

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 08-17-21

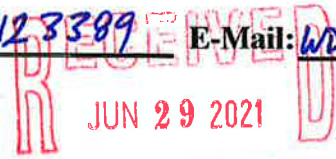
08-39

Applicant: KO MANAGEMENT INC Phone #: (404) 643-2637
(applicant's name printed)

Address: 3355 LENOX RD, SUITE 1000, ATLANTA GA 30326 E-Mail: KOMANAGEMENTINC@SMALL.COM

WILLIE DELOACH Address: 185 SHAWWOODAH CA 30214
(representative's name, printed)

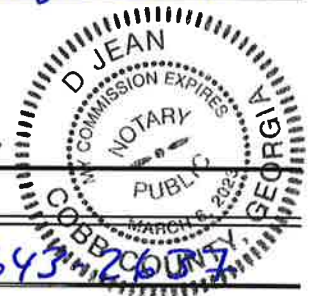
[Signature] Phone #: 678 612 3389 E-Mail: WD CONTRACTORS@SMALL.COM
(representative's signature)



Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: 03/06/2023



Titleholder(s): KO MANAGEMENT INC Phone #: (404) 643-2637
(property owner's name printed)

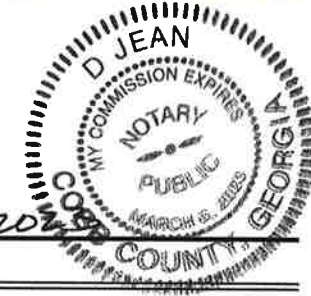
Address: 3355 LENOX RD, SUITE 1000, ATLANTA 30326 E-Mail: KOMANAGEMENTINC@SMALL.COM

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: 03/06/2023



Commission District: 4 Zoning Case: Z-56

Size of property in acres: 5.4 / .5 Original Date of Hearing: FEB 2020

Location: 676 WOOD VALLEY Rd, MARLETOW GA 30126
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 37 & 39 District(s): 18th

State specifically the need or reason(s) for Other Business:

676 WOOD VALLEY Road is currently not ready to be demolished and we need a additional 6 months to use location.

(List or attach additional information if needed)

Pursuant to the approved plans for (Z-56) 5310 Mableton Pkwy, SW; all houses were to be demolished. However, the one at 676 Wood valley rd. was to remain until the first five (5) homes were built or the year anniversary of the zoning for this project. The LDP was just secured this past February 2021; therefore at this point, no houses have been built. The one year anniversary has past which according to the stipulation requires the demolition of the owners primary residence at 676 Wood valley.

Due in part to COVID, there have been a number of delays. Given these delays, we are requesting that the one stipulation governing that house be amended. The current construction schedule should have a number of homes finished by October of this year.

RECEIVED
JUN 29 2021

COBB CO. COMM DEV AGENCY
ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 18, 2020
PAGE 7**



Mr. Pederson made the following announcements:

CAMPAIGN DISCLOSURE

All speakers who have made a campaign contribution totaling \$250.00 or more, within the last two years, to a local government official considering a zoning case are required to complete the "Campaign Disclosure Form" prior to speaking.

INFORMATION REGARDING ZONING CASES

All information regarding zoning cases must be turned in to the Zoning Office on the Wednesday prior to the zoning hearing for consideration. If said information is turned in past the deadline, then it is at the Board's discretion as to whether the information will be considered.

SCREENING OF OUTSIDE ELECTRONIC VISUAL MATERIAL

Any person wishing to present a visual presentation (PowerPoint, video, photos, etc.) must present their materials to a member of the Communications staff for screening prior to the start of the hearing. These presentations can also be emailed to presentations@cobbcountry.org. This screening is to be done prior to the thumb drive or other media being plugged into a county computer. This is to ensure that the County is not infected with any viruses from the outside thumb drives.

CONSENT AGENDA

MOTION: Motion by Boyce, second by Gambrill, to **approve** the following cases on the Consent Agenda, as revised:

At the call for Z-56^{'19} (KO Management, Inc.), the Applicant was present, and the only opposition present was Mr. Charles Sprayberry, with the Cobb County School District. Initially, Z-56^{'19} was to be pulled from the Consent Agenda and heard on the Regular Agenda. However, prior to the Consent Vote, the Board decided to hear Mr. Sprayberry's concerns, and with further discussion by the Board, Z-56^{'19} was left on the Consent Agenda.

Z-56^{'19} **KO MANAGEMENT, INC.** (The Estate of Lewis E. Lee; KO Management, Inc., owner) requesting rezoning from **R-20 and NRC** to **RA-5** for the purpose of a residential subdivision in land lots 37 and 39 of the 17th and 18th district. Located on the west side of Mableton Parkway; north side of Wood Valley Road; and on the east side of Glore Circle. *(Previously continued by Staff from the September 3, 2019, Planning Commission (PC) until the October 1, 2019, PC hearing; held by the PC from the October 1, 2019, PC hearing until the November 5, 2019, PC hearing; continued by the PC from the November 5, 2019 PC hearing until the December 3, 2019, PC hearing; held by the PC from the December 3, 2019, PC hearing until the February 5, 2020, PC hearing).*

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PAGE 8

CONSENT AGENDA (CONT.)

Z-56^{'19} KO MANAGEMENT, INC. (CONT.)

To approve Z-56^{'19} to the RA-5 zoning district, subject to:

1. Site plan with the last REVISIONS date of January 23, 2020 (attached and made a part of these minutes) included with the letter from Mr. Parks Huff received by the Zoning Division on January 29, 2020
2. Letter of agreeable stipulations from Mr. Park Huff received by the Zoning Division on January 29, 2020 (attached and made a part of these minutes), *not otherwise in conflict*, with the following changes:
 - A. Item No. 5, third sentence – change the word “*reviewed*” to “*reviewed and approved*”
 - B. Item No. 10 – delete in its entirety
 - C. Item No. 11, subset b. – revise to read: “*Reduce the size of an approved buffer.*”
3. District Commissioner to approve final Landscape Plan, building elevation and architecture
4. No Land Disturbance Permit shall be issued until the existing structures on Glore Circle and Mableton Parkway have been demolished;
 - A. the existing home on Mableton Parkway to be demolished no later than 90 days from the Board of Commissioners’ final decision on this case
 - B. the existing buildings on Glore Circle to be demolished no later than one year from the Board of Commissioners’ final decision on this case
5. The existing home on Wood Valley Road to be demolished no later than the issuance of the fifth Building Permit OR no later than one year from the Board of Commissioners’ final decision on this case, whichever occurs first
6. A total of 10 guest parking spaces to be provided; six guest parking spaces are shown on the plan; the remaining four guest parking spaces to be provided in the 30-foot paved roadway, which shall be detailed during Plan Review
7. Front setback to be 25 feet, except for Lot 8, which is to be reduced to 18 feet, as shown on the site plan
8. The following rear setback variances shall be granted:
 - A. Lots 1-9 and lots 11-13, reduction from 40 feet to 30 feet (NOTE: the landscape buffer is included in this setback)
 - B. Lots 14-16, reduction from 30 feet to 20 feet (NOTE: does not include the landscape buffer which is in the common area)
9. Staff comments and recommendations, *not otherwise in conflict*

Min. Bk. 89 Petition No. Z-56-19
 Doc. Type Site plan
 Meeting Date 2-18-2020

REVISED

PLANNING AGENCY
 ZONING DIVISION
 CITY OF GAITHERSBURG

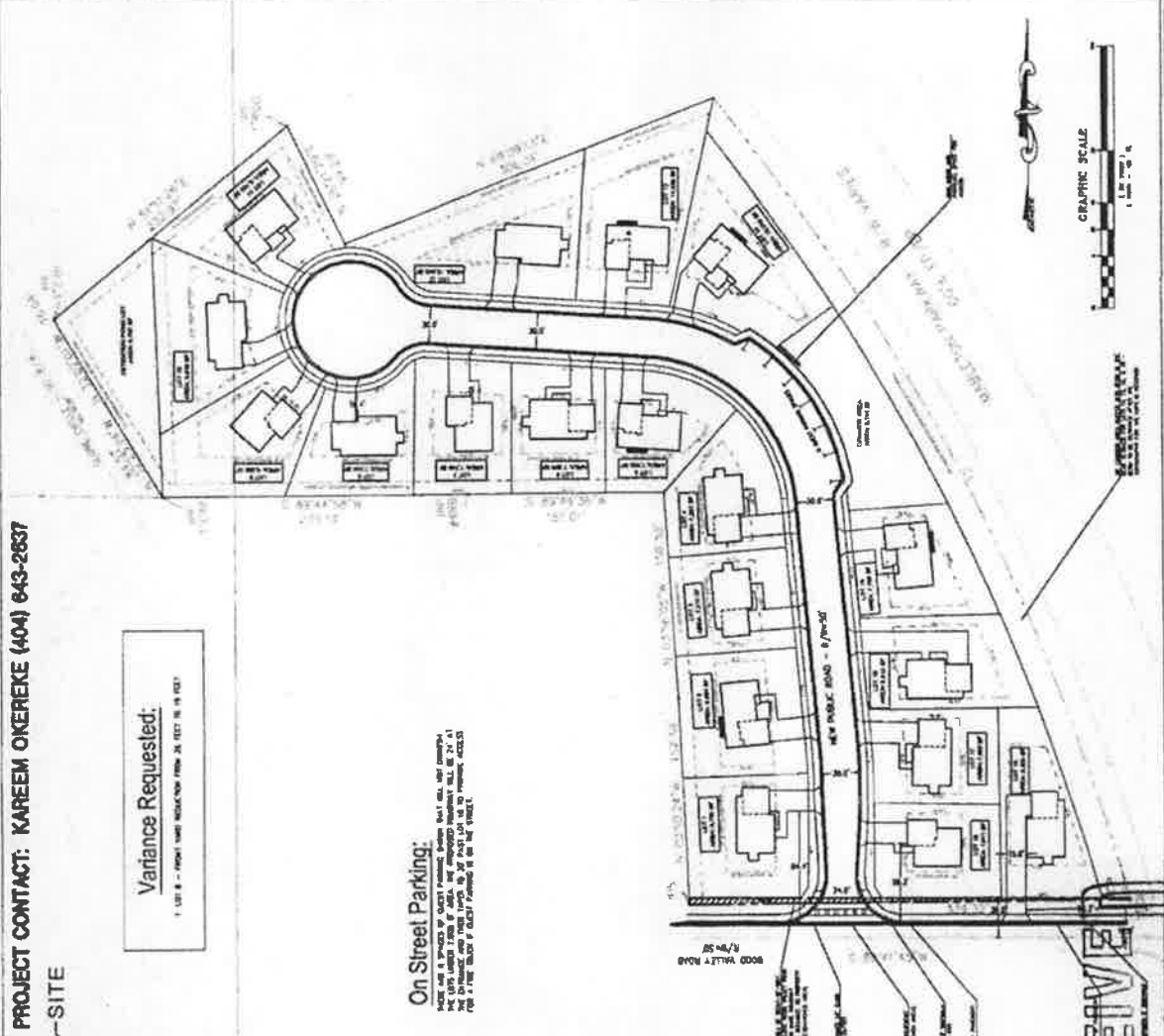
RECEIVED
 JAN 29 2020
 GOVT PERMITS WILL BE REQUIRED FOR WORK IN THE RIGHT OF WAY

1-C
 3310 Madleton Parkway SW
 Zoning Variance Petition For
 Land Use Z-179 District
 Cash County, Georgia

Site Plan

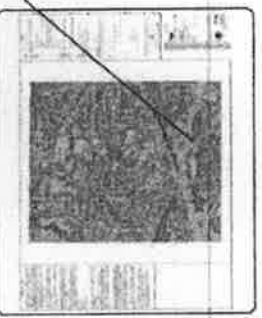
Prepared For
 Kareem Okereke
 1000 Woodland Dr SW
 Atlanta, GA 30327

Prepared By
 CRESCENT VIEW
 ENGINEERING, LLC
 2115 Peachtree Road
 Atlanta, GA 30309



PROJECT CONTACT: KAREEM OKEREKE (404) 643-2837

Variance Requested:
 1. LOT 8 - FRONT YARD SETBACK FROM 24 FEET TO 14 FEET



FEMA Flood Map

Location Map

Site Notes:

1. THE SITE IS ZONED R-17.
2. THE SITE IS LOCATED IN AN UNDEVELOPED AREA.
3. THE SITE IS ADJACENT TO A PUBLIC RIGHT OF WAY.
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Zoning Requirements:

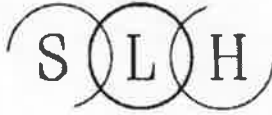
- Minimum Lot Area: 10,000 sq. ft.
- Minimum Lot Width: 40 feet
- Minimum Lot Depth: 100 feet
- Minimum Setback: 24 feet
- Maximum Building Height: 35 feet
- Maximum Building Coverage: 40%
- Maximum Floor Area Ratio: 1.0
- Maximum Number of Units: 10
- Maximum Number of Stories: 3
- Maximum Number of Parking Spaces: 10
- Maximum Number of Driveways: 10
- Maximum Number of Signs: 10
- Maximum Number of Billboards: 10
- Maximum Number of Antennas: 10
- Maximum Number of Towers: 10
- Maximum Number of Poles: 10
- Maximum Number of Cables: 10
- Maximum Number of Wires: 10
- Maximum Number of Pipes: 10
- Maximum Number of Drains: 10
- Maximum Number of Sewers: 10
- Maximum Number of Stormwater Management Structures: 10
- Maximum Number of Other Structures: 10

Building Setbacks For This Project:

- Front: 14 feet
- Side: 10 feet
- Rear: 10 feet
- Corner: 10 feet
- Street: 10 feet
- Alley: 10 feet
- Utility: 10 feet
- Other: 10 feet

Parking Requirements:

- Minimum Number of Parking Spaces: 10
- Minimum Number of Driveways: 10
- Minimum Number of Signs: 10
- Minimum Number of Billboards: 10
- Minimum Number of Antennas: 10
- Minimum Number of Towers: 10
- Minimum Number of Poles: 10
- Minimum Number of Cables: 10
- Minimum Number of Wires: 10
- Minimum Number of Pipes: 10
- Minimum Number of Drains: 10
- Minimum Number of Sewers: 10
- Minimum Number of Stormwater Management Structures: 10
- Minimum Number of Other Structures: 10



Min. Bk. 89 Petition No. Z-96119
Doc. Type letter of agreeable
conditions
Meeting Date 2-18-2020

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
ADAM J. ROZEN

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

January 29, 2020

(REVISED 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

RECEIVED
JAN 29 2020

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

REVISED

Re: Application of KO Management, Inc. to Rezone a ±5.44 Acre Tract from R-20 & NRC to RA-5; Land Lot 37 & 39; 17th & 18th District, 2nd Section, Cobb County, Georgia (Z-56 of 2019)

Dear John:

As you are aware, this firm has been engaged by and represents the Applicant, KO Management, Inc. The Applicant has been working on a revised site plan that incorporates the suggestions of the Planning Commission. Attached, please find a copy of a revised site plan that eliminates two (2) homes, increases the number of guest parking and increases lot sizes.

The property at issue ("Subject Property") consists of a 5.44 acre tract of land which is situated on the west side of Mableton Parkway; the north side of Wood Valley Road; and on the east side of Gore Circle for the purposes of the construction and development a single-family residential community consisting of a total maximum number of 19 quality-built, custom, single-family detached homes.

While this application has been pending, we have established an extensive dialogue with the County's professional staff and the Mableton Improvement Coalition.

With respect to the foregoing and based upon those discussions and the direction from the District Commissioner and the Board, the Applicant agrees to the following *revised* stipulations, which, upon approval of this request, shall become conditions and a part of the grant of the requested Rezoning and binding upon the Subject Property thereafter. The referenced stipulations/conditions are as follows, to wit:

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
January 29, 2020
Page 2

Petition No. Z-56'19
Meeting Date 2-18-2020
Continued

1. The neighborhood shall be developed consistent with the attached revised site plan including the variances shown on the site plan.
2. There will be a 20-foot landscaped buffer along Mableton Parkway that will be outside of the residential lots and owned by the Homeowners' Association ("HOA").
3. There will be a 20-foot rear setback from the 20-foot-wide landscaped buffer for the homes that are adjacent to Mableton Parkway. Lot 19 shall have a normal side setback adjacent to the 20-foot landscaped buffer.
4. The homes shall have a minimum of a two (2) car garage. The garages shall not be used for storage and shall not be converted to living space.
5. The homes to be constructed shall be a minimum of 2,000 square feet and shall be made of materials such as wood, brick, stone and cementitious board siding. The architectural style shall be consistent with the four attached elevations or another style that is approved by the Zoning Architectural Control Committee. The final elevations shall be reviewed by a Zoning Architectural Control Committee, with the final approval by the District Commissioner. The Committee shall include the builder or developer, a representative of the Community Development Department and a representative from the Mableton Improvement Coalition.
6. Compliance with recommendations from the Stormwater Management Division with respect to detention, water quality, hydrology and down-stream considerations including the configuration and positioning of on-site detention areas.
7. There shall be established a Landscape Review Committee comprised of the Mableton Improvement Coalition, the developer, and the Community Development Department. This Committee shall review all the landscaping and fencing visible from Mableton Parkway and the adjacent residential properties on Wood Valley Road and Gore Circle.
8. KO Management agrees to the creation of a mandatory HOA consistent with custom-built communities. The mandatory HOA shall be responsible for the upkeep and maintenance of all common areas, open space areas, the landscaped buffer adjacent to Mableton Parkway, entrance area, mail kiosks, subdivision entrance signage and the like contained within the proposed residential community.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-576¹¹⁹
Meeting Date 2-18-2020
Continued

VIA EMAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
January 29, 2020
Page 3

Additionally, and in conjunction with the creation of the mandatory HOA, the Applicant agrees to the recordation and enforcement of the Declaration of Covenants, Conditions and Restrictions ("CCRs") applicable to the proposed community. The CCR's shall limit the number of rental units to no more than three (3) in the entire community.

9. All setbacks, landscaped and buffer areas may be penetrated for the purposes of access, utilities, stormwater management, drainage facilities and any and all slopes or other required engineering features including Fire Marshall directives or regulations.
10. No Land Disturbance Permit ("LDP") will be issued until the existing homes on Glore Circle are demolished. The existing home on Wood Valley Road will be used as a construction office and it will be demolished prior to the issuance of the 15th building permit.
11. The District Commissioner shall have the authority to approve minor modifications to these stipulations/conditions, the referenced site plan, lighting, landscaping, architecture, site features, signage and the like as needed or necessary, except for those that:
 - a. Increase the number of lots or the density of the residential community.
 - b. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
 - c. Relocate a structure closer to the property line of an adjacent property which is zoned the same or in a more restrictive zoning.
 - d. Increase the height of a building which is adjacent to a property which is zoned the same or a more restrictive zoning district.
 - e. Change an access location to a different roadway.
 - f. Are in direct contradiction to or in conflict with the Cobb County Code of Ordinances and the Zoning Ordinance.
 - g. Require a Variance(s) waiving applicable regulations of the Cobb County Zoning Ordinance.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-56'19
Meeting Date 2-18-2020
Continued

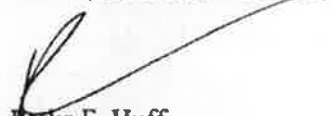
VIA EMAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
January 29, 2020
Page 4

Please do not hesitate to contact me should you, the Staff or the Board Members require any further information or documentation prior to the hearing before the Planning Commission on February 5, 2020.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
phuff@samslarkinhuff.com

PFH/lkj
Enclosures/Attachments

cc: Members, Cobb County Planning Commission (via email)
Robin Meyer, Mableton Improvement Coalition (via email)
Ms. Amy Diaz, P.E. (via email)
Mr. Dave Breaden, P.E. (via email)

Petition No. 2-5619
 Meeting Date 2-18-2020
 Continued

PROJECT CONTACT: KAREEM OKEREKE (404) 843-2637

SITE



FEMA Map
 500



Location Map
 500

Variance Requested:
 1. SETBACK FROM SIDEWALK FROM 20 FEET TO 10 FEET

On Street Parking:

There are 8 spaces for on-street parking along the west side of the street. The spaces are marked with yellow lines and are located between the 1000 and 1100 block of Lee Road.

Site Notes:

1. THE SITE CONTAINS TWO EXISTING BUILDINGS.
2. THE EXISTING BUILDINGS ARE LOCATED ON THE WEST SIDE OF THE SITE.
3. THE EXISTING BUILDINGS ARE LOCATED ON THE WEST SIDE OF THE SITE.
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Zoning Requirements:

- 1. THE SITE IS ZONED COMMERCIAL.
- 2. THE SITE IS ZONED COMMERCIAL.
- 3. THE SITE IS ZONED COMMERCIAL.
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- 11. THE SITE IS ZONED COMMERCIAL.
- 12. THE SITE IS ZONED COMMERCIAL.

Building Setbacks For This Project:

- 1. THE FRONT SETBACK IS 10 FEET.
- 2. THE REAR SETBACK IS 10 FEET.
- 3. THE SIDE SETBACK IS 10 FEET.
- 4. THE SIDE SETBACK IS 10 FEET.
- 5. THE SIDE SETBACK IS 10 FEET.
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- 12. THE SIDE SETBACK IS 10 FEET.

Parking Requirements:

- 1. THE SITE MUST PROVIDE 10 PARKING SPACES.
- 2. THE SITE MUST PROVIDE 10 PARKING SPACES.
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- 11. THE SITE MUST PROVIDE 10 PARKING SPACES.
- 12. THE SITE MUST PROVIDE 10 PARKING SPACES.

GOOT PERMITS WILL BE REQUIRED FOR WORK IN THE RIGHT OF WAY

Prepared By: ENGINEERING, INC. 1717 Middleston Parkway SW, Marietta, GA 30067

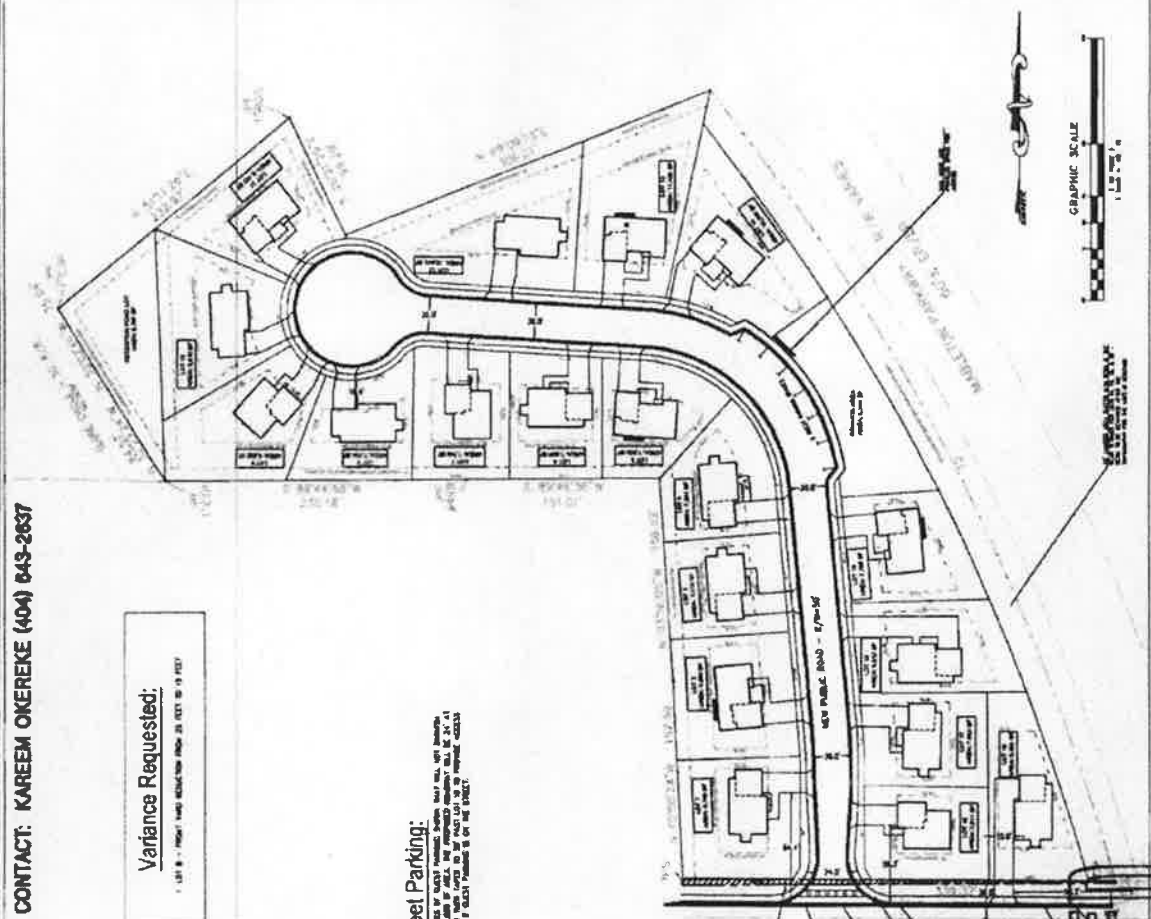
Prepared For: Kareem Okereke 1717 Middleston Parkway SW, Marietta, GA 30067

Site Plan

5310 Middleston Parkway SW
 Zoning Variance Plan For
 Lot 11 & 12 (778) 2000

Scale: 1" = 10' - 0"

Sheet No. C-1



REVISED

JAN 29 2020

CO. CLERK
 ZONING DIVISION