

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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ADAM J. ROZEN

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July 11, 2018

## **(STIPULATION LETTER & REVISED SITE PLAN)**

### **VIA HAND DELIVERY & EMAIL:**

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

Re: Application of The Silver Manor, LLC to Rezone a 0.465 acre tract from NRC to Conditional CRC (No. Z-51)

Dear John:

As you know, this firm represents The Silver Manor, LLC and its Principals, Marissa Simms and Arnold Woods (hereinafter collectively "Silver Manor"). The application is scheduled to be heard and considered by the Cobb County Planning Commission on August 7, 2018 and, thereafter, is scheduled to be heard and considered by the Cobb County Board of Commissioners on August 21, 2018.

The property at issue consists of an approximate 0.465 acre tract of land which is zoned Neighborhood Retail Commercial ("NRC") and which is located within the confines of a Neighborhood Activity Center ("NAC") under Cobb County's Future Land Use Map ("FLUM"). Silver Manor seeks a rezoning from NRC to Community Retail Commercial ("CRC") for the purposes of an Event Facility/Assembly Hall which is a permitted use under CRC but not included as a permitted use under the existing NRC zoning district.

From an historical perspective, the subject property was a part of a larger tract of land which was originally rezoned to NRC in 2004 (No. Z-126). However, that proposed mixed-use retail development never came to fruition. Later, the property surrounding the subject property was rezoned to Conditional NRC specifically for the purposes of a landscape supply company (No. Z-80 [2014]). The subject property is located in a diverse transitional area which includes the landscape company; a Shell Service Station; an auto care center and car wash; a building which formerly housed a bicycle sales and repair shop; and, the trailhead and parking lot regarding the Silver Comet Trail.

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During the pendency of this application we have established a meaningful dialogue with the County's professional staff. Additionally, we have engaged in discussions with representatives of the Mableton Improvement Coalition ("MIC"), area business owners and property owners. In that regard, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted and revised herewith, shall become a part of the grant of the requested rezoning and shall be binding upon the subject property thereafter. The proposed 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 concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. Rezoning of the subject property shall be from the existing zoning category of Conditional NRC to the proposed zoning category of Conditional CRC in substantial conformity to that certain Revised Site Plan prepared by The Crusselle Company which is being submitted concurrently herewith.
3. The Applicant proposes the construction of an Event Facility on approximately 0.465 acres, utilizing the existing renovated and rehabbed structure which Silver Manor, as a tenant of that building, has undertaken at its considerable expense. The Event Facility shall be used for weddings, receptions, family gatherings, meetings and the like, together with professional offices as such term is defined within the CRC Ordinance. The only retail component of the Event Facility shall be temporary "Pop-Up" retail boutiques specifically related to the uses proposed therein and the guests attending specific events.
4. The Applicant agrees that the rezoning sought hereunder shall be limited to the uses specifically set forth above.
5. The proposed Event Facility consists of a renovated and rehabbed two-story structure which contains approximately 4,200 square feet. However, 1,100 square feet of that total square footage is located on the second floor and shall be utilized for storage purposes only. The first floor of the building shall consist of the primary Event Facility with a maximum of five (5) Office Suites, a Conference Room and a "Brides Suite" within the 3,100 square foot footprint of the building.

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6. Utilization of the Event Facility shall be limited to a maximum of one-hundred, forty (140) guests at any one time.
7. All events shall end no later than midnight on Friday, Saturday and Sunday nights. During the week, consisting of Monday – Thursday, the hours of operation shall be from 9:00 a.m. until 9:00 p.m.
8. The exterior of the existing structure shall be as-built/as-renovated consisting of existing architectural composition and features.
9. HVAC equipment shall be screened from view by means of bollards incorporated into a landscaping component to protect and screen the HVAC and mechanical equipment.
10. Any dumpster utilized by the Event Facility shall be contained within a three-sided structure, complimentary to the existing architectural style and composition and as specified in the Cobb County Zoning Ordinance. The dumpster shall be screened from view and public rights-of-way and shall have rubber lids and bumpers to minimize noise during emptying.
11. Silver Manor's branding signage for the Event Facility shall be ground based, monument style signage. The finish, materials and colors for such signage shall be of the same materials as the Event Facility. Said signage shall contain no digital or flashing sign components; no roof signs; no exterior temporary signage, excepting only "Grand Opening" signage; leasing signage; and, signage indicating the coming development.  
  
In addition to the foregoing, there shall be interior directional signage, as needed, regarding interior maneuverability and directions regarding ingress to/egress from the subject property.
12. Any additional lighting fixtures for the 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 perimeter of the subject property.
13. Security lighting shall be wall-packs, hooded, environmentally sensitive and also fitted with non-glare lenses and cut-off shields.

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14. There shall be no parking allowed on or along Floyd Road or adjacent properties unless written permission is secured prior thereto.
15. There is an agreement between the Applicant and the surrounding landscape supply company regarding reciprocity with respect to parking. In that regard, Reciprocal Easement Agreements (“REAs”) regarding parking, pedestrian connectivity, vendor and deliveries, etc. shall be submitted and recorded on the Cobb County Deed Records prior to the issuance of Certificates of Occupancy regarding the Event Facility.
16. The Applicant agrees to comply with all Cobb County Stormwater Management recommendations regarding detention, water quality and downstream considerations applicable to the subject property.
17. All setbacks, landscaping and buffer areas may be penetrated for purposes of access, utilities and stormwater management, including, but not limited to, detention or water quality and any and all slopes or other required engineering features.
18. There shall be an Architectural/Landscape Review Committee which shall be charged with the review of any proposed landscaping, signage, fencing or further architectural enhancements. The committee shall consist of a representative of MIC, a representative of the Applicant and a representative from the Cobb County Community Development Agency. This review shall take place either prior to or during the Plan Review process.
19. The Applicant agrees to comply with the recommendations from the Cobb County Department of Transportation (“DOT”) with respect to traffic and transportation issues.
20. The Applicant agrees to comply with all recommendations from the Cobb County Fire Marshall.<sup>1</sup>
21. The District Commissioner shall have the authority to approve certain minor modifications as the development proposal proceeds through the Plan Review process and thereafter, except for those that:

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<sup>1</sup> A preliminary footprint/floorplan was approved by the Fire Marshall in 2017. Silver Manor understands that it will be responsible for engaging an Architect to submit final architectural renderings/elevations, concerning both the interior and exterior of the building, concurrently with the Plan Review process.

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- a. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
- b. Relocate a structure closer to the property line of an adjacent property which is zoned the same or in a more restrictive zoning district.
- c. Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.
- d. Violate the Cobb County Zoning Ordinance.
- e. Change access location(s) to different roadways.
- f. Would be in direct conflict with or in direct contradiction to Cobb County regulations.

The requested rezoning, as revised and submitted herewith, is appropriate from a land use planning perspective; provides and meets a need within this sub-area of the County regarding the multi-faceted components of the proposed Event Facility; and, will be a quality development which will provide a use which is complementary to surrounding developments.

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the formulation of Staff's Final Zoning Analysis and Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS, Jr./klk  
Enclosure/Attachment

# SAMS, LARKIN, HUFF & BALLI

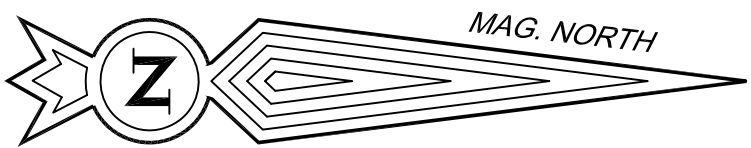
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cc: Members, Cobb County Board of Commissioners (via email w/attachment)  
Mr. Robert L. Hosack, AICP, County Manager (via email w/attachment)  
Members, Cobb County Planning Commission (via email w/attachment)  
BOC Commission Assistants (via email w/attachment)  
Mr. Dana Johnson, AICP, Director (via email w/attachment)  
Mr. Lee McClead, Deputy Director (via email w/attachment)  
Mr. Jason S. Gaines, AICP, Planning Division Manager (via email w/attachment)  
Mr. Jason Campbell, Planner III (via email w/attachment)  
Mr. Terry Martin, 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. Tannessa Bates, Planner I (via email w/attachment)  
Ms. Pamela Mabry, County Clerk (via email w/attachment)  
Ms. Robin Pressley, Deputy County Clerk (via email w/attachment)  
Ms. Leila Washington, 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)  
Ms. Robin Meyer, MIC (via email w/attachment)  
Mr. Ben Crusselle, RLS (via email w/attachment)  
Ms. Marissa Simms (via email w/attachment)



ZONING SITE PLAN FOR

# MARISSA SIMMS ARNOLD WOODS

LOCATED IN LAND LOTS 1000 AND 1001, 19TH DISTRICT,  
2ND SECTION, COBB COUNTY, GEORGIA

4391 FLOYD ROAD

AREA = 0.465 ACRES  
(20,236 SQ. FT.)

PROPOSED PARKING & WATER  
QUALITY EASEMENT

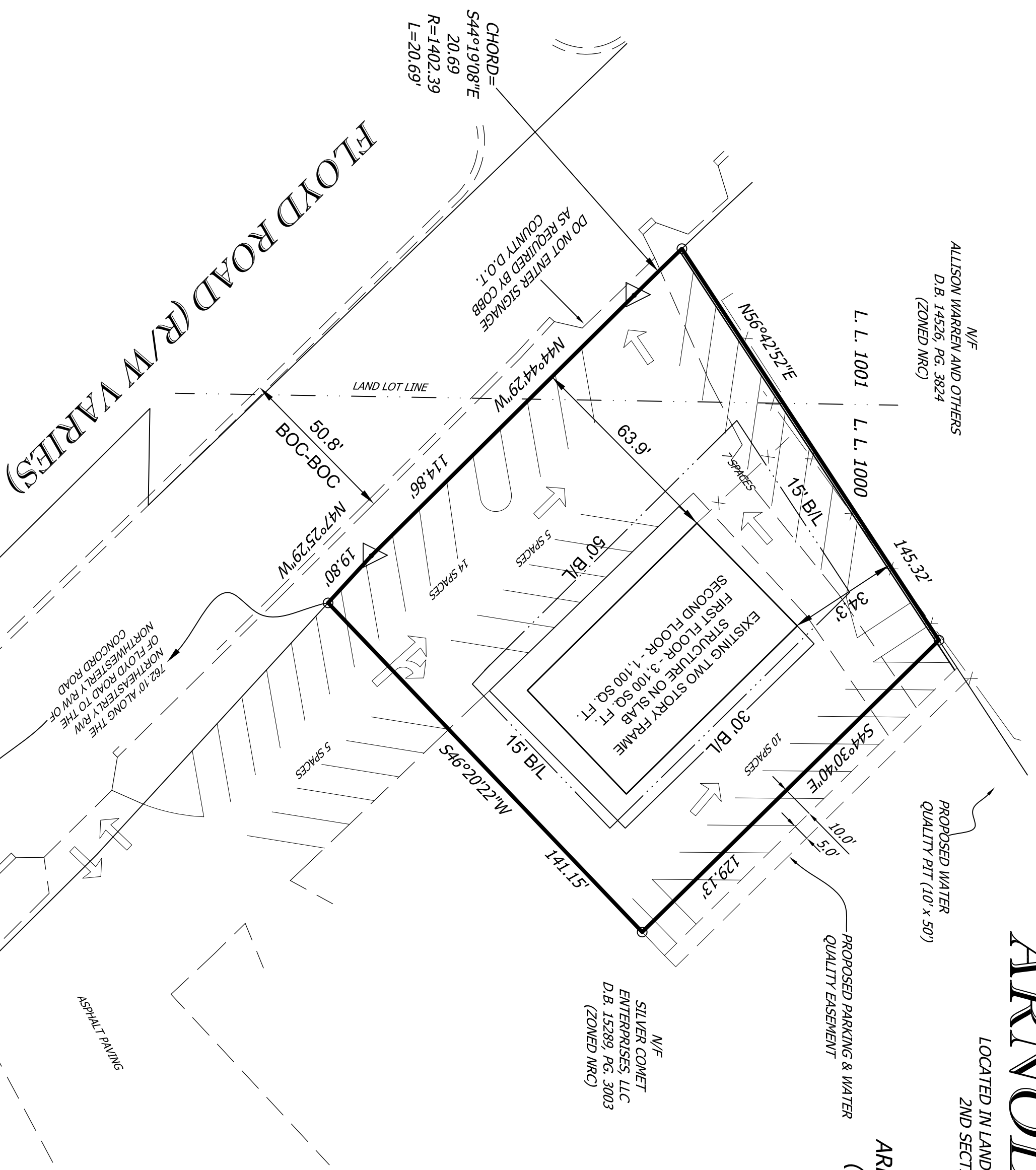
PROPOSED WATER  
QUALITY PIT (10' x 50')

ZONING NOTES  
CURRENT ZONING: NRC  
PROPOSED ZONING: CRC  
BUILDING SETBACKS (CR):  
FRONT - 50'  
SIDE - 10'  
REAR - 30'

PARKING SPACES PROVIDED: 41 EACH  
CURRENT IMPERVIOUS AREA: 17,590 SQ. FT. (87%)  
PROPOSED TOTAL IMPERVIOUS AREA: 19,975 SQ. FT. (99%)

SURVEYOR DETECTED NO CEMETERY OR WETLANDS ON  
THIS PROPERTY.

NOTE  
SECOND FLOOR OF BUILDING TO BE  
UTILIZED FOR STORAGE PURPOSES ONLY.



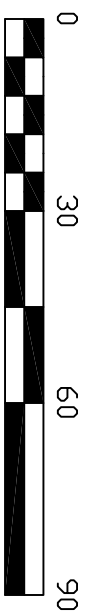
- LEGEND**
- CORNER MONUMENTATION:  
● = IPS = CORNER SET WITH A 1/2" STEEL REINFORCING ROD  
○ = CORNER FOUND  
△ = UNMONUMENTED CORNER  
⊕ = CORNER TO BE SET WHEN CONSTRUCTION PERMITS
- X — X — FENCE LINE  
— RR — STEEL REINFORCING ROD  
— OTP — OPEN TOP WATER PIPE  
— CTP — CRIMPED TOP WATER PIPE  
— PP — POWER POLE  
— CL — CENTERLINE  
— BL — BUILDINGLINE  
— RW — RIGHT OF WAY  
— L.L.L. — LAND LOT LINE  
— W — WATER MAINS  
— OVS — OVERHEAD POWER LINES  
— GAS — GAS MAINS  
— SAN — SANITARY SEWER MAIN  
— N/E — NOW OR FORMERLY OWNED BY  
— NSAB — NAIL SET AT BASE  
— N/FAB — NAIL FOUND AT BASE  
— D.B. — DEED BOOK  
— P.B. — PLAT BOOK  
— RW MON. — CONCRETE RIGHT OF WAY MONUMENT  
— WM — WATER METER  
— CO — SAN. SEW. CLEANOUT

**FLOOD STATEMENT**

I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO.: 13067C0202H EFFECTIVE DATE: MARCH 4, 2013 THE MAP GRAPHICALLY DEPICTS THE SUBJECT PROPERTY TO LIE IN ZONE: "X" "X" = AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN



DATE	DESCRIPTION
4/30/18	ADD ADDITIONAL INFORMATION
07/11/18	PER STIPULATIONS



PROJ. NO. C05643 FILE: C05643 - 4-26-18.DWG  
FIELD SURVEY DATE: 06/27/04 SCALE: 1" = 30'  
PLAT DATE: 04/26/18