

Item # 2

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 09/20/11

Applicant: David Roach Phone #: (770) 419-9234
(applicant's name printed)

Address: 2480 Macland Road, Marietta, GA 30064 E-Mail: info@westcobbfuneralhome.com

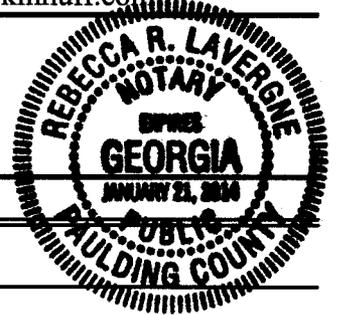
SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100
Parks F. Huff Address: Marietta, GA 30064

(representative's name, printed)

[Signature] Phone #: (770) 422-7016 E-Mail: phuff@samslarkinbuff.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: _____
Notary Public



Titleholder(s) SEE ATTACHED Phone #: _____
(property owner's name, printed)

Address _____ **E-Mail:** _____

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 1 **Zoning Case:** No. Z-94 (2007)

Date of Zoning Decision: October 16, 2007 **Original Date of Hearing:** October 16, 2007

Location: Northeast corner of Macland Road and Barrett Parkway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 470 **District(s):** 19

State specifically the need or reason(s) for Other Business: (1) Revise the site plan;
(2) Remove the use restriction for gathering halls to allow for the proposed second chapel for the
existing funeral home.

(List or attach additional information if needed)

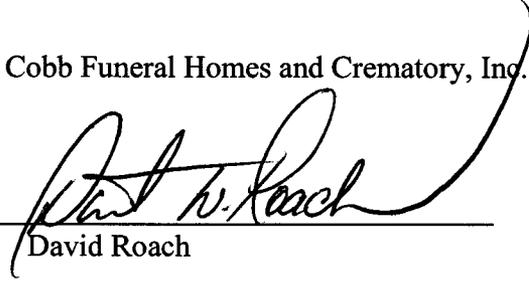
ATTACHMENT TO APPLICATION FOR OTHER BUSINESS AGENDA ITEM

Application No.: Other Business Item #2
Hearing Date: 09/20/11

Applicant: David Roach

Titleholders: West Cobb Funeral Homes and Crematory, Inc.

West Cobb Funeral Homes and Crematory, Inc.

By: 
David Roach

Address: 2480 Macland Road

Marietta, GA 30064

Telephone No.: (770) 419-9234

Signed, sealed and delivered
in the presence of:



Notary Public

Commission Expires: 10-28-2012

(Notary Seal)



ORIGINAL DATE OF APPLICATION: 10-16-07APPLICANTS NAME: PETTY DEVELOPMENT CORPORATION

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

BOC DECISION OF 10-16-07 ZONING HEARING:

PETTY DEVELOPMENT CORPORATION (owner) requesting Rezoning from **R-20** and **MHP** to **NRC** for the purpose of Retail in Land Lot 470 of the 19th District. Located on the north side of Turner Road, north of Macland Road, on the east side of Barrett Parkway, north of Macland Road and at the southern terminus of a 50-foot access road.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** Rezoning to the NRC zoning district **subject to:**

- if the project has not established one of the required public utilities within 18 months of zoning approval by the Board of Commissioners, the project will revert to the present zoning classifications
- project to be in general conformity to the site plan received by the Zoning Division September 21, 2007, subject to Plan Review and approval by the District Commissioner (attached and made a part of these minutes)
- letter of agreeable conditions from Mr. Kevin Moore dated October 1, 2007 *not otherwise in conflict and with the following changes* (attached and made a part of these minutes):
 - Item No. 3 – Add to the end: *“with final approval by the District Commissioner.”*
 - Item No. 10 – Add to the end: *“Dumpster corrals will match the materials and color of buildings they adjoin.”*
 - Item No. 14 (b) – Change to read: *“No auto or truck related businesses”*
 - Item No. 14 – Add an Item (n): *“No gathering halls”*
 - Item No. 20 – Add to end: *“Grading plan and final elevations will be approved by Stormwater Management and Cobb DOT before issuance of Land Disturbance Permits.”*
- stream buffers will be field verified before Land Disturbance permitting, fenced and kept undisturbed during construction
- applicant/developer to enter into a Landscape License Agreement with Cobb County, to include plantings along the right-of-way to integrate the project with the County owned corner parcel as if they were one (any sign on the County parcel to be monument based and approved by the District Commissioner)
- the overall landscape plan to be reviewed by Staff and *People Looking After Neighborhoods*, and approved by the District Commissioner during Plan Review (plantings to be confirmed by Staff before Certificates of Occupancy are issued)
- District Commissioner may approve minor modifications
- Fire Department comments and recommendations
- Historic Preservation comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED** unanimously

TOTAL AREA: 62,426 SQ. FT.
 GROSS FLOOR AREA: 42,426 SQ. FT.
 NET FLOOR AREA: 10,426 SQ. FT. (MINIMUM 20% OF GROSS AREA)
 NET FLOOR AREA: 32,000 SQ. FT. (GROSS - STORAGE)
 PARKING REQUIREMENTS:
 SPACES: 200 (100 AT 100 FT. PARKING SPACE + 100 SPACES)
 EXISTING ZONING: MFP
 PROPOSED ZONING: MFP

FLOOD STATEMENT:
 THE PROPOSED DEVELOPMENT IS NOT IN A FLOOD HAZARD AREA AS SHOWN ON THE FLOOD HAZARD MAP OF THE CITY OF ATLANTA.

LANDSCAPE PLAN:
 THE LANDSCAPE PLAN IS SUBMITTED AS PART OF THE SITE PLAN AND SHOWS THE LOCATION AND SPECIES OF ALL PLANTS AND TREES TO BE MAINTAINED OR PLANTED ON THE SITE.



PLAT TO ACCOMPANY
 AN APPLICATION FOR
 REZONING FOR

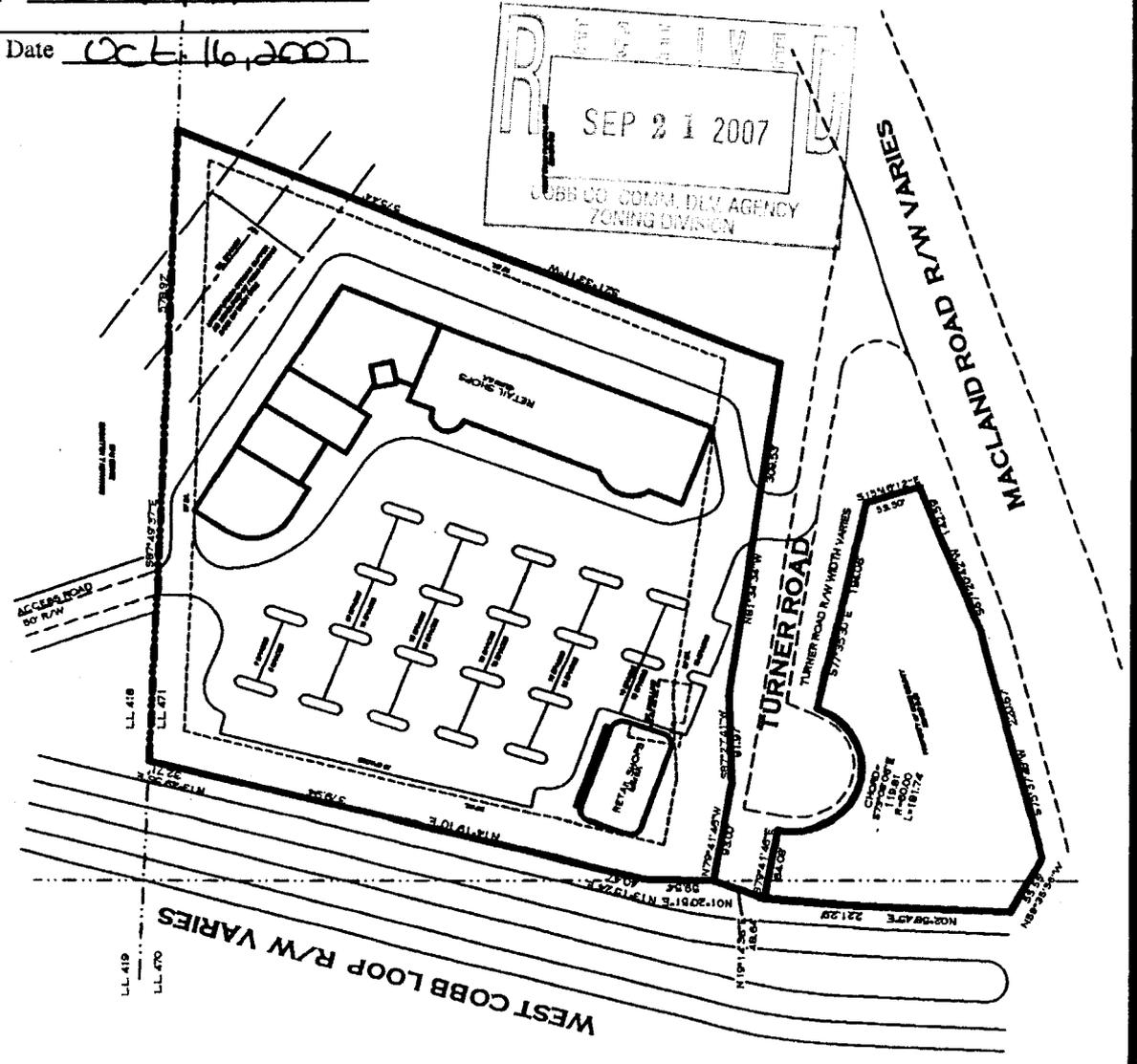
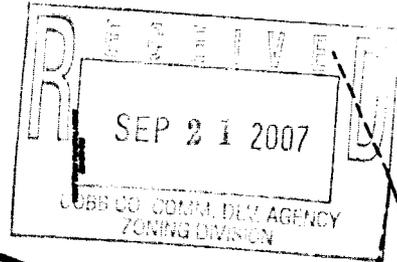
A. D. PETTY

LOCATED IN LAND LOTS 470 & 471
 19TH DISTRICT, 3RD SECTION,
 COBB COUNTY, GEORGIA



ATLANTA
 CITY OF ATLANTA
 COMMUNITY DEVELOPMENT DEPARTMENT
 ZONING DIVISION

Min. Bk. 53 Petition No. 2-94
 Doc. Type Site Plan
 Meeting Date Oct 16, 2007



MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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STEPHEN C. STEELE
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ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
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BILLING ADDRESS
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE
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408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

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SARAH S. GRANT

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
♦ ADMITTED ONLY IN TN

PAGE 4 OF

October 1, 2007

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered

Min. Bk. 53 Petition No. Z-94
Doc. Type Letter of
agreeable conditions
Meeting Date 10-16-2007

RE: Application for Rezoning
Application No.: Z-94 (2007)
Applicant/

FILED WITH COUNTY CLERK THIS 1st Property Owner: Petty Development Corporation
OF Oct. 20 2007 BY K. Moore Property: 6.47 acres located at the
RE Z-94 intersection of the easterly
Kasen J. King right-of-way of West Cobb Loop
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK and the northerly right-of-way
COBB COUNTY, GEORGIA of Turner Road; northeasterly of
Macland Road, Land Lot 470,
19th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Petty Development Corporation, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to approximately 6.47 acres of real property located in Land Lot 470, 19th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Subject Property"). After meeting with planning and zoning

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 7
October 1, 2007

Petition No. 2-94
Meeting Date 10-16-2007
Continued PAGE 5 OF

staff, reviewing the departmental comments and staff recommendations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full that certain letter of agreeable zoning stipulations and conditions dated and filed September 26, 2007. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning categories of Mobile Home Park ("MHP") and R-20 to the proposed zoning category of Neighborhood Retail Commercial ("NRC"), with reference to the revised Site Plan prepared for Applicant by The Crusselle Company December 6, 2006, last revised September 13, 2007, and submitted to the Cobb County Zoning Office on September 21, 2007.
- (3) The exterior of the proposed retail center and any out parcel buildings shall be brick, stone, or rock, with accents of stucco and related hard-surface materials on all four sides. Further, the architectural design shall be substantially similar to the elevations submitted as part of this Application.
- (4) Applicant agrees that the final architectural design shall be approved by the District Commissioner at the

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Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 7
October 1, 2007

Petition No. 2-94
Meeting Date 10-16-2007
Continued

PAGE 6 OF

conclusion of the plan review process; but prior to issuance of land disturbance permits. A designated representative of PLAN shall be provided copies of proposed architectural designs and shall have reasonable opportunity for input prior to final approval by the District Commissioner.

- (5) Any roof-mounted HVAC equipment shall be screened from adjacent rights-of-way by means of a continuous roof parapet. All other mechanical systems located on the ground shall be screened by landscaping and fences.
- (6) Entrance signage for the proposed retail center shall be ground based, monument style signage. The finish, materials, and colors for the signage shall be compatible with the retail center buildings. Further, such signage shall contain no flashing or scrolling sign components. There shall be no roof signs and no exterior, temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming development.
- (7) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed retail center for the purpose of displaying tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail center with "for sale" signs posted thereon.
- (8) Environmentally sensitive, shoe-box type, recessed lighting shall be utilized on poles with a maximum height of thirty-five (35) feet. Light bulbs shall be recessed within the fixtures and not extending below

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 7
October 1, 2007

Petition No. Z-94
Meeting Date 10-16-2007
Continued

PAGE 7 OF

the fixtures and shall be shielded to prevent bulbs from being visible from adjoining properties. The poles and fixtures shall be designed and themed to blend with the architecture of the proposed buildings.

- (9) Security lighting on the structures 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.
- (10) All dumpsters servicing the proposed center shall be enclosed with a minimum six (6) foot high enclosure on three sides with a solid wooden screen, gate, or doors on the access side.
- (11) All grassed areas shall be sodded.
- (12) All landscaping for the proposed center shall be professionally designed, implemented, and maintained and 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. The landscape plan shall include substantial, appropriate fencing and plantings within required landscaped buffers adjacent to existing residentially zoned properties.
- (13) The landscape plan shall contain fencing and landscaping features for the Subject Property's road frontage which are substantially similar to the frontage landscaping plans submitted as part of this Application.
- (14) Applicant agrees that the following uses shall be prohibited within the proposed retail center:
 - (a) Light automotive repair;

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Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 7
October 1, 2007

Petition No. 2-94
Meeting Date 10-16-2007
Continued
PAGE 8 OF

- (b) Auto parts store;
 - (c) Beverage shop, excepting specialty wine shops;
 - (d) Billiard and pool halls;
 - (e) Carwashes;
 - (f) Drive-thru restaurants; excepting coffee, ice cream, or similar specialty item businesses;
 - (g) Full-service gas stations;
 - (h) Convenience stores with self-service fuel;
 - (i) Radio, television, and other telecommunication towers and antennas;

 - (j) Rest homes, personal care homes, or convalescent homes;
 - (k) Temporary uses;
 - (l) Any "adult-themed" business as that term is defined in the Cobb County Zoning Ordinance; and
 - (m) Outside storage.
- (15) Any restaurant use shall limit hours of operation to no later than midnight (12:00 a.m.).
- (16) All utilities for the proposed development shall be located underground.
- (17) Minor modifications to the referenced Site Plan, including, but not limited to, stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (18) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property; except that Applicant proposes an underground detention system.
- (19) If the detention area is located above ground, it shall be fenced and such fencing shall be a picket fence or black, vinyl-clad chain link fencing, with

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Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 7
October 1, 2007

Petition No. 294
Meeting Date 10-16-2007
Continued PAGE 7 OF

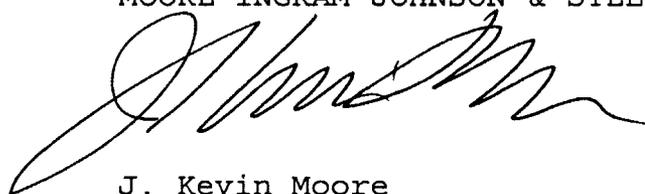
landscaping providing a substantial visual screen. Any walls or other structures associated with an above-ground detention pond shall have exterior materials architecturally consistent with the proposed retail building.

- (20) Applicant agrees to Cobb County Department of Transportation comments and recommendations, including those contained in the e-mail correspondence from John Morey, dated September 27, 2007, attached hereto as Exhibit "A" and incorporated herein by reference.

We believe the requested zoning, pursuant to the referenced Site Plan and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the changes within the area and the impact of those changes upon surrounding developments and area properties and owners thereof surrounding the proposed development. The proposed retail center shall be a quality development and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachment

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 7 of 7
October 1, 2007

Petition No. 2-94
Meeting Date 10-16-2007
Continued

PAGE 10 OF

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Attachment)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Attachment)

Keli Gambrill
Vice President
People Looking After Neighborhoods, Inc.
(With Copy of Attachment)

David Welden
Protect Cobb
(With Copy of Attachment)

Petty Development Corporation
(With Copy of Attachment)

Kevin Moore

From: Morey, John [John.Morey@cobbcounty.org]
Sent: Friday, September 28, 2007 2:01 PM
To: Kevin Moore
Subject: FW: Devon Petty Z-94

Petition No. Z-94
Meeting Date 10-16-07
Continued
PAGE 11 OF

Hi Kevin,

This is a copy of the original e-mail to Commissioners Goreham and Hovey. Have a good weekend.

John M. Morey
Cobb County Department of Transportation
1890 County Services Parkway
Marietta, Georgia 30008
770-528-1661

Cobb County...Expect the Best

www.cobbcounty.org

-----Original Message-----

From: Morey, John
Sent: Thursday, September 27, 2007 11:18 AM
To: Goreham, Helen; Hovey, Bob
Cc: Killian, Janis; McKay, Tim; Cates, Michael
Subject: Devon Petty Z-94

Good morning Commissioner Goreham and PC Commissioner Hovey,

In reviewing the Petty rezoning (Z-94), it seems like we do not a clear strategy on this. I have had several discussions with folks around the office and offer this as a recommendation.

Currently we are removing dirt to be utilized on the new GDOT site further north on Barrett Parkway. As a result, there is a significant grade difference between existing Turner Road and the dirt borrow area. The integrity of the roadway does not appear to be in question as a typical slope from the edge of paving is in place and not a sudden dropoff.

In discussions with Mr. Petty, he has indicated that he is willing to allow the County to take dirt off of his site as well if needed. With these things occurring, the existing Turner Road will also need to be lowered in order to allow access to the County roadway. Since it is doubtful that Mr. Petty requires this right-of-way for setbacks, square footage, or other needs beyond basic access, we believe that abandonment of the right-of-way is not necessary. Leaving the right-of-way in place will allow public access to the corner parcel that is County property as well as Mr. Petty's development.

EXHIBIT "A"

Petition No. Z-94
Meeting Date 10-16-07
Continued

PAGE 12 OF 12

What I foresee is that the County will excavate dirt as needed (both sides of the road), will lower the roadway commensurate with the new grades both for the corner parcel and Mr. Petty's development (with Mr. Petty being responsible for any further excavation and rebuilding of the roadway as is needed for his development) and that we would issue a landscape license agreement to Mr. Petty to allow him to landscape and maintain this corner parcel. This will provide a greenspace/pocket park for the County with no maintenance responsibilities and be an asset to Mr. Petty's development as well.

Does this seem like a good approach? Questions or Comments?