July 9, 2019

Via Email and Hand Delivery

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| Mr. John P. Pederson, AICP, ManagerZoning DivisionCobb County Community Development Agency1150 Powder Springs Street, Suite 400Marietta, Georgia 30064 |

Re: Z-38: Application for Rezoning, Cobb County, Georgia (“*Application*”) by Joseph M. Thomas/Cynthia Erin Thomas (“*Applicant*”) with respect to that certain approximately 0.71-acre property located within Cobb County at 5845 Dodgen Road, as more particularly described in the Application (the “*Property*”)

LETTER OF STIPULATIONS

Ladies and Gentlemen:

As you know, this law firm has the pleasure of representing Applicant with respect to this Application. This Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on July 16, 2019.

The Property consists of a 0.71 acre tract of land located at the corner of Veterans Memorial Parkway and Dodgen Road. The property is currently zoned GC (General Commercial). A building on the Property previously housed a light automotive repair shop. Applicant currently owns and operates another light automotive repair shop in Cobb County (the “***County***”) and purchased the Property in mid-2018 in hopes of expanding his operations to a second location on the Property. However, because the GC zoning is considered “legally nonconforming” and in order to obtain a building permit for minor improvements, the County required Applicant to rezone the Property. As a result, Applicant by way of the Application is requesting that the Property be rezoned to NRC (Neighborhood Retail Commercial).

During the pendency of the Application, we have spoken with the County’s professional staff. Additionally, we and Mr. Thomas have spoken with representatives of the Mableton Improvement Coalition (“***MIC***”). As a result of those discussions, Applicant agrees to the following stipulations becoming conditions and a part of the grant of the requested rezoning and binding upon the Property, and shall replace and supersede in full any and all prior stipulations and conditions in whatever form may be currently in place with respect to the Property:

1. The Property and existing building located on the Property will meet Mableton Parkway/Veterans Memorial Highway Design Guidelines, except that the existing building shall be painted a neutral color to be approved by the District Commissioner and does not need to be improved with brick, stone or other architectural enhancement. Compliance with the Guidelines includes no building-mounted signage and only monument signage and no rope lights. When and if the existing building is removed, any new structure shall comply with Mableton Parkway/Veterans Memorial Highway Design Guidelines. Any additional structures on the property must come back through the rezoning process.
2. Prior to the issuance of any certificate of occupancy or business license, the following shall be completed:
	1. Sidewalks, curb, and gutter to be added along the length of Dodgen Road and Veterans Memorial Highway to the extent that sidewalk, curb, and gutter does not already exist.
	2. There shall be single ingress and egress points established along Dodgen Road (instead of continual pavement from the right of way as currently exists).Either way is fine. And ultimately up to DOT if choosing between a single access or one for in, one for out.
	3. The existing parking lot shall be resurfaced.
	4. Parking shall be provided and may be added for uses according to current Cobb County standards; provided, however, that parking may be angled as needed to accommodate ingress and egress to the Property.
	5. Any dumpster must be enclosed in a manner that meets current Cobb County standards.
	6. The existing loading dock shall be removed.
	7. Paving encroaching beyond the southern Property line and onto the adjacent Cobb County Board of Education property shall be removed and sodded.
	8. A minimum 5 foot tall wrought iron (or similarly decorative) fence shall be installed along the southern Property line, together with a 10 foot landscape buffer in accordance with Cobb County arborist recommendation. Please make sure fence meets guidelines. Also please include a landscape review committee in the event any additional parking is added beyond that currently exists.
	9. The existing roof shall be coated with a heavy, non-reflective roof coating. Please include non-reflective given the roofline in relation to the roadway.
	10. The wooden/shed structure located at the back of the existing building on the eastern Property line be removed.
	11. No Outside storage.
3. Signage for businesses on the Property shall be monument only and otherwise in compliance with the County sign ordinance. In no event shall there be building or rooftop mounted signage.
4. The following uses will be prohibited:
	1. Liquor stores;
	2. Adult entertainment;
	3. Sales of sexually explicit or drug-related paraphernalia;
	4. Pawn shops and title pawn shops;
	5. Gold or precious metal dealers;
	6. Nightclubs;
	7. Video arcades as a primary use;
	8. Check cashing;
	9. Discount sales;
	10. Drive through windows;
	11. Light automobile repair, auto sales, auto parts, auto service, and used tire sales;
	12. Taxi dispatching services;
	13. Wholesale only sales establishments;
	14. Gun, knife, or weapons sales;
	15. Shooting ranges;
	16. Firewood sales; and
	17. Thrift stores, second-hand stores, or flea markets.
	18. Specialized Contractor Businesses ( Ellen, these actually require a special exception They typically have equipment that requires outside storage and would not be appropriate next to the school.)
5. The District Commissioner shall have the authority to make minor modifications to the site plan, the architecture, and these stipulations/conditions either before, during, or after the Plan Review Process except for those that:
	1. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district;
	2. Relocate a structure close to the property line of an adjacent property which is zoned in a more restrictive zoning district;
	3. Increase the height of a building that is adjacent to a property which is zoned a more restrictive zoning district;
	4. Change access locations to different roadways;
	5. Will be in direct contradiction or conflict with any of the stipulations of this rezoning;
	6. Will be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision; and
	7. Will be in direct conflict with, or in direct contradiction to, Cobb County Code and Zoning Ordinances.

We respectfully request your consideration of the above stipulations. Please do not hesitate to contact me with any additional comments or concerns. Thank you.

Very truly yours,

Ellen W. Smith

EWS

cc: Cobb County Board of Commissioners

Ms. Robin Meyer, MIC (*By Email RobinMeyerGA@Yahoo.com*)

Ms. Sonya Wheatley *(By Email SonyaCWheatley@Gmail.com*)

Mr. Joseph Thomas (*By Email ThomasJPH2015@Gmail.com*)
Collier E. McLeod, Esq. (*By Email CollierMcLeod@ParkerPoe.com*)