

August 6, 2018

**VIA HAND DELIVERY AND EMAIL**

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

john.pederson@cobbcounty.org

RE: Z-39 (2018): Application of Mableton Center, LLC, to Rezone a 2.295 Acre Tract of land located at 6145 Mableton Pkwy., Mableton, GA (“the Property”) from “GC” and “R-20” to “NRC”

Dear John:

My firm and I represent the Mableton Center, LLC (“Mableton Center”), in regard to its Application to rezone the above referenced property (the “Application”). The Application is scheduled to be presented to the Cobb County Planning Commission for its recommendation on August 7, 2018. The Application is, thereafter, scheduled to be presented to the Cobb County Board of Commissioners for a final decision on August 21, 2018. Since the time of filing the Application, representatives of Mableton Center met with staff members from various divisions within the Cobb County Government, including but not limited to, the Cobb County Planning Department and the Cobb County Fire Department about the Application. In addition, representatives of Mableton Center also met with officials of the Mableton Improvement Coalition (“MIC”) to discuss the Application and to ensure compliance with its design standards and guidelines.

The Property is currently split into two zoning classifications. The front part of the lot is zoned “General Commercial” (“GC”) (grandfathered) and the back part of the lot is zoned “Single-Family Residential” (“R-20”). Mableton Center’s Application requests that the County authorize the rezoning of the portion of the Property zoned “R-20” and the portion of the Property zoned “GC” to the “NRC” zoning classification in order to provide consistency and conformity for uses for both portions of the lot. The “R-20” portion is currently land-locked and, as such, is very difficult to develop under its present zoning classification.

The proposed rezoning of the Property will permit a use of the Property that is suitable to the uses and the development, including zoning classifications, of adjacent and nearby property along Mableton Parkway. The proposed rezoning will permit the entire lot to be developed in a consistent manner pursuant to the uses allowed under the Neighborhood Retail Commercial (“NRC”) zoning classification. The property which is immediately south and adjacent to the right side of the subject property is now zoned NRC. Eventually, in order to comply with the Cobb County Comprehensive Land Use Plan and Future Land Use Map, the property which is

immediately north and adjacent to the left of the subject property will be rezoned from its present zoning classification of GC to NRC, as well. Therefore, the rezoning application request will align the subject property with the neighboring properties.

Pursuant to the discussions Mableton Center has had with the Cobb County staff members and with official representatives of MIC, and in accordance with the conditions recommended by the Cobb County Community Development Agency, Zoning Division, my client submits this Letter of Stipulations (“Letter). Upon the approval of the Application, the stipulations contained in the Letter shall become conditions which are part of the approval of the rezoning and which are binding on the Property from the date of Approval and thereafter.

1. The Property shall be developed in accordance with the revised site plan that was submitted to the County on April 18, 2018, as part of the Application. The District Commissioner shall approve any minor modifications to said site plan.

2. The Landscape Plan is to be approved by the District Commissioner after review by the County Arborist. Such Plan shall include a 20-foot landscape screening buffer adjacent to residentially zoned properties. Mableton Center agrees that it will include an 8-foot landscape enhancement strip along property’s frontage adjacent to right of way if it is feasible and will not cause a reduction in parking spaces or needed driveway space. The Landscape Plan shall follow the requirements for the Property as set forth in the “Design Guidelines for Mableton Pkwy and Veterans Memorial Hwy,” including the type of trees or other buffering that will be planted on or along the Property.

3. The Building Elevations are to be approved by the District Commissioner prior to the commencement of any work or renovations. Mableton Center intends to renovate the Property and Buildings on the Property in accordance with the Site Plan and drawings depicting the Building Elevations and materials to be used which were submitted to members of MIC and to Planning Commissioner Galt Porter prior to the Planning Commission Hearing on August 6, 2018.

4. All parking areas on the property are to be paved and striped in accordance with Cobb County standards, and the area between the two buildings will be resurfaced. Although the Cobb County Community Development Agency Zoning Division “Final Staff Recommendation” indicates that the required number of parking spaces is 32, it appears that the actual required number is 31. This calculation is based on the size of the smaller front building, 1093.22 square feet, which requires 6 parking spaces, and the proposed use of the larger back building as a place of worship with no more than 100 seats, which requires 25 parking spaces, for a total of 31 spaces required on the Property. In addition, staff of the Cobb County Community Development Agency Zoning Division agree that the Site Plan provided to the County on April 18, 2018, actually depicts 25 spaces, including two which have been designed to be handicapped spaces, and not only 23 parking spaces. This fact affects the request for a Contemporaneous Variance as discussed below in this Letter.

5. Mableton Center intends to use the front smaller building as either a retail or personal service related business which will serve the community or as office space. Mableton Center agrees that there shall be none of the following types of businesses permitted on the Property: automotive repair, adult entertainment, payday loan, bar, or pawn shop. Mableton Center further agrees that there shall be no display of merchandise on the exterior of the Property. Outdoor storage shall only be allowed as permitted in the Cobb County Zoning

Ordinance. The hours of operation and use for the front building will be related to normal business operating hours for the type of business that ultimately locates in such space. Mableton Center anticipates that the hours of operation and use for the back building will be from approximately 6 a.m. in the morning through approximately 10 p.m. at night on a daily basis.

6. Two variances will be granted contemporaneously with the approval of the Application for the following: (a) A waiver to reduce the number of required parking spaces from 32 or 31 spaces (to be confirmed) to 25, which includes 23 standard and 2 handicapped parking spaces; and (b) A waiver to reduce the side setback from the required 15 feet to 10 feet (existing due to location of back building) adjacent to the northern property line.

7. Any renovations to exterior of either of the buildings on the Property and to the existing fence will be done in accordance with the "Design Guidelines for Mableton Pkwy and Veterans Memorial Hwy." Mableton Center will obtain the requisite permits from Cobb County should any be required pursuant to the Cobb County Code for such renovations.

8. In regard to the undeveloped portion of the property behind the second building, Mableton Center does not anticipate constructing another building on such portion of the Property. However, it may decide to install a playground, or other outdoor recreational area for the use of its members which would have no adverse impact on the neighboring properties. Should Mableton Center decide to either develop such area, place any outdoor recreational center in such area, or should it desire to add additional parking in the back of the larger building, then it agrees that it will abide by all Cobb County regulations in regard to such development and will seek approval from the County Arborist regarding the landscaping of such area prior to obtaining permits for such development.

9. Should Mableton Center install lighting in the back portion of the property which is currently undeveloped, such lighting shall be installed so that the lighting is aimed inward toward the Property and shall not be aimed at the adjacent properties.

10. Mableton Center will review and attempt to comply with the comments and recommendations provided in the Final Zoning Staff Recommendation from the County Fire Department, the Water and Sewer Division, the Stormwater Management Division, and Department of Transportation if it is feasible and possible to do so. As Mableton Center proceeds with landscaping and renovations to the existing buildings, it anticipates that it may be required to take certain actions in regard to said comments and recommendations from the aforementioned departments or divisions, such as applying for a land disturbance permit or installing water sprinklers if required by law. Mableton Center agrees to comply with any requirements necessary in order to obtain certificates of occupancy for use of the buildings and parking lot.

This letter has been forwarded to both Sonya Wheatley, Zoning Committee Chair for MIC and to Galt Porter, Member of the Cobb County Planning Commission. Should there be any questions or comments in regard to this Letter, please do not hesitate to contact me.

My client and I thank you for your time and consideration of this matter and look forward to meeting with you at the Planning Commission Meeting.

Best regards.

Sincerely,

BERMAN FINK VAN HORN P.C.

*/s/ Lisa S. Morchower*

Lisa S. Morchower

LSM:kmk

cc: Members, Cobb County Board of Commissioners (via email)  
Members, Cobb Planning Commission (via email)  
Mr. Dana Johnson, AICP, Director (via email)  
Mr. Jason Gaines, AICP, Planning Division Manager (via email)  
Mr. Terry Martin, Planner II (via email)  
Mr. Donald Wells, Zoning Analyst (via email)  
Ms. Sonya Wheatley, Mableton Improvement Coalition (via email)  
Charles Woodard (via email)