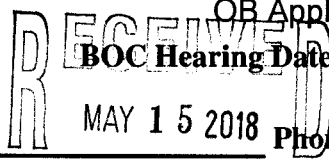


(Site Plan Amendment)

Application for "Other Business"

Cobb County, Georgia

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



OB Application No.: OB- 27 -2018

BOC Hearing Date Requested: June 19, 2018

Applicant: CII Holdings, LLC

(applicant's name printed)

Phone #: (678) 581-2622

Address: 1705 White Circle, Marietta, GA 30066

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

E-Mail: ghrib@cobbindustrialinc.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@mijis.com

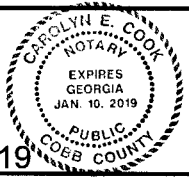
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]

My commission expires: January 10, 2019

Notary Public



Titleholder(s): CII Holdings, LLC

(property owner's name printed)

Phone #: (678) 581-2622

Address: 1705 White Circle, Marietta, GA 30066

E-Mail: ghrib@cobbindustrialinc.com

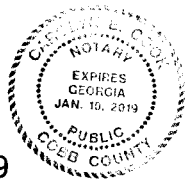
BY: [Signature]
(Property owner's signature) Gabe Hrib, Vice President

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]

My commission expires: January 10, 2019

Notary Public



Commission District: 3 (Birrell)

Zoning Case: Z-21 (2017), Z-118 2016 JPP.

Size of property in acres: 4.307+/-

Original Date of Hearing: 05/16/2017

Location: Southeasterly side of White Circle, east of Noonday Church Road

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

Land Lot(s): 794

District(s): 16th

State specifically the need or reason(s) for Other Business:

See Exhibit "A" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

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

OB Application No.:	OB- <u>27</u> -2018
Application No.:	Z-21 (2017)
Original Hearing Date:	May 16, 2017
Date of Zoning Decision:	May 16, 2017
Current OB Hearing Date:	June 19, 2018

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

MAY 15 2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Applicant/Titleholder: CII Holdings, LLC

CII Holdings, LLC, is the Applicant in this Application for "Other Business"; as well as, the Owner (hereinafter collectively "Applicant") of the property which is the subject of the Application located on and along the southeasterly side of White Circle, east of Noonday Church Road, Land Lot 794, 16th District, 2nd Section, Cobb County, Georgia (hereinafter collectively the "Property" or the "Subject Property"). The Property is approximately 4.307 acres and was rezoned to the Office Services ("OS") zoning classification on May 16, 2017, to allow for development of a warehouse facility.

Applicant seeks approval by the Cobb County Board of Commissioners of the final, revised Site Plan for development of the Subject Property. With this Application for "Other Business," Applicant presents for approval the revised Site Plan prepared for Applicant by Urban Engineers, Inc. dated March 20, 2018, last revised May 14, 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.

The balance and remainder of the stipulations and conditions enumerated in the official minutes and the referenced attachments, unless in direct conflict with the request set forth herein, of the Cobb County Board of Commissioners Zoning Hearing held on May 16, 2017, as to the rezoning approval for development of the Subject Property are unaltered or unchanged by this request for Site Plan Amendment.

The amendment of the Site Plan in no way adversely impacts or affects the quality or integrity of the development initially approved by the Cobb County Board of Commissioners. If the requested amendment to and approval of the Site Plan, as presented in this Application for "Other Business," is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

**SITE PLAN SUBMITTED FOR AMENDMENT
AND APPROVAL BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR “OTHER BUSINESS” –
JUNE 19, 2018**



Urban Engineers, Inc.
 1904 MONMOUTH DRIVE, N.E., SUITE 130
 ATLANTA, GEORGIA 30324
 PHONE: (404) 873-5874 / FAX: (404) 873-5877
 WWW.URBANENGINEERS.NET

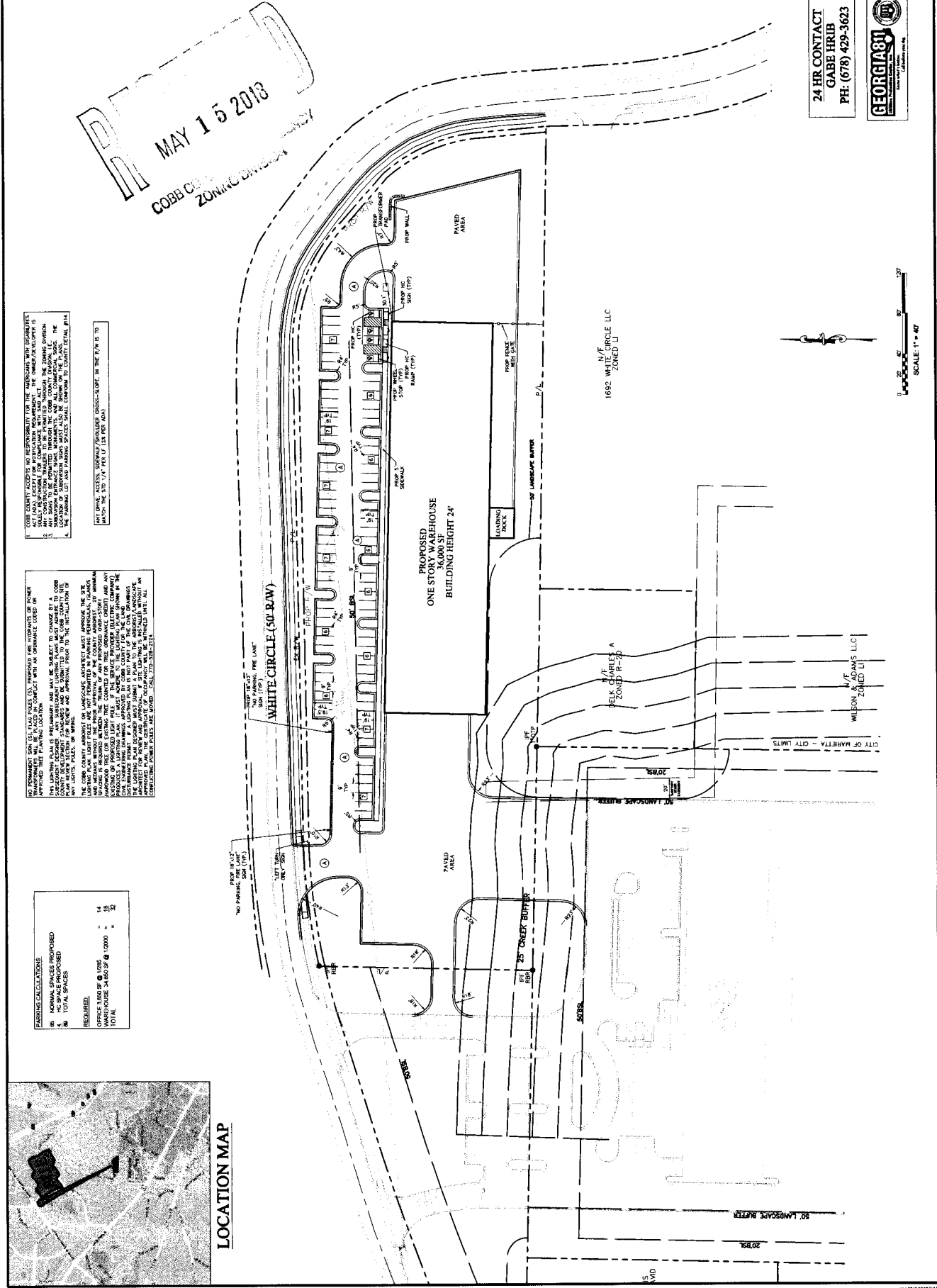


DATE	DESCRIPTION
05-11-18	REV. LAYOUT AND BLDG AREA

COBB INDUSTRIAL, INC.
 TAX PARCEL 16 0794 0010
SITE PLAN

PROJECT NO.	27173-02
LAND LOT	754
DISTRICT	16th / 2nd S&C
COUNTY	COBB
SCALE	1" = 40'
DATE	3-20-18

C-4.0



REVISIONS

NO.	DATE	DESCRIPTION
1	05-11-18	REV. LAYOUT AND BLDG AREA

24 HR CONTACT
GABE HRIB
 PH: (678) 429-3623

GEORGIA 800
 PROFESSIONAL ENGINEERING

COBB COUNTY ACCEPTS RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION SHOWN ON THIS PLAN, EXCEPT FOR INFORMATION PROVIDED BY THE OWNER/DEVELOPER. THE OWNER/DEVELOPER IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER/DEVELOPER. THE OWNER/DEVELOPER IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER/DEVELOPER.

PARKING CALCULATIONS

4	NORMAL SPACES PROPOSED
1	HC SPACE PROPOSED
5	TOTAL SPACES

REQUIRED:

15	MINIMUM SPACES @ 2000'
15	TOTAL

LOCATION MAP

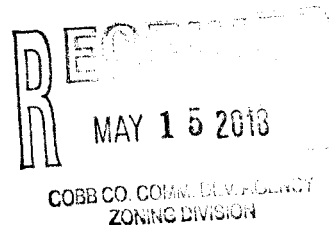
**SITE PLAN APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR
REZONING NO. Z-21 (2017)
– MAY 16, 2017**

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
REZONING Z-21 (2017)
– MAY 16, 2017**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 16, 2017
9:00 A.M.**

The Board of Commissioners Zoning Hearing was held on Tuesday, May 16, 2017 at 9:00 a.m. in the second floor public meeting room of the Cobb County Building A, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Mike Boyce
Commissioner JoAnn Birrell
Commissioner Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford



Z-21 **CII HOLDINGS, LLC** (CII Holdings, LLC, owner) requesting Rezoning from **R-20** to **LI** for the purpose of an Office Warehouse in Land Lot 794 of the 16th District. Located on the southeasterly side of White Circle, east of Noonday Church Road.

The public hearing was opened and Mr. Kevin Moore, Ms. Carol Brown, and Mr. Dan Fields addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to delete Z-21 to the **OS** zoning category, subject to:

1. Letter of agreeable conditions from Mr. Kevin Moore dated April 27, 2017, including attached site plan (attached and made a part of these minutes)
2. Email correspondence from Ms. Carol Brown dated May 12, 2017 (attached and made a part of these minutes)
3. Email correspondence from Mr. Dan Fields dated May 15, 2017 (attached and made a part of these minutes)
4. Restricted right turn out at two front entrances (no right turn, left out only); eastern entrance to be eliminated; no entry from south end of White Circle; owner to posts signs at both entrances and notify customers
5. Code Enforcement to perform annual inspections of subject property to ensure compliance
6. Landscape plan to be approved by the County Arborist and District Commissioner
7. District Commissioner to approve final site plan and architectural plan
8. All operations to be performed inside of the buildings
9. Planning Commission comments and recommendations, *not otherwise in conflict*
10. Staff 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'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN B. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
KIM A. ROPER†
VICTOR P. VALMUS
ANGELA H. SMITH†
CHRISTOPHER C. MINGLEDORFF
ANGELA D. TARTLINE
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. HEIRD*
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
J. MARSHALL WEHUNT
JONATHAN J. SMITH
WILLIAM B. WARHAY*
JONATHAN S. FUTRELL
NORBERT D. HUMMEL, IV
DAVID P. CONLEY
LOURDES M. SANCERNI*
J. DANIEL COLE
RYAN S. ROBINSON

MARIETTA, GEORGIA
EMERSON OVERLOOK
325 ROSWELL ST • STE 100
MARIETTA, GEORGIA 30080
TELEPHONE (770) 428-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 992-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PKWY, N • STE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
5200 MARYLAND WAY • STE 301
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
2333 ALEXANDRIA DRIVE
LEXINGTON, KENTUCKY 40584
TELEPHONE (502) 410-8021

CHARLESTON, SOUTH CAROLINA
888 ISLAND PARK DR • STE B
CHARLESTON, SOUTH CAROLINA 29402
TELEPHONE (843) 382-0902

ORLANDO, FLORIDA
7380 W. SAND LAKE RD • STE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 387-6233

JOSEPH D. SHELLEY
LESLIE S. NEUBAUER
JENNIFER B. BIMPSON
CHRISTIAN H. LAYCOCK
LIZA D. HARRELL**
JESSICA A. KING
JOHN A. EARLY
CHRISTOPHER W. SHERMAN*
KENNETH D. HALL
RAHUL SHETH
GRANT S. TALL
KIMBERLY E. YOUNG-
BRENT R. LAMAN*
CHRISTOPHER R. BROOKS*
ALLISON M. HELSINGER*
MICHAEL R. BEANE*
MICHAEL E. PATTERSON**
NELOFAR AGHARAHIMI**
RYAN T. BOWDEN
JARED C. WILLIAMS*
CHRISTOPHER G. ROWE*
TIFFANY B. SHERRILL*
DAVID W. SAMMONS*
MICHAEL CRAIG-GRUBBS*
MARSHALL L. PORTIVENT
MATTHEW S. CUMPER

CHRISTOPHER R. EADS*
PETER P. FRECH*
PATRICK B. HAWLEY*
LAUREN E. SMITH*
LESLAY M. ROWE
TAYLOR W. WILLIAMS
ALAN M. LONG
MATTHEW R. HALL*
TYLER S. WATERFIELD**

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
* ALSO ADMITTED IN SC
* ALSO ADMITTED IN NC
** ALSO ADMITTED IN NY
* ALSO ADMITTED IN OH
* ADMITTED ONLY IN TN
* ADMITTED ONLY IN FL
*** ADMITTED ONLY IN SC
* ADMITTED ONLY IN KY

April 27, 2017

Min. Bk. 82 Petition No. Z-21
Doc. Type Letter

Meeting Date 5-16-17

Hand Delivered

MAY 15 2013

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

APR 27 2017

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-21 (2017)
Applicant/Property Owner: CII Holdings, LLC
Property: 4.307 acres, more or less, located on the southeasterly side of White Circle, east of Noonday Church Road, Land Lot 794, 16th District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent CII Holdings, LLC, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of 4.307 acres, more or less, located on the southeasterly side of White Circle, east of Noonday Church Road, Land Lot 794, 16th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with Planning and Zoning Staff, reviewing the Departmental Comments and Staff Recommendations; reviewing the uses of surrounding properties, and meetings and discussions with area residents and neighborhood representatives, we have been authorized by the Applicant to submit this letter

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 4
April 27, 2017

Petition No. 2-21
Meeting Date 5-16-17
Continued

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 rezoning 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 classification of R-20 to the proposed zoning classification of Light Industrial ("LI"), with reference to the Zoning Site Plan dated January 27, 2017, prepared for Applicant by Urban Engineers, Inc., and filed with the Application for Rezoning on March 2, 2017. A reduced copy of the revised Zoning Site Plan is attached hereto as Exhibit "A" and incorporated herein by reference.
- (2) The proposed industrial buildings shall be pre-fabricated, metal structures. Applicant agrees the front exteriors of the proposed buildings shall have brick façades.
- (3) Any entrance signage for the proposed development shall be ground based, monument style.
- (4) Applicant agrees hours of operation shall be Monday – Saturday, 7:00 a.m. to 8:00 p.m. Business shall be closed on Sunday.
- (5) Applicant agrees that any outside storage of materials must be enclosed, fenced, and screened from view.
- (6) Detention facilities shall be fenced with black, vinyl-clad chain link fencing, a minimum of six (6) feet in height. Any required landscaping shall be a part of the landscape plan to be approved during the Plan Review Process.
- (7) Applicant agrees to a fifty (50) foot buffer along the boundary located adjacent to residentially zoned property.
- (8) All landscaping 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.
- (9) Applicant agrees the frontage along White Circle shall be professionally landscaped and included as part of the landscape plan.

MOORE INGRAM JOHNSON & STEELE

Petition No. 2-21
Meeting Date 5-16-17
Continued

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 4
April 27, 2017

- (10) 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.
- (11) Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, and hydrology; except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.
- (12) Applicant agrees to the following to mitigate traffic concerns:
 - (a) Final location of access and number of curb cuts shall be determined at Plan Review, as approved by the Cobb County Department of Transportation.
 - (b) Installation of a deceleration lane along property frontage on White Circle;
 - (c) Installation of sidewalk, curb, and gutter along the White Circle property frontage; and
 - (d) Installation of sidewalk along property frontage on White Circle; and
 - (e) Verify minimum sight distance is available for White Circle access; and, if not, institute remedial measures to achieve required distance.
- (13) The final Site Plan, including landscape plan, shall be approved by the District Commissioner as part of the permitting process so as to allow Applicant flexibility in layout, site design, engineering, and landscaping consistent with the stipulations contained within this letter.

We believe the requested rezoning, specific to the Zoning Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed rezoning will allow for enhancement to the Subject Property; as well as existing properties owned by Applicant. The proposed development will allow for growth of the Applicant's business, thereby introducing new jobs and economic opportunities in the area. We appreciate very much your consideration; as well as that of the Cobb County Planning Commission and the Cobb County Board of Commissioners, in this request.

MOORE INGRAM JOHNSON & STEELE

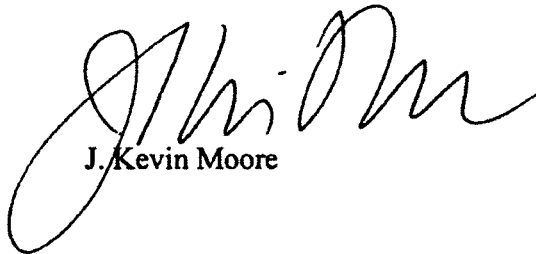
Petition No. 2-21
Meeting Date 5-16-17
Continued

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 4
April 27, 2017

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)

Cobb County Planning Commission:
Mike Terry, Chairman
Thea Powell
Judy Williams
Skip Gunther
Galt Porter
(With Copy of Attachment)

Carol Brown
Canton Road Neighbors
(With Copy of Attachment)

CII Holdings, LLC
(With Copy of Attachment)

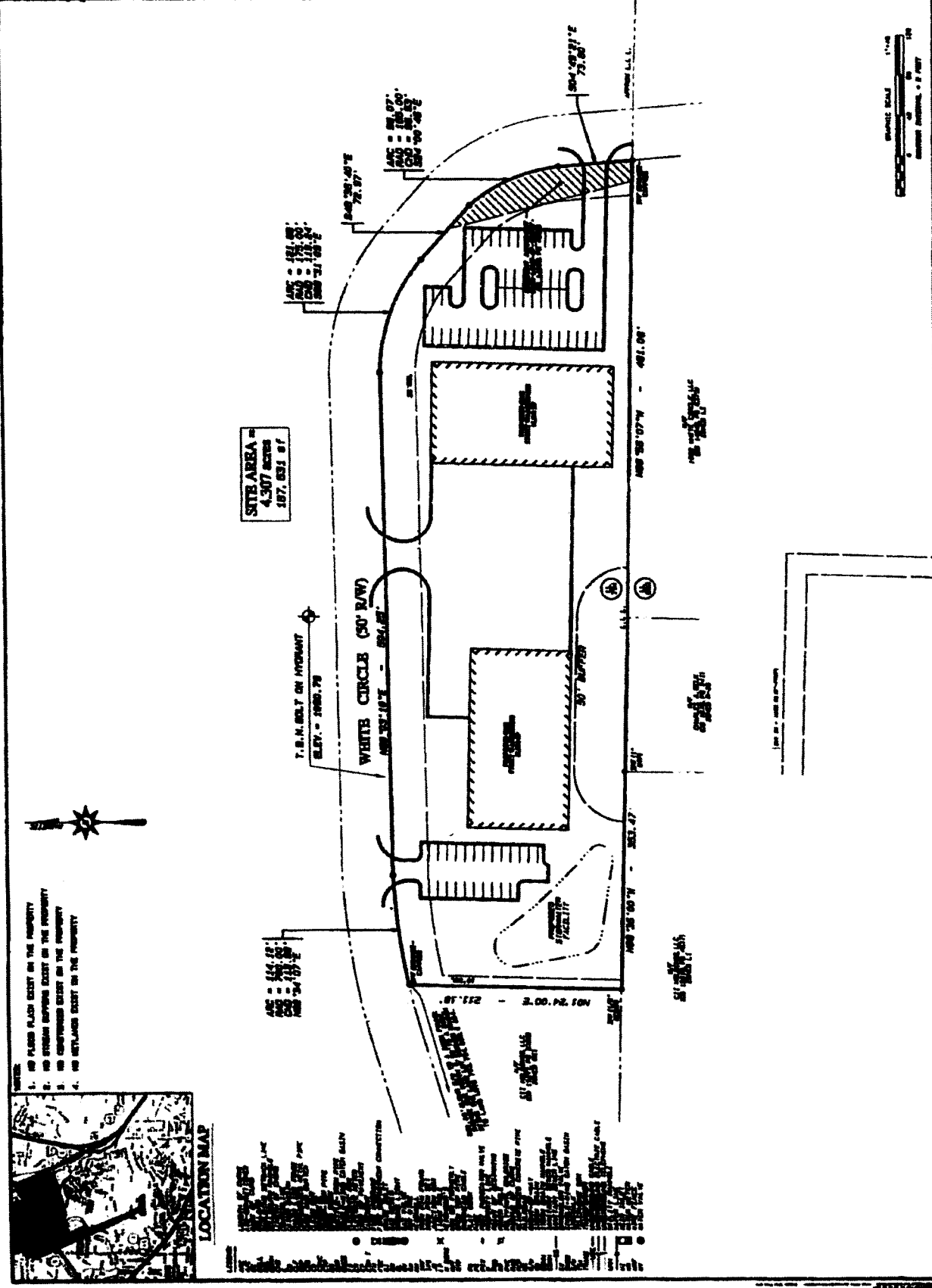


EXHIBIT "A"

Min. Bk. 82 Petition No. Z-21
Doc. Type Email correspondence
from Carol Brown
Meeting Date 5-16-17

Pederson, John

From: Carol Brown <cantonroadneighbors@gmail.com>
Sent: Friday, May 12, 2017 3:16 PM
To: Birrell, JoAnn; Weatherford, Bob; Cupid, Lisa; Boyce, Mike; Pederson, John; Blair, Debra; Ott, Bob; Jordan, Lori; Williams, Judy; Kevin Moore; Eberhart, Inger; Campbell, Jason; Kathy P. Sims
Subject: Z-21 White Circle CRN support for Deletion to OS

Canton Road Neighbors, Inc.

Commissioner JoAnn Birrell

Honorable Members, Cobb Board of Commissioners

100 Cherokee St.

Marietta, GA 30090

May 12, 2017

Re: Change of Position on Z-21, Southeasterly side of White Circle, rezone from R-20 to LI, CII Holdings LLC

Dear Commissioner Birrell,

CRN had previously submitted a letter of requested stipulations for the above referenced application, indicating our support for the LI zoning subject to brick facade on metal buildings, landscaping plan and limited hours of operation.

Subsequent to that letter, I had the opportunity to drive to White Circle and look at subject property and the adjacent site, the former Z-118 (Dec 2016), also owned by the applicant for Z-21. I was involved in the December rezoning.

For several days I engaged in a fact finding search for the most current and accurate information on the

Z-118 site and found that CII Holdings had come into compliance with Cobb County Code and had satisfied all three items on the Ga EPD Consent Order. The owner is in the process of developing the site appropriately after obtaining the required Land Disturbance Permit.

I attended the Planning Commission hearing and delivered my findings and expressed the following opinion:

“The LI zoning district does not conform to the CAC land use and a number of more recent rezoning cases in the area have resulted in O&I or OS. Indeed, the adjacent parcel rezoned in December was deleted to O&I. Construction of Walton Communities has begun, and White Circle is a very narrow two lane road, not suitable for semi-tractor trailer traffic. It seems that a more reasonable and appropriate rezoning would be to Delete Z-21 from LI to O&I”.

The Hamilton Grove HOA asked that the LI application be denied. While I agree that LI is not appropriate, I think that Deletion is a reasonable compromise, providing that good stipulations are in place, and are fulfilled. I did not agree with the motion to simply recommend denial of the application because of the potential consequences of that action.

On Friday I talked to attorney Kevin Moore and he has agreed to Delete the application to OS – with stipulations. This is a fair compromise.

CRN would support Z-21 subject to:

1. Deletion to OS
2. Brick façade on buildings where visible from White Circle
3. Landscape strip fronting subject property, behind sidewalk, curb and gutter
4. Retain buffer or greenspace where in proximity to offsite stream
5. Maximum 70% impervious in CAC
6. No semi-tractor trailer delivery, parking or storage onsite
7. Office entrances to face White Circle, loading bays to face interior of site
8. Black vinyl chain link fence around parking/loading bay area
9. No outdoor storage
10. Limit hours of operation to M-F 7:30 am to 7:00 pm, Saturday 8 am to 1 pm, closed Sunday
11. District Commissioner to approve architectural treatment of buildings and landscape plan
12. Staff Comments where not otherwise in conflict

Respectfully submitted,

Carol Brown, MA, MRP

Chairperson, Canton Road Neighbors, Inc.

cc: Honorable Members, Cobb County Planning Commission

Petition No. 2-21
Meeting Date 5-16-17
Continued

Commissioner JoAnn Birrell

Ms. Debra Blair, Esq.

Mr. Jason Campbell

Mr. Kevin Moore, Esq.

Bill and Kathy Sims, Huntington Woods

Eberhart, Inger

From: Birrell, JoAnn
Sent: Monday, May 15, 2017 11:56 AM
To: Mabry, Pamela; Jordan, Lori; Kevin Moore
Cc: Eberhart, Inger; Board of Commissioners
Subject: * Z-21 White Circle CRN support for Deletion to OS

Thank you Kevin I'm forwarding to the clerk and BOC for the record. Thank you.

JoAnn K. Birrell
District 3 Commissioner
770-528-3317

To stay updated on District 3, sign up to receive my newsletter: <http://www.cobbcounty.org/birrell>

From: Kevin Moore [mailto:JKM@mijs.com]
Sent: Monday, May 15, 2017 11:39 AM
To: Birrell, JoAnn <JoAnn.Birrell@cobbcounty.org>
Cc: Eberhart, Inger <Inger.Eberhart@cobbcounty.org>
Subject: FW: Z-21 White Circle CRN support for Deletion to OS

Commissioner Birrell,

As a further update, please see the email below from Dan Fields confirming the HOA support for deletion to OS, with stipulations as listed.

Thanks,

Kevin

J. Kevin Moore
Partner
Moore Ingram Johnson & Steele, LLP



Main: 770-429-1499
Fax: 770-429-8631
JKM@mijs.com
[Attorney Biography](#)

Emerson Overlook
326 Roswell Street, Suite 100
Marietta, Georgia 30060

Confidentiality Notice

This email and all attachments are CONFIDENTIAL and intended SOLELY for the recipients as identified in the "To", "Cc" and "Bcc" lines of this email. If you are not an intended recipient, your receipt of this email and its attachments is the result of an inadvertent disclosure or unauthorized transmittal. This email may contain privileged attorney-client communications or work product. Any dissemination of this email by or to anyone other than an intended recipient is strictly prohibited. Sender reserves and asserts all rights to confidentiality, including all privileges which may apply. Pursuant to those rights and privileges, if you are an unintended recipient, immediately DELETE and DESTROY all copies of the email and its attachments, in whatever form, and immediately NOTIFY the sender of your receipt of this email. DO NOT review, copy, or rely on in any way the contents of this email and its attachments. No duties or privileged relationships are intended or created by this communication where they do not otherwise exist. All rights of the sender for violations of the confidentiality and privileges applicable to this email and any attachments are expressly reserved. This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521, is confidential and may be legally privileged.

From: Dan Fields [mailto:danfields@fieldstonerp.com]
Sent: Monday, May 15, 2017 11:12 AM

To: Kevin Moore
Subject: RE: Z-21 White Circle CRN support for Deletion to OS

Petition No. Z-21
Meeting Date 5-16-17
Continued

This email is to confirm that these stipulations are acceptable to the Hamilton Grove Homeowners Association.

Dan Fields
Fieldstone Realty Partners
2675 Paces Ferry Road Suite 125
Atlanta GA 30339
Office: (404) 920-8621
Direct (404) 806-9558

THIS EMAIL (AND ALL ATTACHMENTS) IS CONFIDENTIAL INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE AND IS COVERED BY THE ELECTRONIC COMMUNICATIONS PRIVACY ACT. UNAUTHORIZED USE OR DISSEMINATION IS PROHIBITED. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY CALL 404-920-8621, EXT. 103

From: Kevin Moore [mailto:JKM@mijs.com]
Sent: Monday, May 15, 2017 10:49 AM
To: Dan Fields <danfields@fieldstonerp.com>
Subject: FW: Z-21 White Circle CRN support for Deletion to OS

Dan,

Thank you for the conversation this morning. Please find below the email from Carol Brown, which proposes a rezoning to OS (office services), with stipulations. The applicant would also be agreeable to an additional stipulation requiring all truck traffic to be limited to the north end access of White Circle to Cobb Parkway (Hwy 41), with signage to be installed. If you have any other questions, or concerns, please let me know. Lastly, please confirm these stipulations and proposal are acceptable.

Thanks,

Kevin

J. Kevin Moore
Partner
Moore Ingram Johnson & Steele, LLP



Main: 770-429-1499
Fax: 770-429-8631

JKM@mijs.com
[Attorney Biography](#)

Emerson Overlook
326 Roswell Street, Suite 100
Marietta, Georgia 30060

Confidentiality Notice

This email and all attachments are CONFIDENTIAL and intended SOLELY for the recipients as identified in the "To", "Cc" and "Bcc" lines of this email. If you are not an intended recipient, your receipt of this email and its attachments is the result of an inadvertent disclosure or unauthorized transmittal. This email may contain privileged attorney-client communications or work product. Any dissemination of this email by or to anyone other than an intended recipient is strictly prohibited. Sender reserves and asserts all rights to confidentiality, including all privileges which may apply. Pursuant to those rights and privileges, if you are an unintended recipient, immediately DELETE and DESTROY all copies of the email and its attachments, in whatever form, and immediately NOTIFY the sender of your receipt of this email. DO NOT review, copy, or rely on in any way the contents of this email and its attachments. No duties or privileged relationships are intended or created by this communication where they do not otherwise exist. All rights of the sender for violations of the confidentiality and privileges applicable to this email and any attachments are expressly reserved. This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521, is confidential and may be legally privileged.

From: Carol Brown [mailto:cantonroadneighbors@gmail.com]
Sent: Friday, May 12, 2017 3:16 PM
To: Birrell, JoAnn; Bob Weatherford; Cupid, Lisa; Boyce, Mike; John Pederson; Blair, Debra; Ott, Bob; Barton, Lori; Williams, Judy; Kevin Moore; Eberhart, Inger; Campbell, Jason; Kathy P. Sims
Subject: Z-21 White Circle CRN support for Deletion to OS

Petition No. Z-21
Meeting Date 5-16-17
Continued

Canton Road Neighbors, Inc.

Commissioner JoAnn Birrell

Honorable Members, Cobb Board of Commissioners

100 Cherokee St.

Marietta, GA 30090

May 12, 2017

Re: Change of Position on Z-21, Southeasterly side of White Circle, rezone from R-20 to LI, CII Holdings LLC

Dear Commissioner Birrell,

CRN had previously submitted a letter of requested stipulations for the above referenced application, indicating our support for the LI zoning subject to brick facade on metal buildings, landscaping plan and limited hours of operation.

Subsequent to that letter, I had the opportunity to drive to White Circle and look at subject property and the adjacent site, the former Z-118 (Dec 2016), also owned by the applicant for Z-21. I was involved in the December rezoning.

For several days I engaged in a fact finding search for the most current and accurate information on the Z-118 site and found that CII Holdings had come into compliance with Cobb County Code and had satisfied all three items on the Ga EPD Consent Order. The owner is in the process of developing the site appropriately after obtaining the required Land Disturbance Permit.

I attended the Planning Commission hearing and delivered my findings and expressed the following opinion:

“The LI zoning district does not conform to the CAC land use and a number of more recent rezoning cases in the area have resulted in O&I or OS. Indeed, the adjacent parcel rezoned in December was deleted to O&I. Construction of Walton Communities has begun, and White Circle is a very narrow two lane road, not suitable

for semi-tractor trailer traffic. It seems that a more reasonable and appropriate rezoning would be to Delete Z-21 from LI to O&I”.

The Hamilton Grove HOA asked that the LI application be denied. While I agree that LI is not appropriate, I think that Deletion is a reasonable compromise, providing that good stipulations are in place, and are fulfilled. I did not agree with the motion to simply recommend denial of the application because of the potential consequences of that action.

On Friday I talked to attorney Kevin Moore and he has agreed to Delete the application to OS – with stipulations. This is a fair compromise.

CRN would support Z-21 subject to:

1. Deletion to OS
2. Brick façade on buildings where visible from White Circle
3. Landscape strip fronting subject property, behind sidewalk, curb and gutter
4. Retain buffer or greenspace where in proximity to offsite stream
5. Maximum 70% impervious in CAC
6. No semi-tractor trailer delivery, parking or storage onsite
7. Office entrances to face White Circle, loading bays to face interior of site
8. Black vinyl chain link fence around parking/loading bay area
9. No outdoor storage
10. Limit hours of operation to M-F 7:30 am to 7:00 pm, Saturday 8 am to 1 pm, closed Sunday
11. District Commissioner to approve architectural treatment of buildings and landscape plan
12. Staff Comments where not otherwise in conflict

Respectfully submitted,

Carol Brown, MA, MRP

Chairperson, Canton Road Neighbors, Inc.

cc: Honorable Members, Cobb County Planning Commission

Commissioner JoAnn Birrell

Ms. Debra Blair, Esq.

Mr. Jason Campbell

Mr. Kevin Moore, Esq.

Petition No. Z-21
 Meeting Date 5-16-17
 Continued

Bill and Kathy Sims, Huntington Woods

Petition No. Z-21
Meeting Date 5-16-17
Continued

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 20, 2016
PAGE 11

~~CONSENT AGENDA (CONT.)~~

~~Z-110 TIMOTHY W. GRUBAUGH (Carolyn L. Grubaugh and Timothy W. Grubaugh, owners) requesting Rezoning from R-80 to R-40 for the purpose of Single-family Residential in Land Lot 1002 of the 17th District. Located on the east side of Timberland Drive, south of Hallmark Drive.~~

~~To approve Z-110 to the R-40 zoning category, subject to:~~

- ~~1. Granting of necessary variances for existing improvements as shown on survey received by the Zoning Division on October 6, 2016, with the District Commissioner approving minor changes (attached and made a part of these minutes)~~
- ~~2. Proposed garage to be architecturally compatible with existing home~~
- ~~3. Fire Department comments and recommendations~~
- ~~4. Water and Sewer Division comments and recommendations~~
- ~~5. Stormwater Management Division comments and recommendations~~
- ~~6. Department of Transportation comments and recommendations~~

Z-118 CII HOLDINGS, LLC (CII Holdings, LLC, owner) requesting Rezoning from LI and R-20 to HI for the purpose of an Industrial Steel Fabrication and Offices in Land Lots 794 and 863 of the 16th District. Located on the southeast side of White Circle, east of Cobb Parkway.

To delete Z-118 to the O&I zoning category, subject to:

1. Site plan received by the Zoning Division on October 6, 2016, with approval of the final site plan by the District Commissioner regarding location of gates (attached and made a part of these minutes)
2. Restricted access between the subject property and the adjoining LI property to the south after 7:00 p.m.
3. Applicant to work with Cobb County Cemetery Preservation Commission to maintain access to the Noonday Cemetery
4. Uses restricted to parking lot and access *only*
5. No parking of heavy equipment or semi-tractor trailers on the site
6. Hours of truck delivery and parking will be Monday through Friday from 7:00 a.m. until 7:00 p.m.; Saturday from 8:00 a.m. until 1:00 p.m.; and closed on Sunday
7. Residential buffer be reduced to 20 feet
8. Water and Sewer Division comments and recommendations
9. Stormwater Management Division comments and recommendations
10. Department of Transportation comments and recommendations
11. 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

**2017 PAID AD VALOREM PROPERTY TAX
RECIPT NOT AVAILABLE AS NEWLY
CREATED TAX PARCEL OUT OF LARGER
TAX PARCEL AND WILL BE TAXED IN 2018
(TAX PARCEL NO. 16079400030)**

PARID: 16079400030
CII HOLDINGS LLC

NEIGHBORHOOD: 43C

TAX YEAR: 2018
WHITE CIR

Parcel

Class	Commercial Small Tracts
Total Acres	4.31
Total Land Sqft	187744
Address	WHITE CIR
Neighborhood	43C -

Owner

Owner	CII HOLDINGS LLC
-------	------------------

Legal

Tax District	8 - TCID
Subdivision Number	