

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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ADAM J. ROZEN

WWW.SLHB-LAW.COM

July 24, 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 OBurien, Inc. to Rezone a 1.70 Acre Tract from LI to LRO  
(No. Z-59)

Dear John:

As you know, this firm represents OBurien, Inc. ("OBurien") concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on September 4, 2018. Thereafter, the Application is scheduled to be heard and considered by the Cobb County Board of Commissioners on September 18, 2018.

The property at issue ("subject property") consists of an approximate 1.70 acre tract of land on the south side of Veterans Memorial Highway ("VMH") which is presently zoned Light Industrial ("LI"). The property is located within the confines of a Neighborhood Activity Center ("NAC") as shown on Cobb County's Future Land Use Map ("FLUM").

While this Application has been pending, we have had an opportunity to interface with the County's professional staff with whom we have established a meaningful dialogue. Additionally, we have been in preliminary contact with representatives of the Mableton Improvement Coalition ("MIC"), business owners and other property owners along the VMH Corridor and others. In that regard, this letter will serve as OBurien's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested Rezoning and which shall be binding upon the subject property thereafter.

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The referenced stipulations/conditions are as follows, to wit:

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 in substantial conformity to that certain Revised Site Plan prepared by the Crusselle Company which is being filed concurrently herewith.
3. OBurien's proposal to "down-zone" the subject property to the Low Rise Office ("LRO") classification is to allow for the utilization of the subject property for the purposes of the construction and development of a Nursery/Day Care and Child Development Center.<sup>1</sup>
4. The architectural style and composition of the building shall be in substantial conformity to Veterans Memorial Highway Guidelines, as adopted by Cobb County on January 23, 2018, and consistent with architectural renderings/elevations which will be submitted under separate cover.
5. Compliance with recommendations from the Cobb County Department of Transportation ("DOT"), as follows:
  - a. The installation of directional signage so that the exit point on VMH is not utilized as a point of ingress into the site.
  - b. Since this Child Development Center will present circumstances where parents will escort their children into the building, there is no need to formulate a stacking or queuing plan to address interior vehicular circulation issues.

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<sup>1</sup> OBurien's proposal constitutes a "down-zoning" of the Subject Property from LI to LRO and brings the subject property into compliance with its positioning on the FLUM and as being within a NAC which contemplates the type of use under the LRO classification sought by OBurien.

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- c. The voluntary donation and conveyance of right-of-way on VMH so that the County can achieve fifty-feet (50') from that road's centerline. Of course, since VMH is a State controlled highway, the Georgia Department of Transportation ("GDOT") can waive the requirement for additional right-of-way.
  - d. The voluntary donation and conveyance of right-of-way on Cooks Road (which was constructed below County Standards) so that the County can achieve twenty-five feet (25') from the centerline of said right-of-way.
  - e. The installation of sidewalk, curb and gutter on Cooks Road.
  - f. Ensuring there is a minimum of a one hundred foot (100') of tangent on Cooks Road from VMH.
  - g. Securing permits from GDOT with respect to any encroachments within VMH right-of-way.
- 6. Compliance with recommendations from the Cobb County Water System regarding the availability and accessibility of water and sewer to the Subject Property.<sup>2</sup>
  - 7. Compliance with recommendations from the Stormwater Management Division with respect to detention, hydrology and downstream considerations.
  - 8. Compliance with recommendations from the Cobb County Fire Marshall's Office including, but not necessarily limited to, compliance with "hose-pull" regulations; the radius of the circular portion of the proposed driveway; and, the outside and inside turning radius of interior infrastructure in order to accommodate fire apparatus and public safety vehicles.

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<sup>2</sup> There is ample capacity for sewer. With respect to water, because of the sprinkler/fire suppression protocols for child development centers, the subject property may require a larger water meter than most buildings of the same size.

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9. Entrance signage shall be ground-based, monument style signage and consistent with provisions of the Cobb County Sign Ordinance. Interior directional signage within parking and through-way components shall be consistent with the architectural style and composition of the building and the ground-based monument style signage.
10. The hours of operation shall be from 6:00 a.m. until 7:00 p.m., Monday – Friday.
11. At any one time, the maximum number of children within the Child Development Center at various points of the day shall be one hundred, seventy (170) children. There will be three (3) professional supervisors and twelve (12) teachers some of whom will be Pre-K Certified. The Child Development Center accommodates children between six (6) weeks and twelve (12) years of age.
12. The District Commissioner shall have the authority to approve minor modifications to the development proposal, the site plan and any stipulations except for those:
  - 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 that 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 locations to different roadways.
  - f. Will be in direct conflict with, or in direct contradiction to Cobb County regulations.

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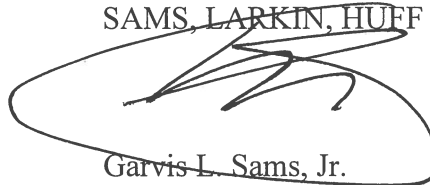
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In all respects, this Rezoning request is appropriate from a land use planning perspective in view of the positioning of the subject property within the NAC. Moreover, since the manner in which the subject property requires a Rezoning (by virtue of a down-zoning from LI to LRO) this request constitutes a needed exercise to ensure that the successful continuation of development along VMH is in substantial conformity to the design criteria outlined above.

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

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

A handwritten signature in black ink, appearing to read 'Garvis L. Sams, Jr.', enclosed within a large, loopy oval shape.

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

GLS, Jr./klk  
Enclosure/Attachment

cc: Listed on next page

# SAMS, LARKIN, HUFF & BALLI

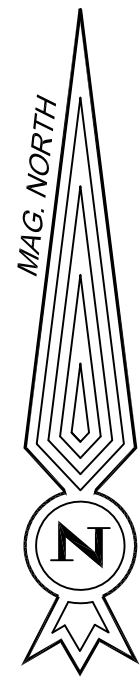
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cc: Members, Cobb County Board of Commissioners (via email w/attachment)  
Lisa Cupid, Esq., District Commissioner (via email w/attachment)  
Mr. Robert L. Hosack, AICP, County Manager (via email w/attachment)  
Members, Cobb County Planning Commission (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)  
Ms. Terry Cummings, MIC (via email w/attachment)  
Oburien, Inc. (via email w/attachment)  
Mr. Ben Crusselle, RLS (via email w/attachment)



#### IMPERVIOUS AREA

PARKING AND DRIVE - 18,176 SQ. FT.  
WALKS - 2,799 SQ. FT.  
BUILDING - 14,908 SQ. FT.  
WALLS - 189 SQ. FT.  
TOTAL - 36,072 SQ. FT.  
TOTAL % IMPERVIOUS AREA - 49%

PLAT TO ACCOMPANY APPLICATION FOR REZONING

# OLUWOLE IMOUKHUEDE

LOCATED IN LAND LOT 44, 18TH DISTRICT,  
2ND SECTION, COBB COUNTY, GEORGIA

130 VETERANS MEMORIAL HIGHWAY

AREA = 1.702 ACRES  
74,144 SQ. FT.

VETERANS MEMORIAL HWY.

#### SURVEY NOTES:

THIS PLAT WAS PREPARED FOR EXCLUSIVE  
USE BY THE PERSONS AND/OR  
ORGANIZATIONS NAMED HEREON. THIS PLAT  
DOES NOT EXTEND TO OTHERS WITHOUT  
THE PERMISSION OF THE SURVEYOR.

ORIGINAL PLATS, NOTES AND OTHER  
DRAWINGS PREPARED BY THE SURVEYOR  
AND HIS ASSOCIATES, INCLUDING  
ELECTRONIC FILES, ARE INSTRUMENTS OF  
SERVICE AND ARE THE PROPERTY OF THE  
SURVEYOR.

BUILDING SETBACKS ARE NOT SHOWN. A  
DETERMINATION OF THESE SETBACKS BY  
COBB COUNTY ZONING WILL BE REQUIRED  
BEFORE ANY NEW PERMITTING.

THERE MAY BE OTHER UTILITIES EXISTING  
ON THIS PROPERTY THAT ARE NOT SHOWN.

#### SURVEY REFERENCE

BOUNDARY INFORMATION IS BASED ON PLAT  
OF SURVEY FOR CYNTHIA G. MORRISON  
PREPARED BY GEORGE W. CRUSSELLE DATED  
JULY 10, 1992 AND REVISED JULY 14, 1993.

#### FLOOD STATEMENT

I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE  
RATE MAPS, COMMUNITY PANEL NO: 13067C0208H  
& 13067C0216H EFFECTIVE DATES: MARCH 4, 2013

THE MAP GRAPHICALLY DEPICTS THE SUBJECT  
PROPERTY TO LIE IN ZONE: "X"  
THE CHARACTERISTIC OF THIS ZONE IS  
AN AREA ABOVE THE 100 YEAR FLOOD ZONE

#### LEGEND

##### CORNER MONUMENTATION:

- = IPS = CORNER SET WITH A 1/2" STEEL  
REINFORCING ROD
- = PROPERTY CORNER
- △ = 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 = "Q"  
C/L = CENTERLINE = ————  
B/L = BUILDINGLINE = ————  
R/W = RIGHT OF WAY  
L.L.L. = LAND LOT LINE = ————  
WATER MAINS = — W — W — W — W —  
OVERHEAD POWER LINES = — E — E —  
GAS MAINS = — G — G — G — G —  
SANITARY SEWER MAIN = — SS — SS —  
N/F = NOW OR FORMERLY OWNED BY  
NSAB = NAIL SET AT BASE  
NFAB = NAIL FOUND AT BASE  
D.B. = DEED BOOK  
P.B. = PLAT BOOK  
R/W MON. = CONCRETE RIGHT OF WAY MONUMENT

#### ZONING NOTES

CURRENT ZONING: LI (LIGHT INDUSTRIAL)  
PROPOSED ZONING: LRO (LOW RISE OFFICE)

##### BUILDING SETBACKS:

FRONT - 40'  
SIDE - 15'  
REAR - 30'  
MAJOR SIDE - 35'

MAXIMUM IMPERVIOUS AREA: 70%

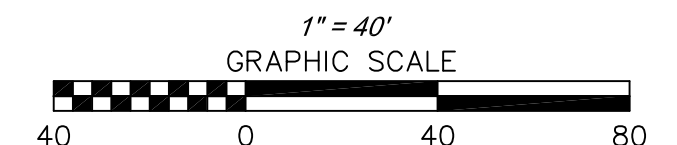
PARKING REQUIREMENTS: 20 SPACES REQUIRED  
PARKING PROVIDED: 23 SPACES(INCLUDING 2 HC)

NO ARCHITECTURAL OR ARCHEOLOGICAL  
LANDMARKS HAVE BEEN DETECTED ON THIS SITE  
BY THIS FIRM.

NO CEMETERIES OR WETLANDS HAVE BEEN  
DETECTED ON THIS SITE BY THIS FIRM.

THE PROPERTY IS CURRENTLY VACANT.

N/F  
DCS OVERSEAS, LLC  
D.B. 14716, PG. 5255  
(ZONED LI)

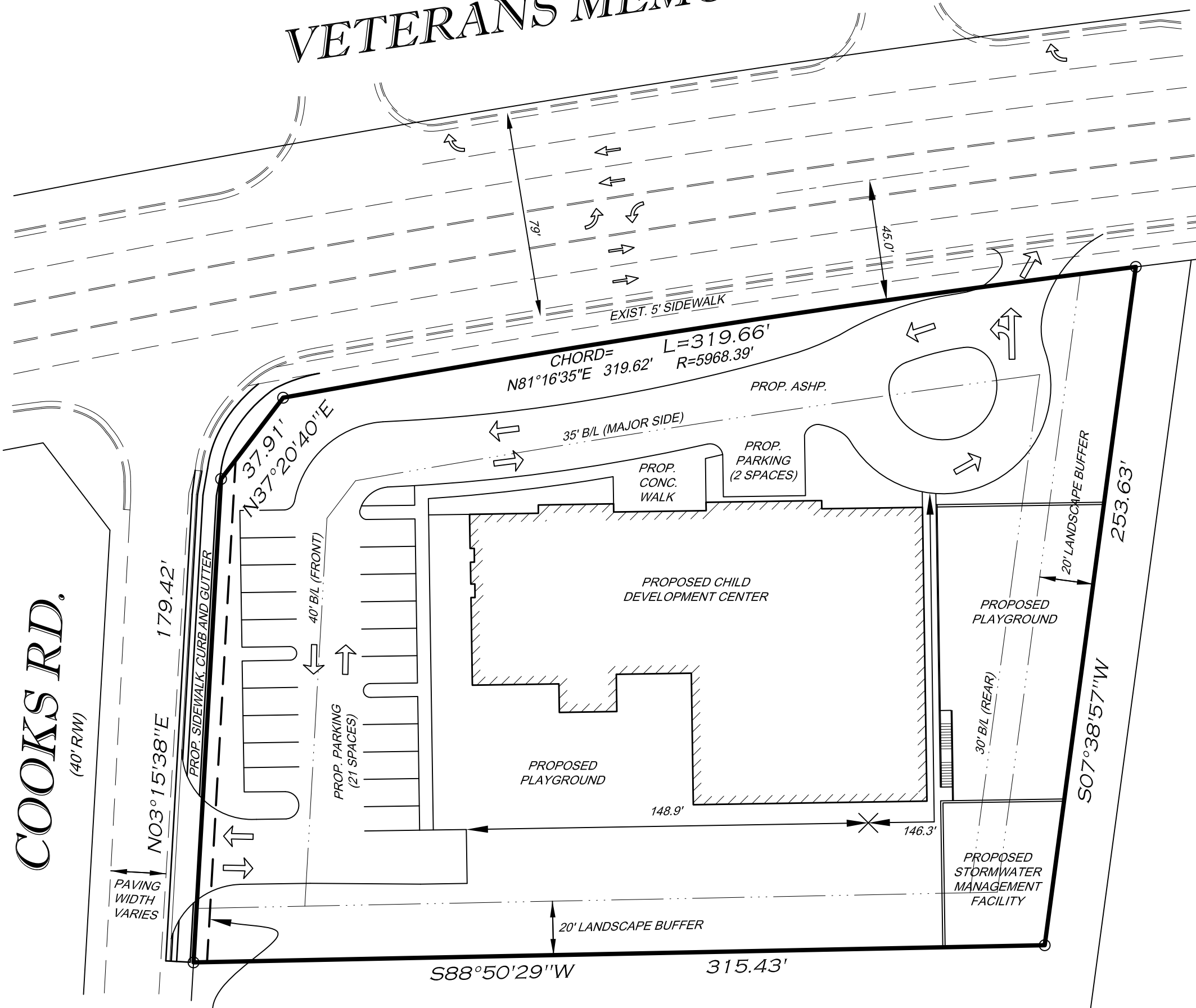


#### REVISIONS

DATE	DESCRIPTION

**THE CRUSSELLE COMPANY**  
PROFESSIONAL LAND SURVEYORS  
2981 POWDER SPRINGS ROAD  
MARIETTA, GEORGIA 30064  
(770) 943-5903  
E-MAIL: BEN@CRUSSELLE.COM

PROJ. NO. CO4717 FILE: CO4717 - 2018 ZONING.DWG  
FIELD SURVEY DATE: 1992  
PLAT DATE: 07/24/18 SCALE: 1" = 40'



PROPOSED RIGHT OF WAY  
(25' FROM CENTERLINE)

N/F  
TIMOTHY C. ALDRIDGE  
D.B. 13816, PG. 2439  
(ZONED R-20)

