

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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June 12, 2019

(REVISED STIPULATION LETTER, REVISED SITE PLAN, ET. AL.)

VIA EMAIL & HAND DELIVERY:

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 IGBO Union Atlanta, Inc. to Rezone an approximate 2.22 Acre Tract from O&I and PSC to CRC (No. Z-82 [2018])

Dear John:

You will recall that this firm was recently engaged to represent the Applicant and the Property Owner concerning the above-captioned Application for Rezoning. In that regard, the Application is scheduled to be heard and considered by the Cobb County Planning Commission on July 2, 2019. Thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on July 16, 2019.

The property at issue ("Subject Property") consists of an approximate 2.22 acre tract of land which is located on the north side of Old Powder Springs Road and on the west side of Mableton Parkway. The Subject Property is presently zoned O&I and PSC and is situated squarely within the confines of a Community Activity Center ("CAC") as shown on Cobb County's Future Land Use Map ("FLUM"). In that regard, the current Rezoning proposal for utilization of the Subject Property as an Assembly Hall and Events Facility is entirely appropriate.

Access to the Subject Property is by way of Mableton Parkway and by way of Old Powder Springs Road with separate points of ingress/egress on both road frontages. North of the Subject Property are tracts zoned O&I and NS; on the west are properties zoned NS; and, on the south are properties zoned NS, R-20 & NRC. Across Mableton Parkway are other non-residentially zoned properties also situated within the confines of the CAC.

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During the pendency of this application, the Applicant and the Property Owner have established a dialogue with Cobb County's Professional Staff which has recommended that the application be approved subject to certain stipulations/conditions. Additionally, after maintaining an ongoing dialogue with the Mableton Improvement Coalition ("MIC"), the Applicant and the Property Owner have received a recommendation of approval from MIC as well. Additionally, business owners and other property owners within this sub-area of the County have been engaged and have participated in the discussions.

While taking the foregoing into consideration, the Applicant and the Property Owner (hereinafter collectively "IGBO") have directed that this letter be submitted as a Revised/Consolidated Stipulation Letter. In that regard, IGBO is agreeable to the following revised stipulations becoming conditions and the part of the grant of requested Rezoning and binding upon the Subject Property thereafter:

1. The Revised and Consolidated 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 regarding the Subject Property.
2. Rezoning of the Subject Property shall be from its existing categories of O&I and PSC to CRC in substantial conformity to that certain Revised Site Plan prepared by Pyramid EDC Consultants, Inc. which is being formally submitted concurrently herewith.
3. IGBO proposes the utilization of the Subject Property as an Assembly Hall/Events Facility on approximately 2.22 acres utilizing the existing and soon-to-be further renovated and rehabbed structure at considerable expense. The Facility shall be used as office for the IGBO Membership, receptions, family gatherings, meetings, get-togethers, weddings, receptions, cultural activities, and instructional/community events. There shall be no retail utilization; food preparation; or alcohol sales components.
4. IGBO agrees that the Rezoning sought hereunder shall be limited to the uses specifically set forth above and that the following uses shall be expressly disallowed as "Conditional Prohibited Uses", to wit:

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- Video arcades as a primary business.
- a. Tattoo parlors and body piercing shops.
 - b. Billiard parlors.
 - c. Pawn shops, check cashing establishments and title pawn businesses.
 - d. Shooting ranges or the sale of guns and knives as a primary business.
 - e. Thrift stores.
 - f. Automotive related retail sales and services.
 - g. Wholesale establishments.
 - h. Any business which principally features sexually explicit products or drug related paraphernalia.
 - i. Flea markets.
 - j. Firewood sales.
 - k. The overnight parking of vehicles.
 - l. Vape and/or smoke shops or hookah-type restaurants.
5. The proposed Facility will ultimately consist of a renovated and rehabbed (with future building modifications planned) 15,060 square foot, one-story building.

The Rezoning proposal shall comply with all applicable Building Codes, Rules and Regulations and shall be consistent with parking ratio requirements utilizing inside fixed-table seating related to parking spaces provided.

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6. IGBO agrees to reconstruct the Facility consistent with accepted industry-wide standards in order to attenuate and mitigate noise/acoustical levels. In that regard, and as a part of the Plan Review Process, IGBO agrees to submit an Acoustical Plan certified by a Registered Acoustical Engineer to ensure that the decibels generated by the activities within the Facility do not exceed applicable decibel levels beyond the property lines of the Subject Property. In that regard and preliminarily, enclosed/attached is a Building Template consisting of steel stud partitions with framing regarding acoustical attenuation. This Template shall be incorporated in the Acoustical Engineer's Certified Report and submitted during the Plan Review Process.¹
7. The architectural style and composition of the building on the Subject Property shall be in substantial conformity to the architectural rendering/elevation which is being submitted concurrently herewith, except to the extent that the reconstruction of the building shall be in compliance with the Mableton Parkway & Veterans Memorial Highway Design Guidelines, adopted on January 23, 2018.
8. The hours of operation by IGBO and its members shall generally be from 5:00 p.m. until 1:30 a.m.; however, some events may begin earlier in the day. Under no circumstances shall the Facility be opened or utilized after 1:30 a.m. In that regard, the parking lot gates shall be closed by 1:30 a.m. There shall be no loitering allowed within the parking lot at any time which would precipitate noise or interfere with the peaceful enjoyment of area residents or business owners either during or after events.
9. While events are under way, all exterior doors shall be closed, except as required by the Fire Marshal. Additionally, airlock entries shall be created on all exterior doors in order to remain in compliance with sound and acoustical attenuation protocols.

¹ As a part of the rehabbing and reconstruction of the building on the Subject Property, IGBO agrees to remove the overhead doors (garage-type) on the back (west) of the building.

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10. IGBO shall be responsible for setting up a Landscape Oversight Committee (“LOC”) comprised of a representative of IGBO, MIC and a designee from the Community Development Agency. This committee shall review and approve all landscaping and fencing plans. The District Commissioner shall be the final arbiter concerning any issues which can not otherwise be resolved by the LOC.

In accordance with recommendations from MIC, it is expected that the landscape/fencing plans will include a privacy fence along the western property line of Subject Property and that the landscape/fencing plans will include plantings which will shield the detention/ water quality facility from view from other properties and rights-of-way no later than 24 months from the date of planting.

11. The dumpster utilized by the Facility shall be situated on the interior of the Subject Property in order to shield the dumpster from public vantage points, including streets and sidewalks; will have gates made of steel; and, otherwise will comply in all respects with Cobb County Regulations regarding dumpsters and/or at-grade trash compaction areas.
12. Signage, if any, shall be ground-based monument style signage. The finish, materials and colors for such signage shall be of the same style and composition as the Facility. The signage shall contain no digital or flashing sign components; no roof signs; and, no exterior temporary signage. In addition to the foregoing, there may be interior directional signage, as needed, regarding interior maneuverability and accessibility and regarding points of ingress to and egress from the Subject Property.
13. Any additional lighting for the parking areas shall be environmentally sensitive and shall be fitted with non-glare lenses and cut-off shields to prevent illumination from extending beyond the perimeter of the Subject Property. Security lighting shall be wall packs, hooded, environmentally sensitive and also fitted with non-glare lenses and cut-off shields.
14. Compliance with recommendations from the Cobb County Stormwater Management Division with respect to stormwater management, detention, hydrology, water quality and downstream considerations.

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15. Compliance with the following recommendations from the Cobb County Department of Transportation (“DOT”):
 - a. To the extent that it is physically possible to do so because of limited road frontage, installation of a deceleration lane and taper at the Subject Property’s point of ingress/egress on Mableton Parkway upon the Subject Property’s redevelopment.
 - b. The installation of sidewalk, curb and gutter along the Subject Property’s frontage on Old Powder Springs Road upon the Subject Property’s redevelopment.
 - c. The driveway and point of ingress/egress on Old Powder Springs Road shall be a minimum of fifty feet (50’) in length in order to ensure uninterrupted ingress to egress from the Subject Property.
 - d. The voluntary donation and conveyance of right-of-way on the north side of Old Powder Springs Road so that Cobb DOT can achieve a minimum of thirty feet (30’) from the roadway centerline.
16. Compliance with the recommendations from the Cobb County Water System contained within the Zoning Analysis.
17. Compliance with the recommendations from the Cobb County Fire Marshal’s Office with respect to Life-Safety and Fire-Prevention issues, including the following:
 - a. Compliance with IFC No. 510 (Emergency Responder Radio Coverage).
 - b. Comments and recommendations regarding automatic fire sprinklers; fire suppression; and, fire alarm systems.²

² The proposed use as an Events Facility/Assembly Hall is construed as a “change of use” and will be reviewed as a new building for Cobb County Code purposes.

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- c. As mentioned in Paragraph 5 above, compliance with Cobb County Parking Ratio requirements (fixed-table seating in relation to parking) with 103 parking spaces.
18. 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 engineered features. Also, any such encroachments shall be allowed for Fire Marshal Office-driven protocols or mandates.
 19. The District Commissioner shall have the authority to approve certain minor modifications as the development proposal proceeds through the Plan Review Process and thereafter, including this stipulation letter, architecture, the Revised Site Plan, and engineering/acoustical components, except for those that:
 - a. Reduce the size of an approved buffer adjacent to property which is zoned in a more restrictive zoning district.
 - b. Relocates a structure closer to the property line of an adjacent property which is zoned in a more restrictive zoning district.
 - c. Increase the height of a building which is adjacent to property which is zoned in a more restrictive zoning district.
 - d. Are violative of the Cobb County Zoning Ordinance.
 - e. Change access locations to different roadways.
 - f. Are in direct conflict with or in direct contradiction to Cobb County regulations.

This requested Rezoning, as further revised and submitted herewith, is appropriate from a land use planning perspective particularly considering the context of development within which this Facility will be operated. Additionally, it meets a community and cultural need within this sub-area of the County regarding its multifaceted components and will constitute a quality redevelopment which will provide a use that is complementary to surrounding developments and uses.

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Please do not hesitate to contact me should you or staff require any further information or documentation prior to this application being heard and considered by the Planning Commission and the Board of Commissioner in July. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



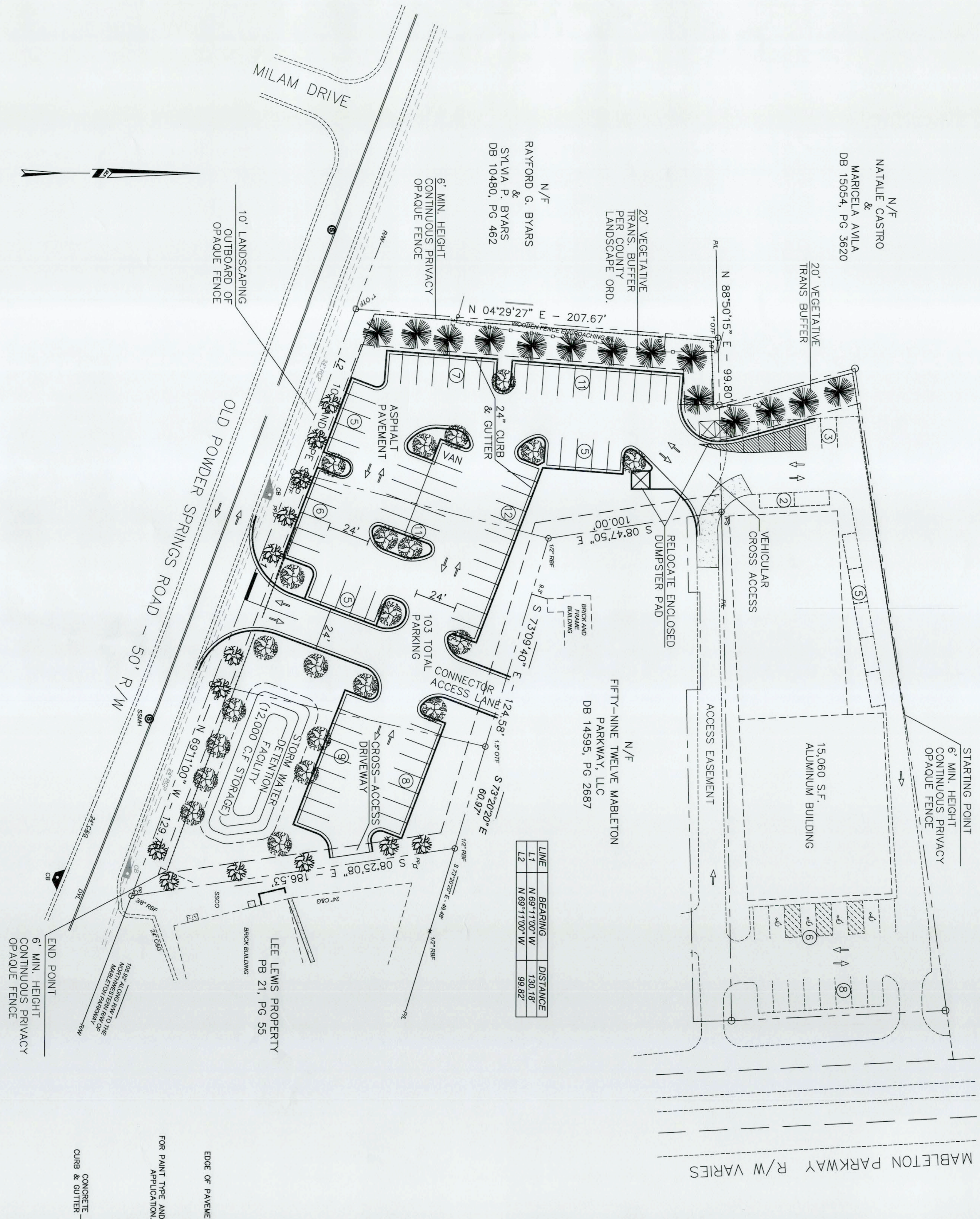
Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./dls
Enclosures/Attachments

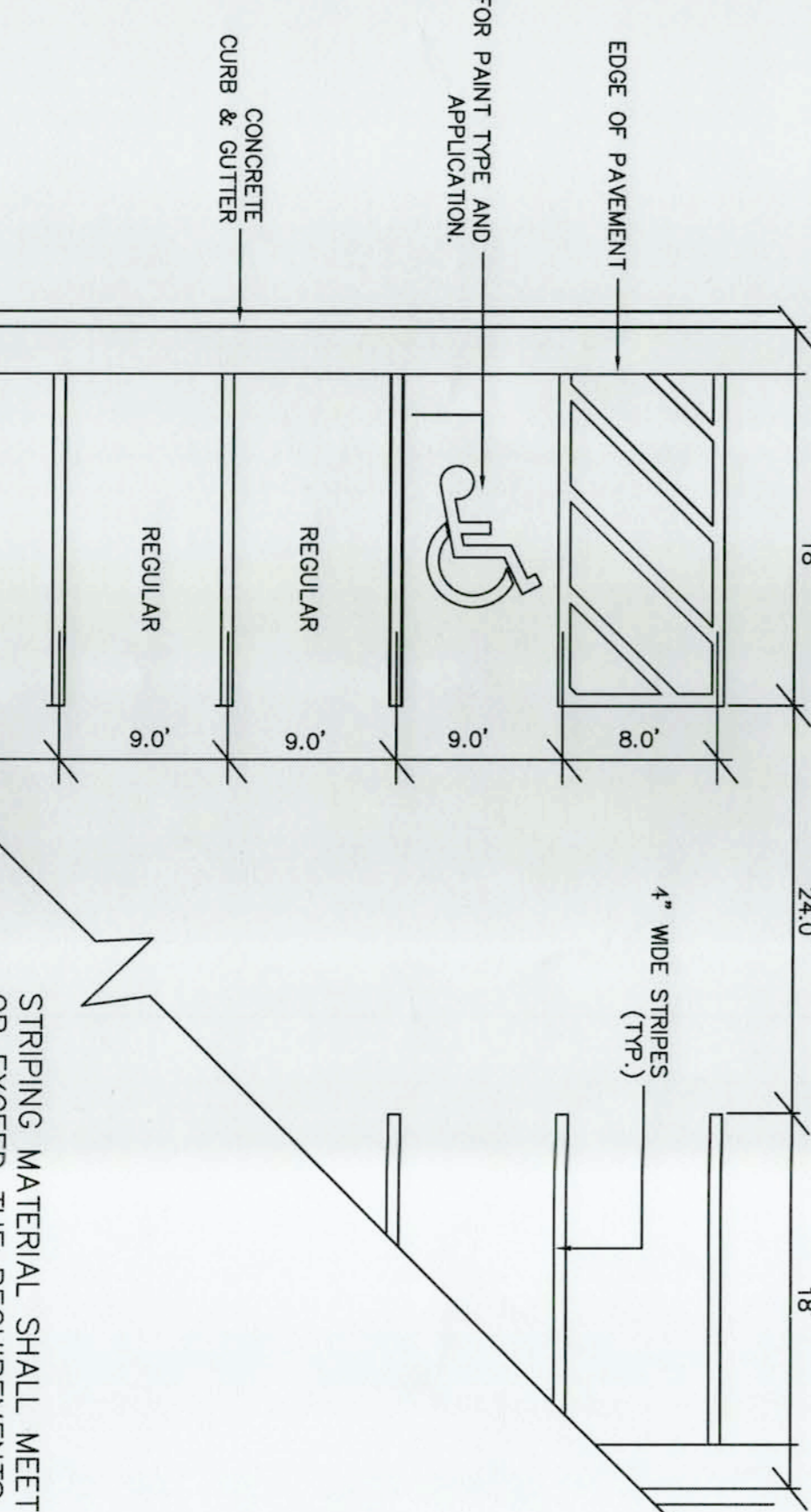
cc: Cobb County Board of Commissioners (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP, County Manager (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director (via email w/attachments)
Mr. Michael Hughes, AICP, Economic Development (via email w/attachments)
Mr. Jason S. Gaines, AICP, Planning Manager (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Mr. Phillip Westbrook, Comprehensive Planner (via email w/attachments)
Mr. Donald Wells, Planner I (via email w/attachments)
Ms. Tannessa Bates, Planner I Analyst (via email w/attachments)
Ms. Pamela Mabry, County Clerk (via email w/attachments)
Ms. Robin Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Captain Bob Bennett (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)
Ms. Amy Diaz, P.E. (via email w/attachments)
Ms. Ashley White, P.E. (via email w/attachments)
Mr. Tim Davidson, Water System (via email w/attachments)
Mr. Reuben C. Aniekwu (via email w/attachments)
Mr. Larry Norwood (via email w/attachments)

Site Plan

SCALE: 1/32" = 1'-0"



LINE	BEARING	DISTANCE
L1	N 69°11'00" W	130.18'
L2	N 69°11'00" W	99.82'



STRIPING DETAIL
N.T.S.

Site Analysis

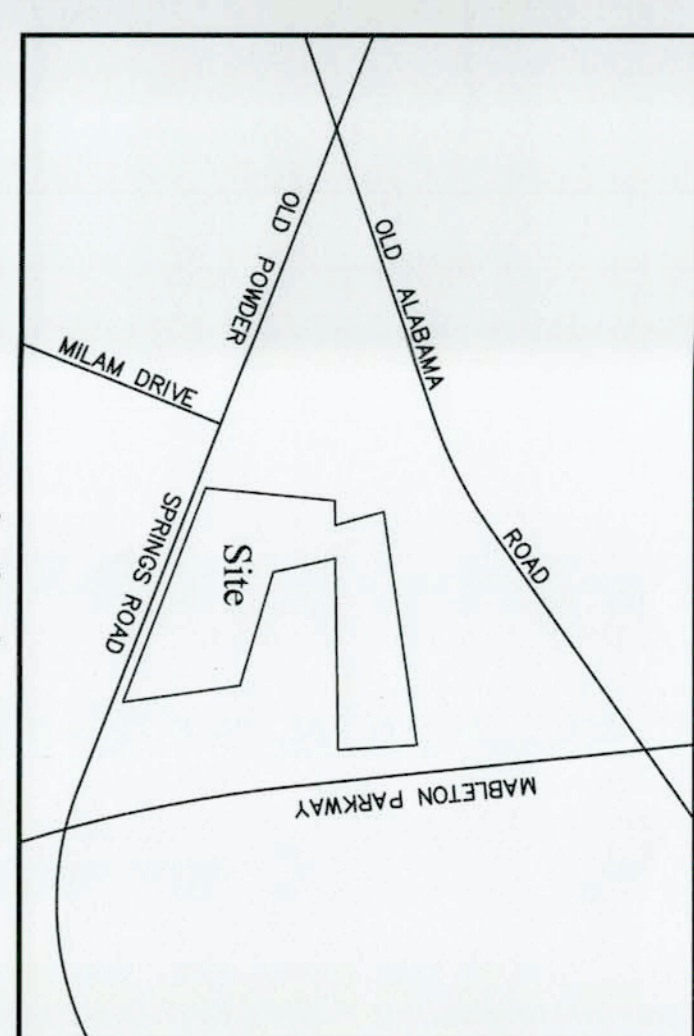
Zoning:	O-1 (Office & Industrial)
Location:	5912 Mableton Parkway, 648 Old Powder Springs Road, 622 Old Powder Springs Road & 612 Old Powder Springs Road, Combined Lot Areas: 96,725 S.F. (2.22 Ac.)
USE:	Proposed Parking Facility for 15,060 S. F. Community Center
Setbacks:	Required
Front	N/A
Side	N/A
Rear	N/A
NEW PAVEMENT AREA:	29,810 S.F.
Percent Impervious:	49.5%
TOTAL PARKING SPACES:	103.

Site Analysis

1. PROPERTY LOCATION: 5912 MABLETON PARKWAY, MABLETON, GEORGIA, COBB COUNTY, GA.
2. OWNER/DEVELOPER: 18007800430, 612 Old Powder Springs Road, 622 Old Powder Springs Road, 612 Old Powder Springs Road
3. ENGINEER/DESIGNER: PYRAMID EDC CONSULTANTS, INC., 4151 MEMORIAL DRIVE, SUITE 210A, DECATUR, GA. 30032, PHONE: (404) 297-0750

OWNER & DEVELOPMENT NOTES:

Vicinity Map



REVISIONS	
Date	Description

Pyramid EDC Consultants, Inc
 4151 Memorial Drive
 Building A Suite 204B
 Decatur, Ga. 30032
 Ph. 404.297.0750

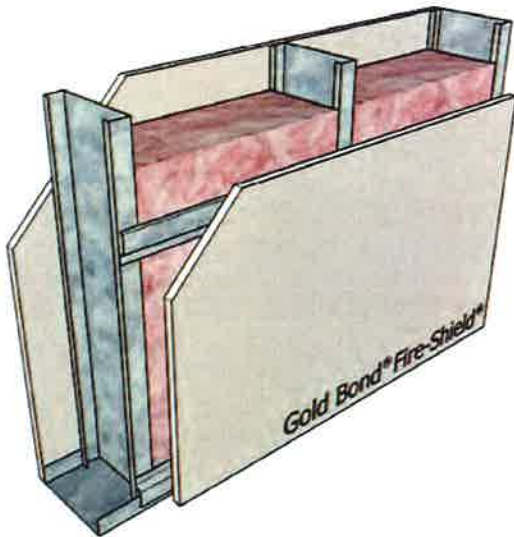
Site Plan
 5912 Mableton Parkway
 Land Lot 78 - 18th District
 Cobb County, Georgia

PEO Project # 18-P712
 Date: 29 JAN 2019
 Project Manager: MAB

C-1

Steel Stud Partitions with Framing 16" o.c.

Figure 25

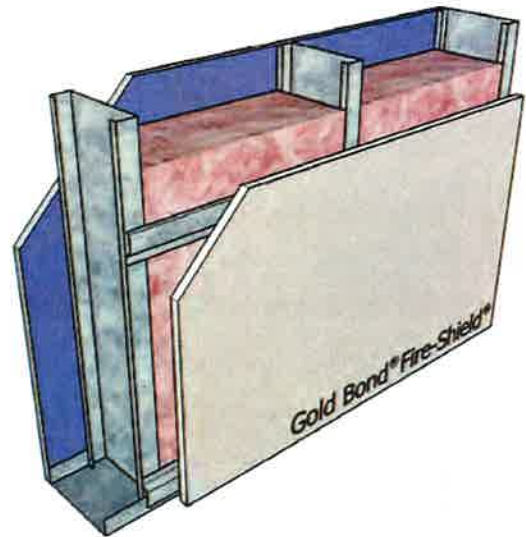


STC-53 **NGC 2013026**

Framing: 6" steel studs, 20 gauge, 16" o.c.
 Insulation: 6" glass fiber
 Side 1: 5/8" Fire-Shield Gypsum Board
 Side 2: 5/8" Fire-Shield Gypsum Board on RC-1

UL Design: V438, U465 - 1 hour

Figure 26

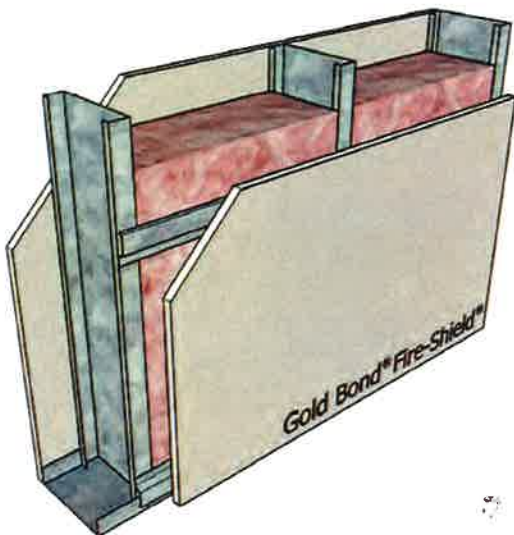


STC-57 **NGC 2013027**

Framing: 6" steel studs, 20 gauge, 16" o.c.
 Insulation: 3-1/2" glass fiber
 Side 1: 5/8" SoundBreak XP Gypsum Board
 Side 2: 5/8" Fire-Shield Gypsum Board on RC-1

UL Design: V438, U465 - 1 hour

Figure 27

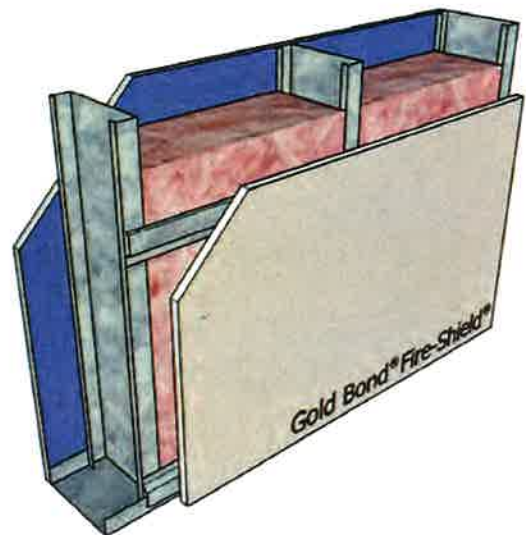


STC-50 **NGC 2015001**

Framing: 6" steel studs, 16 gauge, 16" o.c.
 Insulation: 6" glass fiber
 Side 1: 5/8" Fire-Shield Gypsum Board
 Side 2: 5/8" Fire-Shield Gypsum Board on RC-1

UL Design: V438, U465 - 1 hour

Figure 28



STC-55 **NGC 2015002**

Framing: 6" steel studs, 16 gauge, 16" o.c.
 Insulation: 3-1/2" glass fiber
 Side 1: 5/8" SoundBreak XP Gypsum Board
 Side 2: 5/8" Fire-Shield Gypsum Board on RC-1

UL Design: V438, U465 - 1 hour



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