

**APRIL 17, 2018 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3**

ITEM OB-014

PURPOSE

To consider a site plan and stipulation amendment for Edison Chastain Office, LLC regarding rezoning application Z-20 of 2015 for property located on the west side of Bells Ferry Road and on the east side of Chastain Meadows Parkway, in Land Lots 498, 499, 510 and 511 of the 16th District.

BACKGROUND

The subject property was rezoned to Office Services (OS) in 2015 for the purpose of office and warehouse distribution. Building 600 was to be warehouse distribution and building 700 was to be an office. Both buildings together have 205,000 square feet with 265 parking spaces. The applicant would like to revise the site plan and the stipulations to accommodate one office building in the area where building 600 was proposed. The proposed office buildings would have 150,000 square feet with 738 parking spaces. Access would still be from Chastain Meadows Parkway, with no access to Bells Ferry Road. The required buffers and fencing would also remain as stipulated in 2015. If approved, all other stipulations would remain in effect.

STAFF COMMENTS

Stormwater Management:

All previous Stormwater Management comments to remain in effect.

Cobb DOT:

1) Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Bells Ferry Road, a minimum of 50' from the roadway centerline.

(Continued on the next page)

**APRIL 17, 2018 ZONING HEARING
"OTHER BUSINESS ITEM 14"
COMMISSION DISTRICT 3
PAGE 2**

Cobb DOT comments continued

2) Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Chastain Meadows Parkway, a minimum of 10' from the back of curb.

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

4) Recommend a deceleration lane on Chastain Meadows Parkway for the northernmost entrance. Recommend length and design be determined during plan review, subject to Cobb County DOT approval.

5) Recommend a deceleration lane on Chastain Meadows Parkway for the southernmost entrance. Recommend length and design be determined during plan review, subject to Cobb County DOT approval.

6) Recommend a traffic study. The traffic study should include existing and base year (full build out year) Build and No Build analysis; and horizon year (base year + 10 years) Build and No Build analysis. Study assumptions (such as study intersections, trip distribution and annual growth rate) should be agreed to by Cobb DOT before completing the study. Further DOT comments and recommendations may be provided for the development after the traffic study is received and reviewed.

RECOMMENDATION

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

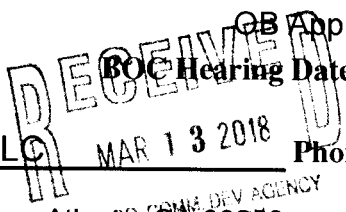
ATTACHMENTS

Other Business Application and zoning stipulations.

(Site Plan and Stipulation Amendment)
Application for "Other Business"

Cobb County, Georgia

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



OB Application No.: OB- 14 -2018

BOC Hearing Date Requested: April 17, 2018

Applicant: Edison Chastain Office, LLC Phone #: (770) 436-3400
(applicant's name printed)

Address: Suite 750, 3350 Riverwood Parkway, Atlanta, GA 30339 E-Mail: jmcgorrey@tpa-grp.com
MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore Address: Emerson Overlook, Suite 100, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jkm@mijs.com
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:
[Signature] My commission expires: January 10, 2019
Notary Public

Titleholder(s) : BK Properties, LP Phone #: (770) 951-2278
(property owner's name printed)

Address: Building 2, Suite 200, 1827 Powers Ferry Road, Atlanta, GA 30339 E-Mail: kkeappler@quintuscorp.net

See Attached Exhibit "A"
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 3 (Birrell) **Zoning Case:** Z-20 (2015)

Size of property in acres: 29.94+/- **Original Date of Hearing:** 02/17/2015
Hearing Dates: 04/21/2015; 05/19/2015

Location: Northeasterly side of Chastain Meadows Parkway and the westerly side of Bells Ferry Road; south of
(street address, if applicable; nearest intersection, etc.) Big Shanty Road

Land Lot(s): 498, 499, 510, 511 **District(s):** 16th

State specifically the need or reason(s) for Other Business: _____
See Exhibit "B" attached hereto and incorporated herein by reference.

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MAR 13 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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

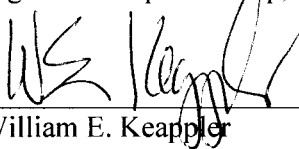
OB Application No.: OB-14-2018
Application No.: Z-20 (2015)
Original Hearing Date: February 17, 2015
Date of Zoning Decision: April 21, 2015
May 19, 2015
Current Hearing Date: April 17, 2018

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Edison Chastain Office, LLC
Property Owner: BK Properties, LP,
a Georgia limited partnership

BK Properties, LP
a Georgia limited partnership

BY: QUINTUS ASSOCIATES, LIMITED,
a Georgia limited partnership, its General Partner

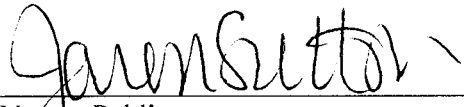
BY: 
William E. Keappler
General Partner

Date Executed: March 12, 2018

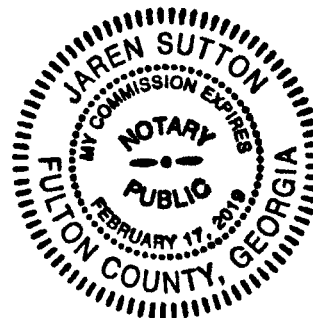
Address: Building 2, Suite 200
1827 Powers Ferry Road
Atlanta, Georgia 30339

Telephone No.: (770) 951-2278

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires: 2-17-19

[Notary Seal]



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MAR 13 2018
COBB COUNTY COMMISSIONERS AGENCY
PLANNING AND ZONING DIVISION

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

OB Application No.: OB-_____ -2018
Application No.: Z-20 (2015)
Original Hearing Date: February 17, 2015
Date of Zoning Decision: April 21, 2015
May 19, 2015
Current Hearing Date: April 17, 2018

Applicant: Edison Chastain Office, LLC
Property Owner: BK Properties, LP,
a Georgia limited partnership

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Edison Chastain Office, LLC, as Applicant in this Application for "Other Business" (hereinafter "Applicant"), proposes amendments to the previously approved site plan and stipulations of four (4) parcels which comprise an overall tract totaling approximately 29.94 acres, more or less, located on the northeasterly side of Chastain Meadows Parkway and the westerly side of Bells Ferry Road, south of Big Shanty Road, Land Lots 498, 499, 510, and 511, 16th District, 2nd Section, Cobb County, Georgia (hereinafter collectively the "Property" or the "Subject Property"). In 2015, the Property Owner, BK Properties, LP, filed an Application for Rezoning for the Subject Property seeking rezoning from the then existing zoning categories of Office and Institutional ("OI"), Neighborhood Shopping ("NS"), Office Services ("OS"), and R-20 to the Office Services ("OS") for the purpose of developing the Property for office and warehouse distribution. On April 21, 2015, and May 19, 2015, the Cobb County Board of Commissioners approved the rezoning sought by the Owner to the OS zoning classification, specific to a previously submitted Site Plan and certain stipulations enumerated in the final, official minutes.

Applicant is now pursuing development of the Property for an office development. Applicant seeks approval by the Cobb County Board of Commissioners for revisions to the previously approved Site Plan and amendments to stipulations and conditions related to the Subject Property. With this Application for "Other Business," Applicant presents for approval the Conceptual Site Plan prepared for Applicant by Kimley Horn & Associates, Inc. dated February 24, 2017 [sic], a reduced copy of which is attached hereto as Exhibit "1" for ease of reference, and is further submitted with the overall Application package. However, since the previously approved stipulations will be amended, the stipulations proposed for the development of the Subject Property pursuant to the Conceptual Site Plan will be enumerated in a separate letter of agreeable stipulations and conditions which will be filed with the Cobb County Zoning Office prior to the scheduled hearing before the Cobb County Board of Commissioners.

SITE PLAN

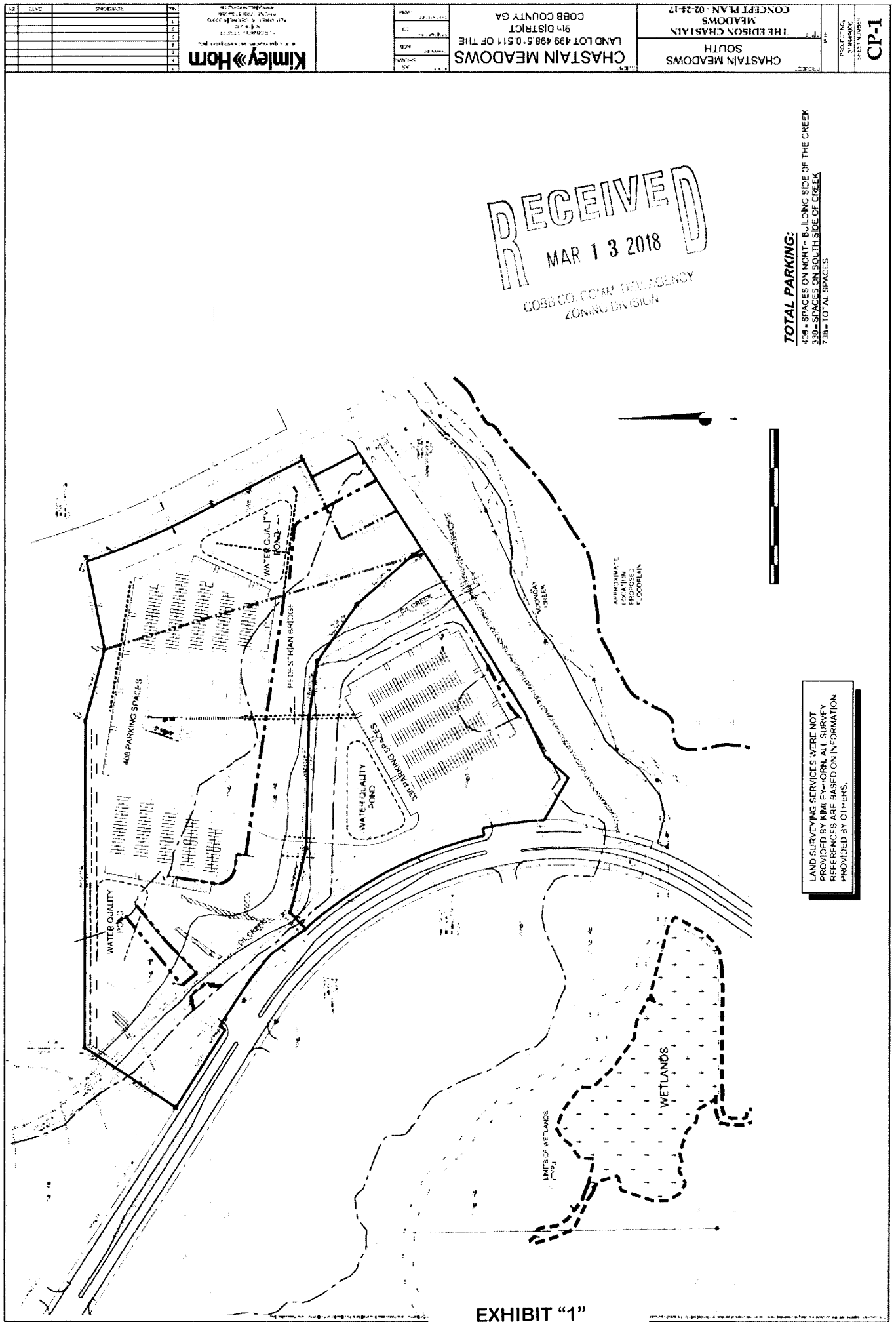


EXHIBIT "1"

LAND SURVEYING SERVICES WERE NOT PROVIDED BY KIMLEY-HORN. ALL SURVEY REFERENCES ARE BASED ON INFORMATION PROVIDED BY OTHERS.

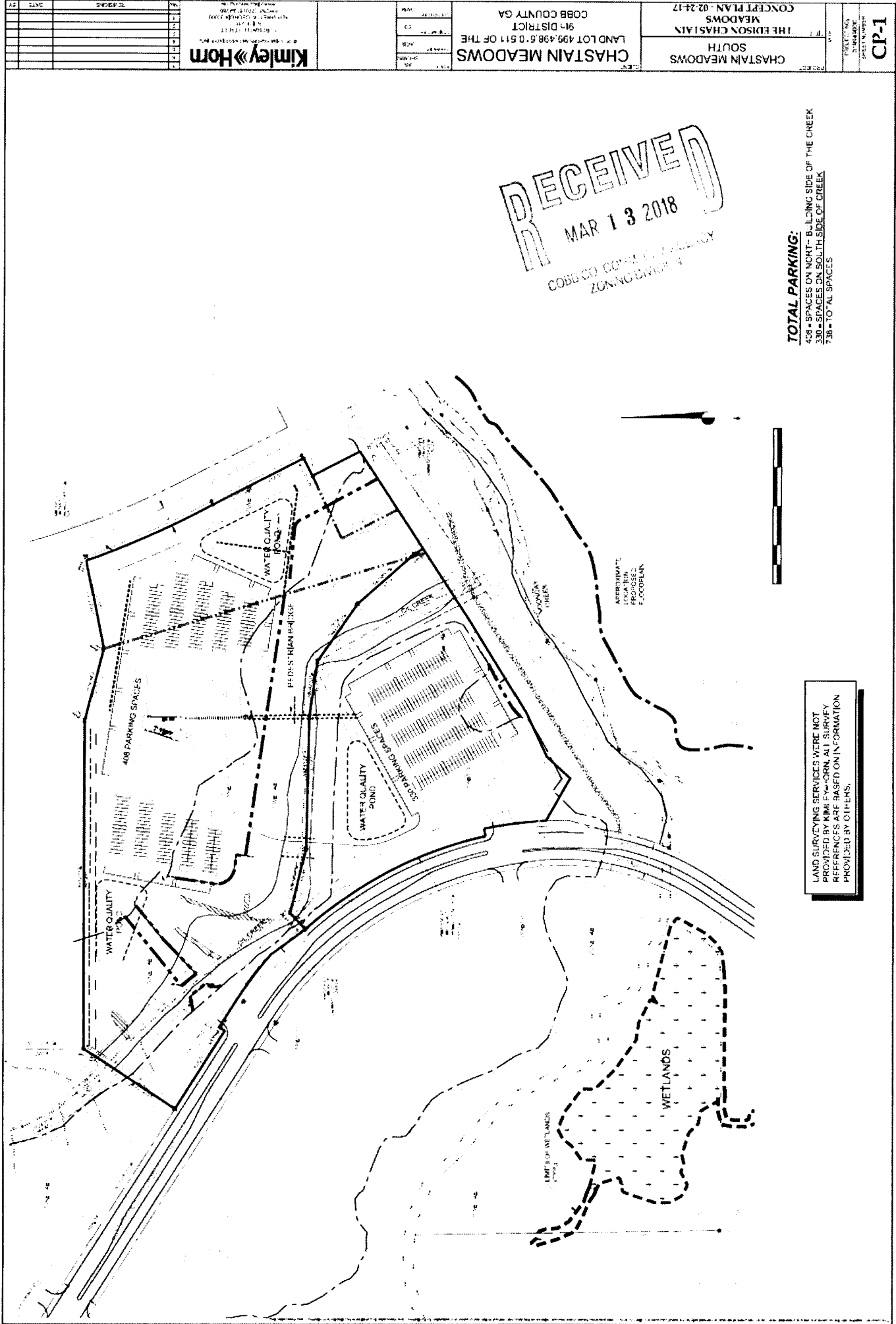
CHASTAIN MEADOWS SOUTH THE EDISON CHASTAIN MEADOWS CONCEPT PLAN - 02-24-17		COBB COUNTY GA 9th DISTRICT LAND LOT 499, 498, 5 - 0 - 51 OF THE CHASTAIN MEADOWS		Kimley-Horn LAND SURVEYING & ENGINEERING, INC. 1000 RIVERCHURCH DRIVE, SUITE 100 ALPHARETTA, GA 30201 (770) 453-1000	
DATE	BY	DATE	BY	DATE	BY

CP-1

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COMB CO COMM DEV & PLAN
ZONING DIVISION

**REVISED SITE PLAN SUBMITTED FOR
AMENDMENT AND APPROVAL BY BOARD
OF COMMISSIONERS PURSUANT TO
APPLICATION FOR “OTHER BUSINESS” –
APRIL 17, 2018**

SITE PLAN



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 COBB CO COMMUNITY PLANNING
 ZONING DIVISION

TOTAL PARKING:
 439 - SPACES ON NORTH - BUILDING SIDE OF THE CREEK
 330 - SPACES ON SOUTH SIDE OF CREEK
 78 - TOTAL SPACES

LAND SURVEYING SERVICES WERE NOT PROVIDED BY THE SURVEYOR. ALL SURVEY REFERENCES ARE BASED ON INFORMATION PROVIDED BY OTHERS.

NO.	REVISION	DATE

Kimley-Horn
 CONSULTING ENGINEERS
 835 W. WOODLAND AVENUE
 ATLANTA, GA 30325
 PHONE: 404.525.3333
 FAX: 404.525.3334
 WWW.KIMLEY-HORN.COM

SCALE	
DATE	
DRAWN BY	
CHECKED BY	
APPROVED BY	
DATE	

CHASTAIN MEADOWS
 LAND LOT 499, 498, 6, 0, 511 OF THE
 9th DISTRICT
 COBB COUNTY GA

CHASTAIN MEADOWS
 SOUTH
 THE EDISON CHASTAIN
 MEADOWS
 CONCEPT PLAN - 02-24-17

PROJECT NO. CP-1
 SHEET NUMBER

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**SITE PLAN APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR
REZONING NO. Z-20 (2015)
– APRIL 21, 2015**

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 COBB COUNTY COMM DEV AGENCY
 ZONING DIVISION

CP-1 SHEET NUMBER TOTAL SHEETS: 3 DATE: 3/15/15 PROJECT: CHASTAIN MEADOWS SOUTH OVERALL SITE PLAN	CLIENT CHASTAIN MEADOWS SOUTH LAND LOT 499, 500, 511 OF THE 9th DISTRICT COBB COUNTY GA	DATE 3/15/15 SCALE AS SHOWN BY J. HORN CHECKED BY J. HORN APPROVED BY J. HORN
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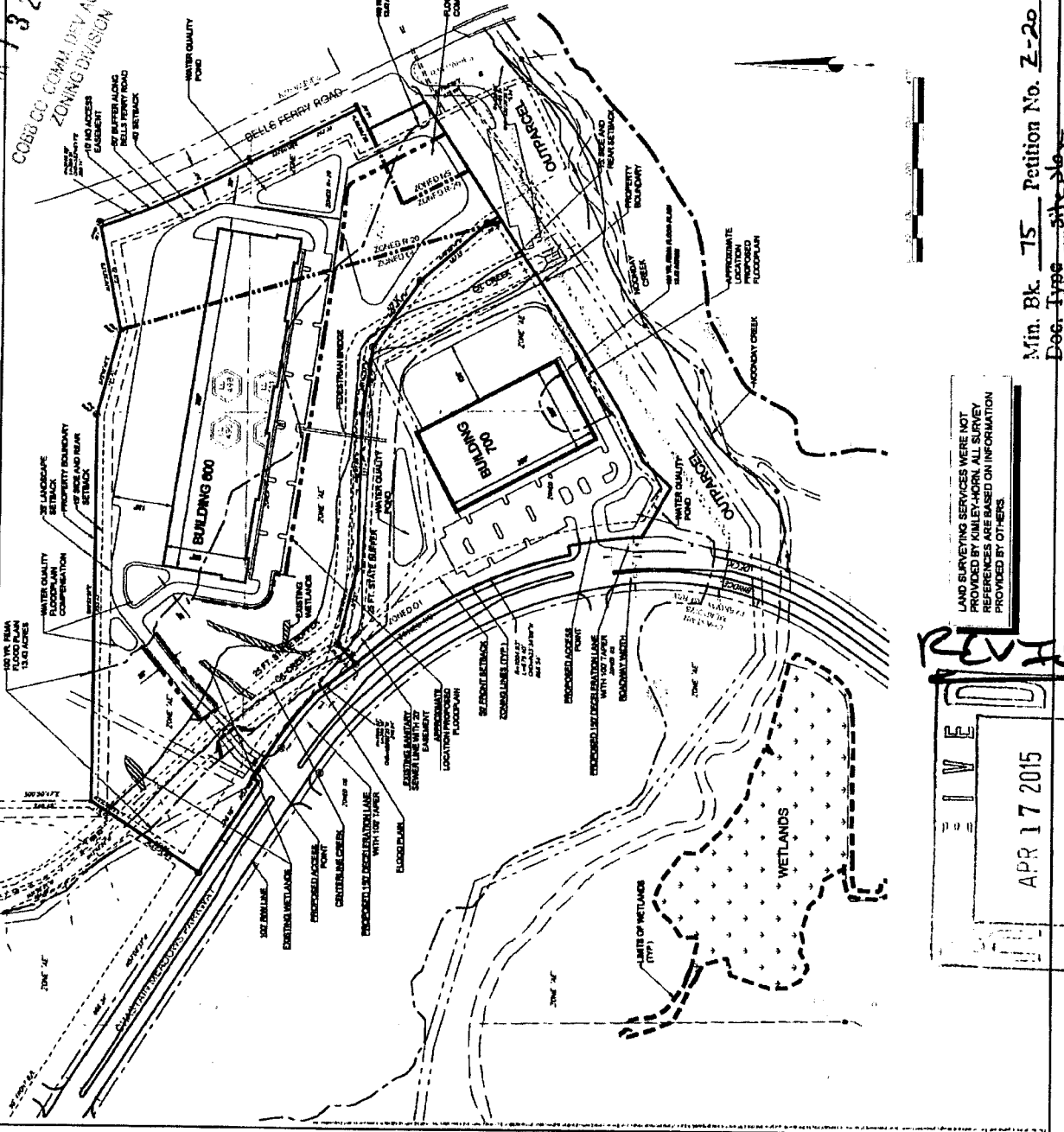
PAVING WIDTHS:
 ENTRANCE DRIVE WIDTH - 30.0 FT.
 PARKING DRIVEWAY WIDTH - 24.0 FT.
 DRIVEWAY TO LOADING DOCK - 30.0 FT.
 (ALL DIMENSIONS ARE F.C. TO F.C.)

SUMMARY INFORMATION
 EXISTING ZONING CATEGORIES: O1, R20, NS
 PROPOSED ZONING CATEGORIES: US
 TOTAL OVERALL SITE AREA: 9.89 AC.
 TOTAL FLOOD PLAN AREA: 9.89 AC.

PARKING SUMMARY
 BUILDING 600 PARKING REQUIRED: 128 SPACES
 TOTAL PROVIDED: 140 SPACES
 BUILDING 700 PARKING REQUIRED: 67 SPACES
 TOTAL PROVIDED: 123 SPACES

BUILDING 600 PARAMETERS:
 TRACT AREA - 19.75 ACRES
 USABLE AREA - 12.35 ACRES
 PROPOSED BUILDING SQUARE FOOTAGE - 135,000 SF
 F.F. ELEVATION - 333.00
 1 STORY
 INTENDED USE: OFFICE / WAREHOUSE

BUILDING 700 PARAMETERS:
 TRACT AREA - 6.77 ACRES
 USABLE AREA - 6.26 ACRES
 PROPOSED BUILDING SQUARE FOOTAGE - 70,000 SF
 F.F. ELEVATION - 337.00
 INTENDED USE: OFFICE / WAREHOUSE



LAND SURVEYING SERVICES WERE NOT PROVIDED BY KIMLEY-HORN. ALL SURVEY REFERENCES ARE BASED ON INFORMATION PROVIDED BY OTHERS.

REVISED

FIVE
 APR 17 2015
 COBB COUNTY COMM DEV AGENCY
 ZONING DIVISION

Min. Bk. 75 Petition No. Z-20
 Dec. Type 2116
 Meeting Date 4-21-15

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MAR 13 2018
Cobb County Planning Department

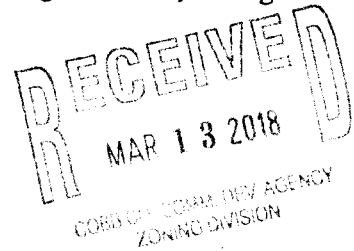
**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
REZONING Z-20 (2015)
– APRIL 21, 2015**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 21, 2015
9:00 A.M.**

The Board of Commissioners Zoning Hearing was held on Tuesday, April 21, 2015 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Vice Chair JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford

Chairman Tim Lee – not present



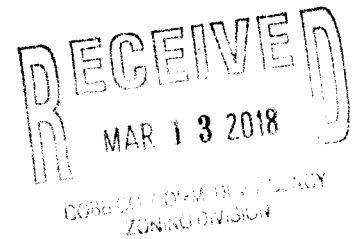
Z-20

BK PROPERTIES, LP (owner) requesting Rezoning from **O&I, NS** and **R-20** to **OS** for the purpose of Office and Warehouse Distribution in Land Lots 498, 499, 510, and 511 of the 16th District. Located on the northeasterly side of Chastain Meadows Parkway, and the westerly side of Bells Ferry Road, south of Big Shanty Road. *(Previously continued by Staff until the March 3, 2015 Planning Commission hearing and previously continued by the Planning Commission from their March 3, 2015 hearing)*

The public hearing was opened and Mr. Kevin Moore, Mr. Michael Stine, Dr. Hilda Hatzell, Ms. Martha Williams, Mr. Mike Williams, and Ms. Rolanda Williams addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Weatherford, to approve Z-20 to the OS zoning category, subject to:

- Specific to site plan received by the Zoning Division April 17, 2015, with the 700 building for office use *only* (attached and made a part of these minutes)
- Letters of agreeable conditions from Mr. Kevin Moore dated December 4, 2014, March 20, 2015, April 2, 2015, and April 17, 2015 (attached and made a part of these minutes)
- Establish a 50 foot buffer on the Bells Ferry Road side of the property and delete this buffer to the R-20 zoning category
- Establish a 35 foot buffer and berm with black chain-link vinyl coated fence along the northern property line and delete this buffer to the R-20 zoning category
- Truck deliveries allowed Monday through Friday from 7:00 a.m. until 6:00 p.m. (no Saturday or Sunday deliveries) to the 600 building *only*
- All work to be done inside
- No outdoor storage
- No access to Bells Ferry Road



**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 21, 2015
9:00 A.M.**

The Board of Commissioners Zoning Hearing was held on Tuesday, April 21, 2015 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Vice Chair JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford

Chairman Tim Lee – not present

Z-20 (CONT.)

- Maintenance of greenspace/park of 2.5 acres
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- Cobb DOT comments and recommendations, *not otherwise in conflict*
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: TIED 2-2, Lee absent, Cupid and Ott opposed

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 COBB COUNTY ZONING

PROJECT	CHASTAIN MEADOWS SOUTH
TITLE	OVERALL SITE PLAN
DATE	3-25-15
PREPARED BY	KIMLEY-HORN
CHECKED BY	ALAN HORN
DATE	3-25-15
SCALE	AS SHOWN
PROJECT NO.	15187
LAND LOT	499,498,510,511 OF THE 9th DISTRICT COBB COUNTY GA
OWNER	CHASTAIN MEADOWS
DESIGNER	KIMLEY-HORN
DATE	3-25-15

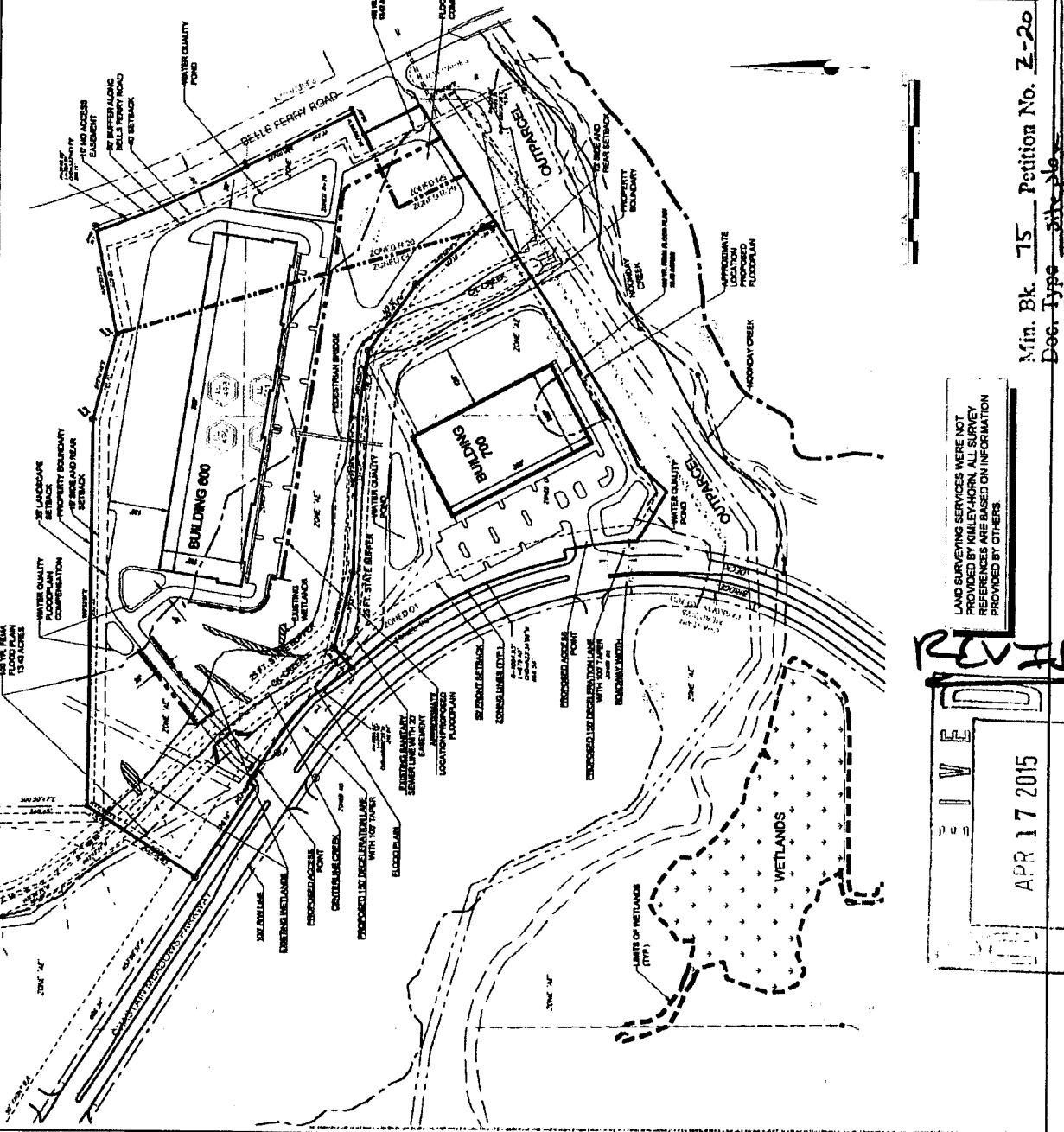
PAVING WIDTHS:
 ENTRANCE DRIVE WIDTH - 39.0 FT.
 PARKING DRIVEWAY WIDTH - 24.0 FT.
 DRIVEWAY TO LOADING DOCK - 30.0 FT.
 (ALL DIMENSIONS ARE F.C. TO F.C.)

SUMMARY INFORMATION
 EXISTING ZONING CATEGORIES: O1, R-20, NS
 PROPOSED ZONING CATEGORIES: OS
 TOTAL OVERALL SITE ACRES: 28.53 AC.
 TOTAL FLOOD PLANN ACREAGE: 8.89 AC.

PARKING SUMMARY
 BUILDING 800 PARKING REQUIRED: 128 SPACES
 TOTAL PROVIDED: 140 SPACES
 BUILDING 700 PARKING REQUIRED: 67 SPACES
 TOTAL PROVIDED: 125 SPACES

BUILDING 800 PARAMETERS:
 TRACT AREA - 19.76 ACRES
 USABLE AREA - 12.36 ACRES
 PROPOSED BUILDING SQUARE FOOTAGE - 135,000 SF
 F.F. ELEVATION - 933.00
 1 STORY
 INTENDED USE: OFFICE / WAREHOUSE

BUILDING 700 PARAMETERS:
 TRACT AREA - 8.77 ACRES
 USABLE AREA - 6.28 ACRES
 PROPOSED BUILDING SQUARE FOOTAGE - 70,000 SF
 1 STORY
 F.F. ELEVATION - 937.00
 INTENDED USE: OFFICE / WAREHOUSE



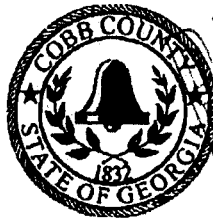
LAND SURVEYING SERVICES WERE NOT PROVIDED BY KIMLEY-HORN. ALL SURVEY REFERENCES ARE BASED ON INFORMATION PROVIDED BY OTHERS.

REVISED

FIVE
 APR 17 2015
 COBB COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT DIVISION

Min. Bk. 75 Petition No. Z-20
 Doc. Type 5116
 Meeting Date 4-21-15

Trk. No. 75 Parcel: 2-20
Doc. Type Zoning Application
Meeting Date 4-21-15



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MAR 13 2015
COBB CO. COMM. DESIGN
ZONING DEPARTMENT

Application #: Z-20 (2015)
PC Hearing Date: 02/03/2015
BOC Hearing Date: 02/17/2015

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Not Applicable.
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____ ELL - 4 2014
- d) List all requested variances: _____

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

- a) Proposed use(s): Office and warehouse distribution as allowed under the OS zoning category
- b) Proposed building architecture: Architecturally designed tilt wall concrete construction similar in design to the existing buildings within Chastain Meadows area.
- c) Proposed hours/days of operation: Monday-Friday - 7 a.m.-6 p.m.;
Saturdays - 8 a.m.-2 p.m. Hours may vary as determined by individual tenants.
- d) List all requested variances: This project lies within the Town Center Overlay District, and the master planned, parkwide signage, landscaping, and hardscaping, street, and site lights do not conform with the Overlay standards. Applicant requests that current parkwide standards be allowed for this development.

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

Applicant will be providing a flood plain study with the Application for Rezoning to allow for manipulation of the flood plain through flood plain compensation. This report will be submitted to Cobb County for consideration and approval by mid-December 2014.

.....
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 known at this time.

.....
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: J. Kevin Moore Date: December 4, 2014

J. Kevin Moore; Georgia Bar No. 519728

Applicant name (printed): 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 part of the Application for Rezoning, at any time during the rezoning process.

Revised August 21, 2013

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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COBB COUNTY COMMUNITY DEVELOPMENT AGENCY
ZONING DIVISION

JOHN H. MOORE
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WILLIAM R. JOHNSON[†]
ROBERT D. INGRAM[†]
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. GARMACK
KEVIN B. CARLOCK[†]
ALEXANDER T. GALLOWAY III[†]
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
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BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART[†]
JEFFREY A. DAXE
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10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32258
TELEPHONE (904) 428-1488

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
2333 ALEXANDRIA DRIVE
LEXINGTON, KENTUCKY 40504
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885 ISLAND PARK DR • STE B
CHARLESTON, SOUTH CAROLINA 29492
TELEPHONE (843) 302-0002

ORLANDO, FLORIDA
7360 W. SAND LAKE RD • STE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

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B. CHASE ELLEBY
TYLER R. MORGAN[†]
MARIANNA L. JABLONSKI[†]
LOURDES SANCERNI-FULTON[†]
LEAH C. FOX[†]
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RYAN B. ROBINSON
JOSEPH D. SHELLEY
LESLIE S. SMITH
CHRISTOPHER L. JOHNSON
CHRISTIAN M. LAYCOCK
LIZA D. HARRELL^{††}
JESSICA A. KING
JOHN A. EARLY
CHRISTOPHER W. SHERMAN[†]
JESS E. MAPLES[†]
FREDERICK F. FISHER^{†††}
KENNETH D. HALL

RAHUL SHETH
GRANT S. TALL
NIGEL P. VORBRICH[†]
KIMBERLY E. THOMPSON[†]
E. SHANE BRANHAM[†]
BRENT R. LAMAN[†]
CHRISTOPHER R. BROOKS[†]

OF COUNSEL:
JOHN L. SKELTON, JR.[†]

[†] ALSO ADMITTED IN TN
^{††} ALSO ADMITTED IN FL
^{†††} ALSO ADMITTED IN CA
^{††††} ALSO ADMITTED IN TX
^{†††††} ALSO ADMITTED IN AL
^{††††††} ALSO ADMITTED IN KY
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^{†††††††††††††} ADMITTED ONLY IN KY

March 20, 2015

Hand Delivered

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

MAR 20 2015

RE: Application for Rezoning - Application No. Z-20 (2015)
Applicant/Property Owner: BK Properties, LP
Property: 29.94 acres, more or less, located on the
northeasterly side of Chastain Meadows
Parkway, the westerly side of Bells ferry
Road, southerly of Big Shanty Road, Land
Lots 498, 499, 510, and 511, 16th District,
2nd Section, Cobb County, Georgia

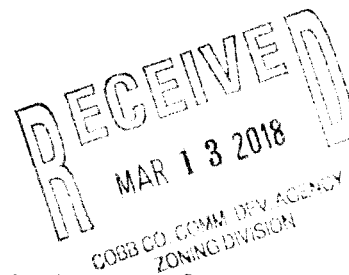
Min. Bk. 75 Petition No. Z-20
Doc. Type letter
Meeting Date 4-21-15

Dear Jason:

On behalf of the Applicant and Property Owner, BK Properties, LP, enclosed are revised Site Plans prepared for the Applicant by Kimley-Horn and Associates, Inc. dated and last revised March 16, 2015, with regard to the above-referenced Application for Rezoning. These revised Site Plans supersede those initially submitted with the subject Application on or about December 4, 2014, as well as any other subsequent plans. We, therefore, respectfully request the revised Site Plans submitted herewith be taken into consideration with the Application from this date forward.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 2
March 20, 2015



Petition No. Z-20
Meeting Date 4-21-15
Continued

Thank you for your assistance in this request. If you should have any questions or require additional information, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

A handwritten signature in black ink, appearing to read "J. Kevin Moore".

J. Kevin Moore

JKM:cc
Enclosures

c: Canton Road Neighbors
(With Copy of Enclosure)

BK Properties, LP
(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
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MAR 13 2015
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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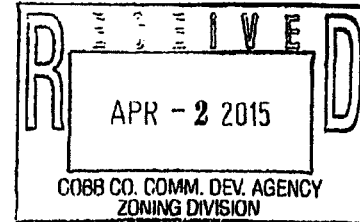
OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
**** ALSO ADMITTED IN GA
^ ALSO ADMITTED IN TX
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** ALSO ADMITTED IN IN
* ADMITTED ONLY IN TN
‡ ADMITTED ONLY IN FL
*** ADMITTED ONLY IN SC
• ADMITTED ONLY IN NY

April 2, 2015

Hand Delivered

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia



RE: Application for Rezoning - Application No. Z-20 (2015)

Applicant/Property Owner: BK Properties, LP

Property: 29.94 acres, more or less, located on the northeasterly side of Chastain Meadows Parkway, the westerly side of Bells Ferry Road, southerly of Big Shanty Road, Land Lots 498, 499, 510, and 511, 16th District, 2nd Section, Cobb County, Georgia

Min. Bk. 75 Petition No. Z-20
Doc. Type letter

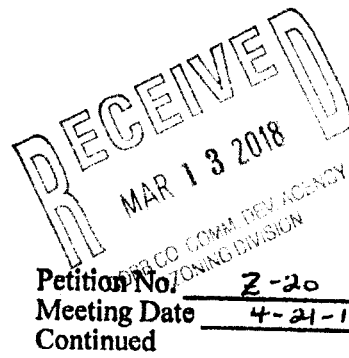
Meeting Date 4-21-15

Dear Jason:

The undersigned and this firm represent BK Properties, LP, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of 29.94 acres, more or less, located on the northeasterly side of Chastain Meadows Parkway and the westerly side of Bells Ferry Road; southerly of Big Shanty Road, Land Lots 498, 499, 510, and 511, 16th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with planning and zoning staff; discussions and meetings with area residents and representatives of area community associations; reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
April 2, 2015

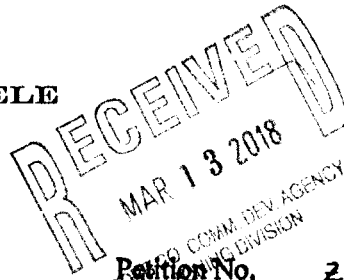


agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning categories of Office Institutional ("OI"), Neighborhood Shopping ("NS"), and R-20 to the proposed zoning category of Office/Services ("OS"), site plan specific to the revised Overall Site Plan prepared for Applicant by Kimley Horn and Associates, Inc., dated and last revised March 16, 2015, and submitted to the Zoning Office on March 20, 2015. A reduced copy of the revised Overall Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (2) The buildings within the proposed development shall be architecturally designed tilt wall concrete construction, substantially similar in design and exterior elevation to existing buildings within the Chastain Meadows Parkway complexes. Photographs of the proposed buildings are attached collectively as Exhibit "B" and incorporated herein by reference.
- (3) Security lighting on the proposed buildings shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (4) Lighting fixtures for customer and parking areas shall be environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line. All lighting shall comply with Cobb County Code requirements.
- (5) Access to the proposed development shall be from Chastain Meadows Parkway only. There shall be no access to the proposed development from Bells Ferry Road. A ten (10) foot "no access" easement shall be conveyed to Cobb County along the Subject Property's road frontage on Bells Ferry Road.
- (6) Signage for the proposed development shall be located on Chastain Meadows Parkway and shall be consistent with the design, finish, materials, and colors used for buildings within the center. Signage shall be ground-based, monument style, and shall comply with Cobb County Zoning Codes and Ordinances. No signage shall be located on Bells Ferry Road.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
April 2, 2015

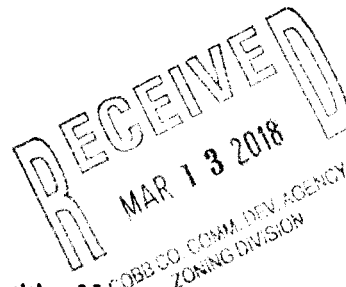


Petition No. 2-20
Meeting Date 4-21-15
Continued

- (7) Stormwater management and detention shall comply in all respects with applicable Cobb County Code; as well as state and federal regulations.
- (8) There shall be a fifty (50) foot landscape buffer adjacent to Bells Ferry Road, with landscaping and berming as more particularly shown and reflected on Exhibit "C," attached hereto and incorporated herein by reference. Additionally, there shall be a twenty-five (25) foot landscape buffer along the northern boundary of the Subject Property. Such landscape buffers shall comply in all respects with applicable Cobb County buffer ordinances to establish visual screening from adjoining properties. All trees to be planted in landscape buffer areas shall be a minimum of six (6) feet in height at planting.
- (9) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (10) The District Commissioner shall have the authority to approve minor modifications to these stipulations and the Overall Site Plan as the development proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density; reduce the size or composition of an approved buffer or landscape strip to adjacent property; relocate a structure closer to a property line; or, increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business" Application."
- (11) All landscape and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (12) Subject to the submitted Site Plan, Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, hydrology, and downstream considerations; except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
April 2, 2015



Petition No. 2-20
Meeting Date 4-21-15
Continued

- (13) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Installation of deceleration lanes, a minimum of one hundred fifty (150) feet in length, together with a one hundred (100) foot taper, at each access point, as shown and reflected on the revised Overall Site Plan.
- (14) Applicant agrees to the establishment of a publicly dedicated green space consisting of approximately 2.6 acres adjacent to Bells Ferry Road and the Noonday Creek Multi-Use Trail head area, as more specifically shown on the Site Plan attached hereto as Exhibit "D" and incorporated herein by reference. Such dedicated green space shall be for public use and enjoyment; however, responsibility of maintenance shall remain with Applicant, or its transferee or assignee (any future owner of the Subject Property). The designated green space shall be prepared in such a manner as to provide passive enjoyment by the public.
- (15) There shall be no vehicular access from the Property to the Noonday Creek Multi-Use Trail or trail head parking area.
- (16) Applicant confirms by this letter that a professional, independent wetlands delineation study of the Property, and surrounding area, has been conducted and completed. The referenced, revised Site Plan incorporates the results of such study. Applicant agrees to comply with any further comments or recommendations of Cobb County Stormwater Division during the plan review and permitting process.
- (17) Applicant agrees to the installation of a privacy fence, a minimum of six (6) feet in height, along any shared residential property, where no such fence currently exists.
- (18) Applicant agrees that semi-trailer truck deliveries shall be limited to the following hours: 7:00 a.m. to 6:00 p.m., Monday – Friday.

We believe the requested zoning, pursuant to the revised Overall Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed use takes into consideration the challenges of location and topography posed by the Subject Property; as well as the challenges placed upon the Property by Cobb County and its classifications and

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
April 2, 2015

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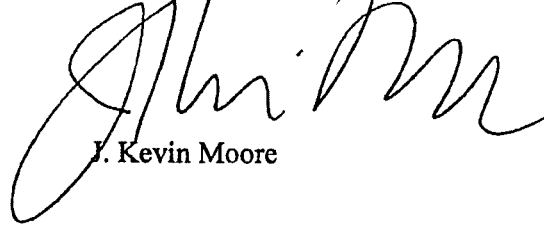
Petition No. 2-20
Meeting Date 4-21-15
Continued

restrictions within the zoning and future land use categories. We appreciate very much your assistance and consideration; as well as that of the Cobb County Planning Commission and Cobb County Board of Commissioners, in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
JoAnn Birrell
Lisa N. Cupid
Robert J. Ott
Bob Weatherford
(With Copies of Attachments)

Cobb County Planning Commission
Mike Terry, Chairman
Judy Williams
Christi S. Trombetti
Galt Porter
Skip Gunther
(With Copies of Attachments)

Carol Brown
Canton Road Neighbors
(With Copies of Attachments)

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
April 2, 2015



- c: Phil Blackwell
Christopher Gable
Area Residents
(With Copies of Attachments)

- BK Properties, LP
(With Copies of Attachments)

Petition No. 2-20
Meeting Date 4-21-15
Continued _____

MOORE INGRAM JOHNSON & STEELE

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JOHN H. MOORE
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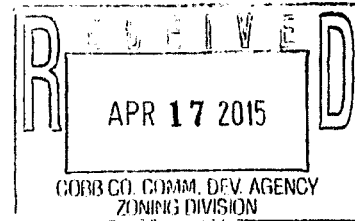
OF COUNSEL:
JOHN L. SKELTON, JR.†

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April 17, 2015

Hand Delivered

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064



RE: Application for Rezoning - Application No. Z-20 (2015)
Applicant/Property Owner: BK Properties, LP
Property: 29.94 acres, more or less, located on the
northeasterly side of Chastain Meadows
Parkway, the westerly side of Bells ferry
Road, southerly of Big Shanty Road, Land
Lots 498, 499, 510, and 511, 16th District,
2nd Section, Cobb County, Georgia

Min. Bk. 75 Petition No. Z-20
Doc. Type letter
Meeting Date 4-21-15

Dear Jason:

On behalf of the Applicant and Property Owner, BK Properties, LP, enclosed are revised Site Plans prepared for the Applicant by Kimley-Horn and Associates, Inc. dated March 26, 2015, and last revised April 15, 2015, with regard to the above-referenced Application for Rezoning. Please note this new, revised Plan provides for an expanded buffer of thirty-five (35) feet along the northerly boundary of the Subject Property, consistent with the Planning Commission's recommendations.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 2
April 17, 2015

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ZONING DIVISION

Petition No. 2-20
Meeting Date 4-21-15
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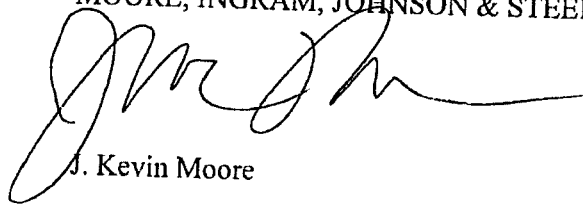
These revised Site Plans supersede those submitted with the Application on or about December 4, 2014, and revised Site Plans filed on March 20, 2015; as well as any other subsequent Plans. We, therefore, respectfully request the revised Site Plans submitted herewith be taken into consideration with the Application from this date forward; and specifically, shall supersede and replace in full the Site Plan referenced in the letter of agreeable stipulations and conditions dated and filed with your office April 2, 2015.

Thank you for your assistance in this request. If you should have any questions or require additional information, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Enclosure

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
JoAnn Birrell
Lisa N. Cupid
Robert J. Ott
Bob Weatherford
(With Copy of Enclosure)

Canton Road Neighbors
(With Copy of Enclosure)

Phil Blackwell
Bells Ferry Civic Association
(With Copy of Enclosure)

BK Properties, LP
(With Copy of Enclosure)

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
REZONING Z-20 (2015)
– MAY 19, 2015**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 19, 2015
9:00 A.M.**

The Board of Commissioners Zoning Hearing was held on Tuesday, May 19, 2015 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford

PENDING CASE

Due to a tie vote at the April 21, 2015 Board of Commissioners Zoning Hearing and according to Section 11-D of the *Board of Commissioners Zoning and Land Use Procedures*, petition Z-20 (BK Properties, LP) was considered *pending* (see page 7 of the April 21, 2015 Board of Commissioners Zoning Hearing). Therefore, the following vote was taken:

VOTE: ADOPTED 3-2, Cupid, Ott opposed

**2017 PAID AD VALOREM PROPERTY TAX
RECIPTS FOR SUBJECT PROPERTY
(TAX PARCEL NOS. 16049800600;
16049900020; 16051000010; AND
16051100020)**



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

RECEIVED
 MAR 13 2018
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION
 Payer:
 BK PROPERTIES LP

Printed: 3/13/2018

Cobb County Online Tax Receipt

Thank you for your payment!

BK PROPERTIES LP

Payment Date: 10/11/2017

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2017	16049800600	10/15/2017	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$15,386.31	\$0.00



Scan this code with your mobile phone to view this bill!!!



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679



Printed: 3/13/2018

Cobb County Online Tax Receipt

Thank you for your payment!

ayer.
BK PROPERTIES LP

BK PROPERTIES LP

Payment Date: 10/11/2017

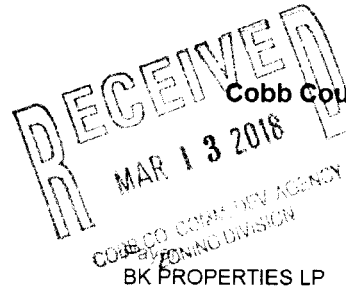
Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2017	16049900020	10/15/2017	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$3,843.31	\$0.00



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CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679



Printed: 3/13/2018

Cobb County Online Tax Receipt

Thank you for your payment!

BK PROPERTIES LP

Payment Date: 10/11/2017

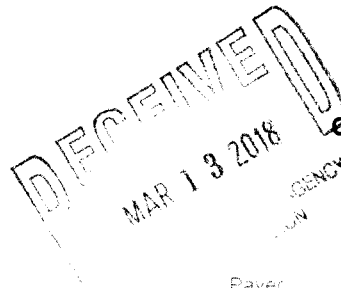
Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2017	16051000010	10/15/2017	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$10,433.08	\$0.00



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CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679



Printed: 3/13/2018

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
BK PROPERTIES LP

BK PROPERTIES LP

Payment Date: 10/11/2017

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2017	16051100020	10/15/2017	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,664.82	\$0.00



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