

SAMS, LARKIN, HUFF & BALLI, LLP

ATTORNEYS AT LAW

376 POWDER SPRINGS STREET

SUITE 100

MARIETTA, GA 30064-3448

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October 30, 2019

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
P. O. Box 649
Marietta, GA 30061

Re: Application of WLM Holdings, LLC to Rezone a 1.09 Acre Tract from O&I to NRC, Land Lot 44, 18^h District, 2nd Section, Cobb County, Georgia (Z-52 of 2019 and OB-60 of 2019).

Dear John:

I represent WLM Holdings, LLC with regard to the pending Rezoning and Other Business applications currently pending and to be heard as a joint application. For informational purposes, this Site was originally a grading company moving large amounts of dirt and dust as part of a much more intense and industrial use. After approval of Z-108 (2016), Russell Landscaping invested significant funds to improve, clean, reduce the intensity of the use and create a vast improvement to the overall appearance of the Site. In 2016, Cobb County approved the areas shown as Tract "A" and "B" for use by Russell Landscaping but required that, after the Applicant had removed a debilitated structure from (Tract "A" on Site Plan), Russell Landscaping must have a parking plan approved as an Other Business which is OB-60 of 2019.¹ Russell Landscaping also acquired the 1.09 acres adjacent to its property and is seeking to rezone the property to the same category already approved by Cobb County, NRC. In working with adjacent neighbors and the Mableton Improvement Coalition ("MIC"), I am submitting this letter of voluntary stipulations² on behalf of WLM Holdings, LLC [along with a new enclosed Site plan dated October 24, 2019 and requisite copies³] which will become conditions following the grant of the requested rezoning and approval of the other business item as submitted:

¹ Tract "A" is not in for rezoning or a part of this application and was approved in 2016.

² Positive variances not required by the Cobb County Zoning Code or Design Standards.

³ The new Site Plan is erroneously entitled "variance exhibit" but is the Site Plan governing the zoning and Other Business.

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1. Approval of both Z-52 and OB-60 shall be subject to the site plan (“Plan”) submitted and dated August 22, 2019. (See attached). As requested by MIC to address concerns regarding parking and dust, the parking areas will be as depicted on the Plan.

(a) Only employees shall park on the 1.09 tract for Z-52 and that parking shall be paved and striped. The remaining portion shall be used for plant storage and as depicted on the Plan.

(b) To avoid unnecessary dust and to reduce any concerns regarding proximity to an adjacent commercial neighbor, all landscaping vehicles or trucks shall park on Tract “A” only and the parking shall be paved and striped as depicted on the Plan.

(c) **There will be no semi-trucks allowed on Site and Russell Landscaping will not be using any semi-trucks.** The only exception is that the one pine straw storage trailer already approved will continued to be allowed on Site.

2. Applicant agrees to prohibiting the following uses:

- Adult entertainment uses
- Auto sales, auto parts, auto storage and/or service
- Art frame retail sales
- Billiards and pool halls
- Carwashes
- Check cashing operations
- Churches, chapels, temples, synagogues, and other such places of worship
- Commercial produce and agricultural product stands
- Community fairs
- Convenience food stores with self-service fuel sales
- Cultural facilities
- Designated recycling collection locations
- Emissions or inspection stations
- Executive golf courses
- Film developing and printing facilities
- Freestanding climate controlled self-service storage facilities
- Full service gasoline stations
- Golf courses, 18-hole regulation, public and private
- Golf courses, par 3

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- Group homes
 - Gun, knife or weapons sales
 - In-home day care
 - Laundry and dry cleaning pickup establishments
 - Liquor stores
 - Light automotive repair establishments
 - Nonautomotive repair service establishments
 - Nonprofit (seasonal use) fishing lakes
 - Nursery schools and child day care centers
 - Pawn shops and title pawn shops
 - Radio, television and other communication towers and antennas subject to Section 134-273
 - Rest homes, personal care homes or convalescent homes
 - Self-service fuel sales
 - Self-service laundry facilities
 - Tattoo parlors
 - Temporary uses
 - Thrift stores, second hand stores or flea markets
 - Used tire stores
 - Wholesale sales of merchandise
3. The hours of operation will be limited to Monday through Saturday, 6:30 a.m. to 7:30 p.m.
4. There will be no dump trucks or heavy equipment stored on site. Additionally, will be no outside storage of any bulk landscape materials on site with the exception that plant clippings to be sent for recycling shall be stored inside the small area shown on the Site plan and completely screened from view.⁴ Any landscape plants in pots or burlap balls will be stored within the gated area of the Site.
5. Applicant agrees that any landscape maintenance trucks parked on site will not exceed a gross vehicle weight of 15,000 pounds. Applicant further agrees to park as many of these landscape maintenance trucks inside the covered parking areas as shown on site plan as possible. Applicant also agrees that any landscape maintenance trucks not parked inside the covered parking areas will be parked inside of the fenced area during night hours.

⁴ It costs more to recycle the plant clippings but the Applicant wishes to support a more environment friendly approach to landscaping.

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6. Applicant agrees to install the attached landscape plan within ninety (90) days of final rezoning approval. Any dead or damaged landscape planting shall be replaced within ninety (90) days. The final landscape plan for the front of the building will be submitted to a landscape committee to be made up by a designee of the Mableton Improvement Coalition, the Cobb County Arborist and a representative of the Applicant. If the final landscape plan is not mutually agreed to, the final arbiter shall be the Cobb County Arborist.
7. As shown on the attached plan, a landscaped buffer against the neighboring Kids R Kids will be comprised of evergreen Emerald Arborvitae with a minimum height at planting of 6' feet [as agreed to by said adjacent property owner] and will be maintained by the Applicant.
8. The kudzu located to the rear of the site shall be maintained as a buffer per the request of the adjacent property owners across the street. It will be landscaped and trimmed so as to remain 10 feet from the street.
9. Applicant agrees that any sign shall be a ground-based monument type sign, compliant with the Cobb County Sign Ordinance.
10. All fencing along the frontage of Veteran's Memorial Highway will be changed to meet the standards set forth in the design guidelines for Veterans Memorial Highway, specifically, masonry posts at the required intervals. For screening purposes, all perimeter fencing located on the Site shall be allowed to be a maximum height of 8' feet.⁵
11. Applicant agrees that any dumpsters located internal to the Site and will be screened from view of adjacent rights of way.
12. Applicant agrees that there will be a maximum of one (1) pine straw trailer located internal to the Site.

⁵ There is interior security fencing to prevent and deter crime.

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13. Applicant to comply with Cobb County Professional Staff comments and recommendations. The exception shall be that the gate located on the 76 Veteran's Site shall be 50' from the centerline of the roadway with a Knox box (or equivalent) and GDOT approval of any items listed in CDOT comments shall constitute approval pursuant for purposes of this project.
14. Applicant to continue maintenance of all wooden privacy fence on a regular basis and any repairs made within 30 days of damage or malfunction.
15. As originally approved in Z-108 of 2016, Applicant is to be granted a specialized contractor special exception for Applicant's landscape maintenance business only. Any change in this specialized contractor use will require approval from the Board of Commissioners via an Other Business Item.
16. 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. Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
 - b. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
 - c. Increase the height of a building that is adjacent to property that is zoned the same or in a more restrictive zoning district.
 - d. Change access location to a different roadway.
 - e. Violate the Cobb County Zoning Ordinance applicable to the property.

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Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the Applications being heard and considered by the Planning Commission and the Board of Commissioners.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



James A. Balli
jballi@slhb-law.com

JAB/dvm
Enclosures

cc: Cobb County Planning Commission
Cobb County Board of Commissioners
Sonya Wheatley, Mableton Improvement Coalition
Pamela Mabry, County Clerk

VARIANCE EXHIBIT
FOR
76 VETERANS MEMORIAL DRIVE
LAND LOT 44 ~ 18TH DISTRICT ~ 2ND SECTION
COBB COUNTY, GEORGIA



- EXISTING OR PROPOSED ASPHALT
- EXISTING SIDEWALK
- EXISTING OR PROPOSED GRAVEL
- EXISTING VEGETATION TO REMAIN
- GREEN SPACE

LEGAL DESCRIPTION FOR 76 VETERANS MEMORIAL DRIVE:
 BEGINNING WEST OF THE INTERSECTION OF THE SOUTHERLY BISE OF THE FRONT OF WAY OF VETERANS MEMORIAL AND THE WESTERN SIDE OF THE RIGHT OF WAY OF COOKS ROAD AND RUNNING THENCE SOUTH 81 DEGREES 15 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 25.00 FEET TO A POINT AND CORNER; RUNNING THENCE SOUTH 80 DEGREES 01 MINUTES 41 SECONDS EAST FOR A DISTANCE OF 102.00 FEET TO A POINT AND CORNER; RUNNING THENCE SOUTH 01 DEGREES 46 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 100.00 FEET TO A POINT AND CORNER; RUNNING THENCE NORTH 81 DEGREES 15 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 100.00 FEET TO A POINT AND CORNER; RUNNING THENCE NORTH 11 DEGREES 55 MINUTES 38 SECONDS WEST FOR A DISTANCE OF 25.00 FEET TO A POINT AND CORNER; RUNNING THENCE NORTH 79 DEGREES 15 MINUTES 43 SECONDS EAST FOR A DISTANCE OF 104.00 FEET TO A POINT AND CORNER.

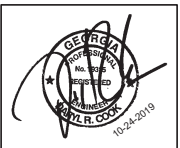
76 VETERANS MEMORIAL DRIVE SURFACE COVERAGE:
 TOTAL AREA = 1.21 AC
 TOTAL GREEN SPACE = 0.59 AC
 TOTAL IMPERVIOUS AREA = 0.68 AC
 AREA OF EXISTING VEGETATION = 0.03 AC

TRACT A SURFACE COVERAGE:
 TOTAL AREA = 0.61 AC
 TOTAL IMPERVIOUS AREA = 0.61 AC
 AREA OF EXISTING VEGETATION = 0.00 AC

TRACT B SURFACE COVERAGE:
 TOTAL AREA = 0.60 AC
 TOTAL IMPERVIOUS AREA = 0.68 AC
 AREA OF EXISTING VEGETATION = 0.03 AC

PARKING:
 TOTAL GUEST AND EMPLOYEE PARKING SPACES = 44
 REMAINING PAVED AREAS TO BE USED FOR LANDSCAPE TRUCK PARKING AND SEMI-TRUCKS

- NOTES:**
1. DRIVES AND ACCESS ON VETERANS MEMORIAL HIGHWAY ARE SUBJECT TO G.D.C.I. APPROVAL PERMITTING.
 2. SIGNAGE AND MARKING FOR INTERNAL ACCESS AND FLOW TO BE SHOWN ON L&P SUBMITTAL.



GSWCC LEVEL II CERTIFICATION NO. 31908
EXPIRES: 01/12/22

NO.	DATE	BY	DESCRIPTION
1	04-15-2019	TMB	1st SUBMITTAL
2	04-15-2019	TMB	2nd SUBMITTAL
3	05-02-2019	TMB	3rd SUBMITTAL
4	05-20-2019	DT	4th SUBMITTAL
5	04-24-2019	DT	COBB DOT RECOMMENDATIONS

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SCALE:	1" = 30'
DESIGNED BY:	TMB
DRAWN BY:	TMB
CHECKED BY:	DRIC
INITIAL ISSUE DATE:	03/20/2019
JOB NUMBER:	161003
SHEET NUMBER:	1 OF 1