

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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SLHB-LAW.COM

July 30, 2018

**VIA EMAIL AND  
HAND DELIVERY**

Mr. Terry Martin, MPA, Planner III  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of Todd Chapman to Rezone a ±1.55 Acre Tract from R-20 to LI; Land Lot 084, 16<sup>th</sup> District, 2nd Section (Z#48).

Dear Terry:

This firm has been engaged by and represents Todd Chapman concerning the above-captioned Application for Rezoning. The Application will be heard by the Cobb County Planning Commission on August 7, 2018 and, thereafter, by the Cobb County Board of Commissioners on August 21, 2018.

Todd Chapman seeks to rezone property located at 821 Shallowford Road west of Canton Road and south of Jamerson Road from R-20 to Light Industrial (“LI”) for the purpose of a specialized contractor. However, based on discussions<sup>1</sup> and revisions to the site plan, the Applicant is agreeable to deleting to Neighborhood Retail Commercial (“NRC”) conditional to also allow the additional use of specialized contractor. The subject property consists of approximately 1.55 acres and is located in an area denominated as a Neighborhood Activity Center (“NAC”) on the Cobb County Future Land Use Map, while it and surrounding properties have historically been utilized in a light industrial, heavy industrial and general commercial manner.

With respect to the foregoing and in keeping with the dialogue established with the County’s Professional Staff and area residents, this letter will constitute the Applicant’s agreement with the following stipulations which shall become conditions and a part of the grant

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<sup>1</sup> The Applicant has engaged in conversations with the neighboring property owners, including the adjoining residential owner, who have expressed their support and enthusiasm regarding this project and the much-needed positive development it will bring to this area.

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of the requested rezoning, and binding upon the subject property thereafter. 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 with respect to the subject property.
2. The deletion of the subject property to the NRC classification in substantial conformity to that certain Revised "Site Plan", dated May 2, 2018 which is enclosed herewith and incorporated herein (hereinafter "Site Plan") conditional to also allow for the additional use of specialized contractor.
3. The total site area consists of approximately 1.55 acres and is proposed to be utilized for office, warehouse and equipment storage for specialized contractors.
4. The building structure and location shall be substantially similar to that depicted in the site plan and shall be constructed of a combination of brick façade with cementitious sidings on all four (4) sides the buildout of which may be phased.
5. There shall be a thirty five (35) foot buffer along the northwest side of the property adjoining residential property which represents an increase in the minimum required twenty (20) foot buffer required for NRC. The buffer shall be undisturbed except for the purpose of removing any dead, dying and irrevocably diseased trees and those which appear to jeopardize the property of the adjoining residential neighbor as well as for utility and stormwater management purposes.
6. There shall be no heavy equipment which is customarily earth moving equipment such as dozers, graders, scrapers, loaders, excavators and the like stored on site. The only equipment stored on site, even if said equipment exceeds 12,500 lbs., shall be equipment typically associated with special contractor uses, particularly those for tree service businesses, such as chippers, boom trucks, skid steers/bobcats and the like.
7. Outdoor storage is prohibited except to the extent that equipment may be stored outdoors but shall be screened so as not to be visible and boundary landscaping shall

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- be installed if necessary to provide adequate screening all as approved by the Zoning Division Manager.
8. If any work on equipment is required it shall be performed in an enclosed area of the building.
  9. Regular hours of operation are proposed to be from 6:00 A.M. to 7:00 P.M. However, in the event the company is contracted to perform emergency services the site and equipment may be accessed after hours.
  10. There shall be no junk or inoperable vehicles kept on site.
  11. Adherence to the following construction hours:
    - a. 7:00 a.m. until 7:00 p.m., Monday through Friday, from October 1 until March 31<sup>st</sup>.
    - b. 7:00 a.m. until 8:00 p.m., Monday through Friday, from April 1 until September 30<sup>th</sup>.
    - c. 9:00 a.m. until 6:00 p.m. on Saturdays.
    - d. No outside work on Sundays unless approved ahead of time by the City's Director of Development Services.
  12. Compliance with recommendations from the Stormwater Management Division with respect to stormwater management, detention, hydrology and downstream considerations.
  13. Compliance with the recommendations from Cobb County DOT, Cobb County Fire Department and the Cobb County Water System with respect to the availability of water and sewer to the site.

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14. The District Commissioner shall have the authority to make minor modifications to the Site Plan and these stipulations/conditions during the Plan Review process except for those that:
- a. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
  - b. Increase the height of a building that is adjacent to property that is zoned the same or in a more restrictive zoning district.
  - c. Change access location to a different roadway.

Thank you again for your time with this Application and please do not hesitate to contact me should you or any other members of the County's Professional Staff require any further information or documentation.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Adam J. Rozen  
[arozen@slhb-law.com](mailto:arozen@slhb-law.com)

AJR/sfw  
Enclosure/Attachment

cc: Members, Cobb County Board of Commissioners (via email w/attachment)  
Mr. Robert L. Hosack, Jr., AICP, County Manager (via email w/attachment)  
Members, Cobb County Planning Commission (via email w/attachment)  
BOC Commission Assistants (via email w/attachment)  
Mr. John Pederson, AICP Zoning Division Manager (via email w/attachment)  
Mr. Dana Johnson, AICP Director (via email w/attachment)

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Mr. Lee McClead, Deputy Director (via email w/attachment)  
Mr. Jason S. Gaines, AICP Planning Manager (via email w/attachment)  
cc's cont. on next page  
Mr. Jason Campbell, Planner III (via email w/attachment)  
Mr. Phillip Westbrook, Planner III (via email w/attachment)  
Mr. Donald Wells, Planner I (via email w/attachment)  
Ms. Tannesha Bates, Planner I (via email w/attachment)  
Ms. Nicole Moore, Zoning Analyst (via email w/attachment)  
Ms. Pam Mabry, County Clerk (via email w/attachment)  
Ms. Leila Washington, Deputy County Clerk (via email w/attachment)  
Ms. Robin Presley, Deputy County Clerk (via email w/attachment)  
Captain Robert "Rock" Toler, Fire Department (via email w/attachment)  
Mr. David Breaden, P.E. (via email w/attachment)  
Ms. Amy Diaz, P.E. (via email w/attachment)  
Ms. Ashley White, P.E. (via email w/attachment)  
Mr. Tim Davidson (via email w/attachment)  
Mr. Todd Chapman, Chapman's Tree Service, Inc. (via email w/ attachment)  
Mr. DJ Devictor, RLA, DVS Design Group (via email w/ attachment)