

**NOVEMBER 20, 2018 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3**

ITEM OB-056

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. *(Continued by the Board of Commissioners from the October 16, 2018 Board of Commissioners hearing).*

BACKGROUND

The subject property was rezoned to Office Services (OS) in 2015 for the purpose of office and warehouse distribution with two buildings. Building 600 was to be warehouse distribution and building 700 was to be an office. Both buildings together had 205,000 square feet with 265 parking spaces. Other Business #14 of 2018 (May 15, 2018) allowed the applicant would to revise the site plan and the stipulations to have one office building in the area where building 600 was proposed. Building 700 was deleted entirely. Earlier this year, the office building was approved for 150,000-square feet with 858 parking spaces. The applicant's current proposal still shows a 150,000-square foot office building, but with 852 parking spaces. The proposed building was approved this past May approximately 175' from Big Shanty Plantation subdivision; the current proposal has the building approximately 84' from the subdivision. 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: Subject to Plan Review comments and approval of proposed site grading plan.

NOVEMBER 20, 2018 ZONING HEARING

“OTHER BUSINESS”

COMMISSION DISTRICT 3

ITEM OB-056

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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.

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

3. 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.

4. Recommend sidewalk, curb, and gutter along the frontage of Bells Ferry Road and connecting to the Noonday Creek trailhead facility.

RECOMMENDATION

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

ATTACHMENT

Other Business application and minutes.

(Site Plan and Stipulation Amendment)

Application for "Other Business"

Cobb County, Georgia

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

RECEIVED
SEP 18 2018
BOC Hearing Date Requested:
COBB COUNTY ZONING DIVISION

Application No.: OB- 56 -2018
BOC Hearing Date Requested: October 16, 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: jmcorrey@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:

My commission expires: _____
Notary Public

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

Size of property in acres: 29.94+/- **Original Date of Hearing:** 02/17/2015

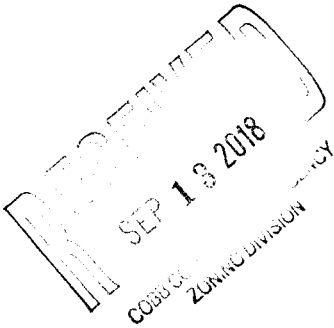
Location: Northeasterly side of Chastain Meadows Parkway and the westerly side of Bells Ferry Road; south of
(street address, if applicable; nearest intersection, etc.) Big Shanty Road

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.

(List or attach additional information if needed)

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



OB Application No.: OB- 56 -2018
Application No.: Z-20 (2015)
Original Hearing Date: February 17, 2015
Dates of Zoning Decisions: April 21, 2015
May 19, 2015
May 15, 2018
Current Hearing Date: October 16, 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
William E. Keappler
General Partner

Date Executed: 09/12/2018

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:

Jaren Sutton
Notary Public
Commission Expires: _____

[Notary Seal]



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

OB Application No.:	OB- <u>56</u> -2018
Application No.:	Z-20 (2015)
Original Hearing Date:	February 17, 2015
Dates of Zoning Decisions:	April 21, 2015
	May 19, 2015
	May 15, 2018
Current Hearing Date:	October 16, 2018



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

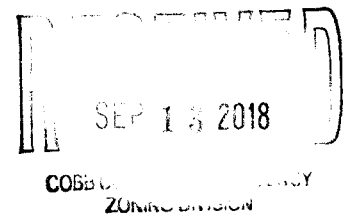
BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Edison Chastain Office, LLC, as Applicant in this Application for "Other Business" (hereinafter "Applicant"), proposes amendments to the previously approved site plan and related 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 previously filed an Application for "Other Business," which was approved by the Board of Commissioners on May 15, 2018, and amended the previously approved site plan and stipulations, for an office-only development.

Applicant, through further engineering and design, has determined modifications are necessary to accommodate the building design, and seeks approval by the Cobb County Board of Commissioners for revisions to the previously approved Site Plan and amendments to certain stipulations and conditions related to the Subject Property. With this Application for "Other Business," Applicant presents for approval the Site Plan prepared for Applicant by Kimley Horn & Associates, Inc. dated June 27, 2018, last revised August 29, 2018, 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 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.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on May 15, 2018, as to the prior "Other Business" approval; as well as any subsequent amendments by Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.





**REVISED SITE PLAN SUBMITTED FOR
AMENDMENT AND APPROVAL BY BOARD
OF COMMISSIONERS PURSUANT TO
APPLICATION FOR “OTHER BUSINESS” –
OCTOBER 16, 2018**



**SITE PLAN APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR
"OTHER BUSINESS" OB-14-2015
- MAY 15, 2018**

CP-1		EDISON CHASTAIN	OVERALL SITE PLAN	COBB COUNTY GA	TPA GROUP
PROJECT NO.		DATE	SCALE	LAND LOT 499,498,510,511 OF THE 9th DISTRICT	DATE
SHEET NO.		DATE	SCALE	LAND LOT 499,498,510,511 OF THE 9th DISTRICT	DATE
SHEET NO.		DATE	SCALE	LAND LOT 499,498,510,511 OF THE 9th DISTRICT	DATE

BUILDING PARAMETERS:
 TOTAL TRACT AREA - 304.4 ACRES
 PROPOSED BUILDING SQUARE FOOTAGE - 150,000 SF
 INTENDED USE: OFFICE

PROPOSED PARKING
 STANDARD 940
 ADA 18
 TOTAL 958

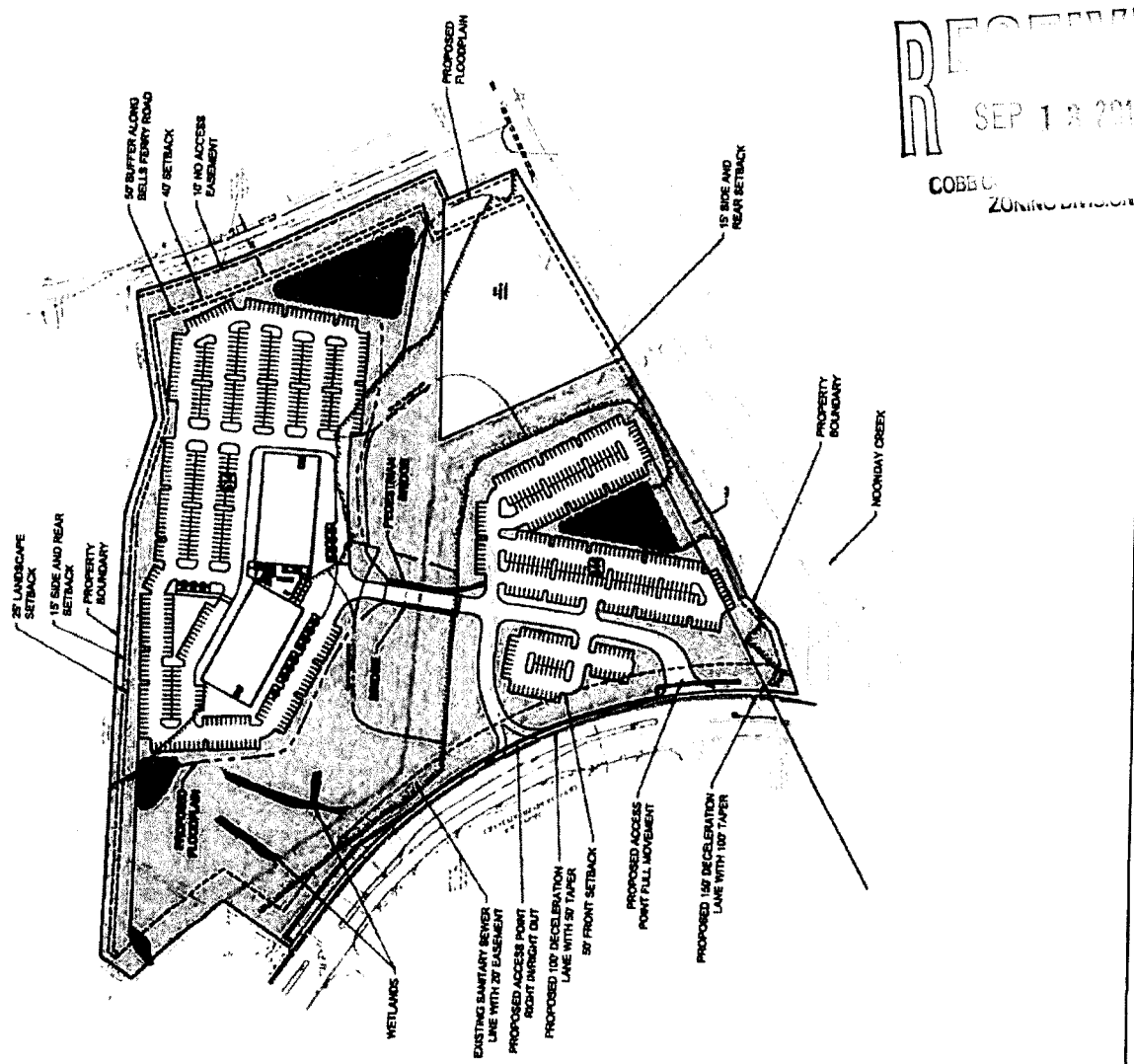
SITE IMPERVIOUS SURFACE: 875 AC

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

SUMMARY INFORMATION
 EXISTING ZONING CATEGORIES: O, R-20, NS
 PROPOSED ZONING CATEGORIES: WITH CATEGORIES
 TOTAL OVERALL SITE ACRES: 304.4 AC

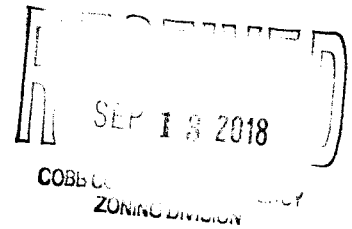
LAND SURVEYING SERVICES WERE NOT PROVIDED BY KIMLEY-HORN. ALL SURVEY REFERENCES ARE BASED ON INFORMATION PROVIDED BY OTHERS.

Min. Bk. 85 Petition No. 08.14
 Doc. Type Site Plan
 Meeting Date 5-15-2018



RECEIVED
 SEP 18 2018
 COBB COUNTY ZONING DIVISION

EXHIBIT "A"



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

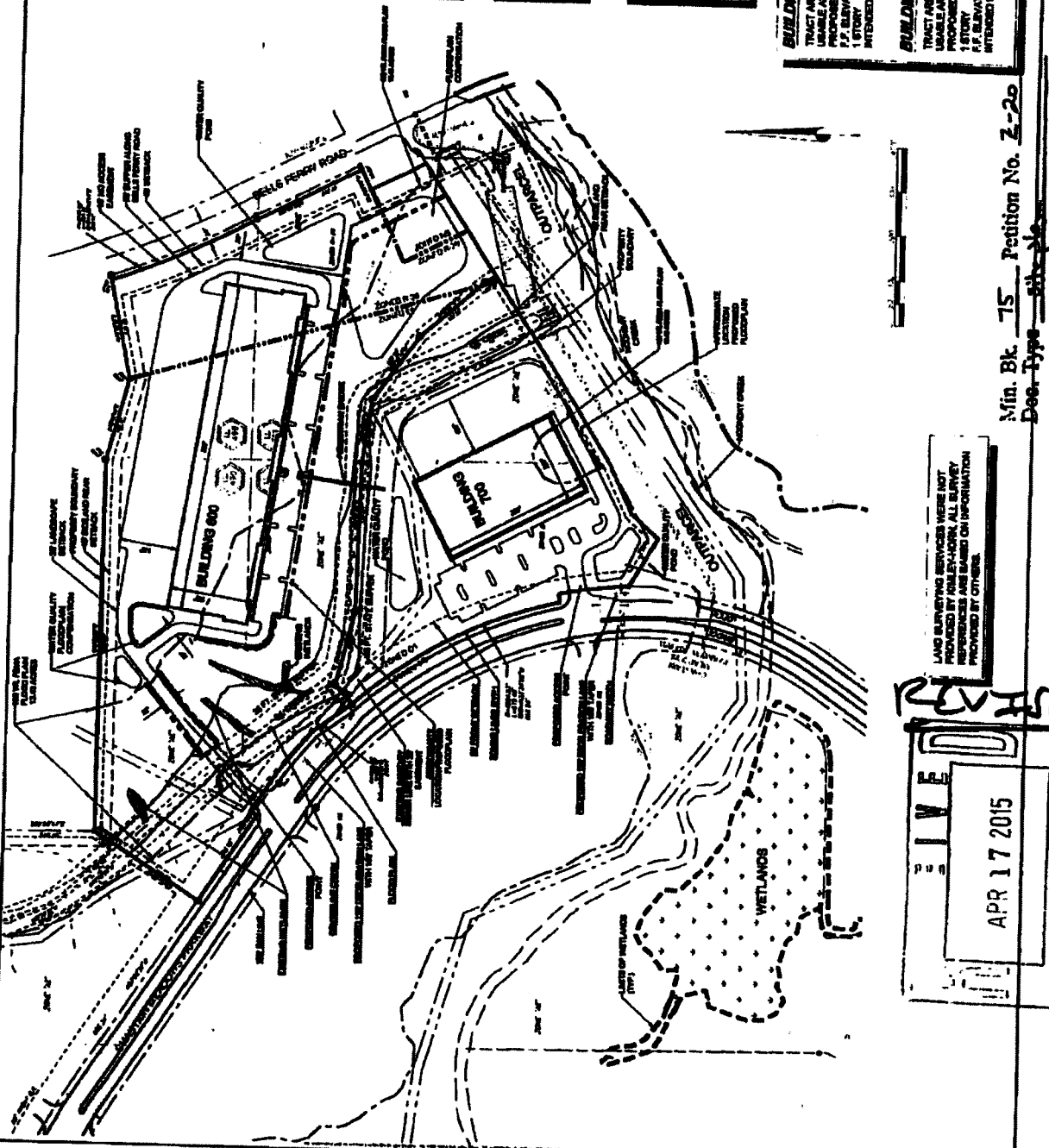
PAVING NOTES:
 ENTRANCE DRIVE WITH
 PARALLEL DRIVEWAY WITH
 DRIVEWAY TO LOADING DOCK
 (ALL DIMENSIONS ARE F.C. TO F.C.)

SUMMARY INFORMATION
 EXISTING ZONING CATEGORIES: O4, R24, I4
 EXISTING ZONING CATEGORIES: O4
 TOTAL LOT AREA: 283.0 AC
 TOTAL FLOORED PLAN AREA: 538,341 SQ. FT.

PARKING SUMMARY
 BUILDING 600 PARKING REQUIRED:
 TOTAL: 128 SPACES
 TOTAL PROVIDED: 140 SPACES
 BUILDING 700 PARKING REQUIRED:
 TOTAL: 87 SPACES
 TOTAL PROVIDED: 122 SPACES

BUILDING 600 PARAMETERS:
 TRACT AREA: 15.79 ACRES
 USABLE AREA: 12.38 ACRES
 PROPOSED BUILDING SQUARE FOOTAGE: 128,000 SF
 1 STORY
 F.F. ELEVATION: 333.00
 INTENDED USE: OFFICE / WAREHOUSE

BUILDING 700 PARAMETERS:
 TRACT AREA: 177 ACRES
 USABLE AREA: 158 ACRES
 PROPOSED BUILDING SQUARE FOOTAGE: 70,000 SF
 1 STORY
 F.F. ELEVATION: 332.00
 INTENDED USE: OFFICE / WAREHOUSE



Min. Bk. 75 Petition No. 3-20
 Dec. Type ~~Site~~

Meeting Date 4-21-15

LAND MARKETING SERVICES WERE NOT
 PROVIDED BY SUELL-AYERS. ALL SAFETY
 REFERENCES ARE BASED ON INFORMATION
 PROVIDED BY OTHERS.

REVIEWED
 APR 17 2015
 2015 DEV AGENCY
 2015 DIVISION

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
“OTHER BUSINESS” OB-14 (2018)
– MAY 15, 2018**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 15, 2018
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, May 15, 2018, in the second floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Board were:

Mike Boyce, Chairman
Commissioner Joann Birrell
Commissioner Lisa Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford

O.B. 14 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. *(Previously held by the Board of Commissioners from their April 17, 2018, hearing until the May 15, 2018, Board of Commissioners' hearing)*

Mr. Pederson presented the Applicant's request for site plan and stipulation amendments to accommodate one office building in the area where building 600 was proposed. The public hearing was opened, and Mr. Kevin Moore, Ms. Tullan Avard, and Ms. Karen Huck addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to approve O.B. 14, subject to:

1. **Site plan submitted May 11, 2018 (attached and made a part of these minutes)**
2. **Revised letter of agreeable conditions from Mr. Kevin Moore dated May 14, 2018 (attached and made a part of these minutes), with the following changes:**
 - A. **Item No. 4 – revise to read: "...LED light fixture and timers to..."**

- B. Item No. 12 – related to the last sentence, when the final site plan comes back, the District Commissioner would like to see what is planned for that area**
- 3. Applicant to remove the debris that is clogging up the creek near the end of Big Shanty Trail and near Briar Gate Lane**
 - 4. The Landscape plan along the property that faces the trail head is to be approved by the District Commissioner and County Arborist with review by Bells Ferry Civic Association, including Mr. and Mrs. Huck**
 - 5. All previous stipulations and conditions from Z-20 of 2015, *not otherwise in conflict*, to remain in effect**
 - 6. Staff comments and recommendations, *not otherwise in conflict***
 - 7. Planning Commission comments and recommendations, *not otherwise in conflict***

VOTE: ADOPTED 5-0

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON^{††}
ROBERT D. INGRAM[†]
J. BRIAN O'NEK
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK[†]
J. KEVIN MOORE
RODNEY R. MCCOLLDOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART^{††}
JEFFREY A. DAXE
CHRISTOPHER C. MINGLEDORFF^{††}
PHILIP C. THOMPSON
SHANE MAYES
ALEXANDER B. MORRISON^{†††}
GREGORY H. FULLER[†]

DOUGLAS W. BUTLER, JR.
CAREY E. OLSON[†]
RYAN M. INGRAM
JOYCE W. HARPER
CHARLES E. PIERCE[†]
WILMA R. BUSH
TODD I. WEIRD[†]
CARLA C. WESTER[†]
AMY L. JETT[†]
SHAWN G. SHELTON
D. AUSTIN GILLIS[†]
KRISTEN C. STEVENSON[†]
SARAH H. BEST^{††}
RYAN C. EDENS[†]
JULIE C. FULLER[†]
TAMMI L. BROWN
JONATHAN J. SMITH
DAVID P. CONLEY
LOURDES M. BANGERIN[†]
LESLIE S. NEUBAUER
JENNIFER B. SIMPSON
CHRISTIAN H. LAYCOCK
LIZA D. HARRELL^{**}

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EMERSON OVERLOOK
328 ROBELL ST • STE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

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408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (866) 892-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PKWY, N • STE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1485

BRENTWOOD, TENNESSEE
6200 MARYLAND WAY • STE 301
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 426-7347

LEXINGTON, KENTUCKY
2333 ALEXANDRIA DRIVE
LEXINGTON, KENTUCKY 40504
TELEPHONE (502) 410-6021

CHARLESTON, SOUTH CAROLINA
885 ISLAND PARK DR • STE B
CHARLESTON, SOUTH CAROLINA 29402
TELEPHONE (843) 502-0002

ORLANDO, FLORIDA
7360 W. SAND LAKE RD • STE 900
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-8233

MECHANICSBURG, PENNSYLVANIA
5000 RITTER ROAD • STE 202
MECHANICSBURG, PENNSYLVANIA 17066
TELEPHONE (717) 780-2420

JOHN A. EARLY
CHRISTOPHER W. SHERMAN[†]
KENNETH D. HALL
BRENT R. LAMAN[†]
CHRISTOPHER R. BROOKS[†]
ALLISON M. HELSINGER[†]
MICHAEL R. BEANE[†]
MICHAEL E. PATTERSON^{***}
RYAN T. BOWDEN
JARED C. WILLIAMS^{***}
CHRISTOPHER G. ROWE[†]
TIFFANY B. SHERRILL[†]
DAVID W. SAMMONS[†]
MARSHALL L. PORTWENT
PETER P. FRECH[†]
LAUREN E. SMITH[†]
LEBLEY M. ROWE
TAYLOR W. WILLIAMS
MATTHEW R. HALL[†]
TYLER S. WATERFIELD^{†††}
BARRON K. MARTIN[†]
JENNIFER A. LOWE[†]
DEREK J. BROWN

KEVIN B. HARRIS
GARETT P. FRANKLYN[†]
DEBORAH V. HAUGHTON
M. ANDREW WOMACK[†]
SHARIE L. TUMBLING
LINDSAY A. FLEMING
JONATHAN D. NIVLOH
DANIEL R. FINK
NATHAN J. KAPLAN[†]

OF COUNSEL:
JOHN L. SKELTON, JR. †

† ALSO ADMITTED IN TN
‡ ALSO ADMITTED IN FL
‡ ALSO ADMITTED IN KY
‡ ALSO ADMITTED IN NC
‡ ALSO ADMITTED IN NY
‡ ALSO ADMITTED IN NY
‡ ALSO ADMITTED IN PA
‡ ADMITTED ONLY IN TN
‡ ADMITTED ONLY IN FL
*** ADMITTED ONLY IN SC
‡ ADMITTED ONLY IN KY
†† ADMITTED ONLY IN NY

May 14, 2018

Hand Delivered

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

FILED WITH COUNTY CLERK THIS 15th DAY
OF May 20 18 BY Kevin Moore
RE OB 14 (Rezoning)
Dam Mab
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

RE: Application for "Other Business" - OB-014-2018

Applicant: Edison Chastain Office, LLC
Property Owner: BK Properties, LP
Property: 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
("Property" or "Subject Property")

Dear John:

On behalf of the Applicant, Edison Chastain Office, LLC (hereinafter "Applicant"); as well as, the Property Owner, BK Properties, LP (hereinafter "Owner" or "Property Owner"), please accept the following as agreeable stipulations and conditions, which, if the referenced

Min. Bk. AS Petition No. O.B.14
Doc. Type Letter
Meeting Date 5-15-2018

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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May 14, 2018

Petition No. O.B.14
Meeting Date 5-15-2018
Continued

Application for "Other Business" Item is approved, as submitted, shall become a part of the grant of the requested approval and shall be binding upon development of the Property. The proposed stipulations are as follows:

- (1) Applicant requests approval of the revised Overall Site Plan ("Site Plan"), site plan specific, prepared by Kimley-Horn and Associates, Inc., dated and last revised May 11, 2018, and filed with the Zoning Office with this letter of agreeable stipulations and conditions. A reduced copy of the revised Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (2) By this letter of agreeable stipulations and conditions, Applicant amends its Application for "Other Business" to include the revised Site Plan for the proposed development, hereinabove referenced, same being prepared for Applicant by Kimley-Horn and Associates, Inc., dated and last revised May 11, 2018, and filed with the Zoning Office contemporaneously with the filing of this letter of agreeable stipulations and conditions.
- (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, 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. Perimeter site lighting will utilize a forward-throw LED light fixture to minimize the effects upon neighboring properties.
- (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. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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May 14, 2018

Petition No. 0.8.14
Meeting Date 5-15-2018
Continued

- (7) Stormwater management shall comply with applicable Cobb County Code provisions and as otherwise permitted by Cobb County; 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. 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) Minor modifications to the within stipulations, the referenced, revised Site Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (e) Change an access location to a different roadway;
 - (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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May 14, 2018

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Meeting Date 5-15-2018
Continued

- (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
- (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.
- (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 graded slopes or other required engineering features of the foregoing.
- (12) Applicant agrees to the establishment of a publicly dedicated green space consisting of approximately 2.5 acres adjacent to Bells Ferry Road and the Noonday Creek Multi-Use Trail head area. Such dedicated green space shall be for public use and enjoyment; however, responsibility of maintenance shall remain with Applicant, or its transferee or assignee. The designated green space shall be prepared in such a manner as to provide passive enjoyment by the public.
- (13) There shall be no vehicular access from the Property to the Noonday Creek Multi-Use Trail or trail head parking area.
- (14) 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.
- (15) Applicant is agreeable to the establishment of a natural and landscape buffer along the area between the lower parking lot and the Noonday Creek Trailhead.
- (16) Applicant shall provide a copy of the completed traffic study to the Bells Ferry Civic Association and the Cobb County Department of Transportation upon its completion.
- (17) For informational purposes, final plans and grades are not fully established for the project, but the preliminary plans indicate a finished floor elevation of 933 feet for the building. Chastain Meadows Parkway sits at approximately 935 feet and the back of the Property (Bells Ferry Road) slopes up to 955 to 960 feet. Applicant believes these grades will provide the appropriate view corridors to screen the project.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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May 14, 2018

Petition No. O.B.14
Meeting Date 5-15-18
Continued

- (18) Applicant fully understands and appreciates State and County stormwater management requirements, which include a requirement that all stormwater must be managed within the system and prohibits stormwater from discharging onto adjacent properties except through permitted drainage facilities and easements. A swale, slope, or berm may be required in order to contain or control the flow of stormwater, and will be considered. However, final engineering and the inclusion of actual stormwater facilities and management on the Property will ultimately control the water flow as determined and approved by the Cobb County Stormwater Division.
- (19) Applicant agrees to utilize as many native trees and plants as possible for landscaping and screening, subject to approval and compliance with the Cobb County Code and Ordinances.
- (20) The proposed pedestrian bridge will be designed to adequate height and will not act as a dam. Final engineering and hydrology reports for the bridge must meet or exceed state and county requirements which prohibit the creation of a dam for a bridge crossing.
- (21) Final landscaping plans to include all landscape buffers referenced herein; as well as, plans for the proposed passive park will be subject to District Commissioner approval, with initial review and input from the Bells Ferry Civic Association.
- (22) Impervious surface area for the proposed development shall be limited to approximately twenty-nine (29) percent of the total site area.

The requested Site Plan and Stipulation Amcndments, as presented in the Application for "Other Business," together with the revised Site Plan and stipulations set forth herein, are appropriate modifications for development of the Subject Property. The proposed office park will be a quality development, will be an enhancement to the Subject Property, and will provide a service to the residents within the East Cobb Community. Thank you for your consideration of this request.

[Balance of page 5 left intentionally blank]

[Signature contained on page 6]

MOORE INGRAM JOHNSON & STEELE

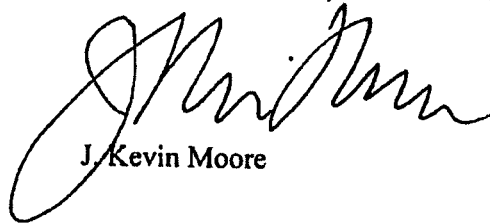
Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
May 14, 2018

Petition No 0.8.14
Meeting Date 5-15-2018
Continued

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachment

c: Cobb County Board of Commissioners:
Mike Boyce, Chairman
JoAnn Birrell
Lisa N. Cupid
Robert J. Ott
Bob Weatherford
(With Copy of Attachment)

Bells Ferry Civic Association, Inc.
(With Copy of Attachment)

Edison Chastain Office, LLC
(With Copy of Attachment)

Petition No. 0.8.14
 Meeting Date 5-15-18
 Continued

TPA GROUP LAND LOT 499, 498, 510, 511 OF THE 80 DISTRICT COBB COUNTY GA	EDISON CHASTAIN OVERALL SITE PLAN
Kimley-Horn 1110 Peachtree Street, N.E. Atlanta, Georgia 30309 (404) 525-8800 www.kimley-horn.com	PROJECT NO. _____ DATE _____

BUILDING PARAMETERS:
 TOTAL TRACT AREA - 20.4 ACRES
 PROPOSED BUILDING FOOTAGE - 169,000 SF
 INTENDED USE: OFFICE

PROPOSED PARKING	140
STANDARD ADA	86
TOTAL	226

SITE IMPERVIOUS SURFACE: 8.75 AC

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

SUMMARY INFORMATION
 EXISTING ZONING CATEGORIES: O1, R-20, NS
 PROPOSED ZONING CATEGORIES:
 TOTAL OVERALL SITE ACREAGE: 20.4 AC.

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

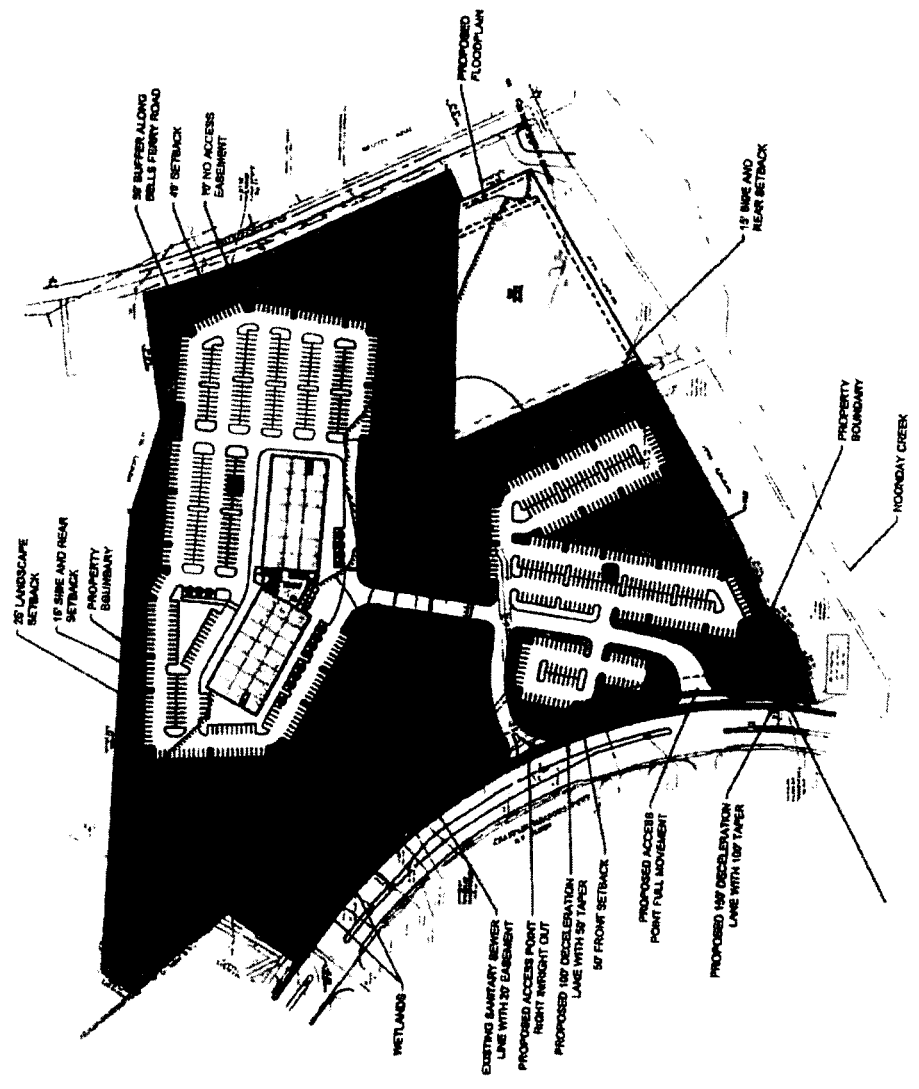


EXHIBIT "A"

**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

**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:

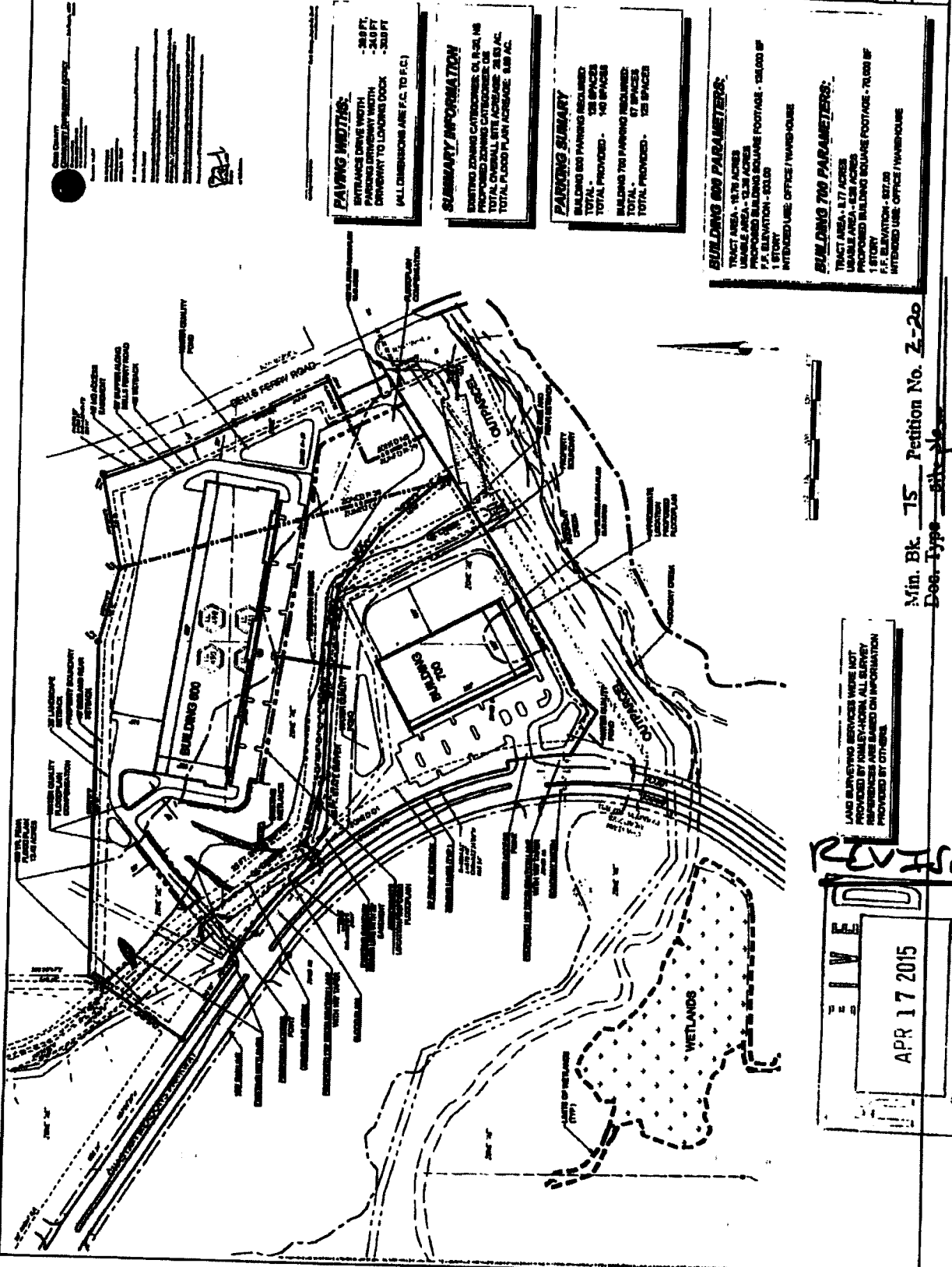
Vice Chair JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford

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



PAVING WIDTHS:
 ENTRANCE DRIVE WIDTH - 38 FT.
 DRIVEWAY WIDTH - 38 FT.
 DRIVEWAY TO LOADING DOCK - 38 FT.
 ALL DIMENSIONS ARE F.C. TO F.C.

SUMMARY INFORMATION:
 EXISTING ZONING CATEGORIES: O, B, 20, 40
 PROPOSED ZONING CATEGORIES: DE
 TOTAL CHASTAIN SITE ACREAGE: 28.83 AC.
 TOTAL PAVED PLAN ACREAGE: 8.8 AC.

PARKING SUMMARY:
 BUILDING 600 PARKING REQUIRED: 128 SPACES
 TOTAL PROVIDED: 140 SPACES
 BUILDING 700 PARKING REQUIRED: 87 SPACES
 TOTAL PROVIDED: 128 SPACES

BUILDING 600 PARAMETERS:
 TRACT AREA - 18.78 ACRES
 USABLE AREA - 12.38 ACRES
 PROPOSED BUILDING SQUARE FOOTAGE - 138,000 SF
 F.F. ELEVATION - 83.00
 1 STORY
 MIXTURED USE OFFICE / WAREHOUSE

BUILDING 700 PARAMETERS:
 TRACT AREA - 8.77 ACRES
 USABLE AREA - 4.58 ACRES
 PROPOSED BUILDING SQUARE FOOTAGE - 70,000 SF
 F.F. ELEVATION - 82.00
 MIXTURED USE OFFICE / WAREHOUSE

LAND SURVEYING SERVICES WERE NOT PROVIDED BY ABE 87-HOURS. ALL SURVEY INFORMATION IS BASED ON INFORMATION PROVIDED BY CITY/STATE.

REVISION
 APR 17 2015
 CITY/STATE DEV AGENCY DIVISION

Min. Bk. TS Petition No. Z-20
 Dec. Type sub
 Meeting Date 4-21-15

Kimley-Horn
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 404.525.8800
 Fax: 404.525.8801
 www.kimley-horn.com

App. No. 75 Section 2-20
App. Type Zoning Application
Meeting Date 4-21-15



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): _____
- 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: [Signature] Date: December 4, 2014
Applicant name (printed): J. Kevin Moore; Georgia Bar No. 519728
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.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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ROBERT D. INGRAM²⁾
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KIMBERLY E. THOMPSON¹⁾
E. SHANE BRANKAM¹⁾
BRENT R. LAMAN¹⁾
CHRISTOPHER R. BROOKS¹⁾
OF COUNSEL:
JOHN L. SKELTON, JR.¹⁾

¹⁾ ALSO ADMITTED IN TN
²⁾ ALSO ADMITTED IN FL
³⁾ ALSO ADMITTED IN GA
⁴⁾ ALSO ADMITTED IN TX
⁵⁾ ALSO ADMITTED IN AL
⁶⁾ ALSO ADMITTED IN KY
⁷⁾ ALSO ADMITTED IN SC
⁸⁾ ALSO ADMITTED IN MS
⁹⁾ ADMITTED ONLY IN TN
¹⁰⁾ ADMITTED ONLY IN FL
¹¹⁾ ADMITTED ONLY IN SC
¹²⁾ ADMITTED ONLY IN NY

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

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

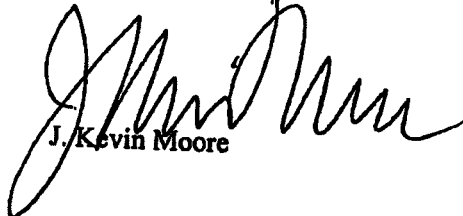
Petition No. 2-20
Meeting Date 4-21-15
Continued

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



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
WWW.MIJS.COM

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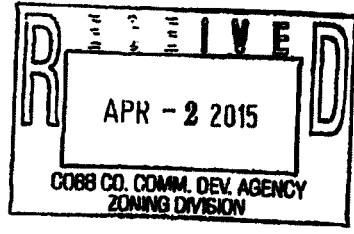
OF COUNSEL:
JOHN L. SHELTON, JR.†

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* ALSO ADMITTED IN NY
* ALSO ADMITTED IN SC
* ALSO ADMITTED IN MD
* ALSO ADMITTED IN HI
* 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

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

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
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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

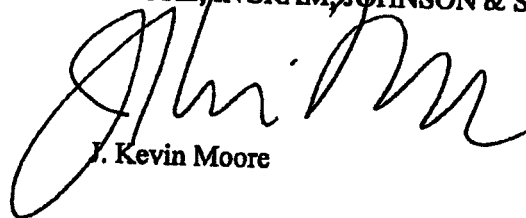
Petition No. 2-20
Meeting Date 4-21-15
Continued

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

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 892-8039

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32228
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NASHVILLE, TENNESSEE
3800 WEST END AVE • STE 800
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 428-7347

LEXINGTON, KENTUCKY
2333 ALEXANDRIA DRIVE
LEXINGTON, KENTUCKY 40504
TELEPHONE (502) 419-8021

CHARLESTON, SOUTH CAROLINA
888 ISLAND PARK DR • STE B
CHARLESTON, SOUTH CAROLINA 29402
TELEPHONE (843) 392-0002

ORLANDO, FLORIDA
7380 W. SAND LAKE RD • STE 600
ORLANDO, FLORIDA 32819
TELEPHONE (407) 387-8223

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BRENT R. LAMAN¹
CHRISTOPHER R. BROOKS¹

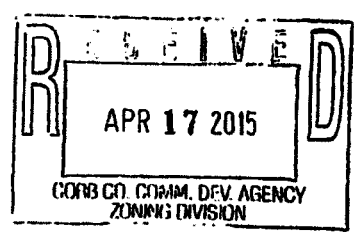
OF COUNSEL:
JOHN L. SHELTON, JR.¹

¹ ALSO ADMITTED IN TN
¹ ALSO ADMITTED IN FL
**** ALSO ADMITTED IN GA
¹ ALSO ADMITTED IN TX
¹ ALSO ADMITTED IN NY
¹ ALSO ADMITTED IN MD
¹ ALSO ADMITTED IN NC
¹ ADMITTED ONLY IN TN
¹ ADMITTED ONLY IN FL
¹ ADMITTED ONLY IN NY

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
Noticing 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
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April 17, 2015

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

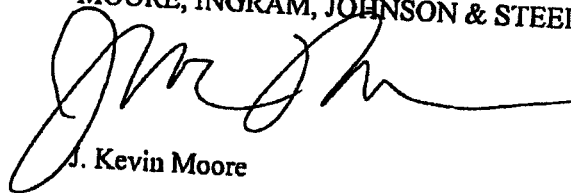
These revised Site Plans supersede those submitted with the Application on or about December 4, 2014, and revised Site Plans filed on March 20, 2015; as well as any other subsequent Plans. We, therefore, respectfully request the revised Site Plans submitted herewith be taken into consideration with the 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)

**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

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	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



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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	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



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!

Payer
BK PROPERTIES LP

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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