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October 10, 2023

VIA HAND DELIVERY

Mr. John Pederson, AICP Zoning Division Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Other Business Application of Alan Baran regarding Rezoning Application No. Z-38 (2012), OB 1 (2013) & OB 80 (2018); OB 45 (2023)

Dear John:

This firm represents the Applicant in this Other Business Application regarding property which was the subject of the rezoning application known as No. Z-38 (2013) & OB 80 of 2018 as enclosed (“Rezoning and OB Applications”).

The Subject Property is located in a Priority Industrial (“PI”) classification which covers the entire southern side, and portions of the northern side, of Six Flags Parkway and stretches south and east across Lee Industrial Boulevard down to the County border with Fulton County and stretches east along Discovery Boulevard.

Recognizing this character area, the Subject Property was rezoned to the Light Industrial (“LI”) zoning classification by the Cobb County Board of Commissioners (“BOC”) on December 18, 2012 (Z-38 2012) to allow its current use as a truck terminal and truck repair facility, subject to numerous conditions/stipulations. An Other Business Item (OB-1 of 2013) was brought before the BOC and approved on July 16, 2013 to amend the stipulated time frame for development. Mr. Baran acquired this property in 2017 and since then has made various improvements to the site in compliance with the conditions imposed in 2012. These include demolition of existing dilapidated structures; installation of the stipulated solid wooden privacy fence along the easterly property line of the Subject Property; installation of a black, vinyl-clad chain-link fence and a staggered row of

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VIA HAND DELIVERY

Mr. John Pederson, AICP Zoning Division Manager
Cobb County Zoning Division
Community Development Agency

September 6, 2023

Page 2

landscaping trees along the frontage of the Subject Property on Six Flags Parkway; and the office structure has been remodeled and renovated.

However, certain other conditions/stipulations have not been satisfied by the prior and current owner. A portion of those conditions/stipulations formulated the basis of OB 80 of 2018. After further developmental analysis, the Applicant now seeks to revise existing conditions and, pursuant to prior stipulations, seeks to approve building location and architecture and move forward with final site development.

In this Application, the Applicant requests and proposes to install additional landscaping along the frontage of Six Flags Parkway as well as landscaping in planter and median islands throughout the parking area; to modify the allowable parking spaces and vehicles on site to be consistent with the Site Plan dated June 12, 2023 (“Site Plan”); to approve the location, orientation and architecture of the building as identified on the Site Plan and submitted architecture reflecting a brick exterior (“Architecture”); to relocate the proposed detention to its originally proposed location and as reflected on the Site Plan; and to establish timeframes within which these items shall be accomplished.

The Applicant previously requested but is no longer seeking waiver of the existing stipulations related to the surface parking standards to allow for a gravel surface for parking or to waive the DOT recommendations regarding installation of a deceleration lane, sidewalk, curb, gutter and closing the secondary entrance driveway.

In furtherance of this Application, this letter will serve as the Applicant’s expression of agreement with the following stipulations which shall, upon the requested OB Application being approved, become conditions and a part of the grant of the Application and binding upon the Subject Property thereafter. The referenced stipulations are as follows:

1. The approval of the Other Business Application shall be in substantial conformity to the Site Plan dated June 12, 2023. The Site Plan shall be subject to review by a Site Plan Review Committee (“SPRC”) comprised of a representative of the Mableton Improvement Coalition (“MIC”), the Applicant and Community Development subject to final approval and modifications approved by the District Commissioner.

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VIA HAND DELIVERY

Mr. John Pederson, AICP Zoning Division Manager
Cobb County Zoning Division
Community Development Agency

September 6, 2023

Page 3

2. The Applicant shall install additional landscaping throughout the site at a minimum:
 - a. To maintain and replant where necessary the additional screen landscaping along the frontage on Six Flags Parkway to include a minimum of two staggered rows of evergreens a minimum of six feet (6') in height;
 - b. To install the New Ornamental Shrubs and New Trees as identified on the Site Plan within ninety (90) days of final approval of this Application;
 - c. Any dead or dying plantings and damaged landscaping materials shall be replaced within ninety (90) days of final approval of this Application;
 - d. The type and location of the landscaping are to be subject to review by a Landscape Review Committee ("LRC") to be comprised of the County Arborist, a representative of MIC and the Applicant with final approval of the District Commissioner.
3. The new office and repair building is permitted to be located and oriented as identified on the Site Plan and Architecture with final building architecture to be approved by the District Commissioner.
 - a. When the office and repair building is constructed, the building pad will contain stormwater systems to catch and direct all fluids through an oil/water separator filtration system prior to entering the general stormwater system for discharge. All on-site maintenance and repairs shall be performed inside the building.
4. Applicant agrees to comply with Surface Parking Standards to include:
 - a. improving all drive and parking surfaces with a treated and hardened surface such as concrete or asphalt;
 - b. installing curb, gutter and sidewalk as recommended by the Department of Transportation; and
 - c. installing a deceleration lane as substantially similar to that identified on the Site Plan.

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VIA HAND DELIVERY

Mr. John Pederson, AICP Zoning Division Manager
Cobb County Zoning Division
Community Development Agency

September 6, 2023

Page 4

5. There shall be no junk/inoperable vehicles on site.
6. There shall be no outside storage as that term is defined by applicable Cobb County Ordinance.
7. Parking on site shall be limited to the number of spaces and shall be parked in a space at all times while on site.
8. The Applicant shall submit for plan review, building and land disturbance permit within sixty (60) days of final approval of this Application.
9. The District Commissioner may, but shall not be required to, extend or otherwise modify the time requirements as stated herein as a minor modification.
10. The Applicant shall be permitted to relocate the detention back to its original location approved in 2012 and required to install a staggered row of evergreen trees a minimum of six feet (6') in height along and in front of a black vinyl-clad chain link fence surrounding the detention area for screening purposes.
11. Compliance with Department of Transportation recommendations to include the closing of the Secondary Driveway Access closely aligned to Hillcrest Drive.
12. Compliance with Stormwater Management Division recommendations as stated in Z-38 and to include that any oil/water separator shall be installed subject to approval and recommendation by the Stormwater Management Division.

The Subject Property is located within and around one of the few areas of Cobb County which have been specifically identified as "Priority Industrial". Beyond the Comprehensive Plan, the Subject Property is bordered by Industrial Compatible businesses located to the west and south, as well as across Six Flags Parkway. Many of these properties are zoned Heavy Industrial. This use also strikes a balance to reflect the transition from heavy industrial uses to residential uses in the surrounding area. Therefore, we believe that this request is appropriate for the Subject Property.

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Mr. John Pederson, AICP Zoning Division Manager
Cobb County Zoning Division
Community Development Agency

September 6, 2023

Page 5

Nonetheless, the Applicant recognizes that a number of years have passed since original approval and looks forward to finalizing this Application and bringing a finalized and professionally maintained product to this important sub-area of the District. The Applicant greatly appreciates the patience afforded from the County Staff, the Mableton Improvement Coalition and the District Commissioner in the processing and collaboration of this Application.

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

Sincerely,

ROZEN, ROZEN & REILLY, LLP

/DRAFT

Adam J. Rozen
ajrozen@rozenandrozen.com

AJR/

cc: Members, Cobb County Board of Commissioners (via email)
Ms. Robin Meyer, Mableton Improvement Coalition (via email)
Mr. Alan Baran (via email)