

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

ADAM J. ROZEN

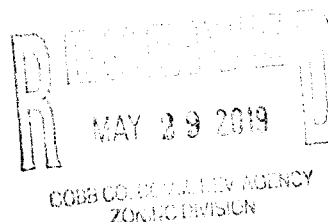
WWW.SLHB-LAW.COM

May 29, 2019

(STIPULATION LETTER)

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 Kenneth Mordi for Rezoning of a 0.91acre tract located in Land Lot 34, 18th District, 2nd Section, Cobb County, Georgia (Z-41).

Dear John:

As you know, this firm represents Kenneth Mordi regarding the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Planning Commission on June 4, 2019. Thereafter, the Application will be heard and considered for final action by the Cobb County Board of Commissioners on June 18, 2019.

The primary purpose of this Application for Rezoning is to transform the Subject Property from the combined residential ("R-20") and General Commercial ("GC") classifications to a more appropriate zoning classification of Community Retail Commercial ("CRC") for the property situated on Powell Drive.

The property is contiguous and/or adjacent to properties which are zoned Light Industrial ("LI") to the east, GC to the south and west, as well as Neighborhood Retail Commercial ("NRC") and nonconforming R-20 to the north. The Applicant seeks a Rezoning to the CRC zoning district, as mentioned above, for the purpose of an automobile repair facility. The Applicant proposes to renovate and rehab the existing structure while maintaining the same general footprint. The Applicant will improve the "open curb" with curb and gutter and establish dedicated parking and entrance points on the site and will renovate the existing privacy fencing along the frontage which will be designated, at least in part, for a landscape enhancement strip. The hours of operation are expected to be Monday through Saturday from 8:00 a.m. until 6:00 p.m. with approximately five (5) employees.

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As a result of the ongoing discussions, this letter will serve as the Applicant's expression of agreement with the following stipulations which shall, upon the requested Rezoning being approved, become conditions and a part of the grant of the requested Rezoning and binding upon the Subject Property thereafter. The referenced stipulations 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.
2. Buildings and improvements located on the Subject Property shall remain in substantial conformity to that certain as-built site plan previously submitted and attached hereto for reference.
3. Other than buildings, improvements and landscaping, the remaining area of the Subject Property which is utilized for parking of vehicles will be in compliance with the Traffic and Parking requirements of Section 134-272.
4. The installation and maintenance of an eight-foot (8') landscape enhancement strip along the Subject Property's frontage.
5. The following otherwise permitted uses shall be prohibited:
 - a. Pawn or title pawn establishments.
 - b. Gold or other precious metal buying or selling.
 - c. Tattoo parlors.
 - d. Vape and/or smoke/tobacco shops.
 - e. Adult novelty or bookstores.
 - f. Flea markets.
 - g. Gun, knife or weapon sales.
 - h. Check cashing establishments.

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- i. Fast food restaurant with drive-thru component.
 - j. Pool or billiard halls.
 - k. Commercial produce or agricultural products stands.
 - l. Community fairs.
 - m. Radio, television and other communication towers or antennas.
 - n. Convenience stores with self-service fuel sales.
 - o. Full-service gas stations.
 - p. Group homes, rest homes, personal care homes or convalescent homes.
6. The Applicant shall remove all junk or inoperable vehicles from the site and shall only park vehicles on a hardened surface within thirty (30) days of final approval.
 7. The fencing along the frontage of the Subject Property shall remain in substantially the same location as the existing fence but the existing fence shall be renovated.
 8. Any dumpsters located on the site shall be in compliance with County Standards with the location of the same to be identified in Plan Review.
 9. All Light Automotive Repair and Automotive Paint and Body Repair shall be performed in an enclosed structure.
 10. The current business license shall not be renewed until all improvements herein are approved and completed through the plan review process.
 11. Exterior façade of front of building to be pressure washed and/or painted in similar neutral color to remainder of building.
 12. Compliance with recommendations from the Cobb County Department of Transportation (“DOT”) regarding the installation of curb and gutter and improvement of the entrance aprons to commercial standards.

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13. Compliance with recommendations from the Cobb County Water System with respect to as-built circumstances, with sewer, sewer capacity and water available to the site.
14. Compliance with recommendations from the Cobb County Fire Marshal concerning life-safety and fire-prevention issues.
15. Compliance with recommendations from the Stormwater Management Division.¹
16. The granting of the necessary concurrent variances to allow as-built conditions of the existing structure and as identified in the Staff Analysis.
17. There shall be no outside storage on the Subject Property. However, temporary storage of parts and materials for recycling is permitted within a designated fenced area behind the building and/or fencing along the frontage. The designated collection area shall be no greater than nine hundred (900) square feet.
18. Entrance signage shall ground-based monument style signage which is in conformity with the Cobb County Sign Ordinance.
19. There shall be no junk or inoperable vehicles stored on-site.
20. The District Commissioner shall have the authority to make minor modifications to the site plan, the architecture and these stipulations/conditions during the Plan Review Process and thereafter except for those that:
 - a. Relocate a structure closer to the property line of an adjacent property that is zoned in a more restrictive zoning district.
 - b. Increase the height of the building that is adjacent to property which is zoned the same or in a more restrictive zoning district.
 - c. Change access locations to different roadways.
 - d. Increase the square footage of the proposed buildings; FAR; or, percentage of impervious surface.

¹ Based on discussions with the Stormwater Management Division the Applicant will only be required to install stormwater facilities upon the installation of an additional five thousand (5,000) square feet of impervious surface.

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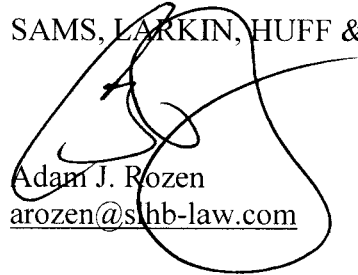
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- e. Would be in direct contradiction to or in conflict with any of the stipulations inherent in this Rezoning.
- f. Would be in direct contradiction to or in conflict with Cobb County Codes and Ordinances.

Please do not hesitate to contact me should you or Staff require any further information or documentation prior to the formulation of the Final Zoning Analysis and Staff Recommendations.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Adam J. Rozen
arozen@slhb-law.com

AJR/lkj
Enclosure

cc: Members, Cobb County Board of Commissioners (via email w/ attachment)
Members, Cobb County Planning Commission (via email w/ attachment)
BOC Commission Assistants (via email w/attachment)
Mr. Terry Martin, Planner III (via email w/attachment)
Ms. Pamela Mabry, County Clerk (via email w/attachment)
Ms. Robin Stone, Deputy County Clerk (via email w/attachment)
Ms. Leila Washington, Deputy County Clerk (via email w/attachment)
Ms. Robin Meyer, Mableton Improvement Coalition (via email w/ attachment)
Ms. Jan Floyd Ros (via email w/ attachment)
Mr. Kenneth Mordi (via email w/ attachment)

CLERK'S FILING STAMP BOX

VETERANS MEMORIAL HIGHWAY (R/W VARIES)

PLAT TO ACCOMPANY REZONING APPLICATION FOR **KENNETH MORDI**

LOCATED IN LAND LOT 34, 18TH DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA

5777 POWELL DRIVE

AREA = 0.918 ACRES
39,966 SQ. FT.

SURVEY NOTES:

THERE IS A 25' NON-DISTURBANCE BUFFER (WARM WATER STREAMS) AND A 50' NON-DISTURBANCE BUFFER (TROUT STREAMS) ADJACENT TO ANY STREAM OR BODY OF WATER MANDATED BY THE STATE AND THERE MAY BE ENHANCED BUFFERS PLACED ON THESE WATERS BY COUNTIES OR MUNICIPALITIES. THE PROPER AUTHORITY SHOULD BE CONTACTED BEFORE BEGINNING ANY DISTURBANCE NEAR THESE AREAS.

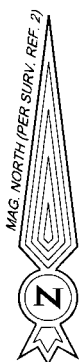
THIS PLAT WAS PREPARED FOR EXCLUSIVE USE BY THE PERSONS AND/OR ORGANIZATIONS NAMED HEREON. THIS PLAT DOES NOT EXTEND TO OTHERS WITHOUT THE PERMISSION OF THE SURVEYOR.

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.

THE BUILDING SETBACKS SHOWN HEREON ARE BASED ON THE SURVEYOR'S BEST INTERPRETATION AND SHOULD BE RELIED UPON ONLY AFTER AFFIRMATION BY THE COBB COUNTY ZONING DEPARTMENT.

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

ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.



POWELL DRIVE
(50' R/W)

297.15' ALONG R/W TO THE INTERSECTION OF THE SOUTHERLY R/W OF VETERANS MEMORIAL HIGHWAY & THE EASTERLY R/W OF POWELL DRIVE (PER SURV. REF. 2)

1/2" RR

M.C. 24-61-000

.00 000

N/F
JUAN OLVERA
D.B. 14902, PG. 2187

BLDG. COR. 0.5' NORTH OF PROPERTY LINE

BLDG. COR. 0.2' SOUTH OF PROPERTY LINE

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D.B. 15032, PGS. 2632

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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
- 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 — E — E —
- GAS MAINS = — G — G — G — G —
- SANITARY SEWER MAIN = — SS — SS — 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
- BOC = BACK OF CURB
- FH = ○ = FIRE HYDRANT

SURVEYOR CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION FOR THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE O.C.G.A. SECTION 15-6-67.

Benjamin W. Crusselle, 03/05/19
BENJAMIN W. CRUSSELLE RLS 2841 DATE

SURVEY REFERENCES

- DEED IN FAVOR OF KENNETH MORDI RECORDED IN DEED BOOK 15565, PAGE 621
- PLAT OF SURVEY FOR HIGH COTTON PROPERTIES, LLC PREPARED BY SMITH & SMITH LAND SURVEYORS, P.C. LAST REVISED 01-03-2006

FLOOD STATEMENT

I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO: 13067C0203H 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

TECHNICAL DATA

TRAVERSE PRECISION: 1/22,146
ANGLE ERROR: 1" SEC. PER ANG.
SURVEY ADJUSTMENT: LEAST SQUARES
EQUIPMENT: TOPCON GPT-3005
PLAT PRECISION: 1/131,812



REVISIONS	
DATE	DESCRIPTION



PROJ. NO. C06860 FILE: C06860.DWG
FIELD SURVEY DATE: 03/11/19
PLAT DATE: 03/05/19 SCALE: 1" = 60'