' R/W)

Notes:
1. THE RETRACTMENT SURVEY IS TO BE PERFORMED IN ACCORDANCE WITH THE RETRACTMENT SURVEY ACT OF 2008 (O.C.G.A. § 42-1-101 ET SEQ.).
2. THE RETRACTMENT SURVEY IS TO BE PERFORMED IN ACCORDANCE WITH THE SURVEYING ACT OF 2008 (O.C.G.A. § 47-1-101 ET SEQ.).
3. THE RETRACTMENT SURVEY IS TO BE PERFORMED IN ACCORDANCE WITH THE ZONING ACT OF 2008 (O.C.G.A. § 36-2-101 ET SEQ.).
4. THE RETRACTMENT SURVEY IS TO BE PERFORMED IN ACCORDANCE WITH THE PLANNING AND ZONING ACT OF 2008 (O.C.G.A. § 36-1-101 ET SEQ.).
5. THE RETRACTMENT SURVEY IS TO BE PERFORMED IN ACCORDANCE WITH THE SUBDIVISION ACT OF 2008 (O.C.G.A. § 42-2-101 ET SEQ.).

APPLICANT: Jim and Julia Tidwell
(404) 667-1338

REPRESENTATIVE: Robert Armstrong
404-790-6100

TITLEHOLDER: Tidwell North Cobb, LLC

PROPERTY LOCATION: Northeast side of Cobb Parkway,
southwest side of Old 41 Highway, southeasterly of McCollum Parkway
(2390 Cobb Parkway).

ACCESS TO PROPERTY: Cobb Parkway and Old 41 Highway

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-19

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: GC

PROPOSED ZONING: LI

PROPOSED USE: Equipment Leasing
and Trailer Sales and Service

SIZE OF TRACT: 6.003 acres

DISTRICT: 20

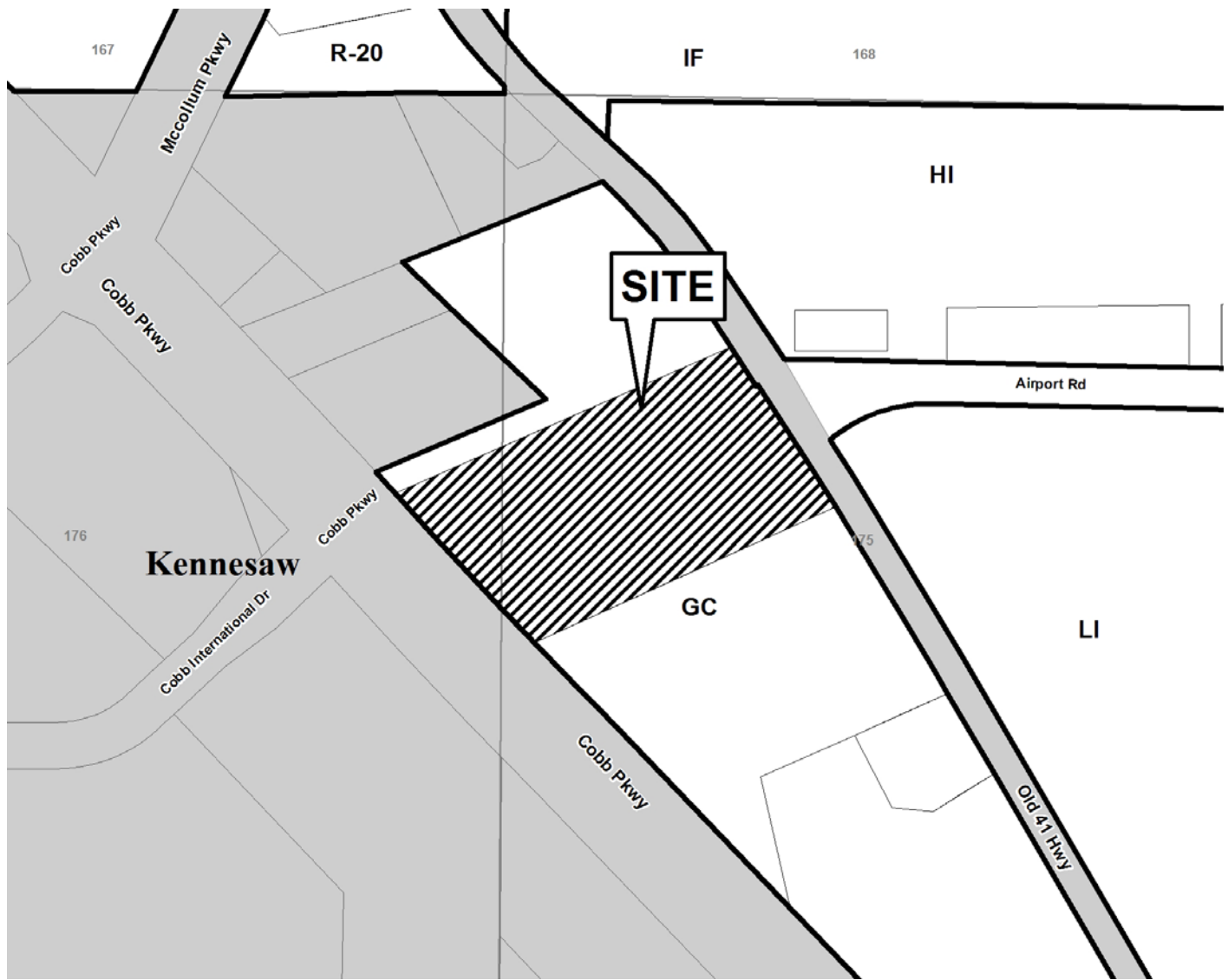
LAND LOT(S): 175, 176

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT





Application #: Z-19

PC Hearing Date: 5-6-14

BOC Hearing Date: 5-20-14

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: _____

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -3 PM 4:48
COBB COUNTY ZONING DIVISION

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

- a) Proposed use(s): Equipment Leasing/Rentals (Tenant-Sunbelt Rentals-existing occupant 15 years) Utility and box trailers (Tenant-Trailers Inc.)
- b) Proposed building architecture: existing facility
- c) Proposed hours/days of operation: 7 am to 9 pm seven days a week
- d) List all requested variances: none

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

n/a

.....
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). No

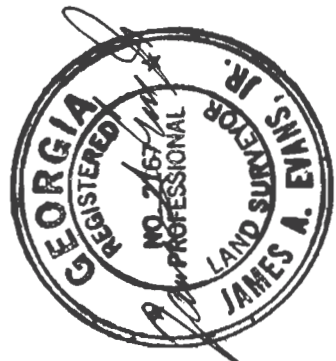
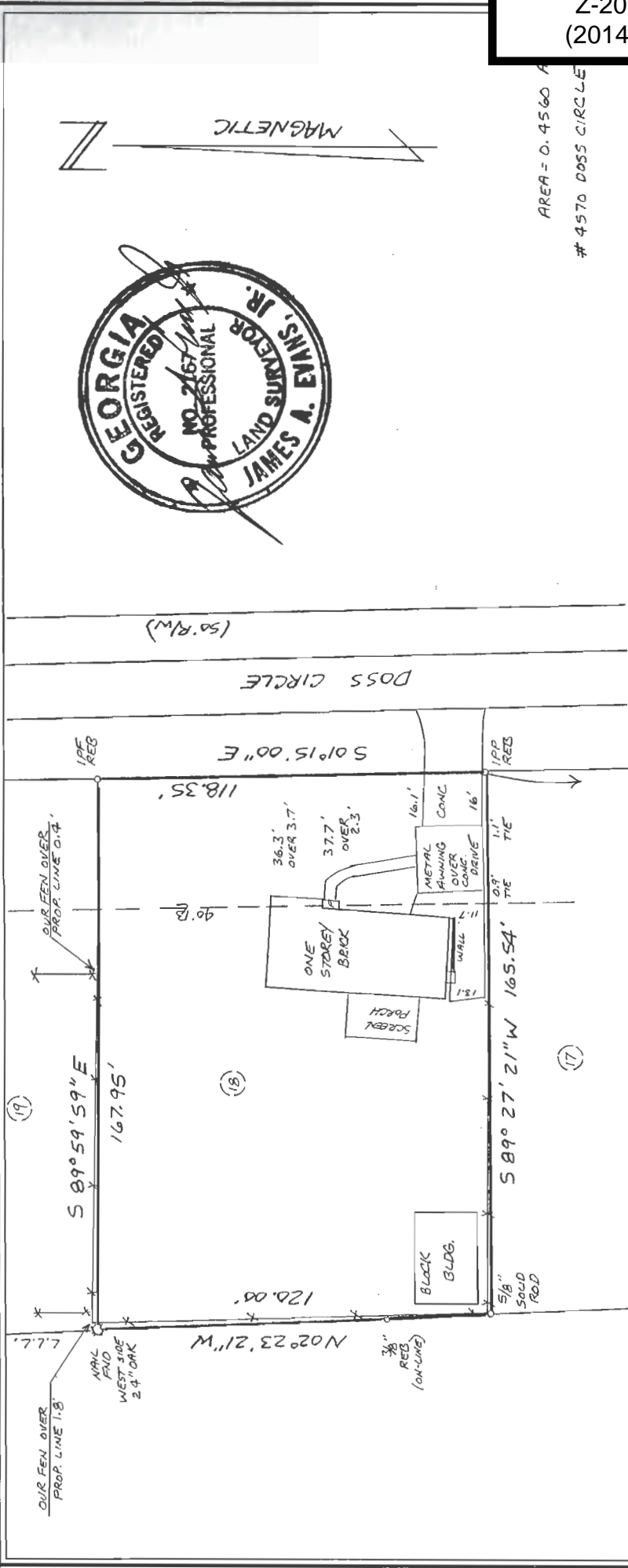
.....
Part 5. Is this application a result of a Code Enforcement action? No ___; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: _____

Date: 2-28-2014

Applicant name (printed): Robert Armstrong

Z-20
(2014)



AREA = 0.4560 A
4570 DOSS CIRCLE



PANEL NO. 13067601B3H
LOCATION COBB
ZONE 11X

I HAVE THIS DATE EXAMINED THE
FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS
BEEN PREPARED AND FOUND NO MATERIAL ERROR OR
MATERIAL MISSTATEMENT OF FACTS AND FOUND REFERENCED HOUSE
AND FOUND REFERENCED HOUSE NOT
IN AN AREA HAVING SPECIAL FLOOD HAZARDS

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS
BEEN PREPARED AND FOUND NO MATERIAL ERROR OR
MATERIAL MISSTATEMENT OF FACTS AND FOUND REFERENCED HOUSE
AND FOUND REFERENCED HOUSE NOT
IN AN AREA HAVING SPECIAL FLOOD HAZARDS

EQUIPMENT USED:
TOPCON 675-216)

P.D.B.
623.0' TO R/W
OGLESBY ROAD
(RECORD TIE)

1053
1052

120.00'

167.95'

118.35'

165.54'

16.1'

11.1' TIE

16.1' CONG. DRIVE

16.1' CONG. DRIVE

16.1' CONG. DRIVE

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SURVEY FOR:
CHUCK YANTIS

LOT / B	BLK.	UNIT	REVISIONS
	DOSS		
LAND LOT 1053			
DISTRICT 197TH SECTION 2ND			
COBB COUNTY, GEORGIA			
PLAT BOOK 17 PAGE 99			
DATE: 2-26-14			
			SCALE: 1" = 30'
			46-14

James A. Evans, Jr.
J.A. EVANS
SURVEYING CO, INC.
POWDER SPRINGS, GEORGIA
PH. 770-943-0000

COBB COUNTY ZONING DIVISION

2014 MAR -5 PM 4:04

COBB COUNTY GEORGIA
FILED IN OFFICE

APPLICANT: Charles Yantis
(678) 567-2036

REPRESENTATIVE: Charles W. Yantis
(678) 567-2036

TITLEHOLDER: Charles W. Yantis

PROPERTY LOCATION: West side of Doss Circle, north of
Oglesby Road
(4570 Doss Circle)

ACCESS TO PROPERTY: Doss Circle

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-20

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-020-14

PRESENT ZONING: IF

PROPOSED ZONING: R-15

PROPOSED USE: Single-family House

SIZE OF TRACT: 0.4560 acres

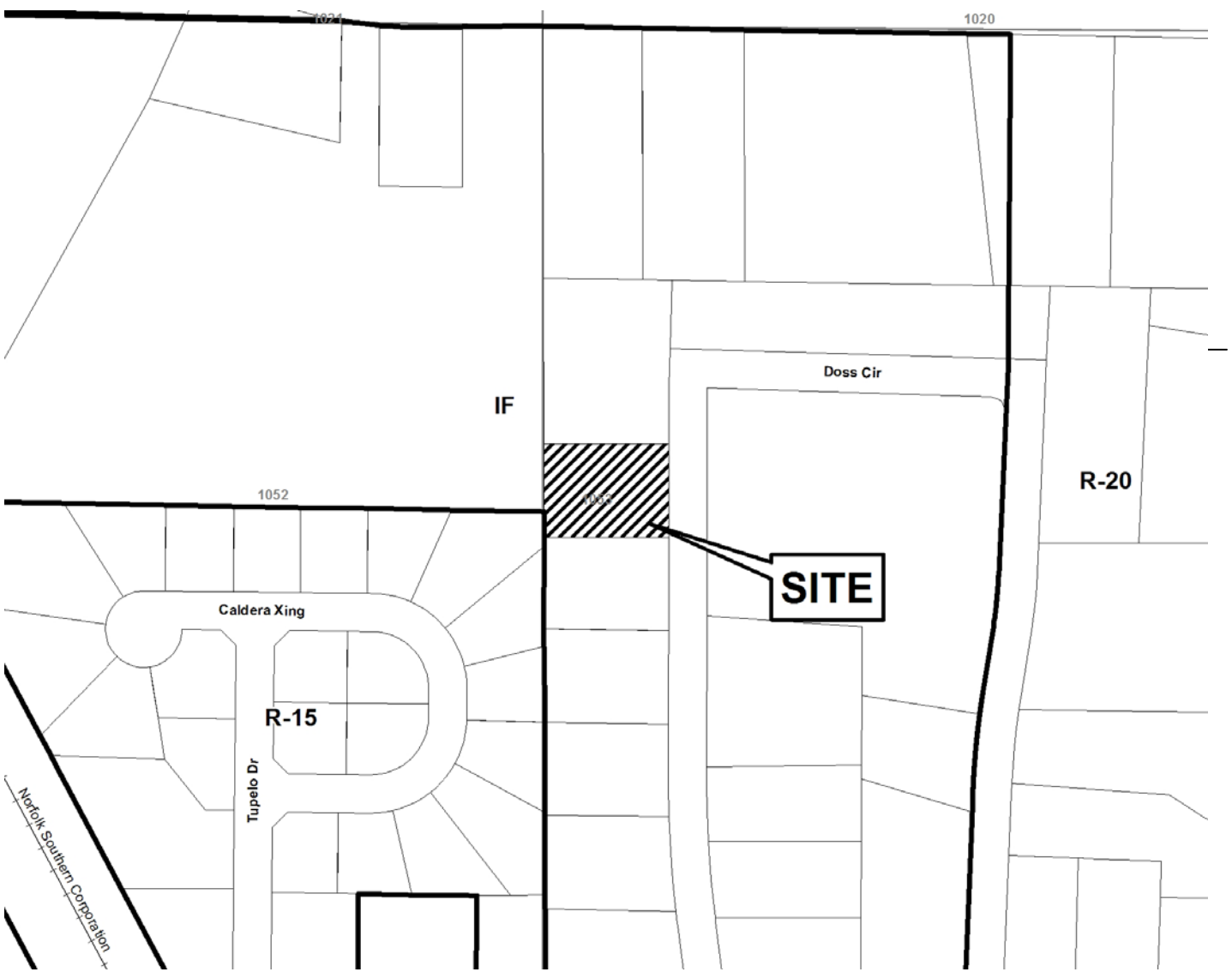
DISTRICT: 19

LAND LOT(S): 1053

PARCEL(S): 45

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4





Application #: Z-20
PC Hearing Date: 5-6-14
BOC Hearing Date: 5-20-14

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 1487 sq ft
- b) Proposed building architecture: brick ranch
- c) Proposed selling prices(s): n/a
- d) List all requested variances: for awning/carport ~~on~~ front of property and set back

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

- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -5 PM 4:04
COBB COUNTY ZONING DIVISION

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

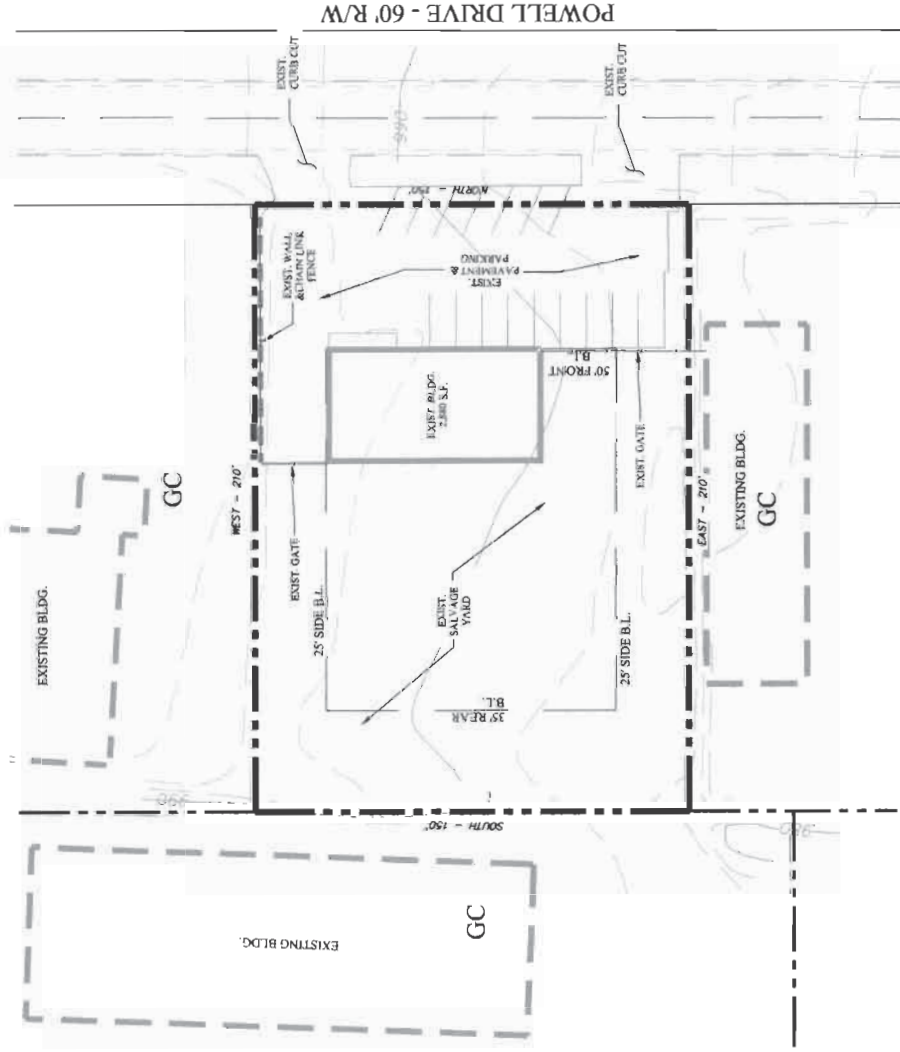
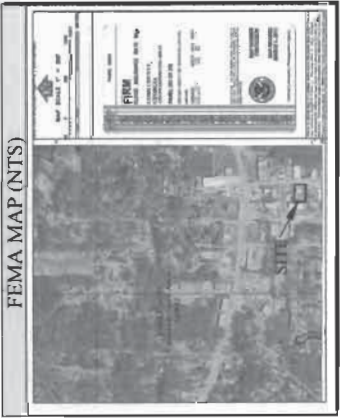
.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). no

.....
Part 5. Is this application a result of a Code Enforcement action? No ___; Yes (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: Charles W. Yantis Date: 3/5/14
Applicant name (printed): Charles Yantis

SITE DATA:

TOTAL SITE AREA	0.72 ACRES (31,363 S.F.)
TOTAL BUILDING AREA	2,880 S.F.
ZONING	GC
PREPARED ZONING	PH - SLUP
ZONING JURISDICTION	COBB COUNTY
DEVELOPMENT REGULATIONS	
FRONT SETBACK	50'
REAR SETBACK	35'
LEFT SIDE SETBACK	35'
RIGHT SIDE SETBACK	35'
REQUIRED PARKING	1,200 SF
PARKING SPACES REQUIRED	15
PARKING SPACES PROVIDED	15



COBB COUNTY GEORGIA
 FILED IN OFFICE
 2014 MAR -6 PM 12:22
 COBB COUNTY ZONING DIVISION

5780 POWELL DRIVE
 REZONING - COBB COUNTY PARCEL # 818035400110
 SAMS, LARKIN & HUFF C/O
 ENOCH "KWAWE" APPIAH
 376 POWERS BUSINESS CENTER, SUITE 100, MARIETTA, GA 30067
 (770) 575-7914
 WE PROVIDE SOLUTIONS
 PLANNERS AND ENGINEERS COLLABORATIVE

REV 1
 DATE
 11-21-2014

REZONING/SLUP PLAN
 SCALE: 1" = 20'
 DATE: DECEMBER 6, 2013
 PROJECT: 1224109



APPLICANT: Enoch Appiah
(404) 343-9044

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016
Sams, Larkin & Huff, LLP

TITLEHOLDER: Enoch Appiah

PROPERTY LOCATION: West side of Powell Drive, south of
Veterans Memorial Highway
(5780 Powell Drive)

ACCESS TO PROPERTY: Powell Drive

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-21

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: GC

PROPOSED ZONING: HI

PROPOSED USE: Vehicle Repair, Storing,
Salvaging Vehicles and Towing of Vehicles

SIZE OF TRACT: 0.72 acres

DISTRICT: 18

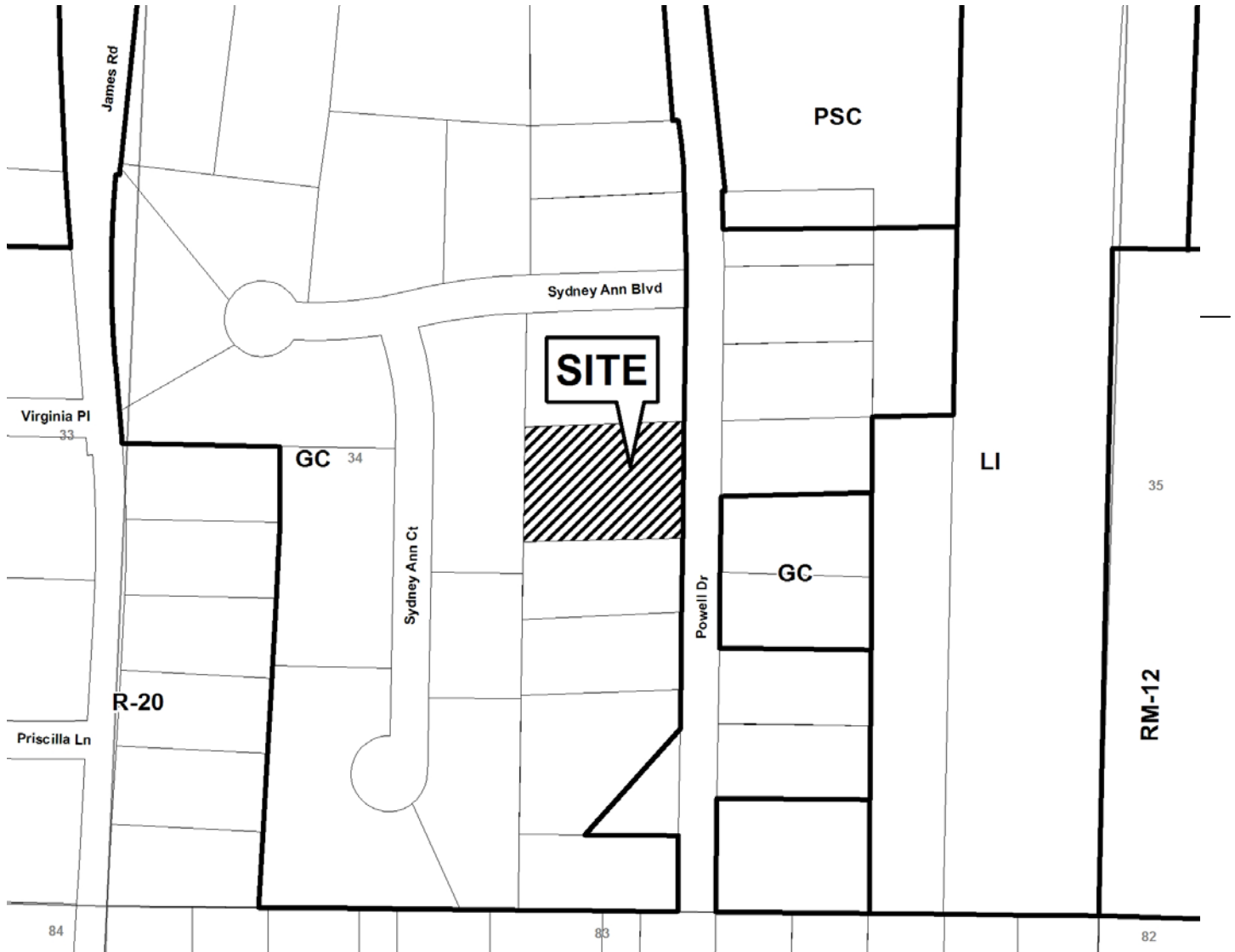
LAND LOT(S): 34

PARCEL(S): 11

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT





Application #: Z- 21
 PC Hearing Date: May 6, 2014
 BOC Hearing Date: May 20, 2014

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: _____

COBB COUNTY ZONING DIVISION
 2014 MAR -6 PM 12: 21
 COBB COUNTY GEORGIA
 FILED IN OFFICE

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

- a) Proposed use(s): Vehicular Repair, Storing and Salvaging of Vehicles and Towing of Vehicles.
- b) Proposed building architecture: As-Built
- c) Proposed hours/days of operation: Monday-Saturday, 8:00 a.m. until 6:00 p.m.
- d) List all requested variances: Waiving the required lot size from 40,000 sq. ft. to 31,363 sq. ft.

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

The subject property is located within an area which is denominated under Cobb County's Future Land Use Map as a Community Activity Center (CAC) and adjacent to an area denominated for Industrial Compatible (IC) uses.

.....
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). Not Applicable

.....
Part 5. Is this application a result of a Code Enforcement action? No ___; Yes X (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: Date: 01/17/2014

Applicant name (printed): Garvis L. Sams, Jr., Attorney for Applicant/Title Holder

*The Applicant has spoken with Code Enforcement officials; however, no Notice of Violation nor Tickets have issued with any action by Code Enforcement being held in abeyance pending the outcome of this Application, a SLUP Application and a Variance Application.

Z-22
(2014)

ROSWELL ROAD SELF STORAGE

REZONING SITE PLAN



NO.	DATE	REVISIONS
1	03/11/14	ISSUED FOR PERMIT
2	03/11/14	ISSUED FOR PERMIT
3	03/11/14	ISSUED FOR PERMIT
4	03/11/14	ISSUED FOR PERMIT
5	03/11/14	ISSUED FOR PERMIT
6	03/11/14	ISSUED FOR PERMIT
7	03/11/14	ISSUED FOR PERMIT
8	03/11/14	ISSUED FOR PERMIT
9	03/11/14	ISSUED FOR PERMIT
10	03/11/14	ISSUED FOR PERMIT

Sheet No. 001



LOCATION MAP

SITE

COBB COUNTY ZONING DIVISION

Grand North (Or. West Zone) (TPA)

Stein Investment Group
5627 Sandy Lane, Suite 200
Kennesaw, GA 30144
770-426-9100

2014 MAR -6 PM 2:31

OWNER/DEVELOPER

LEGEND

- Proposed Building
- Proposed Parking
- Proposed Driveway
- Proposed Walkway
- Proposed Stormwater Management
- Proposed Landscape
- Proposed Utility
- Proposed Setback Line
- Proposed Flood Plain
- Proposed Boundary
- Proposed Easement
- Proposed Right-of-Way
- Proposed Accessway
- Proposed Enclosure
- Proposed Structure
- Proposed Feature
- Proposed Object
- Proposed Symbol
- Proposed Marker
- Proposed Indicator
- Proposed Signifier
- Proposed Identifier
- Proposed Designator
- Proposed Descriptor
- Proposed Classifier
- Proposed Categorizer
- Proposed Classifier
- Proposed Categorizer

TAX PARCEL ID. 10000700140

SITE AREA: 1.47 ACRES

SITE ZONING: GRAND NORTH (OR. WEST ZONE) (TPA)

FLOOD PLAIN ACREAGE: 0.00 ACRES

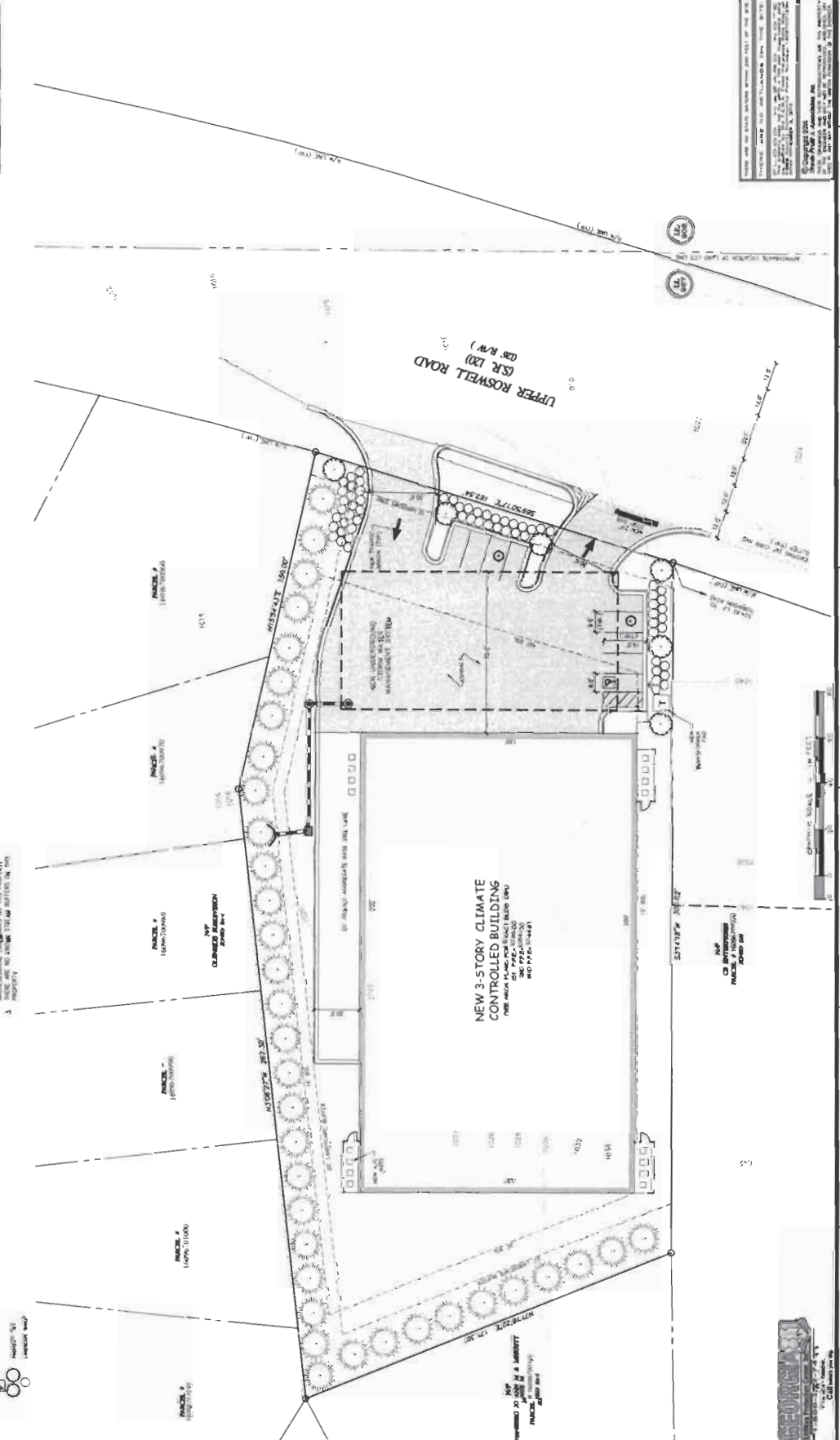
BUILDING SETBACK LINES: 10 FT. SIDE SETBACK, 10 FT. FRONT SETBACK, 10 FT. REAR SETBACK

BUILDING SUMMARY:

TYPE	USE	AREA
NEW 3-STORY CLIMATE CONTROLLED SELF STORAGE	INDUSTRIAL	100,000 SF
PARKING	PARKING	200 SPACES
DRIVEWAY	DRIVEWAY	100 LF
WALKWAY	WALKWAY	500 LF
STORMWATER MANAGEMENT	STORMWATER MANAGEMENT	50,000 GAL
LANDSCAPE	LANDSCAPE	5,000 SF
UTILITY	UTILITY	100 LF
ENCLOSURE	ENCLOSURE	100 LF
STRUCTURE	STRUCTURE	100 SF
FEATURE	FEATURE	100 SF
OBJECT	OBJECT	100 SF
MARKER	MARKER	100 SF
INDICATOR	INDICATOR	100 SF
SIGNIFIER	SIGNIFIER	100 SF
IDENTIFIER	IDENTIFIER	100 SF
DESIGNATOR	DESIGNATOR	100 SF
DESCRIPTOR	DESCRIPTOR	100 SF
CLASSIFIER	CLASSIFIER	100 SF
CATEGORIZER	CATEGORIZER	100 SF

NOTES:

- SEE ALL NOTES ON PLANS AND SPECIFICATIONS.
- THIS PLAN IS SUBJECT TO THE APPROVAL OF THE CITY OF ROSWELL AND THE STATE OF GEORGIA.
- THESE ARE NOT TO BE USED AS A BASIS FOR ANY OTHER PROJECTS.
- PROPERTY



REZONING

2014 MAR -6 PM 2:31

Stein Investment Group

APPLICANT: 3700 Roswell Road, LLC

(404) 510-0105

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016

Sams, Larkin, Huff & Balli, LLP

TITLEHOLDER: Barry J. Shemaria

PROPERTY LOCATION: South side of Roswell Road, west of

Robinson Road

(3700 Roswell Road)

ACCESS TO PROPERTY: Roswell Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-22

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: LRO

PROPOSED ZONING: O&I

PROPOSED USE: Climate Controlled

Self-Service Storage Facility

SIZE OF TRACT: 1.535 acres

DISTRICT: 16

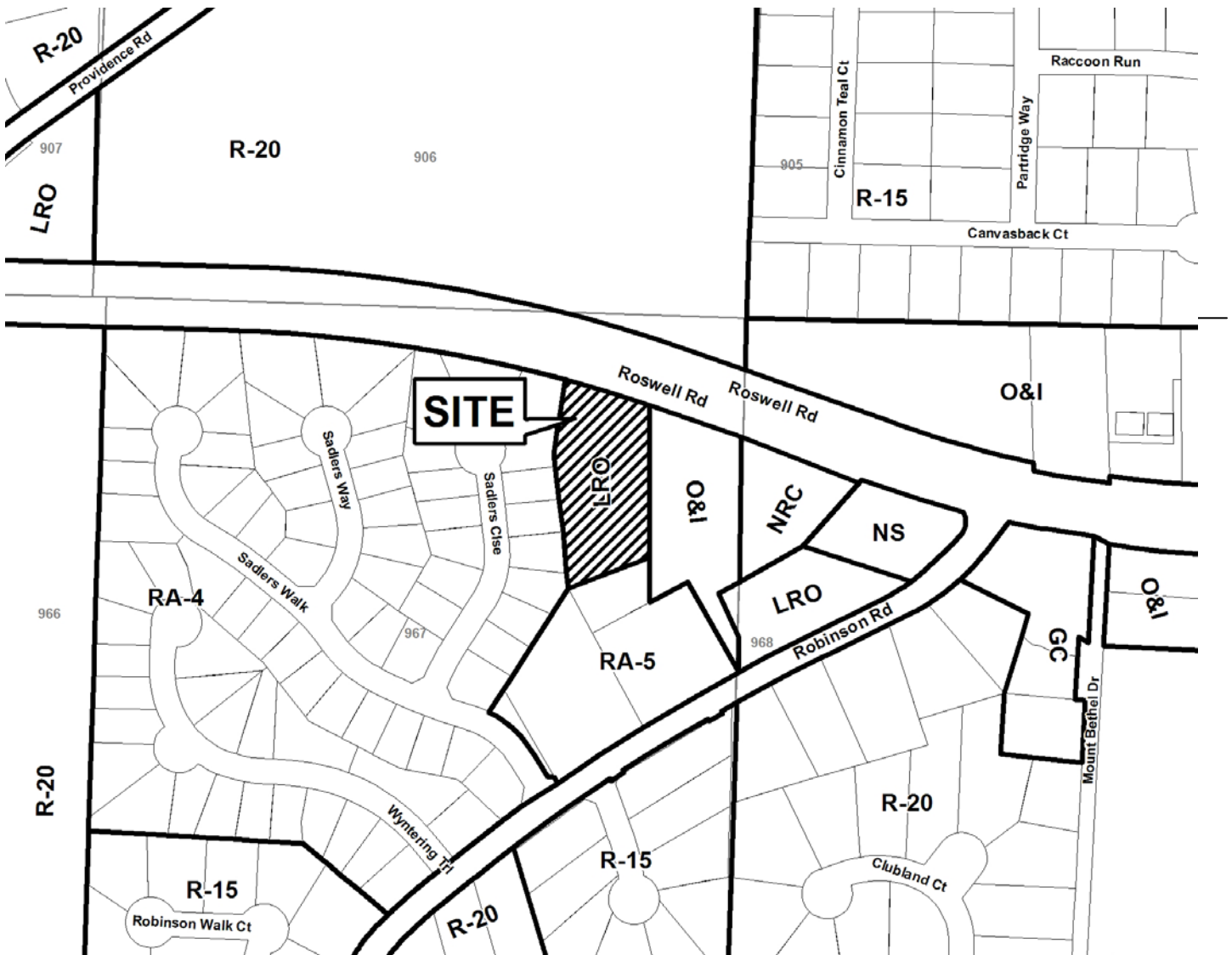
LAND LOT(S): 967

PARCEL(S): 14

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT





Application #: Z- 22

PC Hearing Date: May 6, 2014

BOC Hearing Date: May 20, 2014

Summary of Intent for Rezoning

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 12:30
COBB COUNTY ZONING DIVISION

.....
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): Climate Controlled Self-Service Storage Facility ("CCSSSF")
- b) Proposed building architecture: Four-sided brick with EFIS accents
- c) Proposed hours/days of operation: The hours of operation for the office servicing the CCSSSF will be from 8:00 a.m. until 6:00 p.m. Monday through Saturday and from 1:00 p.m. until 6:00 p.m. on Sunday
- d) List all requested variances: As shown on the site plan filed contemporaneously with the Application.

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

The rezoning of the subject property from LRO to O&I for the purposes of a CCSSSF is appropriate in view of the fact that the subject property is located within the confines of a Neighborhood Activity Center. The subject property was rezoned from NS and RA-5 in 2008; however, the office market along the Roswell Road Corridor is not as strong as anticipated in 2008.

.....
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). _____

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: Date: 3/6/14
Applicant name (printed): GARLAND SAMS, JR.

Z-23
(2014)



EcoWise Civil Design
and Consulting, Inc.
P.O. BOX 82500 STOCKTON, CA 95210
(916) 925-2211
WWW.ECOWISE.COM

FAIRVIEW STREET
TRACT
FOR
Troix Properties, LLC

SCALE: 1" = 40'
DATE: MARCH
PROJECT: 14008-00

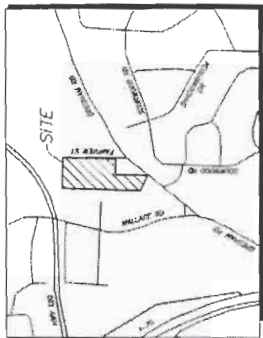
REVISIONS

NO.	DATE	BY	REVISION



CONCEPTUAL
SITE PLAN
S1

SHEET TITLE AND NUMBER



VICINITY MAP
(NTS)



FIRM MAP

PROPOSED USES:

BUILDING 1	UNIVERSITY
BUILDING 2	UNIVERSITY
BUILDING 3	UNIVERSITY
BUILDING 4	UNIVERSITY
BUILDING 5	UNIVERSITY
BUILDING 6	UNIVERSITY
BUILDING 7	UNIVERSITY

SITE DATA:

TOTAL SITE AREA: 4.19 ACRES

ZONING: U-1 (UNIVERSITY)

PROPOSED DEVELOPMENT:
UNIVERSITY
TOTAL DEVELOPMENT AREA: 4.22 ACRES

DEVELOPMENT TYPE:
UNIVERSITY
TOTAL DEVELOPMENT AREA: 4.22 ACRES

DEVELOPMENT PURPOSE:
UNIVERSITY

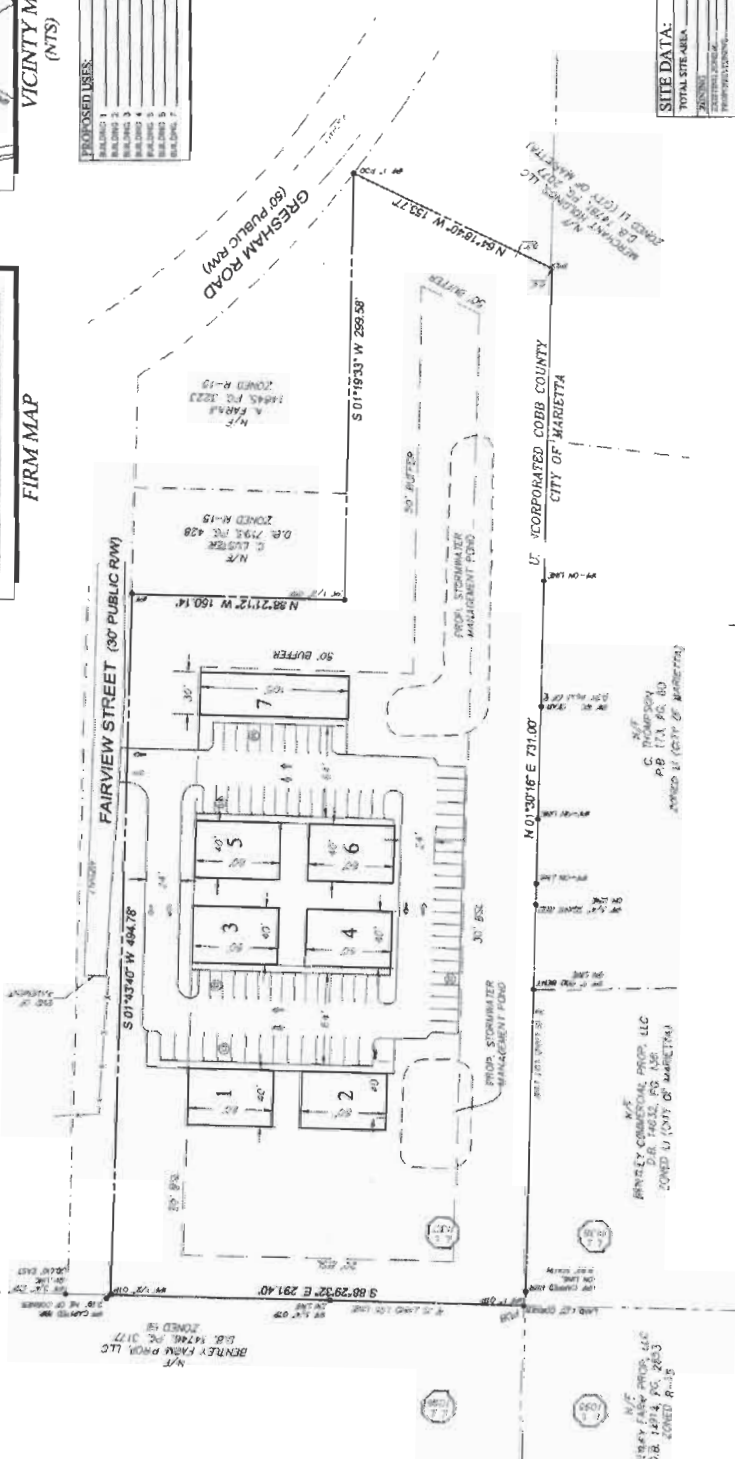
LOCAL JURISDICTION:
CITY OF MARIETTA

ADJACENT PROPERTIES:
NORTH: [Property Description]
EAST: [Property Description]
SOUTH: [Property Description]
WEST: [Property Description]

DATE: [Date]

NOTES:
1. SEE COLOR LANDSCAPE AND STATE AND LOCAL REGULATIONS FOR SPECIFIC AND LOCALS WITH THE PROPERTY DEVELOPMENT.
2. SEE EXISTING LOTS AND ADJACENT LOTS WITH THE PROPERTY DEVELOPMENT FOR ADJACENT LOTS WITH THE PROPERTY DEVELOPMENT.
3. NO ADJACENT LOTS OR ADJACENT LOTS WITH THE PROPERTY DEVELOPMENT ARE TO BE DEVELOPED WITH THE PROPERTY DEVELOPMENT.

COBB COUNTY SEARCHED
FILED IN OFFICE
2014 MAR -6 PM 2:09
COBB COUNTY ZONING DIVISION



APPLICANT: Troix Properties, LLC
(678) 463-8520

REPRESENTATIVE: Ellen W. Smith (770) 661-1216
Holt Ney Zatcoff & Wasserman

TITLEHOLDER: Providence Bank

PROPERTY LOCATION: West side of Fairview Street, and on the
north side of Gresham Road
(108 and 409 Fairview Street and two other parcels).

ACCESS TO PROPERTY: Fairview Street

PHYSICAL CHARACTERISTICS TO SITE:

PETITION NO: Z-23

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: R-15, R-20

PROPOSED ZONING: LI

PROPOSED USE: Warehouse And
Related Uses

SIZE OF TRACT: 4.175 acres

DISTRICT: 16

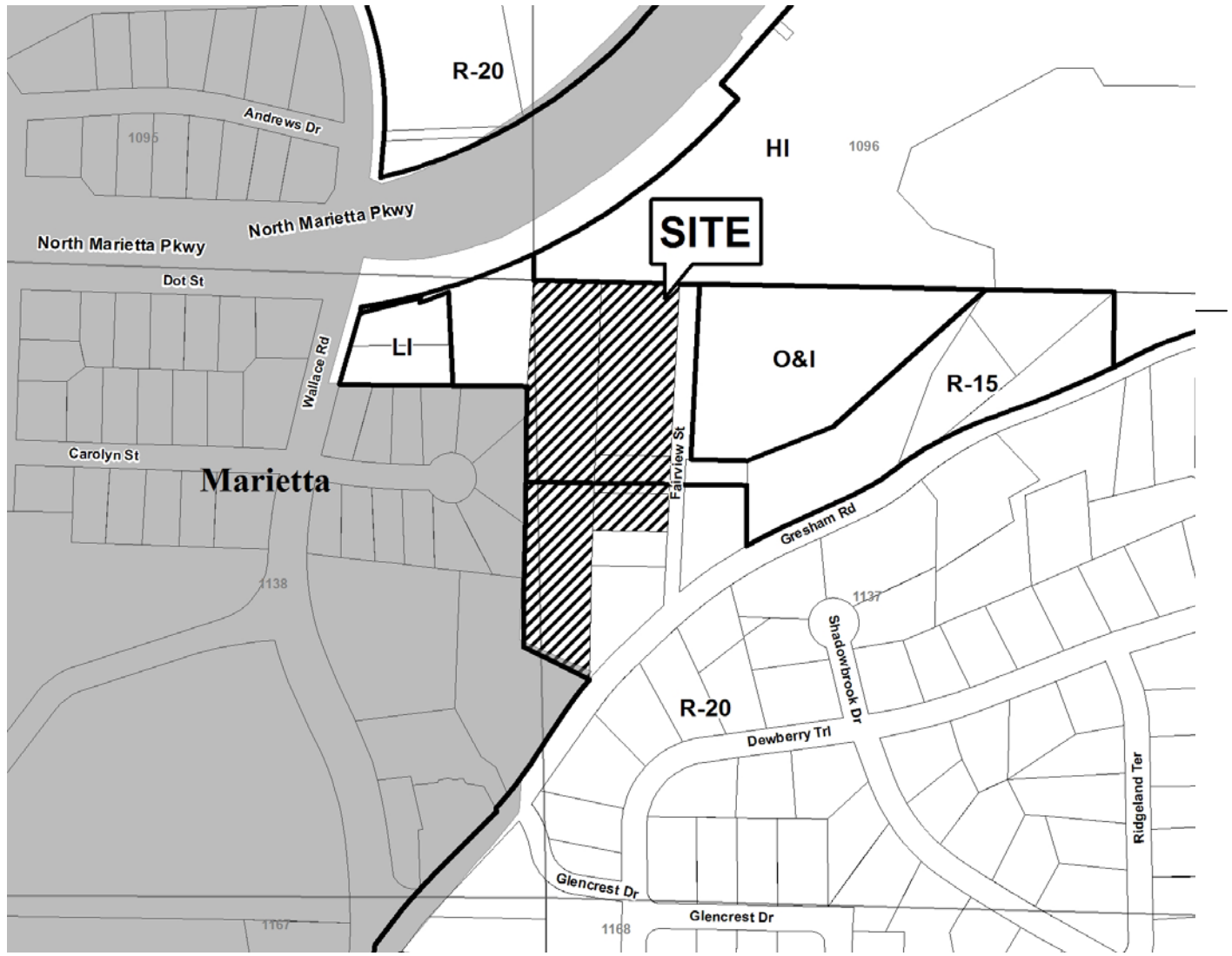
LAND LOT(S): 1137

PARCEL(S): 8, 9, 10, 11

TAXES: PAID X DUE

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT



COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 2:09
COBB COUNTY ZONING DIVISION



Application #: 7-23
PC Hearing Date: 5-6-14
BOC Hearing Date: 5-20-14

Summary of Intent for Rezoning

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

- 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): Small Warehouse including landscaping, storage, automotive service and repair, warehouse and storage
- b) Proposed building architecture: see attached site plan - metal building
- c) Proposed hours/days of operation: Typical ~~week~~
- d) List all requested variances: N/A

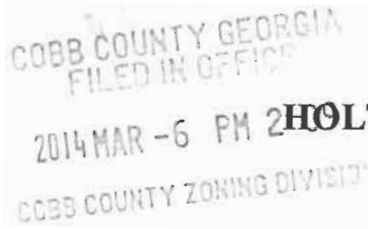
.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

See attached

.....
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

.....
Part 5. Is this application a result of a Code Enforcement action? No X; Yes ____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

TROIX PROPERTIES, LLC
By: [Signature] Date: 3-6-14
Applicant name (printed): Travis H. Smith, Manager



HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

Ellen W. Smith

e-mail esmith@hnzw.com

March 6, 2014

BY HAND DELIVERY

Zoning Division
Community Development Agency
Cobb County, Georgia
1150 Powder Springs Street
Suite 400
Marietta, Georgia 30064

SUMMARY OF INTENT

Re: Application for Rezoning, Cobb County, Georgia (“*Application*”) by Troix Properties, LLC with respect to that certain approximately 4.1-acre property commonly known as 108 Fairview Street, 409 Fairview Street, plus two additional parcels near the intersection of Fairview Street and Gresham Avenue (collectively, the “*Property*”)

Ladies and Gentlemen:

This law firm has the pleasure of representing Troix Properties, LLC, the Applicant with respect to the referenced Application. Applicant respectfully submits for consideration the Application, seeking the rezoning of the Property from R-15 to LI, the approval of which will allow Applicant to construct a small industrial park on the Property.

Background – The Property

The Property is an assemblage of four tax parcels with a combined total of approximately 4.1-acres with frontage on Fairview Street (also shown on some GIS maps as Fairview Avenue) and touching Gresham Road. The Property is currently zoned R-15 and, although many decades ago there was at least one single family residence on the Property, the Property currently is unimproved. The Property is bounded on the north by property zoned heavy industrial (and abutting the North 120 Loop), on the east by property zoned O&I which is owned and used as warehouse and parking for Comcast, and on the west by property that is zoned light industrial and City of Marietta property zoned light industrial. The property located immediately to the south is zoned R-15 and occupied by a single family residence, but the entire character of the area has been trending towards light and heavy industrial for many years (particularly in light of

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
March 6, 2014
Page 2

the Tip Top Poultry processing plant that is just southwest of the Property on Gresham Road). The Property was foreclosed upon by the current owner, Providence Bank (“**Owner**”) in 2011, and has remained vacant and unused for many years.

Proposed Rezoning

Applicant has entered into a contract with Owner to purchase the Property. Troix Properties, LLC is a limited liability company whose members are long time Cobb County residents and small business owners who need light industrial warehousing and shop space. Particularly, Applicant envisions a phased small industrial park that would accommodate their own businesses (a mechanic’s garage with a two-bay garage and a landscaping design and installation business), as well as additional small business tenants they may lease space to from time to time.

As more particularly shown on the site plan filed herewith, Applicant is proposing several small buildings on the Property with uses generally permitted in the LI zoning district.¹ These would include automotive repair and maintenance (but expressly excluding paint or body repair shops), warehouse and storage, and other permitted uses within the LI district regulations.

¹ Applicant notifies Cobb County of its constitutional concerns with respect to its Application. If the Board denies the Application in whole or in part, then the Property does not have a reasonable economic use under Chapter 134 of the Official Code of Cobb County, Georgia, as amended from time to time (the “**Zoning Ordinance**”). Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government’s police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Cobb County Board of Commissioners (the “**Board**”) denies the Application in whole or in part, such an action will deprive Owner and Applicant of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board rezones the Property to some classification other than the LI zoning district without Applicant’s consent, or if the Board limits its approval by attaching conditions to such approval affecting the Property or the use thereof without Owner’s consent, then such approval would deprive Owner and Applicant of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. I, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the Board, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Owner and Applicant and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Finally, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant’s rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. I, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Applicant further challenges the constitutionality and enforceability of the Zoning Ordinance, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the Board’s discretion in considering or deciding applications for rezonings. Applicant remains optimistic that Cobb County’s consideration of the Application will be conducted in a constitutional manner.

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
March 6, 2014
Page 3

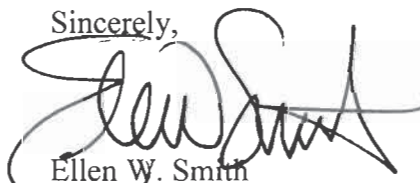
Applicant would phase the construction, commencing with the buildings identified as Buildings 5 and 7 on the site plan. Applicant is proposing no concurrent variances.

Application Requirements

Section 134-121 of the Zoning Ordinance sets forth the various requirements applicable to requests for rezonings, some of which are addressed above and the remainder of which are addressed in supporting documents. Specifically, in support of the Application, Applicant submits the following documents:

- (1) Original notarized signatures of Owner, Applicant and representative;
- (2) Copy of the Deeds Under Power of Sale evidencing Providence Bank as the owner of the Property;
- (3) Metes and bounds legal description of the Property;
- (4) Copy of the paid tax receipts;
- (5) Copy of current boundary survey depicting all required items;
- (6) Site Plan reflecting proposed improvements;
- (7) Zoning Application Disclosure forms;
- (8) Documented Impact Analysis;
- (9) Application Fee (\$1,000);
- (10) Signage Fee (\$309); and
- (11) This Summary of Intent.

The Application, this letter and accompanying documents support Applicant's request for rezoning, and Applicant respectfully requests that the Zoning Division recommend approval of the Application to the Board. Applicant is happy to answer questions or provide any additional information that the Zoning Division may have with regard to this Application.

Sincerely,

Ellen W. Smith
For Holt Ney Zatcoff & Wasserman, LLP

EWS/ews

cc: Mr. Travis H. Smith
Mr. Bryan LaCroix
(both by e-mail only)

ZONING VARIANCE EXHIBIT
SOUTH COBB DISTRICT
UNIVERSITY RESEARCH CENTER
30098
DATE 07/27/2014
LAW 101 5931

Race Trac
RACETRAC PETROLEUM, INC.
2755 GARDENLAND BOULEVARD
SUITE 305 ATLANTA, GA 30328
404.479.7659

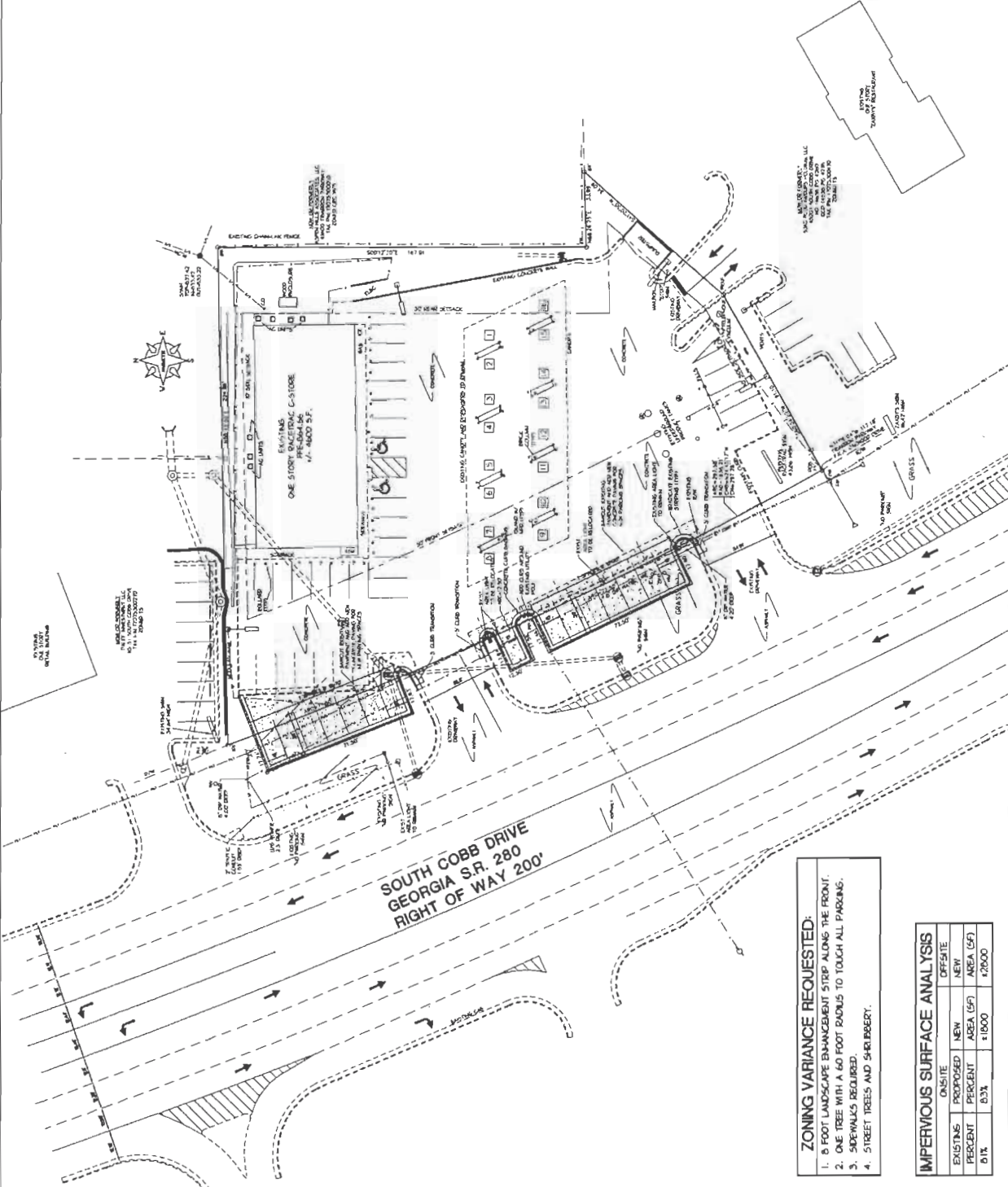
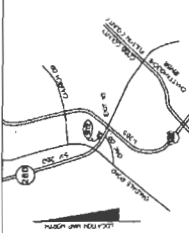
Harkerroad and Associates
Engineers - Land Surveyors
3473 DeSoto Boulevard, Suite 200
Atlanta, Georgia 30328
Phone (770) 962-1998 / Fax (770) 962-1999
HARKERROAD DMS 5931 CP

NO.	DESCRIPTION	DATE
1	REVISION	
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12	REVISION	



- EASTING FEATURES LEGEND:**
- 1. CONCRETE DRIVEWAY
 - 2. ASPHALT DRIVEWAY
 - 3. ASPHALT DRIVEWAY (EXISTING)
 - 4. ASPHALT DRIVEWAY (PROPOSED)
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VICINITY MAP (IN SET)



ZONING VARIANCE REQUESTED:

1. 8 FOOT LANDSCAPE ENHANCEMENT STRIP ALONG THE FRONT.
2. ONE TREE WITH A 60 FOOT RADIIUS TO TOUCH ALL PARKING.
3. SIDEWALKS REQUIRED.
4. 5 FTREET TREES AND SHRUBBERY.

IMPERVIOUS SURFACE ANALYSIS

ON-SITE		OFF-SITE	
EXISTING PERCENT	PROPOSED PERCENT	NEW AREA (SF)	OFFSITE AREA (SF)
0.1%	0.3%	±1500	±2000

APPLICANT: RaceTrac Petroleum, Inc.
(770) 431-7600

REPRESENTATIVE: Parks F. Huff (770) 422-7016
Sams, Larkin, Huff & Balli

TITLEHOLDER: RaceTrac Petroleum, Inc.

PROPERTY LOCATION: Northeast side of South Cobb Drive,
north of Tibarron Parkway
(5191 South Cobb Drive)

ACCESS TO PROPERTY: South Cobb Drive

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-24

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: TS

PROPOSED ZONING: CRC

PROPOSED USE: Parking Improvements for
Existing Convenience Store with Fuel Sales

SIZE OF TRACT: .995 acres

DISTRICT: 17

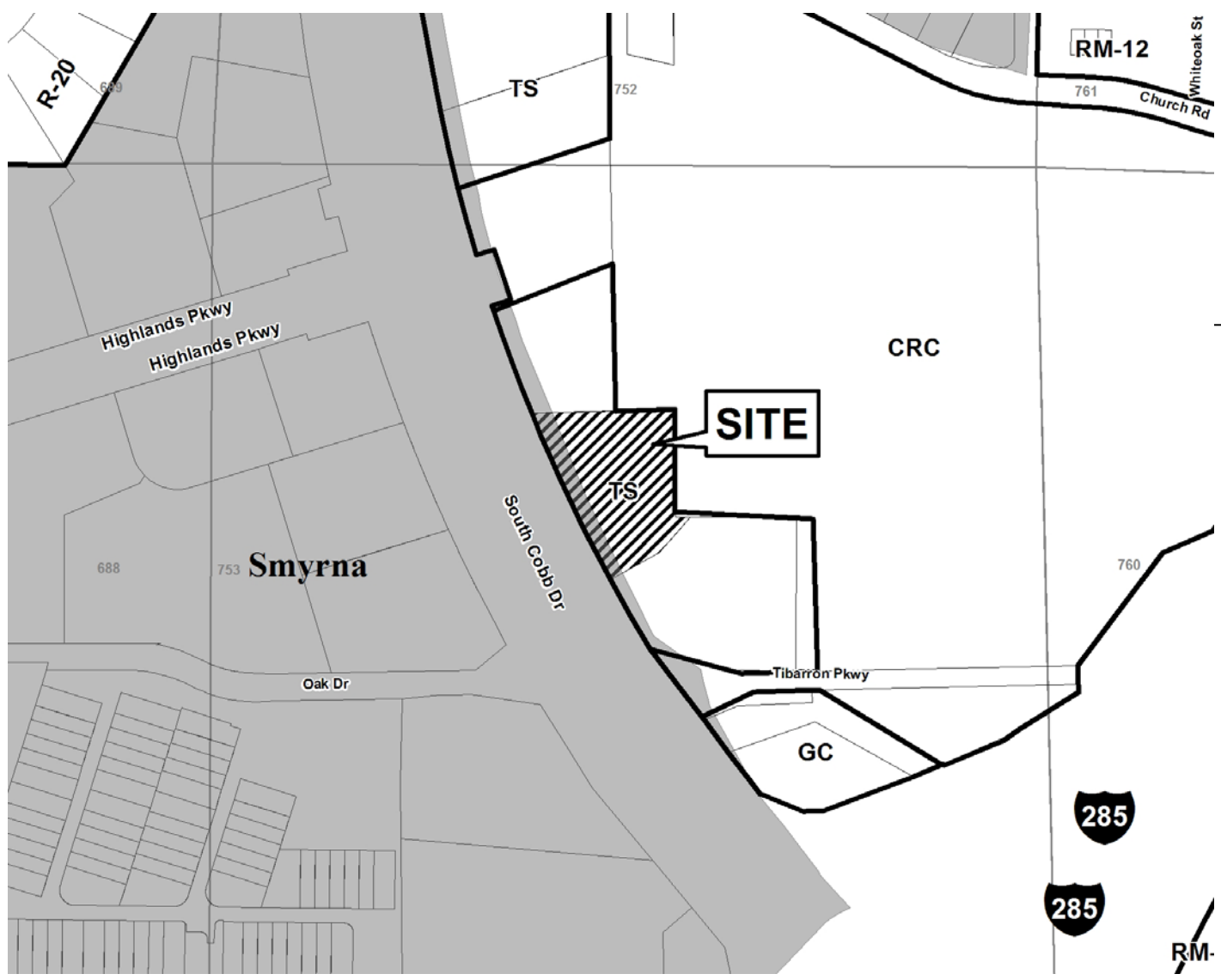
LAND LOT(S): 753

PARCEL(S): 20

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT



COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 2: 37
COBB COUNTY ZONING DIVISION



Application #: Z-24
PC Hearing Date: 5-6-14
BOC Hearing Date: 5-20-14

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): Existing Convenience Store - Proposed parking improvements
b) Proposed building architecture: Existing block building
c) Proposed hours/days of operation: 24 hours a day, seven days a week
d) List all requested variances: 1) Eliminate landscaping requirement for existing site
2) Eliminate sidewalk requirement. 3) Allow 85% impervious coverage 4) eliminate parking lot tree requirement

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

.....
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). _____

.....
Part 5. Is this application a result of a Code Enforcement action? No ___; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: _____ Date: _____

Applicant name (printed): _____



GENERAL NOTES

THE SURVEY WAS MADE BY THE SURVEYOR AND HIS ASSISTANTS IN THE FIELD AND THE ACCURACY OF THE SURVEY IS GUARANTEED BY THE SURVEYOR TO THE EXTENT OF THE INSTRUMENTS USED AND THE SKILL AND CARE OF THE SURVEYOR. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE TITLE OR INTEREST IN THE PROPERTY SURVEYED. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE TITLE OR INTEREST IN THE PROPERTY SURVEYED. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE TITLE OR INTEREST IN THE PROPERTY SURVEYED.



ACTUAL AND PROPOSED LAND TITLE SUBJECT OF #2221 Austrell Road FOR

COBB COUNTY CHILDREN'S CENTER, INC. COMMONWEALTH LAND TITLE INSURANCE COMPANY

PLAT NO.	2014-0204	DATE	12-15-14
BOOK	47	PAGE	108
OWNER	COBB COUNTY CHILDREN'S CENTER, INC.		
ADDRESS	2221 AUSTRELL ROAD		
APPLICANT	COBB COUNTY CHILDREN'S CENTER, INC.		
DATE OF SURVEY	12-15-14		

PROPERTY DESCRIPTION

THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS THE PROPERTY OF THE SURVEYOR AND HIS ASSISTANTS IN THE FIELD AND THE ACCURACY OF THE SURVEY IS GUARANTEED BY THE SURVEYOR TO THE EXTENT OF THE INSTRUMENTS USED AND THE SKILL AND CARE OF THE SURVEYOR. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE TITLE OR INTEREST IN THE PROPERTY SURVEYED.

TITLE EXCEPTIONS

THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE TITLE OR INTEREST IN THE PROPERTY SURVEYED. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE TITLE OR INTEREST IN THE PROPERTY SURVEYED. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE TITLE OR INTEREST IN THE PROPERTY SURVEYED.

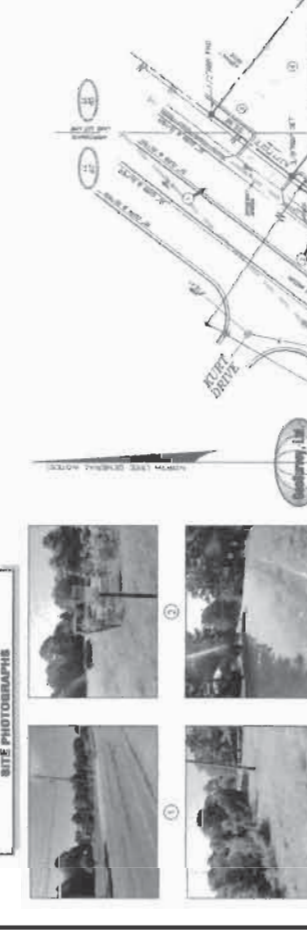
GeoSurvey, Ltd.
1201 S. Peachtree Street
Atlanta, GA 30309
Phone: (404) 752-8800
Fax: (404) 752-8880
www.geosurvey.com

SURVEYOR CERTIFICATION

I, the undersigned, being a duly licensed and qualified Surveyor in the State of Georgia, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner thereof, and that the same is a true and correct copy of the original survey as shown to me by the owner thereof, and that the same is a true and correct copy of the original survey as shown to me by the owner thereof.

TITLE EXCEPTIONS

THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE TITLE OR INTEREST IN THE PROPERTY SURVEYED. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE TITLE OR INTEREST IN THE PROPERTY SURVEYED. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ADVERSE TITLE OR INTEREST IN THE PROPERTY SURVEYED.



LEGEND

EXISTING BUILDINGS
PROPOSED BUILDINGS
EXISTING PARKING
PROPOSED PARKING
EXISTING DRIVEWAYS
PROPOSED DRIVEWAYS
EXISTING LANDSCAPING
PROPOSED LANDSCAPING
EXISTING UTILITIES
PROPOSED UTILITIES
EXISTING EROSION CONTROL
PROPOSED EROSION CONTROL

COBB COUNTY CHILDREN'S CENTER, INC. AS A DIVISION OF COBB COUNTY CHILDREN'S CENTER, INC.

COBB COUNTY ZONING DIVISION

COBB COUNTY GEORGIA

DATE: 12-15-14

TIME: PM 3:19

OFFICE: COBB COUNTY ZONING DIVISION

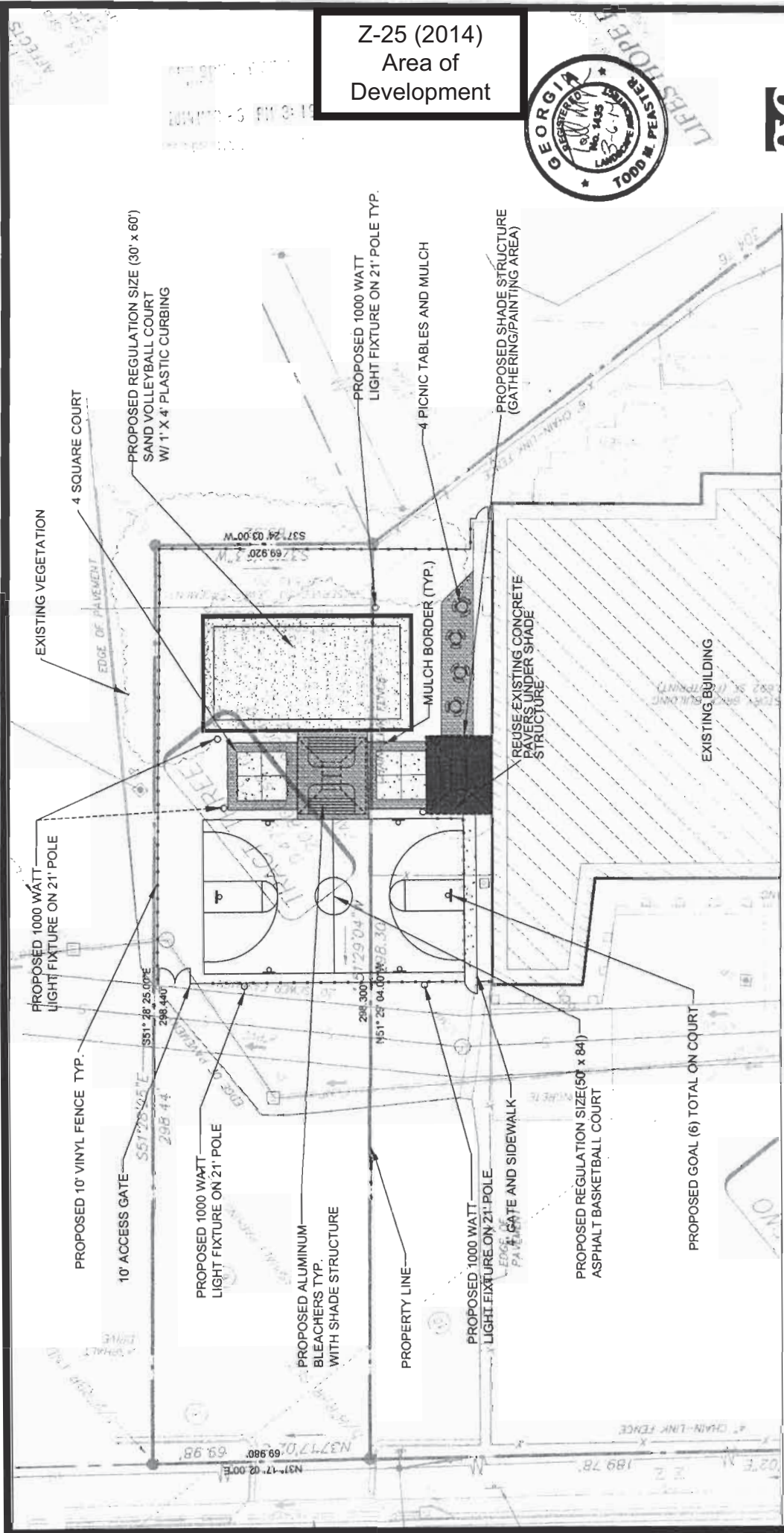
GRAPHIC SCALE

1" = 40'

CLOSURE STATEMENT

Know what's below. Call before you dig. Dial 811 or Call 800-282-7411

Z-25 (2014)
Area of
Development



TOTAL IMPERVIOUS SURFACE: 4,900 SF

Cobb County Children's Center
Basketball & Volleyball Addition
Scale: 1" = 30'

APPLICANT: The Center for Children and Young Adults, Inc.
(770) 333-9111

REPRESENTATIVE: Kimberly A. Borna
(770) 485-1625

TITLEHOLDER: The Center for Children and Young Adults, Inc.

PROPERTY LOCATION: Northeast intersection of Austell Road and
Schaffer Road

(221 Austell Road)

ACCESS TO PROPERTY: Schaffer Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-25

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: PSC and R-20

PROPOSED ZONING: NRC

PROPOSED USE: Accessory Recreation

Use for Existing Center

SIZE OF TRACT: 4.780 acres

DISTRICT: 17

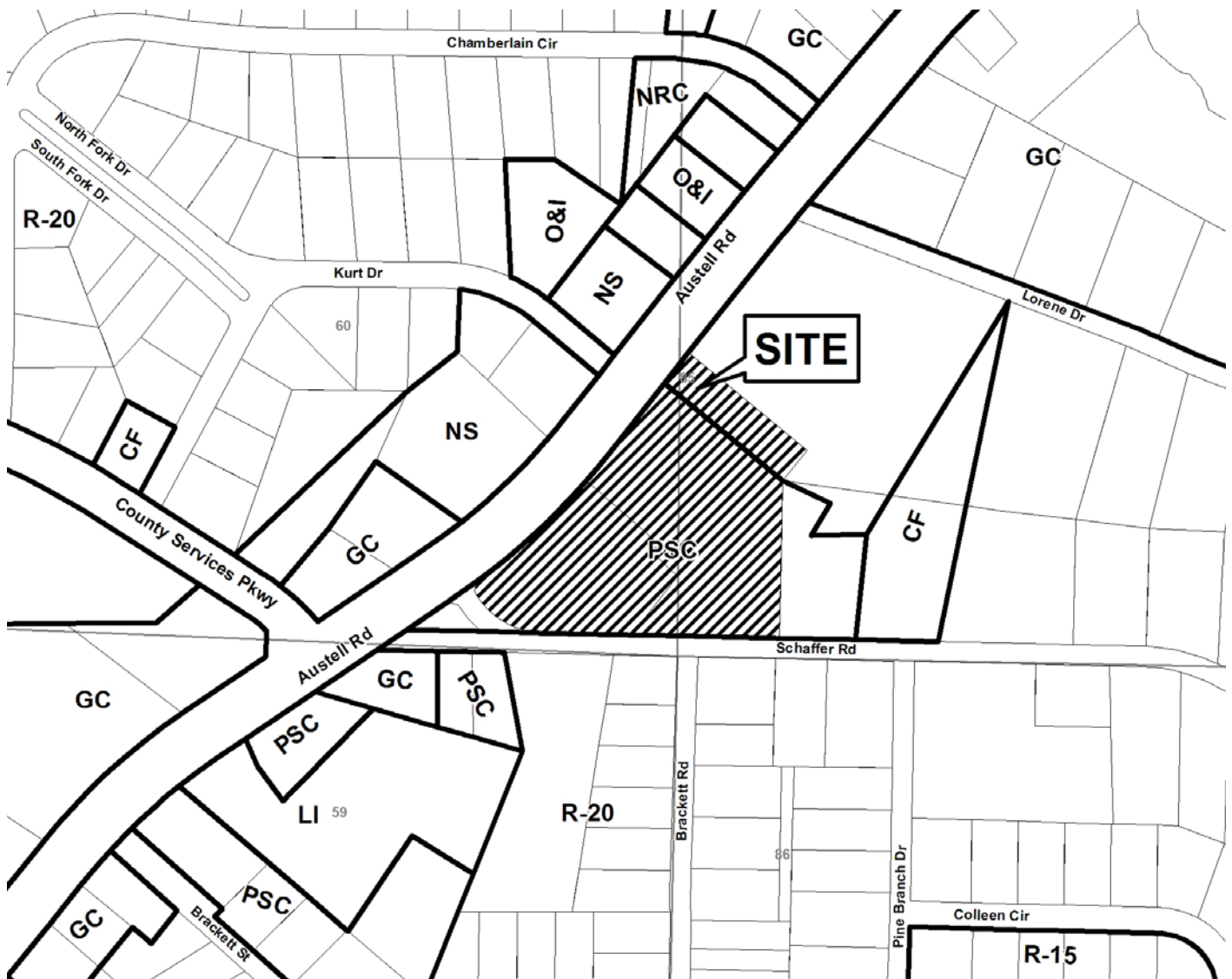
LAND LOT(S): 60,85

PARCEL(S): 83,29,47

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT





Application #: Z-25
PC Hearing Date: 5-6-14
BOC Hearing Date: 5-20-14

COBB COUNTY ZONING DIVISION
FILED IN OFFICE
2014 MAR -6 PM 3:18
COBB COUNTY ZONING DIVISION

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): N/A
- d) List all requested variances: _____

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

- a) Proposed use(s): Recreation area to serve existing children's center on larger tract.
- b) Proposed building architecture: No buildings proposed with project.
- c) Proposed hours/days of operation: 8-5
- d) List all requested variances: Variance to 40' Accessory Use Setback to 10'.

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

Rezoning for addition of 0.4 +/- acres of accessory recreation uses and to bring the property zoning in compliance with the Future Land Use map.

.....
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). NONE

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: Kimberley A. Bornia Date: 3/6/14
Applicant name (printed): KIMBERLEY A. BORNA

Z-26
(2014)

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 3:59
COBB COUNTY ZONING DIVISION

Centerline Surveying Systems, Inc.

1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA 30144
PHONE: (770) 424-0026 FAX: (770) 424-4399

OWNER/SURVEYOR
FRANSON COMMUNITIES
DAVID FRANSON
MARGARET FRANSON
770-581-9508

BY BR. CONTACT NO:
DAVID FRANSON
770-581-9508

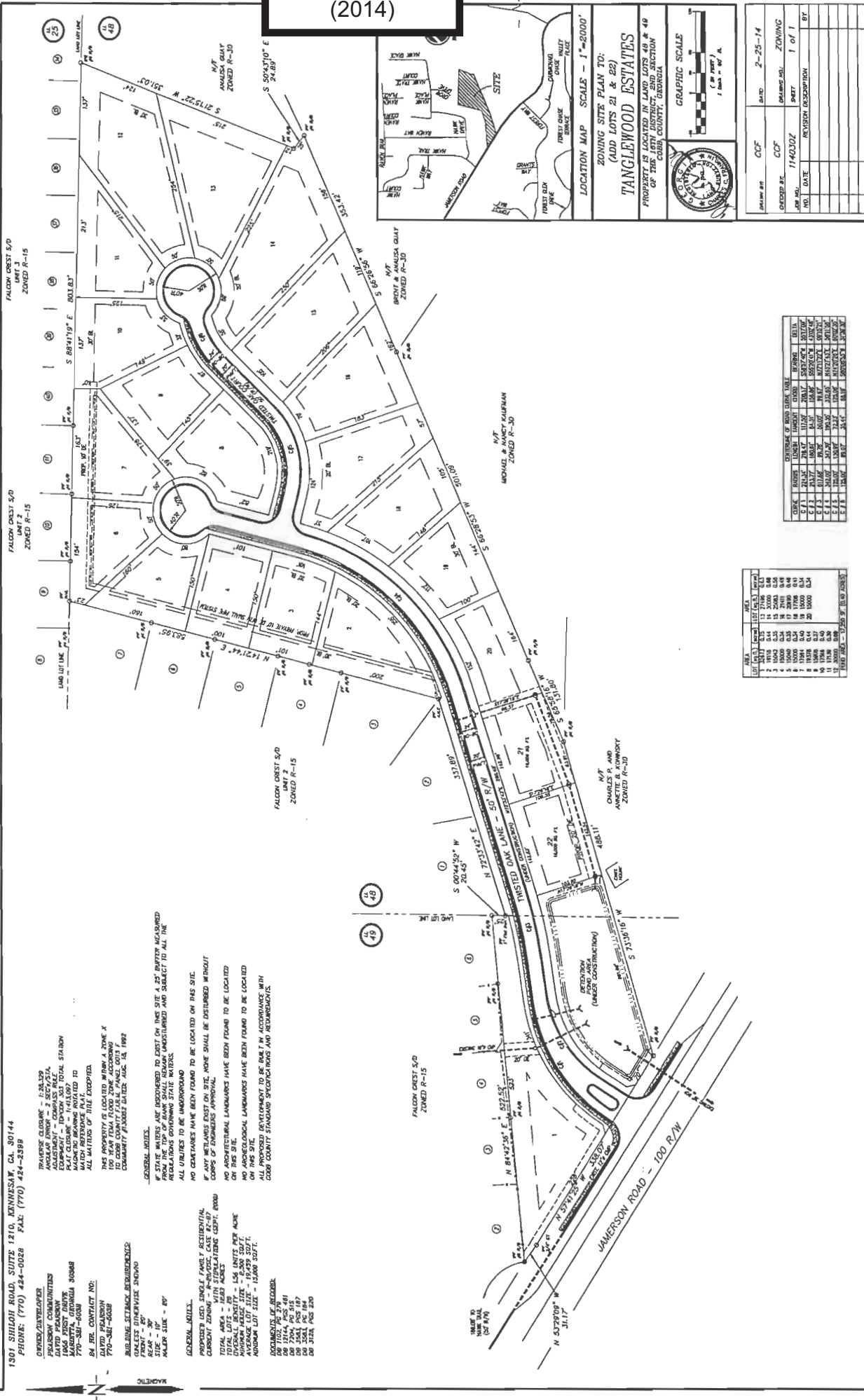
BUILDING SETBACK REQUIREMENTS
GALLEY OVERHUNG SHEDS
REAR - 30'
FRONT - 30'
WALKER SIDE - 80'

GENERAL NOTES
1. ALL UTILITIES TO BE UNDERGROUND
2. NO CONTAINERS HAVE BEEN FOUND TO BE LOCATED ON THIS SITE.
3. IF ANY METALS EXIST ON SITE, NONE SHALL BE DISTURBED WITHOUT
4. COMP. OF ENGINEERS APPROVAL
5. NO ARCHITECTURAL LANDMARKS HAVE BEEN FOUND TO BE LOCATED
6. NO ARCHAEOLOGICAL LANDMARKS HAVE BEEN FOUND TO BE LOCATED
7. ALL PROPOSED DEVELOPMENT TO BE SUBMITTED IN ACCORDANCE WITH
8. COBB COUNTY STANDARD SPECIFICATIONS AND REQUIREMENTS.

DOCUMENTS OF RECORD
DB 13124, PGS 481
DB 13124, PGS 187
DB 13044, PGS 184
DB 13044, PGS 200

TRAVERSE CLOSURE - 1/32/12
ANGULAR ERROR - 2.527"/S.E.
EQUIPMENT - TOPCON 503 TOTAL STATION
MARKS - ALL MARKS WERE RECHECKED TO
MATCH REFERENCE P.L.T.
ALL MATTERS OF TITLE EXCEPTED.
THIS PROPERTY IS LOCATED WITHIN A ZONE X
COMMUNITY DEVELOPMENT DISTRICT
TO COBB COUNTY PARCEL PANEL 0011 F
COMMUNITY PLANNING DATE: AUG. 14, 1992

GENERAL NOTES
1. ALL UTILITIES TO BE UNDERGROUND
2. NO CONTAINERS HAVE BEEN FOUND TO BE LOCATED ON THIS SITE.
3. IF ANY METALS EXIST ON SITE, NONE SHALL BE DISTURBED WITHOUT
4. COMP. OF ENGINEERS APPROVAL
5. NO ARCHITECTURAL LANDMARKS HAVE BEEN FOUND TO BE LOCATED
6. NO ARCHAEOLOGICAL LANDMARKS HAVE BEEN FOUND TO BE LOCATED
7. ALL PROPOSED DEVELOPMENT TO BE SUBMITTED IN ACCORDANCE WITH
8. COBB COUNTY STANDARD SPECIFICATIONS AND REQUIREMENTS.



LOT	AREA	AREA	PERCENT
1	10,000	10,000	100.00
2	10,000	10,000	100.00
3	10,000	10,000	100.00
4	10,000	10,000	100.00
5	10,000	10,000	100.00
6	10,000	10,000	100.00
7	10,000	10,000	100.00
8	10,000	10,000	100.00
9	10,000	10,000	100.00
10	10,000	10,000	100.00
11	10,000	10,000	100.00
12	10,000	10,000	100.00
13	10,000	10,000	100.00
14	10,000	10,000	100.00
15	10,000	10,000	100.00
16	10,000	10,000	100.00
17	10,000	10,000	100.00
18	10,000	10,000	100.00
19	10,000	10,000	100.00
20	10,000	10,000	100.00
21	10,000	10,000	100.00
22	10,000	10,000	100.00
23	10,000	10,000	100.00
24	10,000	10,000	100.00
25	10,000	10,000	100.00
TOTAL	250,000	250,000	100.00

DATE	BY	REVISION DESCRIPTION
2-25-14	CCF	ZONING
11/02/02	CCF	1 of 1

APPLICANT: Tanglewood Development, Inc.
(770) 321-5032

REPRESENTATIVE: J. Kevin Moore (770) 429-1499
Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Tanglewood Development, Inc.

PROPERTY LOCATION: Northeast side of Jamerson Road,
southeast of Hawk Trail

ACCESS TO PROPERTY: Jamerson Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-26

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: R-20/OSC

PROPOSED ZONING: R-15

PROPOSED USE: Single-family Residential
Subdivision

SIZE OF TRACT: 12.58 acres

DISTRICT: 16

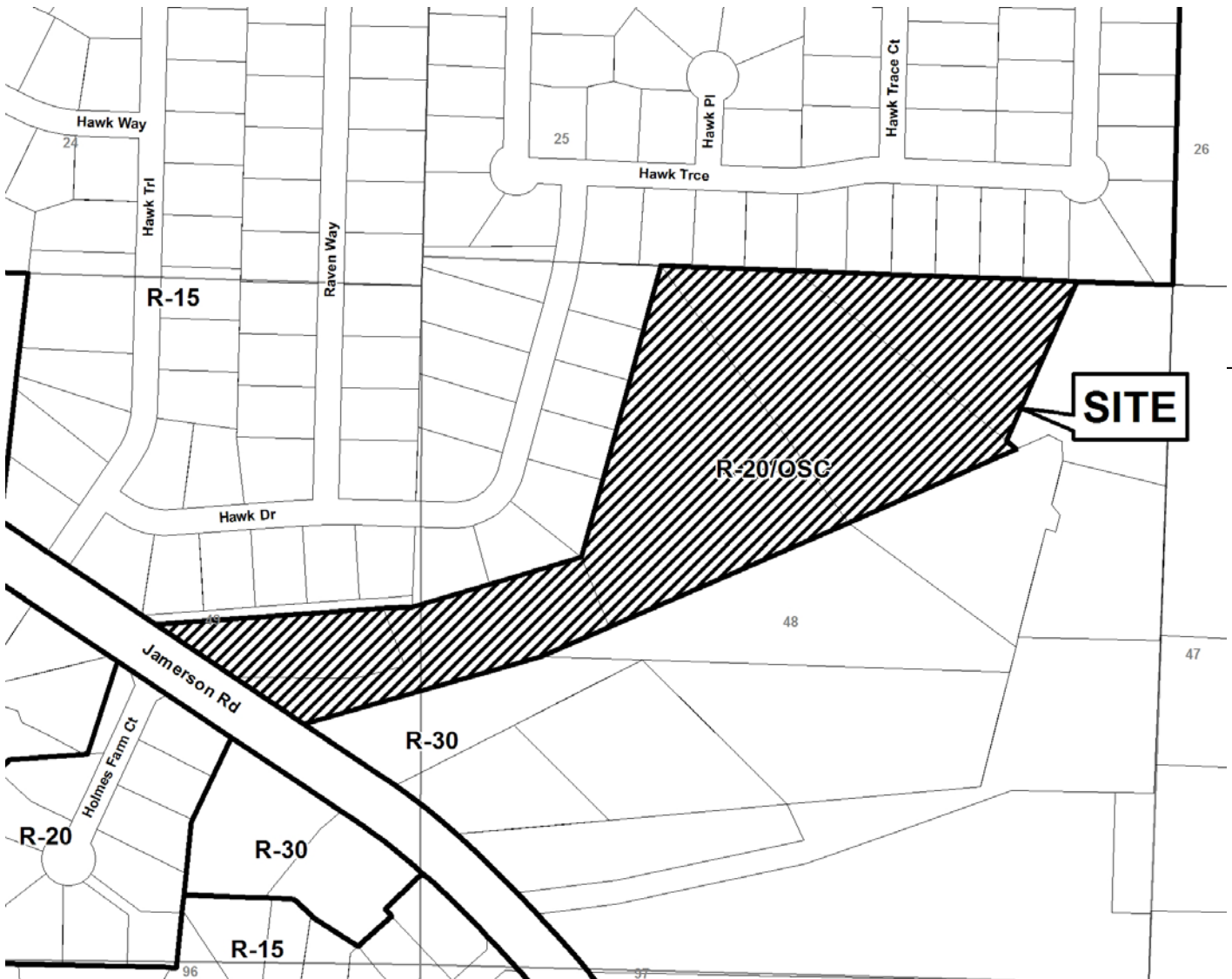
LAND LOT(S): 48,49

PARCEL(S): 22

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT



COBB COUNTY GEORGIA
FILED IN OFFICE

2014 MAR -6 PM 3:58

COBB COUNTY ZONING DIVISION



Application #: Z- 26 (2014)

PC Hearing Date: 05/06/2014

BOC Hearing Date: 05/20/2014

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): minimum of 2000 square feet
- b) Proposed building architecture: Traditional: combination of brick, stone, cedar-shake, hardi-plank
- c) Proposed selling prices(s): \$500,000.00 and up.
- d) List all requested variances: N/A

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

- a) Proposed use(s): Not Applicable
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

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

None known at this time

.....
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). No, to the best of our knowledge, information, and belief.

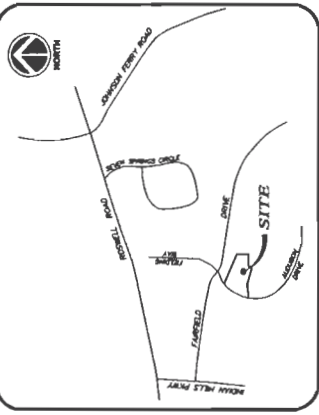
.....
Part 5. Is this application a result of a Code Enforcement action? No X; Yes ____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

TANGLEWOOD DEVELOPMENT, INC.

Applicant signature: BY: David Pearson Date: 3/4/14

Applicant name (printed): David Pearson, President

Z-27
(2014)



VICINITY MAP

THIS PROPERTY IS NOT LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO COBB COUNTY F.I.R.M. PANEL 0131G, COMMUNITY #130052, DATED: DEC. 16, 2008

CURRENT OWNER:
TENNIS ACADEMY OF GEORGIA, INC.
DB: 14107; PC: 3608

PROPERTY ADDRESS:
900 AUDUBON DRIVE
MARIETTA, GEORGIA 30068

TRAVERSE CLOSURE - 1:150,836
ANGULAR ERROR - 0.5 SEC'S/STA
ADJUSTMENT - COMPASS RULE
EQUIPMENT - TOPCON 303 TOTAL STATION
PLAT CLOSURE - 1:610,009



COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 4:11
COBB COUNTY ZONING DIVISION
R=338.90'
L=113.04'
CH=112.52'
BRG=N53°25'05"E

AUDUBON DRIVE
(Right-of-Way Variet)

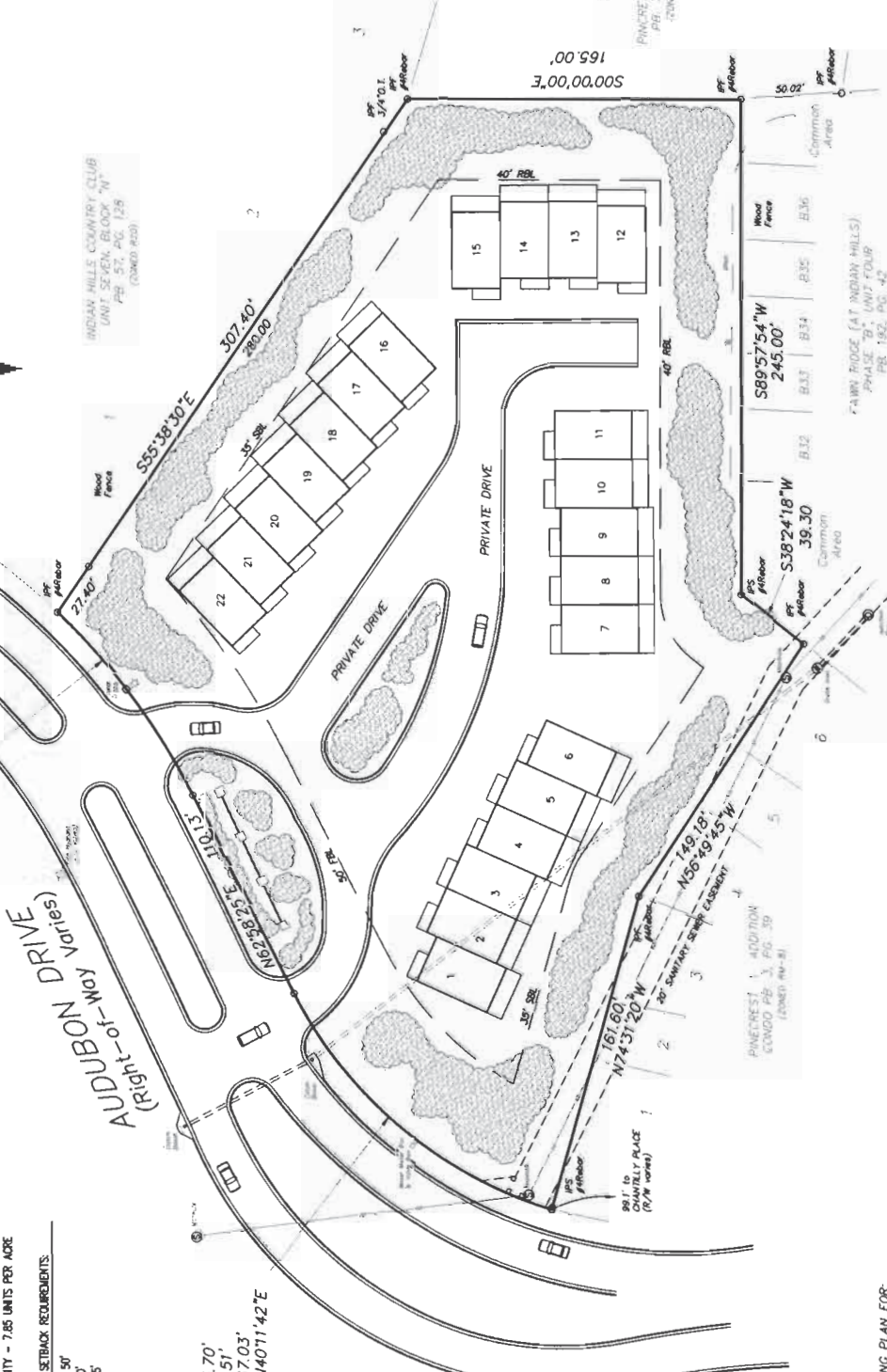
APPLICANT/DEVELOPER/OWNER
BROOKS CHADWICK, L.L.C.
255 VILLAGE PARKWAY, SUITE 230
MARIETTA, GEORGIA 30067

24 HOUR CONTACT:
TODD THRASHER
404-281-4554

SITE NOTES:
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
CURRENT ZONING - R1
PROPOSED ZONING - R1-8
TOTAL AREA - 2.662 ACRES
TOTAL LOTS - 22
LOT DENSITY - 7.85 UNITS PER ACRE

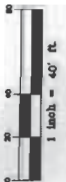
BUILDING SETBACK REQUIREMENTS:
FRONT - 50'
REAR - 40'
SIDE - 35'

R=215.70'
L=171.51'
CH=167.03'
BRG=N40°11'42"E



ZONING PLAN EOR:

BROOKS CHADWICK, LLC
PROPERTY IS LOCATED IN LAND LOT 976
IN THE 16TH DISTRICT 2ND SECTION
COBB COUNTY, GEORGIA
SCALE: 1" = 40' DATE OF PLAT: FEBRUARY 25, 2014



THIS DRAWING AND ANY COPIES THEREOF ARE THE PROPERTY OF CENTERLINE SURVEYING SYSTEMS, INC. NO PART OF THIS DRAWING IS TO BE REPRODUCED OR COPIED IN WHOLE OR IN PART OR OTHERWISE USED WITHOUT PERMISSION FROM CENTERLINE SURVEYING SYSTEMS, INC. NO WARRANTY, EXPRESSED OR IMPLIED, IS EXTENDED TO ANY UNNAMED THIRD PARTY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYING IN THE STATE OF GEORGIA. DATE OF FIELD WORK: FEBRUARY 14, 2014



Centerline Surveying Systems, Inc.
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144
PHONE: (770) 424-0028 FAX: (770) 424-2399

No.	REVISIONS	Date

PROJECT No. 1140162

Sheet No. 1 of 1

APPLICANT: Brooks Chadwick, LLC
(404) 281-4554

REPRESENTATIVE: John H. Moore (770) 429-1499
Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Tennis Academy of Georgia, Inc.

PROPERTY LOCATION: Southeast side of Audubon Drive,
south of Fairfield Drive.

ACCESS TO PROPERTY: Audubon Drive

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-27

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: RR

PROPOSED ZONING: RM-8

PROPOSED USE: Single-Family Attached
Residential Units

SIZE OF TRACT: 2.802 acres

DISTRICT: 16

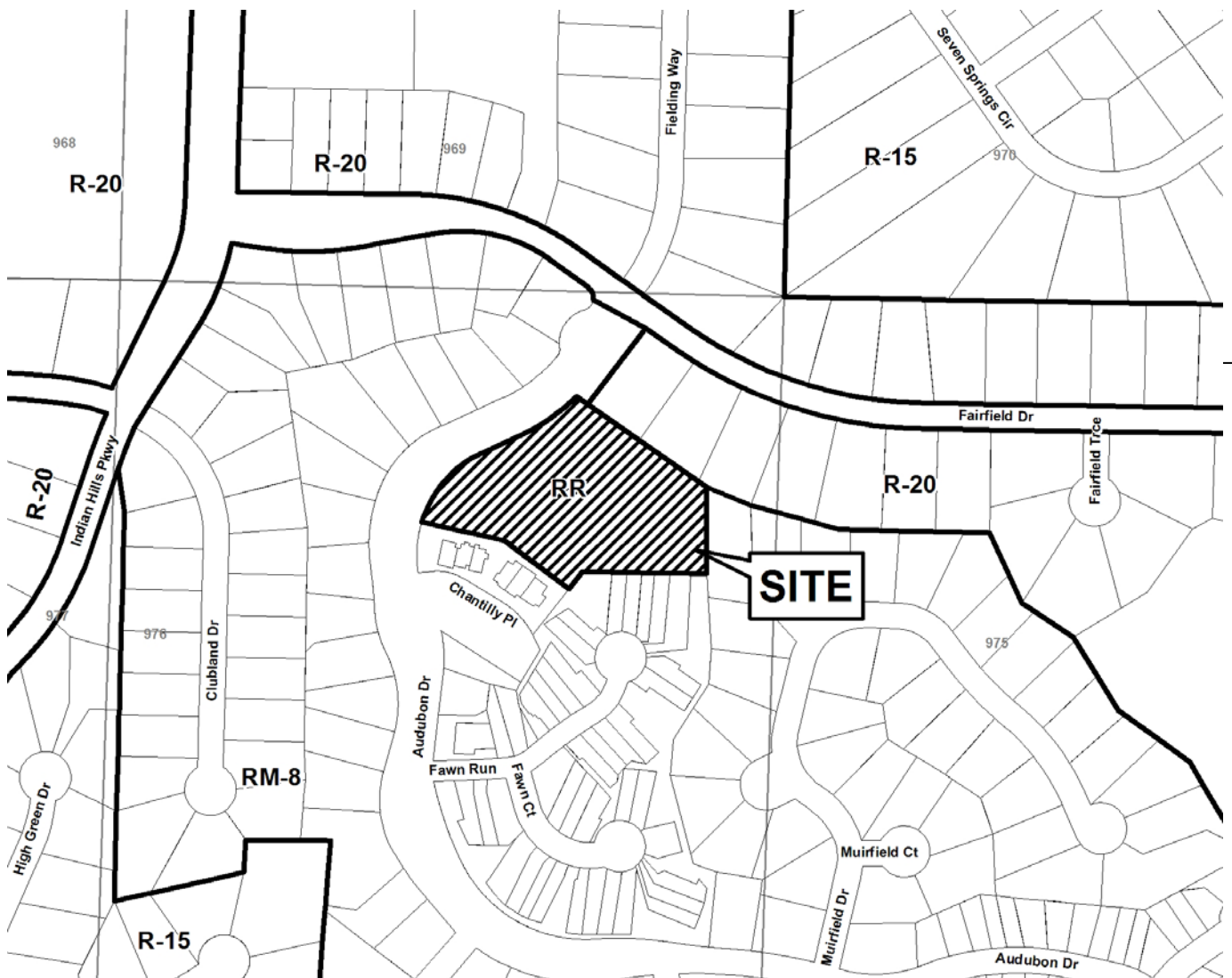
LAND LOT(S): 976

PARCEL(S): 7

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT





Application #: Z-27 (2014)

PC Hearing Date: 05/06/2014

BOC Hearing Date 05/20/2014

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 4: 10
COBB COUNTY ZONING DIVISION

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 2,000 - 3,500 square feet
- b) Proposed building architecture: Mixture of brick, hardi-plank, stone, shake, etc.
- c) Proposed selling prices(s): \$300's - \$400's
- d) List all requested variances: Waiver of required 30 feet between structures to 20 feet.

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

- a) Proposed use(s): Not Applicable
- b) Proposed building architecture: Not Applicable
- c) Proposed hours/days of operation: Not Applicable
- d) List all requested variances: Not Applicable

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

.....
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). No.

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

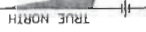
MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature: BY: [Signature] Date: March 6, 2014

Applicant name (printed): John H. Moore; Georgia Bar No. 519800
Attorneys for Applicant and Property Owner

*Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any other part of the Application for Rezoning, at any time during the rezoning process. Revised August 21, 2013

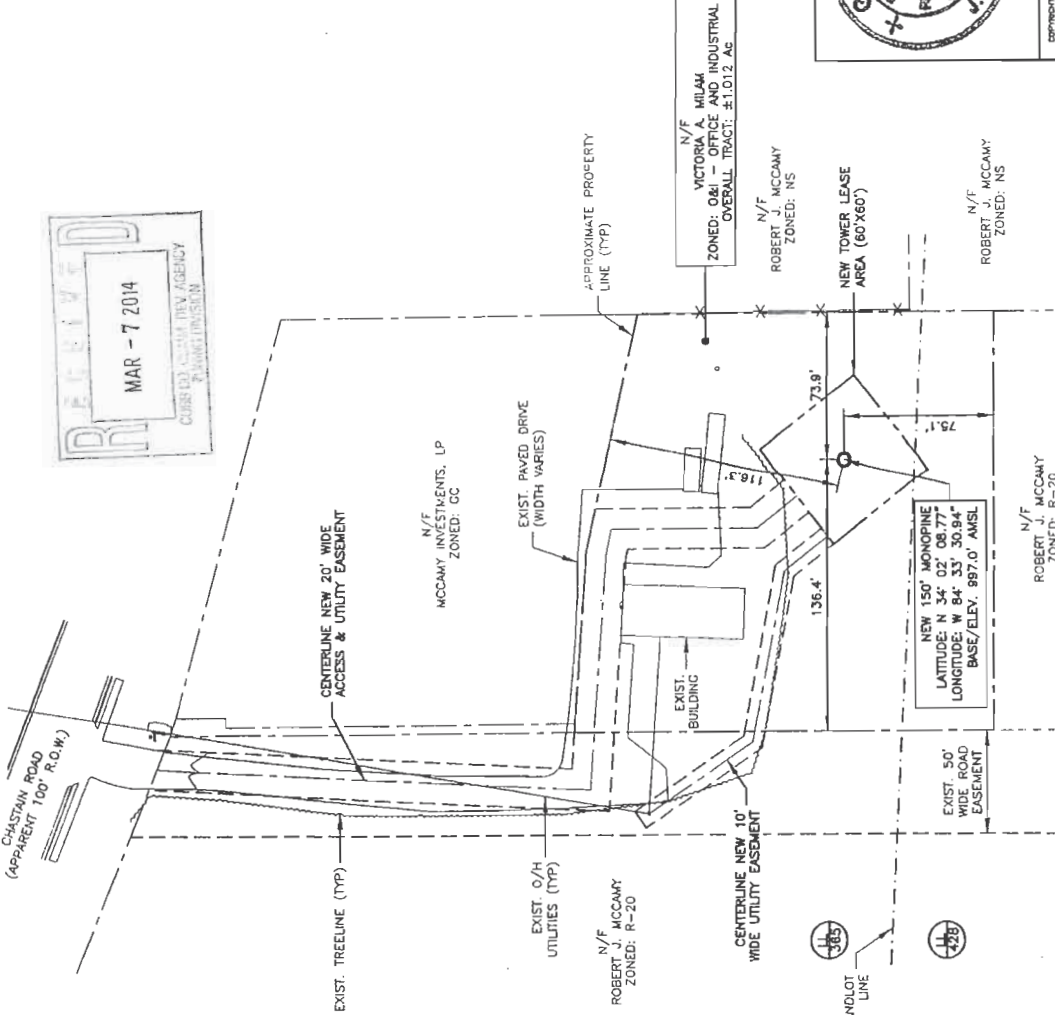
Z-28
(2014)



APPROVED BY: J.L. WALKER, INC. ALL RIGHTS RESERVED. THESE DOCUMENTS AND ANY PART THEREOF MAY BE USED OR REPRODUCED WITHOUT WRITTEN PERMISSION OF THE COPYRIGHT OWNER.

SITE NO. G02368
DATE: 11/29/13
FILE NO. 1310-0487

C3



IN CHARGE OF:	JLW
DESIGNED BY:	MSB
DRAWN BY:	MSB
CHECKED BY:	STH

BIG SHANTY
287 CHASTAIN ROAD
KENNESAW, GA 30144
OVERALL SITE PLAN

NO.	DATE	REVISIONS
3	02/27/14	REVISED TOWER TYPE
2	12/29/13	REVISED TOWER HEIGHT
1	12/18/13	REVISED ADJACENT PROP. ZONING
0	11/28/13	ISSUED FOR CONSTRUCTION

WALKER ENGINEERING INCORPORATED
8451 CUMWOOD PLACE
KENNESAW, GA 30144
PHONE: 770-841-7308
FAX: 770-587-2186

- GENERAL NOTES:**
- ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH COBB COUNTY, GEORGIA SPECIFICATIONS.
 - CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION AND MAINTENANCE OF EROSION AND SEDIMENT CONTROLS DURING ALL PHASES OF CONSTRUCTION FOR PROTECTION OF ADJACENT PROPERTIES, ROADWAYS AND WATERWAYS.
 - CONTRACTOR IS RESPONSIBLE FOR PROVIDING A BUILDING SITE FREE OF DRAINAGE PROBLEMS.
 - CONTRACTOR SHALL NOTIFY ALL UTILITIES AT LEAST 24 HOURS PRIOR TO START OF CONSTRUCTION TO VERIFY LOCATION OF ALL UTILITIES SHOWN OR NOT SHOWN.
 - ALL UTILITIES WITHIN ROADWAY SHALL BE BACKFILLED WITH STONE.
 - CONTRACTOR SHALL REPAIR AT HIS EXPENSE DAMAGE TO ANY EXISTING IMPROVEMENTS DURING CONSTRUCTION SUCH AS, BUT NOT LIMITED TO, DRAINAGE UTILITIES, PAVEMENT STRIPING, CURBS, ETC. REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL UNUSABLE MATERIALS FROM SITE.
 - SEED, MULCH, FERTILIZER AND WATER SHALL BE APPLIED TO ALL DISTURBED AREAS UNTIL A HEALTHY STAND OF GRASS IS ACHIEVED.
 - CONTRACTOR SHALL COORDINATE WITH POWER COMPANY PROVIDING TEMPORARY SERVICE FOR CONSTRUCTION FACILITIES DURING CONSTRUCTIONS.
 - THE CONTRACTOR IS SPECIFICALLY CAUTIONED ABOUT THE LOCATION AND/OR ELEVATIONS OF EXISTING UTILITIES SHOWN ON THIS DRAWING. CHECK ALL UTILITIES FOR DEPTHS, PLANTS OF RECORD AND WHERE POSSIBLE ACTUAL FIELD MEASUREMENTS. THIS INFORMATION IS NOT TO BE TAKEN AS EXACT OR COMPLETE.
 - IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY THE EXACT LOCATIONS OF EXISTING UTILITIES WHICH MAY CONFLICT WITH PROPOSED IMPROVEMENTS.
 - THIS PROJECT WILL NOT REQUIRE WATER OR SEWER SERVICE. PROPERTY IS ON THE PUBLIC SEWER SYSTEM.
 - CONTRACTOR SHALL REMOVE ANY DIRT OR MUD FROM TIRES OF ANY CONSTRUCTION VEHICLES PRIOR TO LEAVING SITE.
 - REFER TO BUILDING/TOWER PLANS FOR PROPOSED DIMENSIONS AND OTHER SPECIFICS WHICH ARE NOT SHOWN.
 - CONTRACTOR IS RESPONSIBLE FOR MAINTAINING A PROPER TRAFFIC CONTROL PLAN FOR PUBLIC SAFETY ADJACENT TO CONSTRUCTION SITE. THE TRAFFIC CONTROL PLAN MUST BE IN ACCORDANCE WITH LATEST MUTCD EDITION.
 - BMPs MUST BE IN PLACE PRIOR TO CLEARING. REGARDLESS OF PLAN REQUIREMENT OR LOT SIZE NO GRADING MAY BE DONE UNTIL BMP REQUIREMENT IS MET. CONTRACTOR SHALL CONDUCT VISUAL INSPECTION SERVICES FOR INSPECTION OF BMPs PRIOR TO BEGINNING GRADING ACTIVITY.
 - ALL EASEMENTS TO BE GRASSED AND/OR RIP-RAPPED AS REQUIRED TO CONTROL EROSION.
 - DEVELOPERS AND/OR CONTRACTORS ARE RESPONSIBLE TO REMOVE OR CLEAN OUT ANY SILT, DIRT, MUD OR ANY OTHER TYPE OF DEBRIS THAT MAY ACCUMULATE ON THE SITE. CONTRACTOR SHALL BE RESPONSIBLE TO PRIVATE PROPERTY SITES AND COUNTY/STATE/LOCAL AGENCIES ONTO PROPERTY TO INCLUDE RIGHTS-OF-WAY.
 - THE CONTRACTOR WILL ADHERE TO THE WEIGHT LIMITS PRESCRIBED ON COUNTY MAINTAINED ROADS FOR HAULING EQUIPMENT AND/OR MATERIALS TO AND FROM THE SITE. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DAMAGES TO THE STREETS AND/OR UTILITIES DUE TO NON-COMPLIANCE OF WEIGHT LIMIT REGULATIONS.

PREPARED BY: WALKER ENGINEERING INCORPORATED
Municipal Communications LLC

APPLICANT: Municipal Communications, LLC
(404) 995-1890

REPRESENTATIVE: James M. Ney (770) 661-1202
Holt Ney Zatcoff & Wasserman

TITLEHOLDER: Victoria A. Milam

PROPERTY LOCATION: South side of Chastain Road, east of I-575
(287 Chastain Road)

ACCESS TO PROPERTY: Chastain Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: Z-28

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: O&I
with Stipulations

PROPOSED ZONING: O&I s
with Stipulations

PROPOSED USE: Telecommunications
Tower and Related Equipment

SIZE OF TRACT: 0.96 acre

DISTRICT: 16

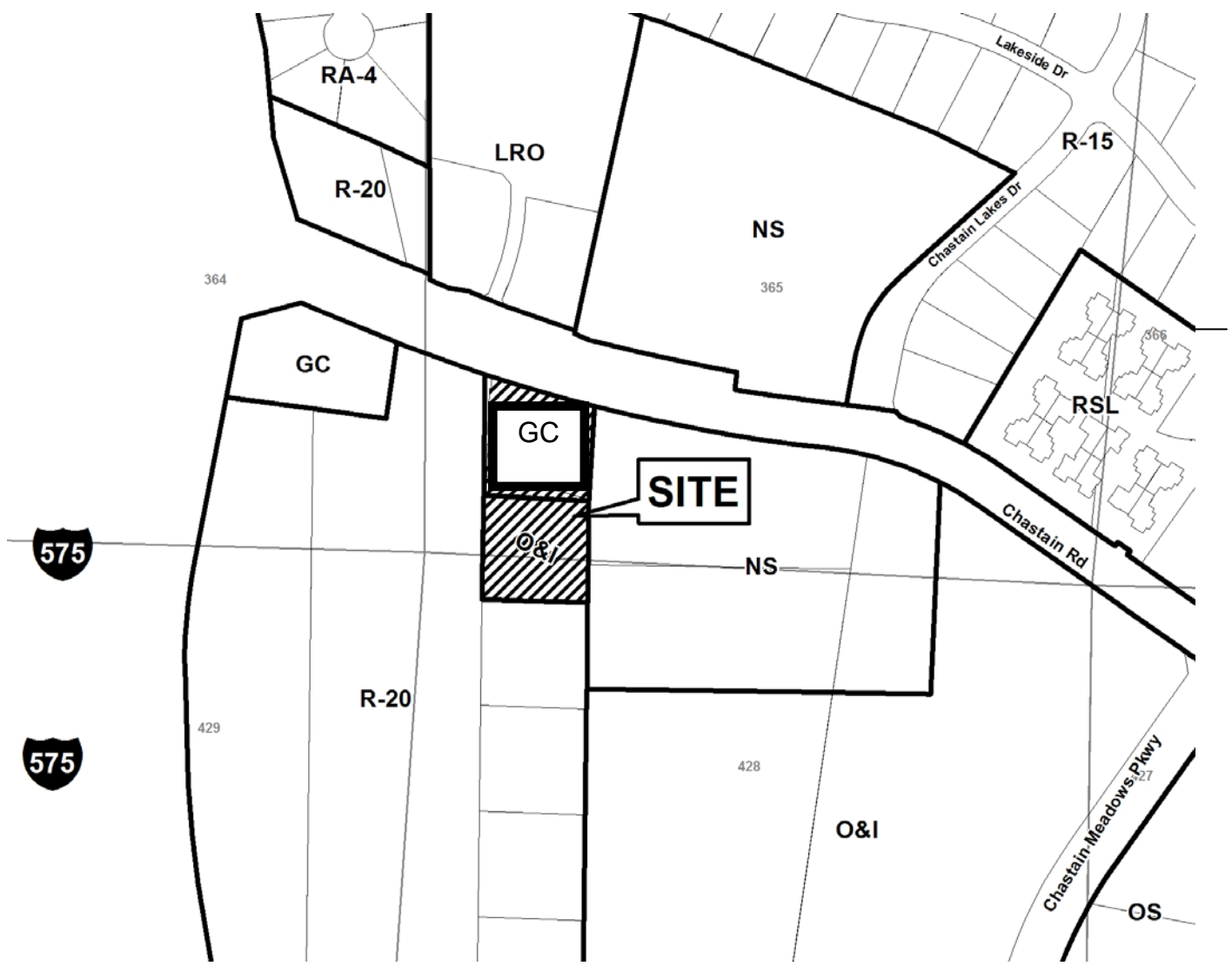
LAND LOT(S): 365, 428

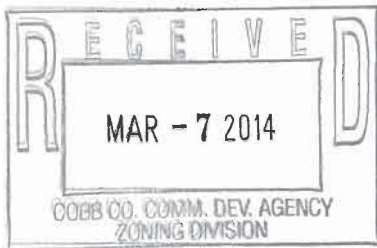
PARCEL(S): 48

TAXES: PAID DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT





Application #: Z-28
PC Hearing Date: 5-6-14
BOC Hearing Date: 5-20-14

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): _____ N/A
- 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): A Pest Control office (existing) and wireless communications facility (proposed - per separate SLUP)
- b) Proposed building architecture: N/A
- c) Proposed hours/days of operation: N/A
- d) List all requested variances: N/A

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

see attached Summary of Intent

.....
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

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: *Peter E. Corry* Date: 3/6/14

Applicant name (printed): Peter E. Corry

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

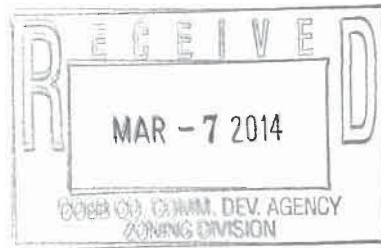
Ellen W. Smith

e-mail esmith@hnzw.com

March 6, 2014

BY HAND DELIVERY

Zoning Division
Community Development Agency
Cobb County, Georgia
1150 Powder Springs Street
Suite 400
Marietta, Georgia 30064



SUMMARY OF INTENT

Re: Application for Rezoning, Cobb County, Georgia (“*Application*”) by Municipal Communications, LLC with respect to that certain approximately 1.012-acre property commonly known as 287 Chastain Road, Kennesaw, Georgia (collectively, the “*Property*”)

Ladies and Gentlemen:

This law firm has the pleasure of representing Municipal Communications, Inc., the Applicant with respect to the referenced Application. Applicant respectfully submits for consideration the Application, seeking to modify a restrictive condition currently applicable to the Property to allow the Applicant to proceed with its application for special land use permit for the construction, operation and maintenance of a wireless communications tower and related antennas and equipment (collectively, the “*Facility*”) on an approximately 3,600 square foot portion (the “*Site*”) of the Property.

Background - The Property and the Site

The Property, owned by Victoria Milam (“*Owner*”), is approximately 0.96-acre tract zoned O&I, with access to Chastain Road by virtue of a 50-foot easement dating back to 1973. The Property is improved with an existing building and storage operated by Any Pest Control. The Property is abutted by property zoned GC to the north, NS to the east, and R-20 to the south and west (although the abutting residentially zoned properties are unimproved). In fact all abutting land is forest and heavily wooded to form an almost complete visual screen to the height of the mature trees.

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
March 6, 2014
Page 2

Owner has leased the Site, together with utility and ingress/egress easements, to Applicant. The Site is located in the northeast corner of the Property, and it is a permitted use for the Site, upon (i) the rezoning of the Property to amend a restrictive condition, and (ii) issuance of the requested SLUP.

Proposed Rezoning

The Property was zoned in early 1990 from R-20 to OI with stipulations. (1990 Z-34.) The first stipulation on the Property restricts the use of the Property to “professional office use only.” Applicant seeks to amend this stipulation to read: “office use with an ancillary wireless communications facility upon issuance of a special land use permit.”¹ If this rezoning is granted, Applicant still would need to obtain a SLUP by separate application (which it has filed concurrently with this Application) to allow the Facility.

¹ Applicant notifies Cobb County of its constitutional concerns with respect to its Application. If the Board denies the Application in whole or in part, then the Property does not have a reasonable economic use under Chapter 134 of the Official Code of Cobb County, Georgia, as amended from time to time (the “**Zoning Ordinance**”). Moreover, the Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government’s police power. *See Guhl vs. Holcomb Bridge Road*, 238 Ga. 322 (1977). If the Cobb County Board of Commissioners (the “**Board**”) denies the Application in whole or in part, such an action will deprive Owner and Applicant of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board rezones the Property to some classification other than the OI zoning district without Applicant’s consent, or if the Board limits its approval by attaching conditions to such approval affecting the Property or the use thereof without Owner’s consent, then such approval would deprive Owner and Applicant of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (*see Ga. Const. 1983, Art. 1, § 3, para. 1(a)*), and the just compensation clause of the Fifth Amendment to the United States Constitution (*see U.S. Const. Amend. 5*). To the extent that the Zoning Ordinance allows such an action by the Board, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Owner and Applicant and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Finally, a failure to grant the Application or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and would constitute an unconstitutional violation of Applicant’s rights to substantive and procedural due process as guaranteed by the Georgia Constitution (*see Ga. Const. 1983, Art. 1, § 1, para. 1*) and the Fifth and Fourteenth Amendments of the United States Constitution (*see U.S. Const. Amend. 5 and 14*). Applicant further challenges the constitutionality and enforceability of the Zoning Ordinance, in whole and in relevant part, for lack of objective standards, guidelines or criteria limiting the Board’s discretion in considering or deciding applications for rezonings. Applicant remains optimistic that Cobb County’s consideration of the Application will be conducted in a constitutional manner.

Zoning Division
Community Development Agency
Cobb County, Georgia
March 6, 2014
Page 3

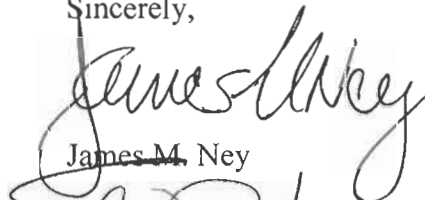
Application Requirements

Section 134-121 of the Zoning Ordinance sets forth the various requirements applicable to requests for rezonings, some of which are addressed above and the remainder of which are addressed in supporting documents. Specifically, in support of the Application, Applicant submits the following documents:

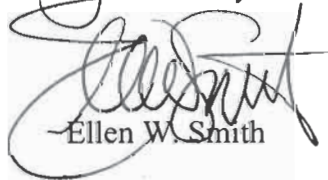
- (1) Original notarized signatures of Owner, Applicant and representative;
- (2) A copy of the deed to Owner;
- (3) Metes and bounds legal description of the Property, the Site and easements benefiting the Facility;
- (4) Copy of the paid tax receipts;
- (5) Copy of current boundary survey depicting all required items;
- (6) Site Plan reflecting proposed improvements;
- (7) Zoning Application Disclosure forms;
- (8) Documented Impact Analysis;
- (9) Application and Sign Fee (combined to be highest fee in connection with SLUP Application for the Facility);
- (10) and
- (11) This Summary of Intent.

The Application, this letter and accompanying documents support Applicant's request for rezoning, and Applicant respectfully requests that the Zoning Division recommend approval of the Application to the Board. Applicant is happy to answer questions or provide any additional information that the Zoning Division may have with regard to this Application.

Sincerely,



James M. Ney



Ellen W. Smith

EWS/ews

cc: Mr. Peter R. Corry
Mr. Murray Jones

LEGEND

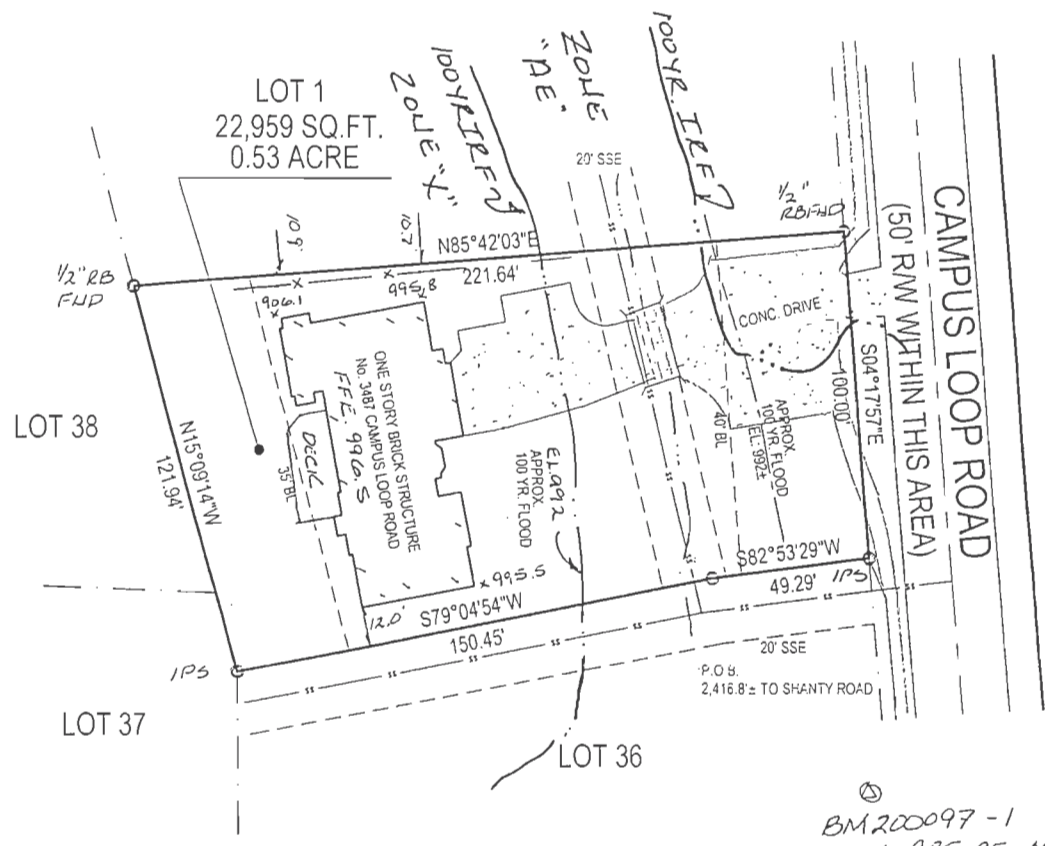
- x - x - FENCE
- 2" G GAS LINE
- 4" V WATER LINE
- USE UNDER GROUND POWER LINE
- DHE AERIAL POWER LINE
- UGT UNDER GROUND SOUTHERN BELL
- DHT AERIAL SOUTHERN BELL
- POWER POLE
- LIGHT POLE
- GUY WIRE
- WATER VALVE
- WATER METER
- GAS VALVE

- CURB INLET
- HEADWALL
- SINGLE WING CATCH BASIN
- DOUBLE WING CATCH BASIN
- STORM SEWER MANHOLE
- SANITARY SEWER MANHOLE
- GEORGIA POWER MANHOLE
- CORRUGATED METAL PIPE
- REINFORCED CONCRETE PIPE
- DUCTILE IRON PIPE
- POLYVINYL CHLORIDE

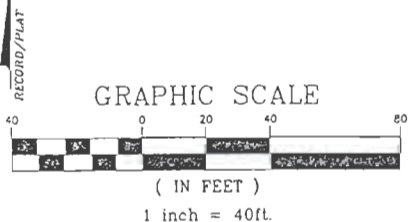
- IRON PIN FOUND/SET
- ⊙ COMPUTED POINT
- CTP CRIMP TOP PIPE
- OTP OPEN TOP PIPE
- RB REINFORCING BAR
- IPS IRON PIN SET - 1/2" RB
- IPF IRON PIN FOUND
- x(921.3) EXISTING SPOT ELEVATION
- x(921.3) PROPOSED SPOT ELEVATION
- ⊕ TEMPORARY BENCHMARK

LUP-15
(2014)

COBB COUNTY GEORGIA
 FILED IN OFFICE
 2014 MAR -6 PM 12:38
 COBB COUNTY ZONING DIVISION



⊕
 BM 200097 - 1
 ELEV. 985.95 MSL
 COBB DOT



IN MY OPINION, THIS PLAT IS A
 CORRECT REPRESENTATION OF
 THE LAND PLATTED AND HAS
 BEEN PREPARED IN CONFORMITY
 WITH THE MINIMUM STANDARDS
 AND REQUIREMENTS OF LAW.

[Signature]
 GA. R.L.S. NO. 2436

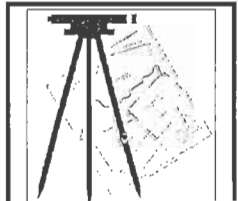


- SURVEYORS NOTES:
1. THE FIELD DATA FOR THIS SURVEY WAS OBTAINED WITH A LEICA 1200 ROBOTIC SMART STATION.
 2. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 73,654 FEET AND AN ANGULAR ERROR OF 1 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.
 3. THIS PLAT OR MAP HAS BEEN CALCULATED FOR CLOSURE AND HAVE A CLOSURE PRECISION RATIO OF 1' IN 1,549,693
 4. A PORTION OF THE PROPERTY DEPICTED HEREON DOES LIE WITHIN A FLOOD HAZARD AREA ACCORDING TO THE FLOOD INSURANCE RATE MAP PANEL 13067C0037 G DATED 12/16/2003
 5. UNDERGROUND UTILITIES AS SHOWN BY THIS SURVEY ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION.

AS-BUILT SURVEY FOR:
 The Most Reverend Wilton D. Gregory
 3487 CAMPUS LOOP ROAD

LAND LOT: 97 SECTION: 2 DISTRICT: 20
 COBB COUNTY, GEORGIA
 LOT: 1 BLOCK: A
 SUBDIVISION: UNIT: PHASE:
 REFERENCE: PB: 148 PG: 18
 DATE: JUNE 8, 2010 SCALE: 1"=40'
 JOB NO.: 10-06-230

\\Gsasbs\Dwg2010\Cobb\1006230\dwg\1006230.dwg 6/8/2010 4:02:24 PM EDT



GRANT SHEPHERD & ASSOCIATES
SURVEYING • PLANNING
 3751 VENTURE DR., SUITE 205
 GWINNETT PLACE BUSINESS PARK
 DULUTH, GA 30136
 OFFICE (770) 418-9823
 FAX (770) 418-9823
 EMAIL: gsasurveying@gsasurveying.com

APPLICANT: Most Reverend Wilton D. Gregory, S.L.D., as Archbishop of the Roman Catholic Archdiocese of Atlanta and/or His Successors in Office

REPRESENTATIVE: Randolph L. Hood
(404) 920-7867

TITLEHOLDER: Most Reverend Wilton D. Gregory, S.L.D., as Archbishop of the Roman Catholic Archdiocese of Atlanta and/or His Successors in Office

PROPERTY LOCATION: West side of Campus Loop Road, across from Paulding Avenue
(3487 Campus Loop Road).

ACCESS TO PROPERTY: Campus Loop Road

PHYSICAL CHARACTERISTICS TO SITE: _____

CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: LUP-15

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit

PROPOSED USE: Catholic Campus Ministry

SIZE OF TRACT: 0.53 acre

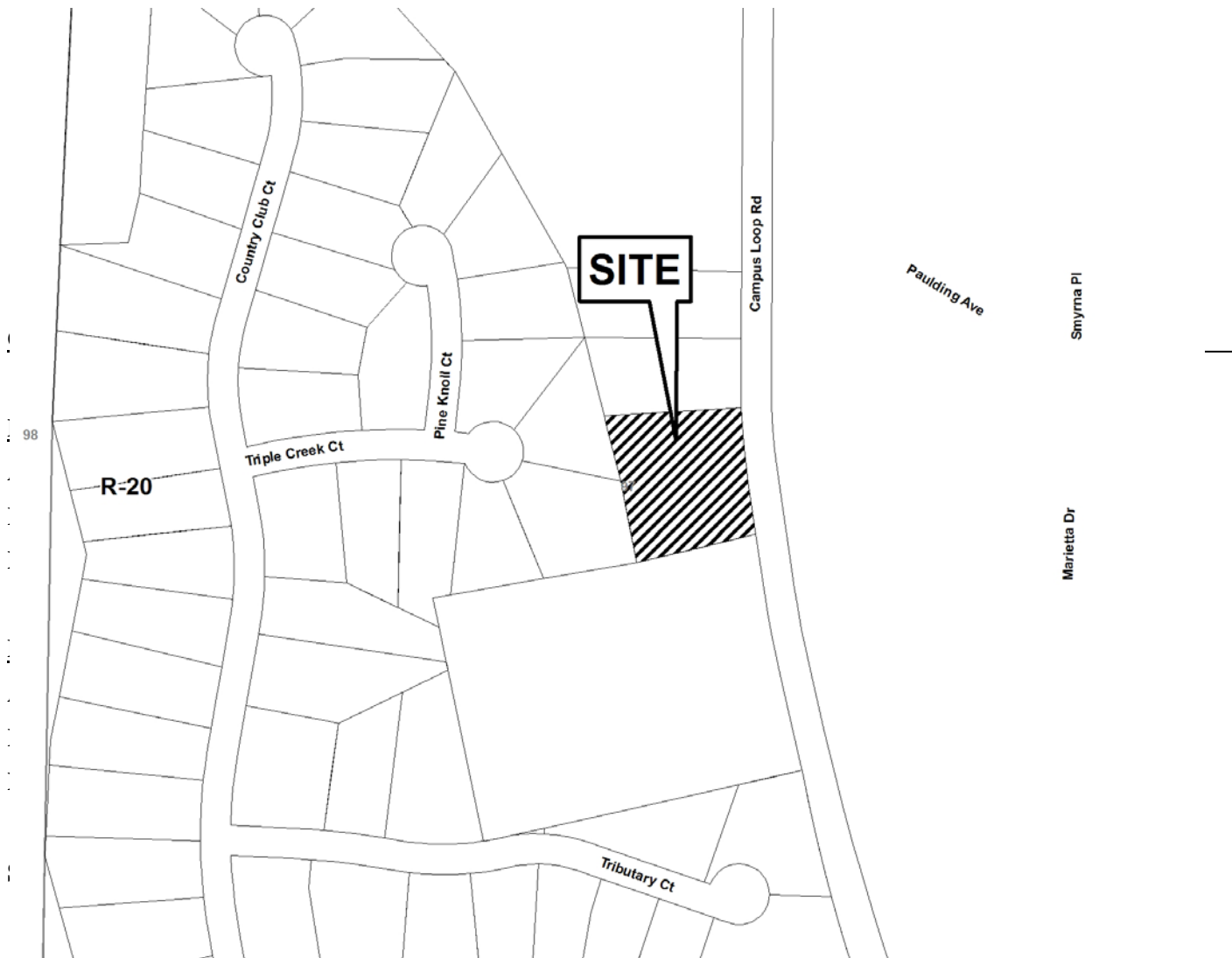
DISTRICT: 20

LAND LOT(S): 97

PARCEL(S): 38

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1





Application #: LUP-15

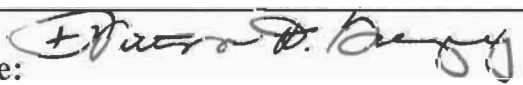
PC Hearing Date: 5-6-14

BOC Hearing Date: 5-20-14

TEMPORARY LAND USE PERMIT WORKSHEET (FOR BUSINESS USE OR FOR A USE NOT PERMITTED)

1. Type of business, or request? Catholic Campus Ministry
2. Number of employees? 2
3. Days of operation? 4
4. Hours of operation? 8:30 am. to 4:00 pm.
5. Number of clients, customers, or sales persons coming to the house per day? 10 ; Per week? 40 / 50
6. Where do clients, customers and/or employees park?
Driveway: ; Street: _____ ; Other (Explain): KSU parking deck
7. Signs? No: ; Yes: _____. (If yes, then how many, size, and location): _____
8. Number of vehicles related to this request? (Please also state type of vehicle, i.e. dump truck, bobcat, trailer, etc.): 10 automobiles
9. Deliveries? No ; Yes _____ (If yes, then how many per day or week, and is the delivery via semi-truck, USPS, Fedex, UPS, etc.)
10. Does the applicant live in the house? Yes _____ ; No
11. Any outdoor storage? No ; Yes _____ (If yes, please state what is kept outside): _____
12. Length of time requested (24 months maximum): 24 months
13. Is this application a result of a Code Enforcement action? No ; Yes ____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
14. Any additional information? (Please attach additional information if needed): _____

COBB COUNTY ZONING DIVISION
2014 MAR -6 PM 12:37
COBB COUNTY GEORGIA
FILED IN OFFICE

Applicant signature:  Date: 3-1-2014

Applicant name (printed): Most Reverend Wilton D. Gregory, S.L.D., as Archbishop of the Roman Catholic Archdiocese of Atlanta and/or His Successors in Office



Application #: LVP-15

PC Hearing Date: 5-16-14

BOC Hearing Date: 5-20-14

TEMPORARY LAND USE PERMIT WORKSHEET (FOR NUMBER OF ADULTS AND/OR VEHICLES)

1. Number of unrelated adults in the house? 2
2. Number of related adults in the house? 0
3. Number of vehicles parked on the driveway? 6
4. Number of vehicles parked in garage? 0
5. Number of vehicles parked on the street? 0
6. Does the property owner live in the house? Yes _____ ; No
7. Any outdoor storage? No ; Yes _____ (If yes, please state what is kept outside): _____
8. Length of time requested (24 months maximum): 24 months
9. Is this application a result of a Code Enforcement action? No ; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).
10. Any additional information? (Please attach additional information if needed):

Applicant signature: Wilton D. Gregory Date: 3-1-2014

Applicant name (printed): Most Reverend Wilton D. Gregory, S.L.D., as Archbishop of the Roman Catholic Archdiocese of Atlanta and/or His Successors in Office

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 12:37
COBB COUNTY ZONING DIVISION

ZONING STAFF USE ONLY BELOW THIS LINE

Zoning of property: _____

Size of house per Cobb County Tax Assessor records: _____

Number of related adults proposed: _____ Number permitted by code: _____

Number of unrelated adults proposed: _____ Number permitted by code: _____

Number of vehicles proposed: _____ Number permitted by code: _____

Number of vehicles proposed to be parked outside: _____ Number of vehicles permitted _____

SLUP-5
(2014)

PLANNERS AND ENGINEERS COLLABORATIVE
WE PROVIDE SOLUTIONS
SAMS, LARKIN & HUFF/C/O
ENOCH "KWAME" APPIAH
REZONING - COBB COUNTY PARCEL #180340110
5780 POWELL DRIVE

REVISIONS:

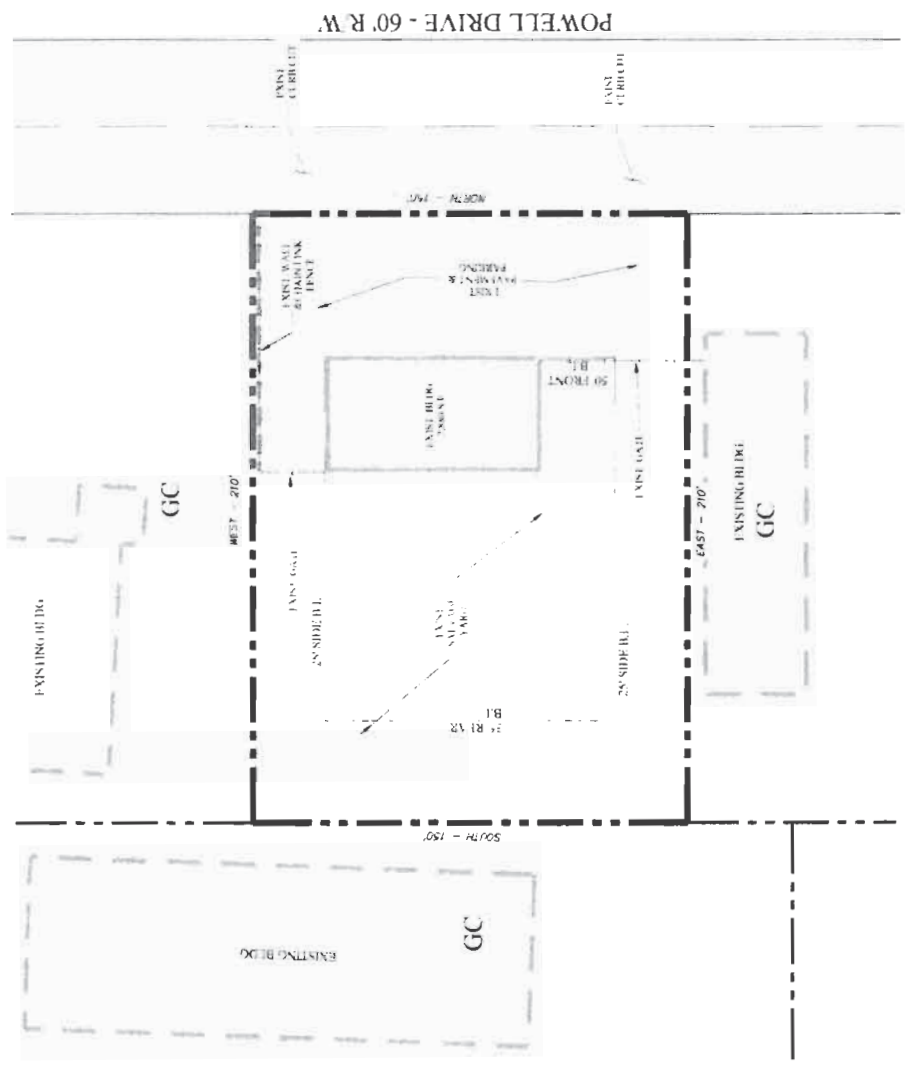
NO.	DATE	BY	DESCRIPTION

REZONING/SLUP PLAN
SCALE: 1" = 20'
DATE: DECEMBER 6, 2013
PROJECT: 13341 (R)
SOUTH ATLANTA PLANNING DEPARTMENT
CITY OF ATLANTA



SITE DATA:

TOTAL SITE AREA	0.72 ACRES (31,363 S.F.)
TOTAL BUILDING AREA	2,880 S.F.
ZONING	GC
EXISTING ZONING	GC
PROPOSED ZONING	GC
ZONING JURISDICTION	COBB COUNTY
DEVELOPMENT REGULATIONS	
FRONT SETBACK	30'
SIDE SETBACK	25'
REAR SETBACK	35'
REQUIRED PARKING	1/200 SF
PARKING SPACES PROVIDED	15
PARKING SPACES PROVIDED	15



COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 12:18
COBB COUNTY ZONING DIVISION

APPLICANT: Enoch Appiah
(404) 343-9044

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016
Sams, Larkin & Huff, LLP

TITLEHOLDER: Enoch Appiah

PROPERTY LOCATION: West side of Powell Drive, south of
Veterans Memorial Highway
(5780 Powell Drive).

ACCESS TO PROPERTY: Powell Drive

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: SLUP-5

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: GC

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Vehicle Storing,
Salvaging, and Towing

SIZE OF TRACT: 0.72 acre

DISTRICT: 18

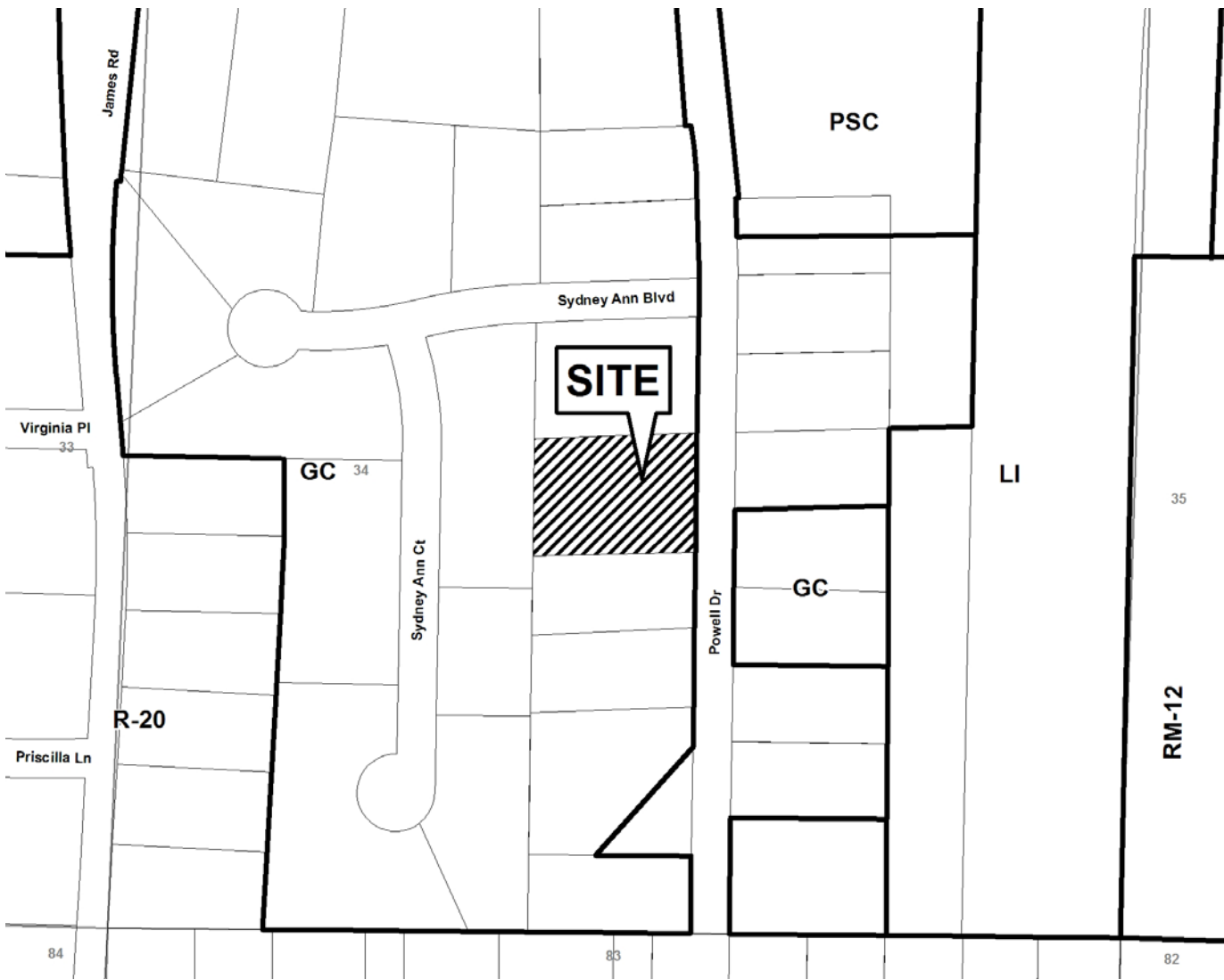
LAND LOT(S): 34

PARCEL(S): 11

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT



Application for Special Land Use Permit Cobb County, Georgia

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

Application No. SLUP - 5
PC Hearing Date: May 6, 2014
BOC Hearing Date: May 20, 2014

Applicant Enoch Appiah **Phone #** (404) 343-9044
(applicant's name printed)

Address 5780 Powell Drive, Mableton, GA 30126 **E-mail** enochbak@gmail.com

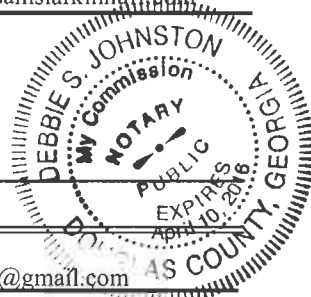
Garvis L. Sams, Jr. **Address** 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed) Sams, Larkin & Huff, LLP

[Signature] **Phone #** 770 422-7016 **E-mail** gsams@samslarkinbuff.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: _____



Titleholder Enoch Appiah **Phone #** (404) 343-9044 **E-mail** enochbak@gmail.com
(titleholder's name, printed)

Signature [Signature] **Address** 5780 Powell Drive, Mableton, GA 30126
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: April 10, 2016

Present Zoning General Commercial (GC) **Size of Tract** 0.72 **Acres(s)**

For the Purpose of Vehicular Repair, Storing and Salvaging Vehicles and Towing of Vehicles

Location 5780 Powell Drive, Mableton, GA 30126
(street address, if applicable; nearest intersection, etc.)

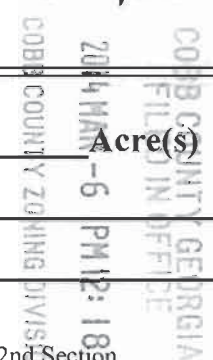
Land Lot(s) 34 **District(s)** 18th, 2nd Section

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

[Signature]
Garvis L. Sams, Jr. (applicant's signature)
Attorney for Applicant

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

[Signature]
Garvis L. Sams, Jr. (applicant's signature)
Attorney for Applicant



SLUP-6
(2014)

ROSWELL ROAD SELF STORAGE

REZONING SITE PLAN



PROJECT NO.	11111
DATE	11/11/11
SCALE	AS SHOWN
BY	J. H. HARRIS
CHECKED BY	J. H. HARRIS
APPROVED BY	J. H. HARRIS

COBB COUNTY GEORGIA
FILED IN OFFICE
MAR -6 PM 12:28
COBB COUNTY ZONING DIVISION



OWNER/DEVELOPER
Stein Investment Group
1000 Peachtree Street, N.E.
Atlanta, GA 30309
404-525-8888

Prepared by: J. H. Harris, P.E.
11/11/11

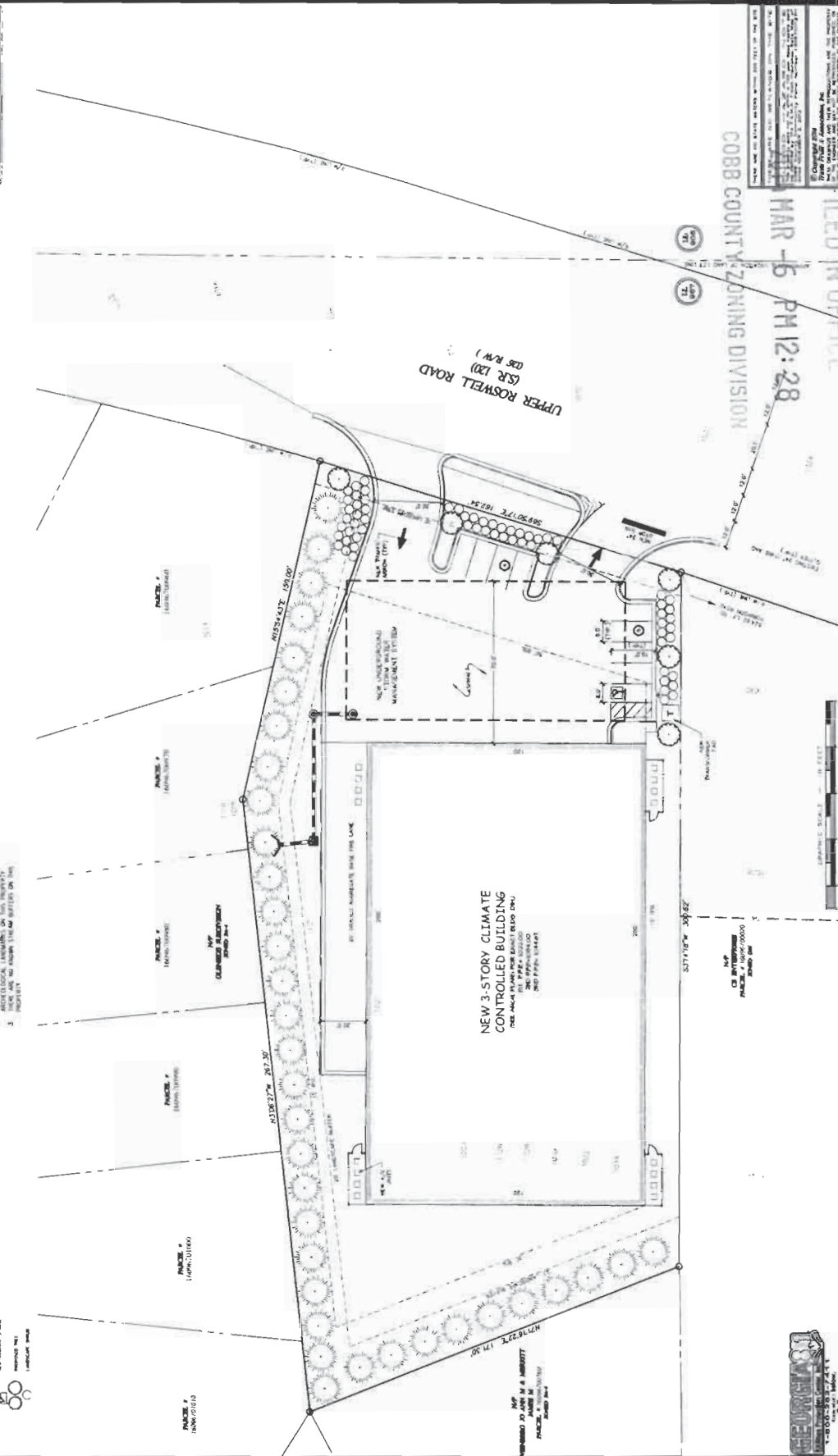
BUILDING SUMMARY:
3-STORY, CLIMATE CONTROLLED SELF STORAGE BUILDING
TOTAL FLOOR AREA: 24,000 SF
TOTAL VOLUME: 72,000 CU YD
TOTAL HEIGHT: 35.0 FT
TOTAL NUMBER OF UNITS: 1,200

PARKING SUMMARY:
TOTAL PARKING SPACES: 120
TOTAL PARKING AREA: 12,000 SF
TOTAL PARKING HEIGHT: 12 FT

NOTES:
1. THESE ARE THE PROPOSED CONDITIONS FOR THIS PROPERTY.
2. ALL UTILITIES SHALL BE LOCATED AS SHOWN ON THIS PLAN.
3. THERE ARE NO OTHER UTILITIES SHOWN ON THIS PROPERTY.

TAX PARCEL ID: 1000700140
SITE AREA: 1.17 ACRES
SITE ZONING: MP
FLOOD PLAIN ACREAGE: 0.00 ACRES
BUILDING SETBACK LINES:
FRONT: 10 FT
SIDE: 10 FT
REAR: 10 FT

LEGEND:
MP: Medium Density Residential
MP-C: Medium Density Residential - Corner
MP-F: Medium Density Residential - Front
MP-R: Medium Density Residential - Rear
MP-S: Medium Density Residential - Side
MP-T: Medium Density Residential - Through



COBB COUNTY ZONING DIVISION
MAR -6 PM 12:28
COBB COUNTY GEORGIA

APPLICANT: 3700 Roswell Road, LLC

(404) 510-0105

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016

Sams, Larkin, Huff & Balli, LLP

TITLEHOLDER: Barry J. Shemaria

PROPERTY LOCATION: South side of Roswell Road, west of
Robinson Road

(3700 Roswell Road)

ACCESS TO PROPERTY: Roswell Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: SLUP-6

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: LRO

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Climate Controlled
Self-Service Storage Facility

SIZE OF TRACT: 1.535 acres

DISTRICT: 16

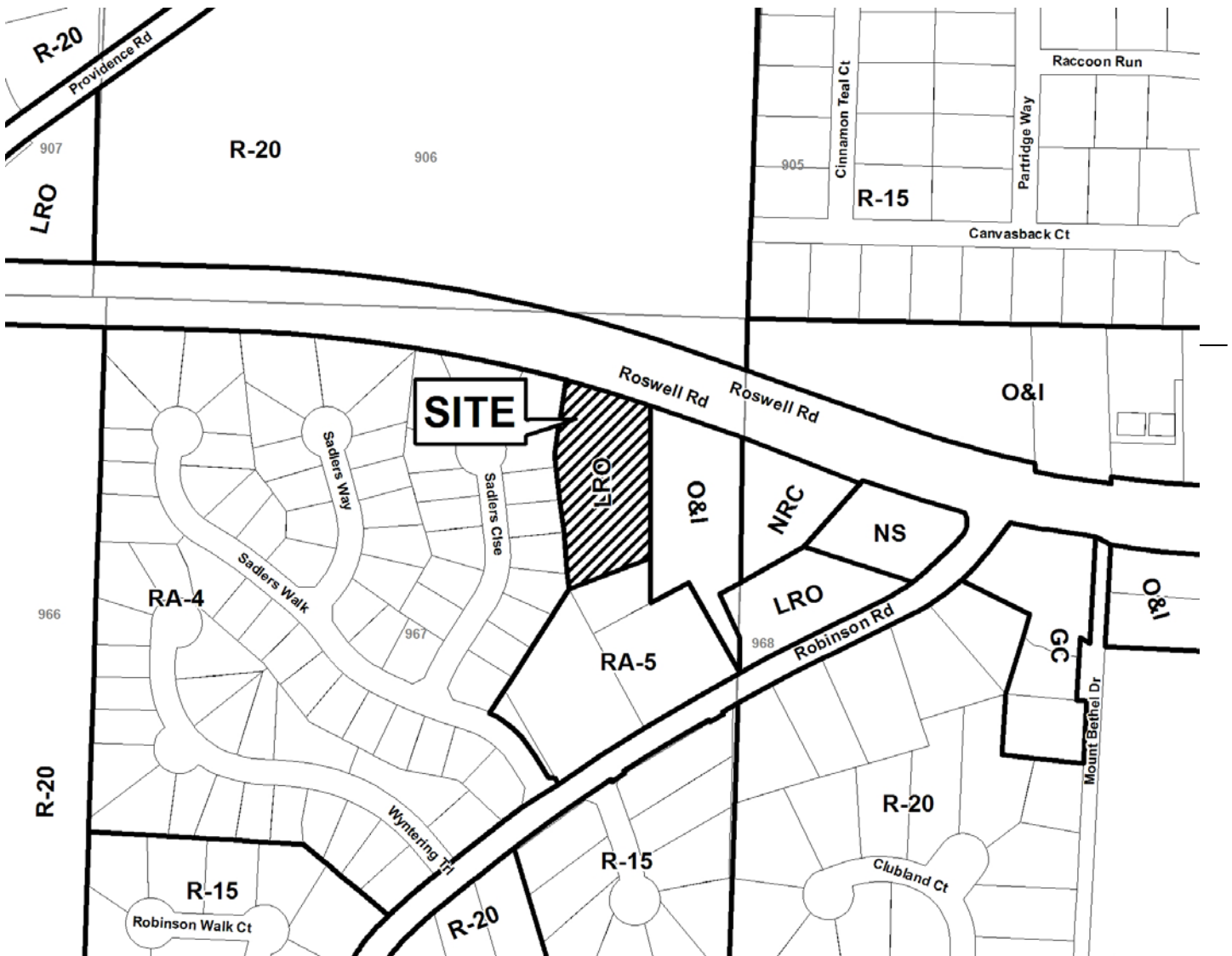
LAND LOT(S): 967

PARCEL(S): 14

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT



Application for Special Land Use Permit Cobb County, Georgia

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

Application No. SLUP- 6

PC Hearing Date: May 6, 2014

BOC Hearing Date: May 20, 2014

Applicant 3700 Roswell Road, LLC Phone # 404 510-0105
(applicant's name printed)

Address 5067 Glenridge Drive, N.E., Suite 200
Atlanta, GA 30342 E-mail jason@steininvest.com

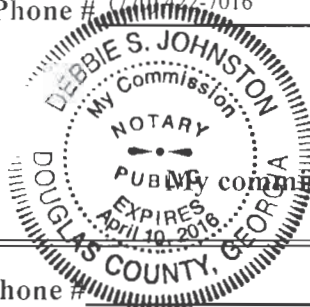
Sams, Larkin, Huff & Balli, LLP Address 376 Powder Springs Street, Suite 100
(representative's name, printed) Marietta, GA 30064

Phone # (770) 422-7016 E-mail gsams@slhb-law.com
(representative's signature)

Garvis L. Sams, Jr.

Signed, sealed and delivered in presence of:

Debbie S. Johnston My commission expires: April 10, 2016
Notary Public



Titleholder Barry J. Shemaria Phone # _____ E-mail _____
(titleholder's name, printed)

Signature _____ Address 3700 Roswell Road, Marietta, GA 30062
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

My commission expires: _____
Notary Public

Present Zoning LRO Size of Tract 1.535 Acre(s)

For the Purpose of Climate Controlled Self-Service Storage Facility

Location on the south side of Roswell Road, west of Robinson Road (3700 Roswell Road)
(street address, if applicable; nearest intersection, etc.)

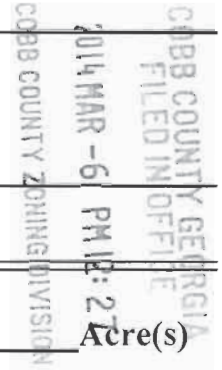
Land Lot(s) 967 District(s) 16th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

Garvis L. Sams, Jr. Attorney for Applicant (applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

Garvis L. Sams, Jr. Attorney for Applicant (applicant's signature)



Application for Special Land Use Permit Cobb County, Georgia

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

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 12:27
COBB COUNTY ZONING DIVISION

Application No. SLUP- 6

PC Hearing Date: May 6, 2014

BOC Hearing Date: May 20, 2014

Applicant 3700 Roswell Road, LLC Phone # 404 510-0105

(applicant's name printed)

5067 Glenridge Drive, N.E., Suite 200

Address Atlanta, GA 30342 E-mail jason@steininvest.com

Sams, Larkin, Huff & Balli, LLP

Address 376 Powder Springs Street, Suite 100

Marietta, GA 30064

(representative's name, printed)

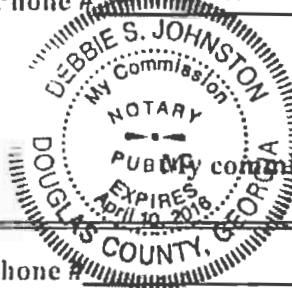
Phone # (770) 422-7016 E-mail gsams@slhb-law.com

(representative's signature)

Garvis L. Sams, Jr.

Signed, sealed and delivered in presence of:

Debbie S. Johnston
Notary Public



My Commission expires: April 10, 2016

Titleholder Barry J. Sheinaria Phone # _____ E-mail _____

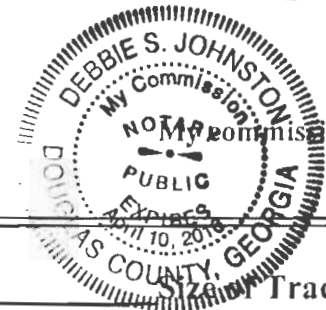
(titleholder's name, printed)

Signature [Signature] Address 3700 Roswell Road, Marietta, GA 30062

(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

Debbie S. Johnston
Notary Public



My Commission expires: April 10, 2016

Present Zoning LRO Tract 1.535 Acre(s)

For the Purpose of Climate Controlled Self-Service Storage Facility

Location on the south side of Roswell Road, west of Robinson Road (3700 Roswell Road)

(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 967 District(s) 16th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

[Signature]
Garvis L. Sams, Jr. Attorney for Applicant (applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

[Signature]
Garvis L. Sams, Jr., Attorney for Applicant (applicant's signature)

APPLICANT: Cumberland Christian Academy, Inc.
(770) 819-6443

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016
Sams, Larkin, Huff & Balli, LLP

TITLEHOLDER: Sun Valley (Holloman Road) Partners, LLC

PROPERTY LOCATION: West side of Holloman, south of
Hiram Lithia Springs Road.

ACCESS TO PROPERTY: Holloman Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: SLUP-7

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: GC, R-30, R-15

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Private School and its
Corporate Offices

SIZE OF TRACT: 33.781 acres

DISTRICT: 19

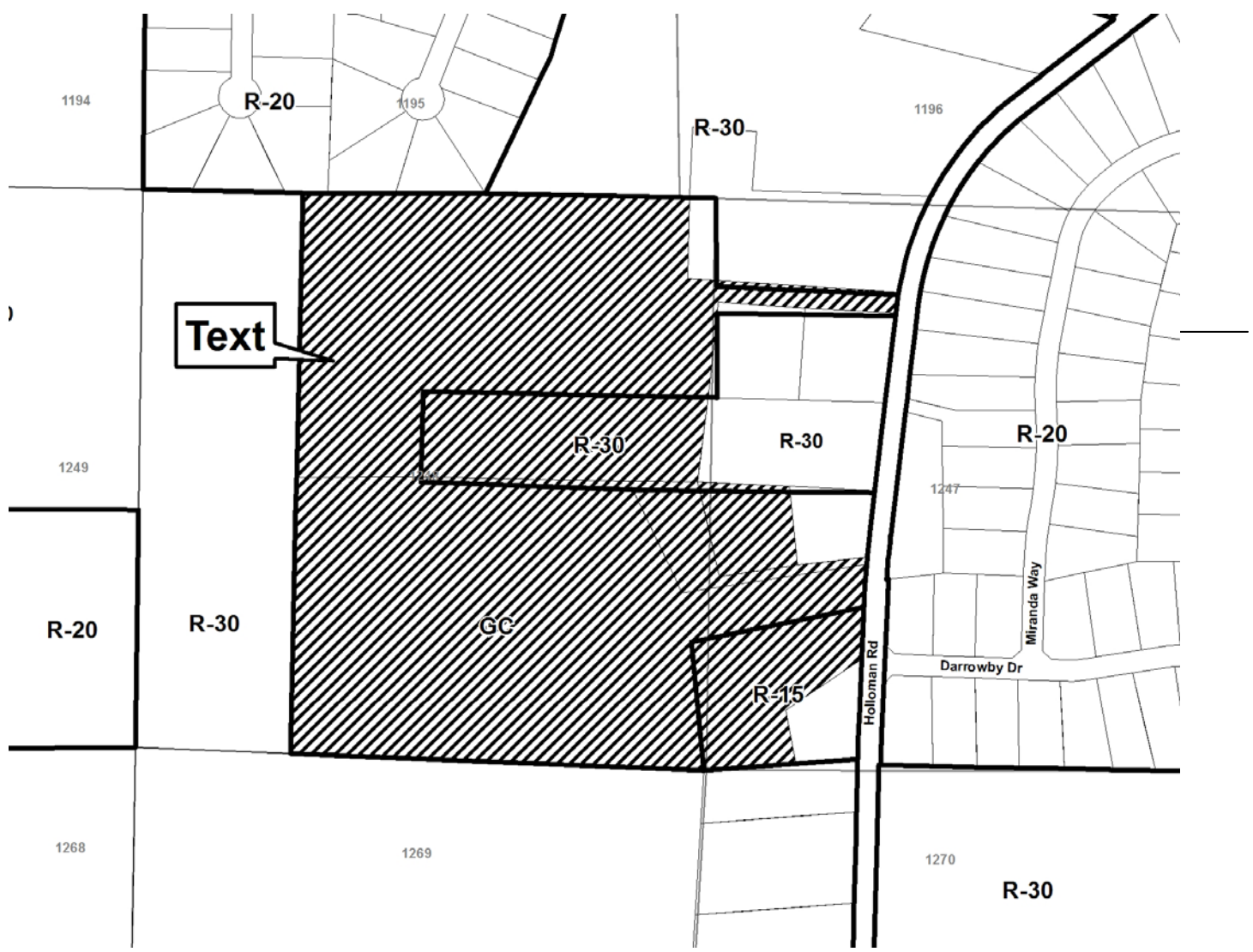
LAND LOT(S): 1247, 1248

PARCEL(S): 4, 7, 51, 1, 5

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT



STATEMENT OF PROPOSED SITE IMPROVEMENTS

Cumberland Christian Academy, Inc. ("CCA") has entered into a contract to purchase an approximate 33.781 acre tract of land on the west side of Holloman Road south of its intersection with Hiram Lithia Springs Road. The subject property is the former site which was utilized by Sun Valley Beach from 1973 until 2012 and is proposed to be utilized by CCA for the purposes of establishing a permanent location for CCA's private school and corporate offices.

Ultimately, the unified campus design concept will include classroom buildings, a cafeteria, a gymnasium, a pavilion (existing), a lighted baseball field, a lighted soccer field, cross country trail, nature preserve and playground and a tennis center. Grades initially served will be Pre-K through 5th grade and will include the corporate offices. Ultimately, the grades served will be Pre-K through the 12th grade and will include a maximum number of 700 students and a commensurate number of individuals serving as faculty and staff.

The original building to be erected on a temporary basis will be of modular construction, one story in height with ground level installation of foundation landscaping. CCA's carpool component is planned on a staggered schedule to minimize potential traffic impact with an on-site circulation pattern to hold an anticipated number of vehicles on the subject property. Additionally, CCA will be implementing a carpool finder service and establishing an HOV line (3 or more students) to encourage effective carpooling and to further reduce the number of trips generated by the school.

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 12:35
COBB COUNTY ZONING DIVISION

Application for Special Land Use Permit Cobb County, Georgia

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

COBB COUNTY GEORGIA
FILED IN OFFICE
APR 10 -6 PM 12:35
COBB COUNTY ZONING DIVISION

Application No. SLUP- 7

PC Hearing Date: May 6, 2014

BOC Hearing Date: May 20, 2014

Applicant Cumberland Christian Academy, Inc Phone # 770-819-6443
(applicant 's name printed)

Address 2356 Clay Road, Austell, GA 30106 E-mail mohliger@cumberlandchristian.org

Sams, Larkin, Huff & Balli
by Garvis L. Sams, Jr.

376 Powder Springs Street, Suite 100
Marietta, GA 30064

(representative's name, printed)

Address

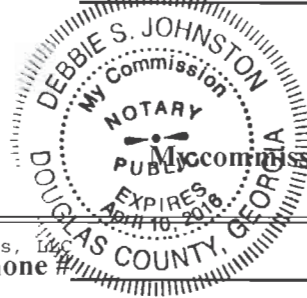
(representative's signature)

Phone # 770-422-7016

E-mail gsams@slhb-law.com

Signed, sealed and delivered in presence of:

Debbie S. Johnston
Notary Public



My commission expires: April 10, 2016

Titleholder Sun Valley (Holloman Road) Partners, LLC Phone # _____ E-mail possums@bellsouth.net
(titleholder's name, printed)

Signature _____ Address 5501 Nichols Road, Powder Springs, GA 30127
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Present Zoning General Commercial (GC) Size of Tract 33.781 Acre(s)

For the Purpose of A private school, Cumberland Christian Academy Corporate Offices.

Location West side of Holloman Road south of its intersection with Hiram Lithia Springs Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1247 and 1248 District(s) 19th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

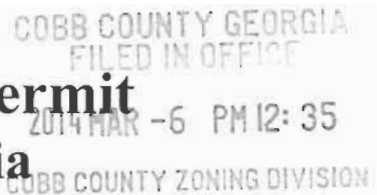
Garvis L. Sams, Jr. _____
Attorney for (applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

Garvis L. Sams, Jr. _____
Attorney for (applicant's signature)

Application for Special Land Use Permit Cobb County, Georgia

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



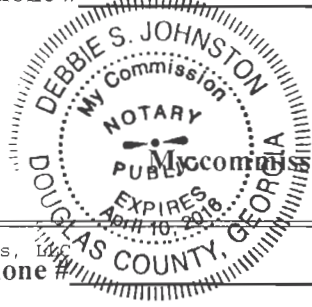
Application No. SLUP-7
PC Hearing Date: May 6, 2014
BOC Hearing Date: May 20, 2014

Applicant Cumberland Christian Academy, Inc **Phone #** 770-819-6443
(applicant 's name printed)

Address 2356 Clay Road, Austell, GA 30106 **E-mail** mohliger@cumberlandchristian.org
Sams, Larkin, Huff & Balli 376 Powder Springs Street, Suite 100
by Garvis L. Sams, Jr. Marietta, GA 30064
Address

(representative's name, printed)
(representative's signature) **Phone #** 770-422-7016 **E-mail** gsams@slhb-law.com

Signed, sealed and delivered in presence of:
Debbie S. Johnston
Notary Public

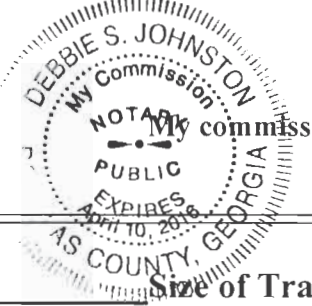


My commission expires: April 10, 2016

Titleholder Sun Valley (Holloman Road) Partners, LP **Phone #** **E-mail** possums@bellsouth.net
(titleholder's name, printed)

Signature Garvis L. Sams, Jr. - member **Address** 5501 Nichols Road, Powder Springs, GA 30127
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:
Debbie S. Johnston
Notary Public



My commission expires: April 10, 2016

Present Zoning General Commercial (GC) **Size of Tract** 33.781 **Acre(s)**

For the Purpose of A private school, Cumberland Christian Academy Corporate Offices.

Location West side of Holloman Road south of its intersection with Hiram Lithia Springs Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1247 and 1248 **District(s)** 19th

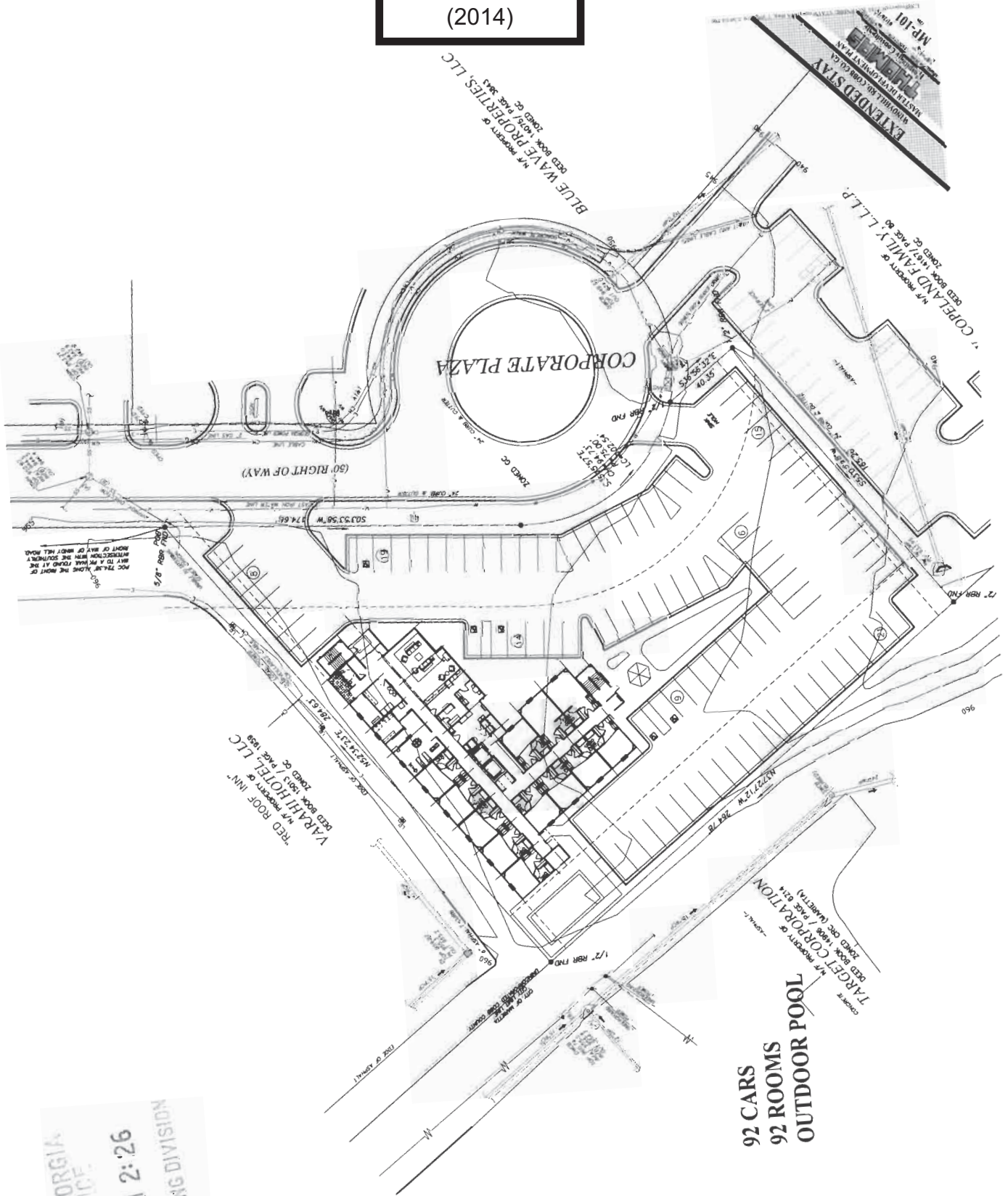
We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

Garvis L. Sams, Jr. Attorney for (applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

Garvis L. Sams, Jr. Attorney for (applicant's signature)

SLUP-8
(2014)



COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 2:26
COBB COUNTY ZONING DIVISION

92 CARS
92 ROOMS
OUTDOOR POOL

APPLICANT: Cosmo Ventures Cobb, LLC

PETITION NO: SLUP-8

REPRESENTATIVE: Parks F. Huff (770) 422-7016
Sams, Larkin, Huff & Balli, LLP

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: GC

TITLEHOLDER: Cosmo Ventures Cobb, LLC

PROPOSED ZONING: Special Land
Use Permit

PROPERTY LOCATION: Southwest side of Corporate Plaza,
south of Windy Hill Road

PROPOSED USE: Suite Hotel

ACCESS TO PROPERTY: Corporate Plaza

SIZE OF TRACT: 1.17 acres

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: _____

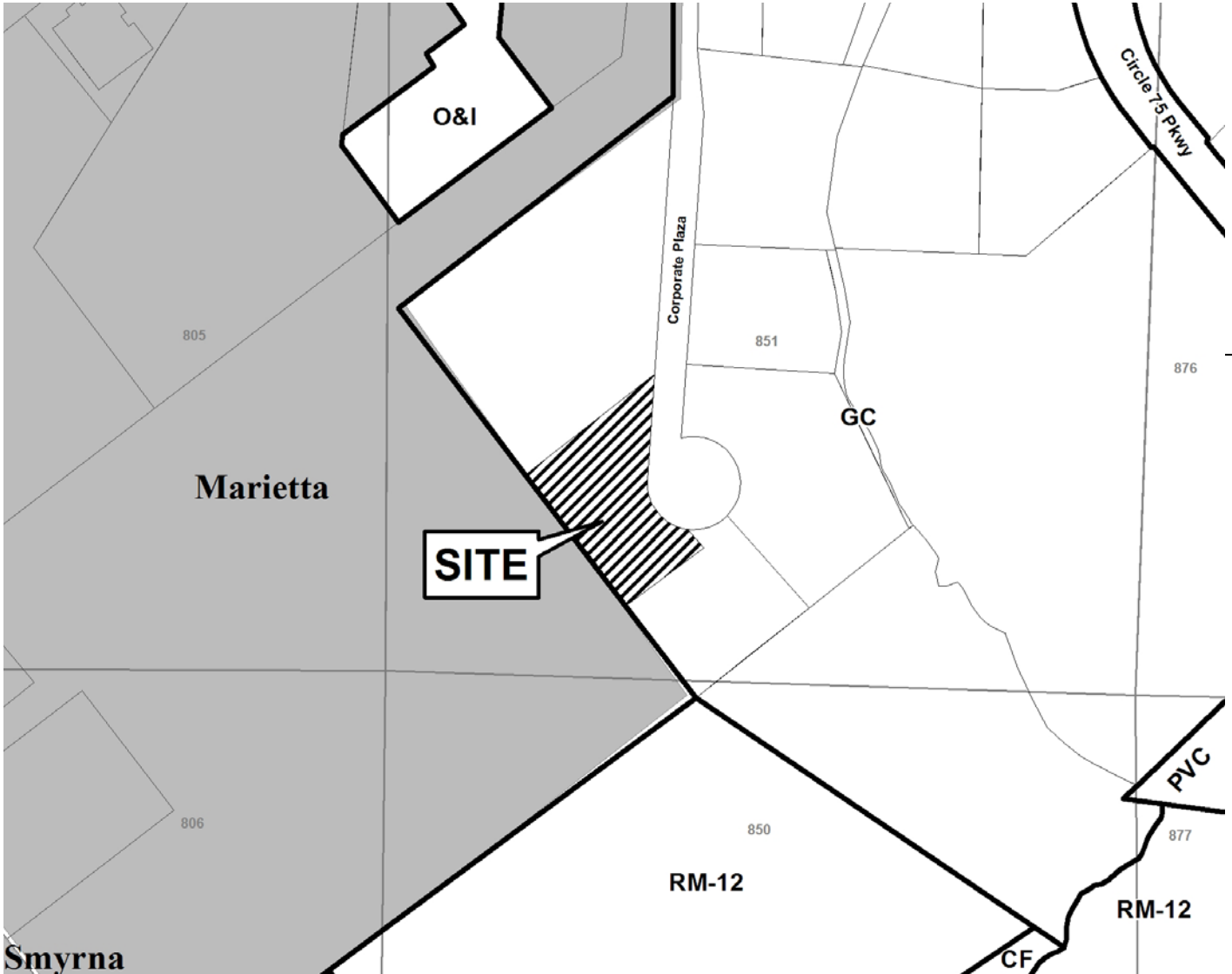
LAND LOT(S): 851

PARCEL(S): 23

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT



Application for Special Land Use Permit Cobb County, Georgia

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

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR -6 PM 2:25
COBB COUNTY ZONING DIVISION

Application No. SLUP-8
PC Hearing Date: 5-6-14
BOC Hearing Date: 5-20-14

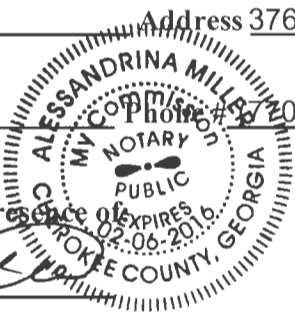
Applicant Cosmo Ventures Cobb, LLC Phone # _____
(applicant's name printed)

Address 637 Cobb Pkwy. S, Marietta, GA 30060 E-mail _____

Parks F. Huff, Esq. Address 376 Powder Springs St., Ste. 100, Marietta, GA 30064
(representative's name, printed)

[Signature] Phone # (770) 422-7016 E-mail phuff@slhb-law.com
(representative's signature)

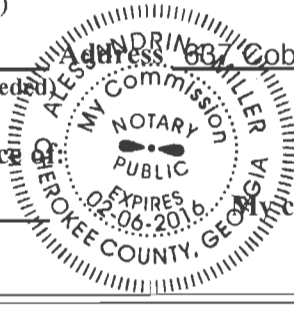
Signed, sealed and delivered in presence of [Signature] My commission expires: 2-6-16
Notary Public



Titleholder Cosmo Ventures Cobb, LLC Phone # _____ E-mail _____
(titleholder's name, printed)

Signature [Signature] Address 637 Cobb Pkwy. S, Marietta, GA 30060
(attach additional signature, if needed)

Signed, sealed and delivered in presence of [Signature] My commission expires: 2-6-16
Notary Public



Present Zoning GC Size of Tract 1.17 Acre(s)

For the Purpose of Suite Hotel

Location 2250 Corporate Plaza Parkway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 851 District(s) 17

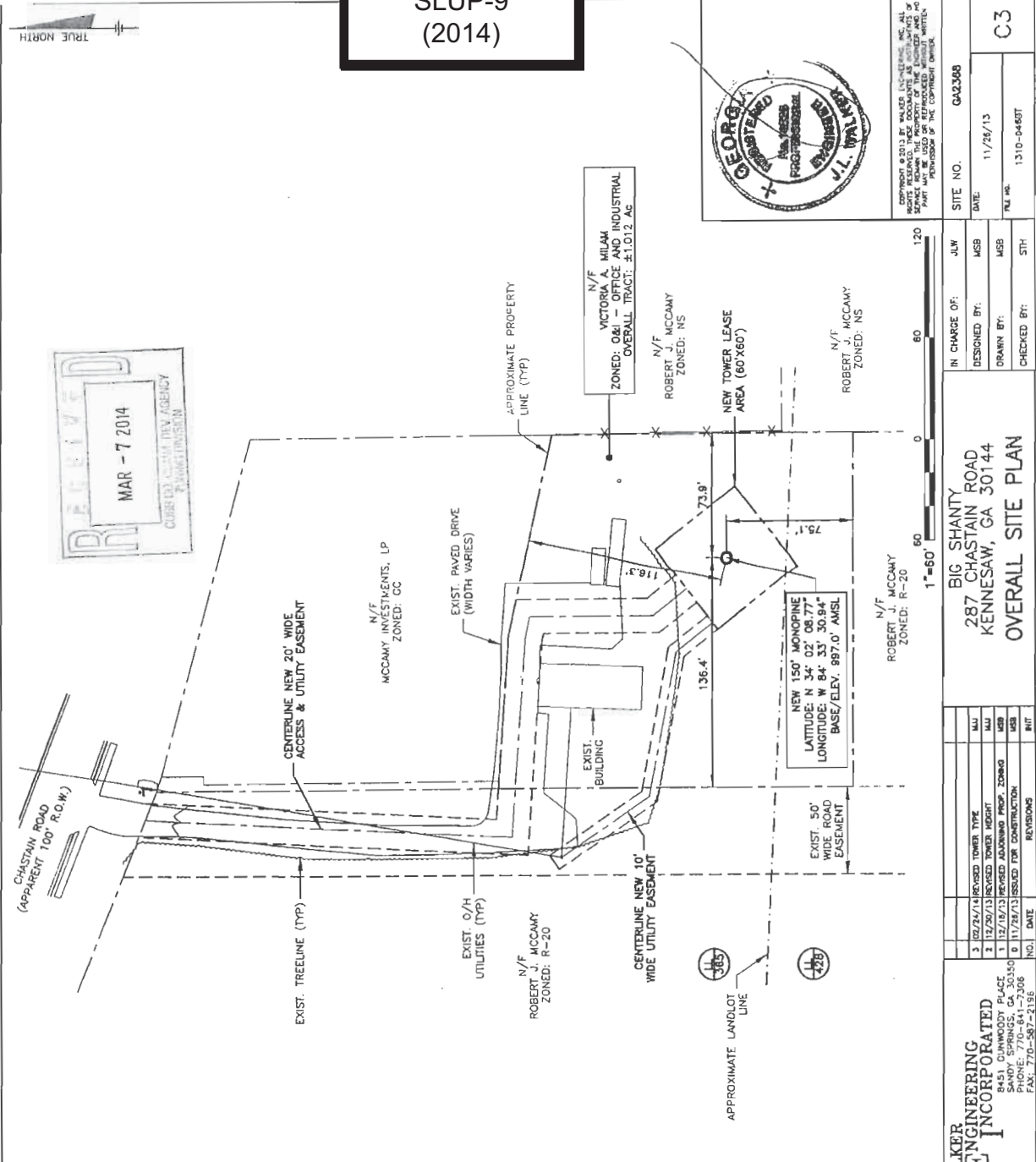
We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there ~~are~~ are no such assets. If any exist, provide documentation with this application.

[Signature]
(applicant's signature)
Parks F. Huff, On Behalf of Applicant

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there ~~is~~ is not such a cemetery. If any exist, provide documentation with this application.

[Signature]
(applicant's signature)
Parks F. Huff, On Behalf of Applicant

SLUP-9 (2014)



- GENERAL NOTES:**
- ALL CONSTRUCTION IS TO BE IN ACCORDANCE WITH COBB COUNTY, GEORGIA SPECIFICATIONS.
 - CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION AND MAINTENANCE OF EROSION AND SEDIMENT CONTROLS DURING ALL PHASES OF CONSTRUCTION FOR PROTECTION OF ADJACENT PROPERTIES, ROADWAYS AND WATERWAYS.
 - CONTRACTOR IS RESPONSIBLE FOR PROVIDING A BUILDING SITE FREE OF DRAINAGE PROBLEMS.
 - CONTRACTOR SHALL NOTIFY ALL UTILITIES AT LEAST 24 HOURS PRIOR TO START OF CONSTRUCTION TO VERIFY LOCATION OF ALL UTILITIES SHOWN OR NOT SHOWN.
 - ALL UTILITIES WITHIN ROADWAY SHALL BE BACKFILLED WITH STONE.
 - CONTRACTOR SHALL REPAIR AT HIS EXPENSE DAMAGE TO ANY EXISTING IMPROVEMENTS DURING CONSTRUCTION SUCH AS BUT NOT LIMITED TO DRAINAGE UTILITIES, PAVEMENT STRIPING, CURBS, ETC. REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR REMOVING ALL UNUSABLE MATERIALS FROM SITE.
 - SEED, MULCH, FERTILIZER AND WATER SHALL BE APPLIED TO ALL DISTURBED AREAS UNTIL A HEALTHY STAND OF GRASS IS ACHIEVED.
 - CONTRACTOR SHALL COORDINATE WITH POWER COMPANY PROVIDING TEMPORARY SERVICE FOR CONSTRUCTION FACILITIES DURING CONSTRUCTIONS.
 - THE CONTRACTOR IS SPECIFICALLY CAUTIONED ABOUT THE LOCATION AND/OR ELEVATIONS OF EXISTING UTILITIES SHOWN ON THIS DRAWING. CHECK ALL UTILITIES SHOWN AND WHERE POSSIBLE ACTUAL FIELD MEASUREMENTS. THIS INFORMATION IS NOT TO BE TAKEN AS EXACT OR COMPLETE.
 - IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY THE EXACT LOCATIONS OF EXISTING UTILITIES WHICH MAY CONFLICT WITH PROPOSED IMPROVEMENTS.
 - THIS PROJECT WILL NOT REQUIRE WATER OR SEWER SERVICE. PROPERTY IS ON THE PUBLIC SEWER SYSTEM.
 - CONTRACTOR SHALL REMOVE ANY DIRT OR MUD FROM TIRES OF ANY CONSTRUCTION VEHICLES PRIOR TO LEAVING SITE.
 - REFER TO BUILDING/TOWER PLANS FOR PROPOSED DIMENSIONS AND OTHER SPECIFICS WHICH ARE NOT SHOWN.
 - CONTRACTOR IS RESPONSIBLE FOR MAINTAINING A PROPER TRAFFIC CONTROL PLAN FOR PUBLIC SAFETY ADJACENT TO CONSTRUCTION SITE. THE TRAFFIC CONTROL PLAN MUST BE IN ACCORDANCE WITH LATEST MUTCD EDITION.
 - BMPs MUST BE IN PLACE PRIOR TO CLEARING. REGARDLESS OF PLAN REQUIREMENT OR LOT SIZE NO GRADING MAY BE DONE UNTIL BMP REQUIREMENT IS MET. THE CONTRACTOR SHALL CONDUCT CONSTRUCTION SERVICES FOR INSPECTION OF BMPs PRIOR TO BEGINNING GRADING ACTIVITY.
 - ALL EASEMENTS TO BE GRASSED AND/OR RIP-RAPPED AS REQUIRED TO CONTROL EROSION.
 - DEVELOPERS AND/OR CONTRACTORS ARE RESPONSIBLE TO REMOVE OR CLEAN OUT ANY SILT, DIRT, MUD OR ANY OTHER TYPE OF DEBRIS THAT REMAINS ON THE SITE. ALL DEBRIS SHALL BE REMOVED FROM THE PRIVATE PROPERTY SITE AND CARRIED TO AN APPROPRIATELY PERMITTED POND OR COUNTY OWNED PROPERTY TO INCLUDE RIGHTS-OF-WAY.
 - THE CONTRACTOR WILL ADHERE TO THE WEIGHT LIMITS PRESCRIBED ON COUNTY MAINTAINED ROADS FOR HAULING EQUIPMENT AND/OR MATERIALS TO AND FROM THE SITE. THE CONTRACTOR WILL BE HELD RESPONSIBLE FOR ANY DAMAGES TO THE STREETS AND/OR UTILITIES DUE TO NON-COMPLIANCE OF WEIGHT LIMIT REGULATIONS.



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SITE NO. G02368
DATE: 11/29/13
FILE NO. 1310-0487

IN CHARGE OF:	JLW
DESIGNED BY:	MSB
DRAWN BY:	MSB
CHECKED BY:	STH

BIG SHANTY
287 CHASTAIN ROAD
KENNESAW, GA 30144
OVERALL SITE PLAN

NO.	DATE	REVISIONS
3	02/27/14	REVISED TOWER TYPE
2	12/29/13	REVISED TOWER HEIGHT
1	12/18/13	REVISED ADJACENT PROP. ZONING
0	11/28/13	ISSUED FOR CONSTRUCTION

WALKER ENGINEERING INCORPORATED
8451 CUMWOOD PLACE
KENNESAW, GA 30144
PHONE: 770-841-7308
FAX: 770-841-7386

PREPARED BY: WALKER ENGINEERING INCORPORATED



APPLICANT: Municipal Communications, LLC
(404) 995-1890

REPRESENTATIVE: James M. Ney (770) 661-1202
Holt Ney Zatcoff & Wasserman, LLP

TITLEHOLDER: Victoria A. Milam

PROPERTY LOCATION: South side of Chastain Road, east of I-575.
(287 Chastain Road)

ACCESS TO PROPERTY: Chastain Road

PHYSICAL CHARACTERISTICS TO SITE: _____

PETITION NO: SLUP-9

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

PRESENT ZONING: O&I
with Stipulations

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Telecommunications
Tower and Equipment

SIZE OF TRACT: 0.96 acre

DISTRICT: 16

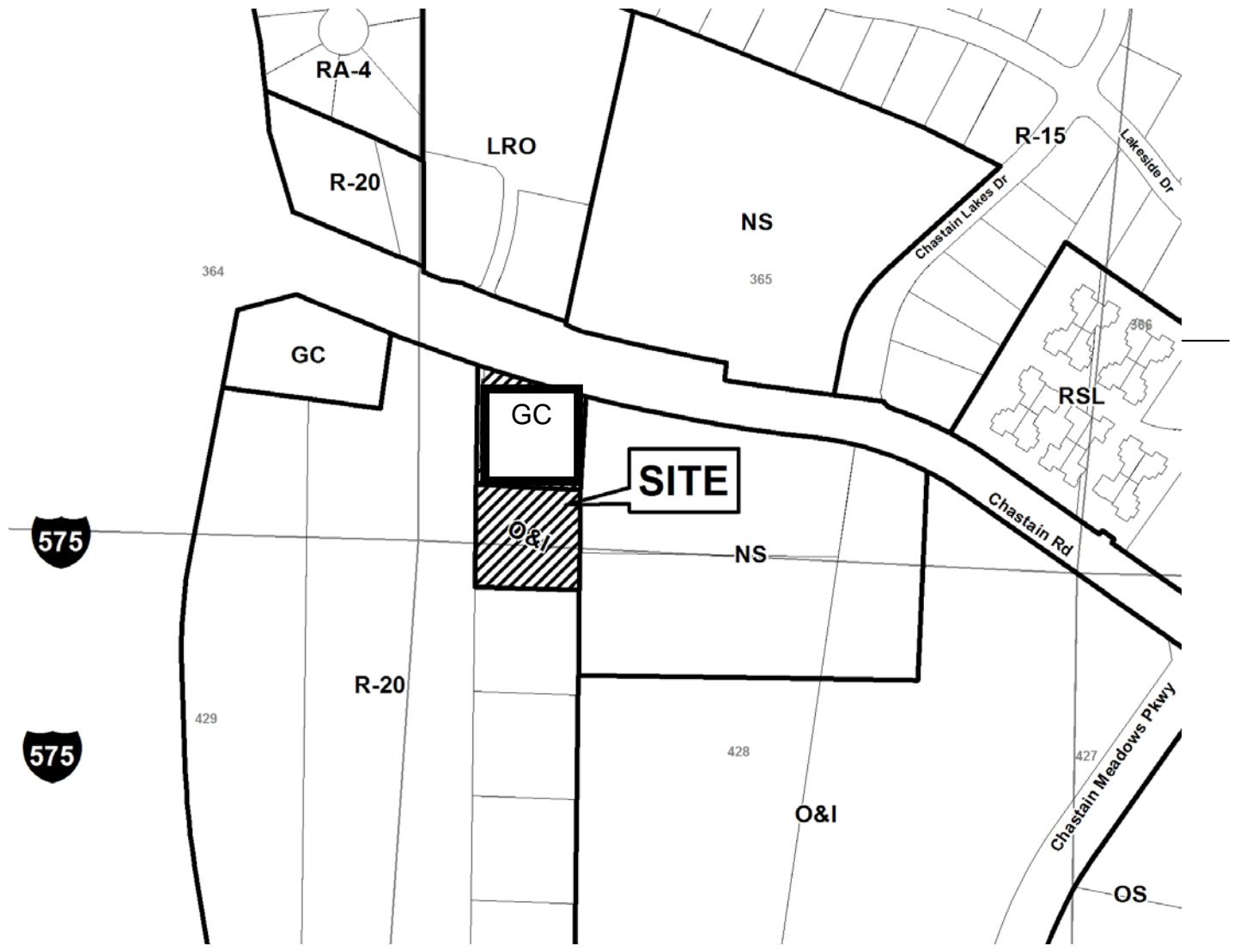
LAND LOT(S): 365, 428

PARCEL(S): 48

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT



HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 1800

ATLANTA, GEORGIA 30339-5960

TELEPHONE 770-956-9600

FACSIMILE 770-956-1490

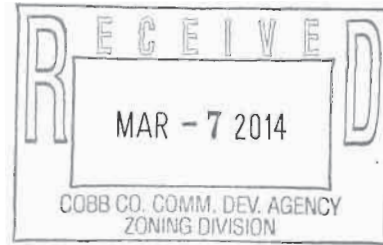
James M. Ney
e-mail jney@honzw.com

Ellen W. Smith
e-mail esmith@honzw.com

March 6, 2014

BY HAND DELIVERY

Zoning Division
Community Development Agency
Cobb County, Georgia
1150 Powder Springs Street, Suite 400
Marietta, Georgia 30064



Re: Application for Special Land Use Permit, Cobb County, Georgia by Municipal Communications, LLC for a wireless communications facility (the "**Application**") to be located at 287 Chastain Road, Kennesaw, Georgia (the "**Property**")

STATEMENT OF PROPOSED SITE IMPROVEMENTS

Ladies and Gentlemen:

This law firm has the pleasure of representing Municipal Communications, LLC (the "**Applicant**"), with respect to the Application. Applicant respectfully submits for your consideration the Application, the approval of which will result in the County's issuance of a special land use permit ("**SLUP**") to allow the construction, operation and maintenance of a wireless telecommunications tower and related antennas and equipment (collectively, the "**Facility**") on an approximately 3,600 square foot portion (the "**Site**") of the Property.

Background - The Property and the Site

The Property, owned by Victoria Milam ("**Owner**"), is approximately 0.96-acre tract zoned O&I, with access to Chastain Road by virtue of a 50-foot easement dating back to 1973. The Property is improved with an existing building and storage operated by Any Pest Control. The Property is abutted by property zoned GC to the north, NS to the east, and R-20 to the south and west (although the abutting residentially zoned properties are unimproved). In fact all abutting land is forest and heavily wooded to form an almost complete visual screen to the height of the mature trees.

Owner has leased the Site, together with utility and ingress/egress easements, to Applicant. The Site is located in the northeast corner of the Property, and it is a permitted use for the Site, upon (i) the rezoning of the Property to amend a restrictive stipulation, and (ii) issuance of the requested SLUP.

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
March 6, 2014
Page 2

The Facility / Proposed SLUP

The Facility which Applicant plans to construct will include a one hundred fifty foot (150') high (154' including the lightning rod) multi-tenant monopine (i.e., tree-like) tower, ground-mounted communications equipment, and associated minor site improvements to facilitate operations and maintenance of and access to the Facility on the Site.

With the exception of the 110% tower height setback from the western and southern property lines, the Facility meets the setback requirements set forth in Section 134-273(3)(a) of Chapter 134 of the Official Code of Cobb County, Georgia, as the same is amended from time to time (such Chapter being the "**Zoning Ordinance**"). Specifically, the proposed Facility will be 136.4 feet from the western property line and 75.1 feet from the southern property line. Section 134-273(3)(a)(1) requires that towers be set back a distance equal to the full height of the tower from any adjoining residential parcel boundary "or as safety concerns may dictate." Additionally, Section 134-273(3)(a)(2) requires that towers be set back 110% of the tower height from residentially zoned properties. For a 150-foot tower, the setback from residentially-zoned properties should be 165 feet. Accordingly, Applicant seeks a variance of (i) 31 feet as to the western property line, and (ii) 90 feet from the southern property line.

The location of the Facility on the Property is such that it is the maximum distance from existing residential structures on the north side of Chastain Road. Moreover, the Facility cannot be located more centrally to the center of the Property (thereby mitigating some of the variances requested) because of the need to preserve ongoing traffic patterns and parking for the existing business operated on the site and to avoid interference with the well located on the Property.

AT&T is proposed to be the carrier located at the top of the Facility at a "rad center" (e.g., middle of antenna center) height of 150 feet. In addition to AT&T, there is room on the Facility for three additional carriers.

The equipment and other associated site improvements are shown on the plans submitted herewith and are limited to those uses associated with the operation of the antenna or towers and are appropriate in scale and intensity. The entirety of the Site will be enclosed with a six foot (6') high chain link fence with three strands of barbed wire, as more particularly shown on the enclosed plans. Additional details relating to the Site and the Facility are set forth in the plans submitted herewith. (*See Zoning Ordinance §§ 134-273(3)(c) and (d).*)

Applicant confirms that the Facility will meet or exceed current standards of the Federal Aviation Administration, the Federal Communications Commission, and any applicable agency

HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
March 6, 2014
Page 3

guidelines governing the construction and operation of such a telecommunications tower. Applicant does not expect that the FAA will require the Facility to be lighted.

Once constructed, the Facility will be unmanned. Only monthly site visits by carriers' maintenance technicians are anticipated. The Facility will not have water and sewer services, and it will not generate any waste. Again, the only utility connections required are electric and telephone services. The electricity demand of the Facility will be similar to that of a single-family residence. The Facility will not create a significant demand for community services. In fact, the Facility will provide a service to the community in the form of safe, reliable and uninterrupted wireless service for use by the general public, emergency services personnel and others in this area of Cobb County.¹

The Facility will be an integral part of the AT&T wireless network across Cobb County and other portions of the greater Atlanta area, as more particularly described in the radio frequency affidavit included with this Statement.

Zoning Requirements

Chapter 134 of the Zoning Ordinance, and specifically, Section 134-273 thereof, sets forth the zoning requirements applicable to the placement of communications towers and antennas on property within the County. In satisfaction of these requirements, and in addition to this Statement, Applicant hereby submits the following documents for the Division's review:

1. Application for Special Land Use Permit, Cobb County Georgia form, including original notarized signature of Owner and Applicant's representatives²;
2. A copy of the Property warranty deeds to Owner;
3. Metes and Bounds legal descriptions of Property, Site and easements benefitting the Facility;

¹Applicant proposes no landscape buffer or screening around the Site because (i) the Facility is to be located within a heavily treed and vegetated area of the Property, which existing vegetation will provide screening of the ground equipment and accessory materials, (ii) any such landscaping or screening would not mitigate visual impact on adjacent property owners or travelers on adjacent drives, and (iii) manicured landscaping is not likely to survive in the midst of already dense vegetation and trees. Nevertheless, Applicant has sufficient room to provide a landscape buffer should the Board not waive the landscape requirement.

² Applicant has attempted to contact neighbors contiguous to the Property and includes the form evidencing such attempt with the Application. Applicant will continue to attempt contact these neighbors, and Applicant will also notify in writing all property owners within a 1,000-foot radius of the subject property as shown on the most current tax records. Such notice will be accomplished by mailing a copy of the Application form and proposed site plans by first class mail. Applicant will then file with the Zoning Division of Cobb County a certificate of mailing from the United States Post Office.

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Zoning Division
Community Development Agency
Cobb County, Georgia
March 6, 2014
Page 4

4. Copy of the paid tax receipt for the Property;
5. Zoning Standards Analysis (addressing SLUP considerations);
6. Site Plans (including survey and scaled elevation drawing of proposed tower) (5 full sized copies; 2 copies measuring 8 ½ x 11);
7. RF Engineer's Analysis from AT&T supporting the need for the Facility and including a documentation of all towers within a three-mile radius of the proposed Facility (per Zoning Ordinance Section 134-273(3)(m) [*Applicant notes it owns no towers within a 3-mile radius of the Site*]);
8. Application and Consultant Fees (\$6,000.00); and
9. Sign Deposit and Fees (\$345.00).

The Application and the accompanying documents support Applicant's request for the Facility SLUP and comply with all Cobb County zoning requirements.³ The Owner and

³ Applicant notifies Cobb County of its constitutional concerns. If the Board denies the Application in whole or in part, then the Property does not have a reasonable economic use under the Zoning Ordinance. The Application meets the test set out by the Georgia Supreme Court to be used in establishing the constitutional balance between private property rights and zoning and planning as an expression of the government's police power. See Guhl vs. Holcomb Bridge Road, 238 Ga. 322 (1977). If the Board denies the Application in whole or in part, such an action will deprive Applicant and Owner of the ability to use the Property in accordance with its highest and best use. Similarly, if the Board limits its approval of the SLUP by attaching conditions thereto affecting any portion of the Property or the use thereof, either of such actions being taken without Applicant's consent, then such action would deprive Applicant and Owner of any reasonable use and development of the Property. Any such action is unconstitutional and will result in a taking of property rights in violation of the just compensation clause of the Constitution of the State of Georgia (see Ga. Const. 1983, Art. I, § 3, para. 1(a)), and the just compensation clause of the Fifth Amendment to the United States Constitution (see U.S. Const. Amend. 5). To the extent that the Zoning Ordinance allows such an action by the Board, the Zoning Ordinance is unconstitutional. Any such denial or conditional approval would discriminate between Applicant and Owner and owners of similarly situated property in an arbitrary, capricious, unreasonable and unconstitutional manner in violation of Article I, Section I, Paragraph 2 of the Georgia Constitution and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Finally, a denial or a conditional approval of the Application (with conditions not expressly approved by Applicant) would constitute a gross abuse of discretion and an unconstitutional violation of Applicant's rights to substantive and procedural due process as guaranteed by the Georgia Constitution (see Ga. Const. 1983, Art. I, § 1, para. 1) and the Fifth and Fourteenth Amendments of the United States Constitution (see U.S. Const. Amend. 5 and 14). Applicant further challenges the constitutionality and enforceability of the Zoning Ordinance for lack of objective standards, guidelines or criteria limiting the Board's discretion in deciding applications for SLUP.

Furthermore, the Telecommunications Act of 1996, codified at 47 U.S.C. § 332(c) (the "**1996 TCA**") was intended to "promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies." *Preamble to 1996 TCA*. The primary mechanisms used by the 1996 TCA to "promote competition and reduce regulation" are prohibitions against local regulations that (i) "unreasonably discriminate among providers of functionally equivalent services" or (ii) "prohibit or have the effect of prohibiting the provision of personal-wireless services." 47 U.S.C. § 332(c)(7)(B). Also, section 253 of the 1996 TCA provides that "no State or local statute or regulation ... may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." The Board may violate the 1996 TCA on all three grounds if it denies the

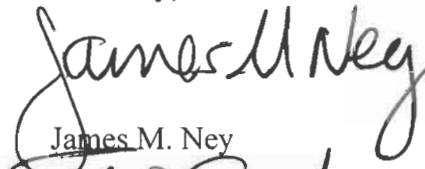
HOLT NEY ZATCOFF & WASSERMAN, LLP

Zoning Division
Community Development Agency
Cobb County, Georgia
March 6, 2014
Page 5

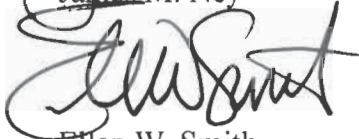
Applicant respectfully request that the Division recommend the approval of the Application to the Board for consideration at the next available public hearing.

We are happy to answer any questions or provide any information that the Division, its consultant or the Board may have with regard to the Application.

Sincerely,



James M. Ney



Ellen W. Smith

JMN/EWS/ews

Enclosures

cc: Mr. Peter R. Corry
Mr. Murray Jones

Application. Nevertheless, Applicant remains optimistic that the Board's consideration of the Application will be conducted in a constitutional and legal manner.

Application for Special Land Use Permit Cobb County, Georgia

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



Application No. SLUP-9

PC Hearing Date: 5-6-14

BOC Hearing Date: 5-20-14

Applicant Municipal Communications, LLC Phone # 404.995.1890

(applicant's name printed)
3495 Piedmont Road, Eleven Perimeter Center

Address Suite 411, Atlanta, Georgia 30305 E-mail pccorry@municipal.com

c/o James M. Ney, Esq.

Holt Ney Zatcoff & Wasserman, LLP Address 100 Galleria Pkwy, Ste 1800, Atlanta, GA 30339
(representative's name, printed)

James M. Ney Phone # 770.661.1202 E-mail jney@hnzw.com
(representative's signature) James M. Ney

Signed, sealed and delivered in presence of:

Sherril L. DeLoach
Notary Public

My commission expires: _____



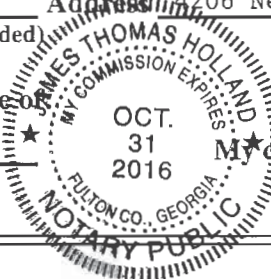
Titleholder Victoria Milam Phone # 678.557.9994 E-mail Milam@holland.com
(titleholder's name, printed)

Signature Victoria Milam Address 4206 Newpond Trail, NE, Kennesaw, GA 30144
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

James Thomas Holland
Notary Public

My commission expires: 10/31/2016



Present Zoning O&I Size of Tract 1.012 Acre(s)

For the Purpose of wireless communications tower and antennas

Location 287 Chastain Road, Kennesaw, GA 30144
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 365 and 428 District(s) 16th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are ~~are no~~ such assets. If any exist, provide documentation with this application.

Peter R. Corry 12/16/13
(applicant's signature)
Peter R. Corry, CEO

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

Peter R. Corry 12/16/13
(applicant's signature)
Peter R. Corry, CEO