

## MAY 16, 2023 ZONING HEARING

### “OTHER BUSINESS”

#### COMMISSION DISTRICT 2

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#### ITEM OB-18-2023

To consider a stipulation amendment for Johnson Ferry Rd, LLC in Land Lots 470 and 471 of the 16<sup>th</sup> District. Located on the south side of Shallowford Road, the west side of Johnson Ferry Road, the north and south sides of Waterfront Drive, and the east side of Waterfront Circle (multiple addresses). *(Previously continued by the Board of Commissioners from the April 18, 2023 Board of Commissioners hearing until the May 16, 2023 Board of Commissioners hearing).*

#### BACKGROUND

The subject property was rezoned in 2021 to RA-5 as part of a larger mixed-use rezoning case. This property was approved subject to a maximum of 5-units per acre, which would have yielded 104 detached house and townhouse units. The applicant has revised the development plan to remove all the townhouses and just have 77 single family houses, which included the two existing houses on Waterfront Circle. The former townhouse area is where current lots 11-36 are located. It should be noted the area where townhouse lots 16-28 were once located, the side setback has changed from 0-feet to 3.5-feet. The applicant is in the final stages of finishing the development plan for the proposed subdivision and finds they need to amend one stipulation. When the property was zoned, the Board of Commissioners placed a stipulation on the property that limited the impervious surface to 40% for the RA-5 area. The applicant would like to increase the impervious surface area for the RA-5 portion of the development to 45%, which would help to accommodate development consistent with the area. If approved, the 5% increase of impervious surface would be designed into the detention area. If the site plan amendment is approved, all previous stipulations would remain in effect.

#### STAFF COMMENTS AND RECOMENDATIONS

**Water and Sewer:** No additional comments.

**Stormwater Management:** Stormwater Management has no objection to this other business item as requested. The storm water quality design for the development will need to include the additional impervious area. The controlled release from the master stormwater detention will not change.

**Site Plan Review:** No comments.

**Cobb DOT:** No comments.

**Fire Department:** See attached.

#### RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

**ATTACHMENTS**

Other Business application and stipulations.

**APPLICANT:** Johnson Ferry Rd LLC

**PETITION NO.:** OB-18

**PRESENT ZONING:** \_\_\_\_\_

**PETITION FOR:** \_\_\_\_\_

\*\*\*\*\*

**FIRE COMMENTS:**

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County

**FIRE HYDRANTS:**

Hydrant location within 500 feet of the most remote portion of the structure.\* (Additional hydrant may need to be installed.)

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.\* (Required Flow: 1,500 gpm @ 20 psi)

**FIRE ENGINE ACCESS:** The fire department must be able to access the long side of the building.

**ACCESS:** Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2012 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 35 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 26 feet maximum of 30 feet from the structure, a minimum of 15 feet from the structure and be positioned parallel to one entire long side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

Where monument signs are used address numbers shall be installed on both side of the monument sign. Suite and building numbers shall comply with Section 106-2(b)(3) Cobb County Code. Landscaping materials shall not obstruct the street numbers.

C/O: Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.

**Gates:**

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway. Double lane gates shall be a minimum of 20 feet in clear width. Gates shall be of the swinging or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

Provide emergency access through all gates securing Fire Department access with a minimum 12 foot 0 inch clear width and approved means of operation [www.knoxbox.com](http://www.knoxbox.com).

**Guest Parking**

Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- Guest parking spaces must be evenly distributed throughout the project.

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

**International Fire Code (IFC) Appendix D**

(Adopted by the State of Georgia at the beginning of 2020. Partially noted below.)

**SECTION D103****MINIMUM SPECIFICATIONS****D103.1 Access road width with a hydrant.**

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

**Jeff Byrd**

(770) 528-8814

[jeffrey.byrd@cobbcounty.org](mailto:jeffrey.byrd@cobbcounty.org)

(Stipulation Amendment)  
**Application for "Other Business"**\*

**Cobb County, Georgia**

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

OB Application No.: OB- 18 (2023)

BOC Hearing Date Requested: April 18, 2023

**Applicant:** Johnson Ferry Rd LLC Phone #: (404) 607-1168  
(applicant's name printed)

**Address:** Post Office Box 2533, Thomasville, GA 31799 E-Mail: rhanson@ashwooddevelopment.com  
MOORE INGRAM JOHNSON & STEELE, LLP  
J. Kevin Moore Address: Emerson Overlook, Suite 100, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

**BY:** J. Kevin Moore Phone #: (770) 429-1499 E-Mail: jkm@mijs.com  
(representative's signature) Georgia Bar No. 519728

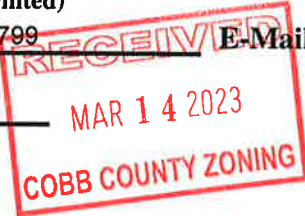
Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2027  
Notary Public



**Titleholder(s):** Johnson Ferry Rd LLC Phone #: (404) 607-1168  
(property owner's name printed)

**Address:** Post Office Box 2533, Thomasville, GA 31799 E-Mail: rhanson@ashwooddevelopment.com  
See Attached Exhibit "A"  
(Property owner's signature)



Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_  
Notary Public

**Commission District:** 2 (Richardson) **Zoning Case:** Z-72 (2020)

**Size of property in acres:** 19.08+/- **Original Date of Hearing:** 12/15/2020  
**Date of Zoning Decision:** 10/19/2021

**Location:** North and northeasterly and south and southwesterly sides of Waterfront Drive and southerly side of re-located Waterfront Drive; westerly of Johnson Ferry Road  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 470, 471 **District(s):** 16th

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

See Exhibit "B" attached hereto and incorporated herein by reference.

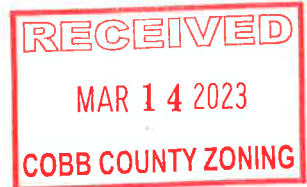
\*Applicant specifically reserves the right to amend any information set forth in this Application for "Other Business," or any other portion of the Application, at any time during the "Other Business" process.

(List or attach additional information if needed)

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(Stipulation Amendment)**

**OB Application No.:** OB- 18 (2023)  
**Zoning Application No.:** Z-72 (2020)  
**Original Zoning Hearing Date:** December 15, 2020  
**Date of Zoning Decision:** October 19, 2021  
**Current OB Hearing Date:** April 18, 2023

**Applicant/Titleholder:** Johnson Ferry Rd LLC



JOHNSON FERRY RD LLC

By: Ashwood Development LLC  
Member

By: Ashwood Holding Company  
Member

By:   
Rick Hanson, Vice President

Date Executed: March 13, 2023

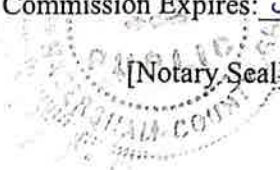
Address: Post Office Box 2533  
Thomasville, GA 31799

Telephone No.: (404) 607-1168  
E-mail: [rhanson@ashwooddevelopment.com](mailto:rhanson@ashwooddevelopment.com)

Signed, sealed, and delivered in the presence of:

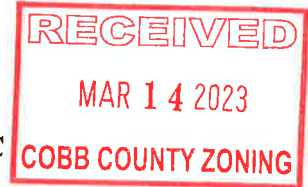
  
Notary Public  
Commission Expires: 5/4/2024

[Notary Seal]



**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(Stipulation Amendment)**

**OB Application No.:** OB- 18 (2023)  
**Zoning Application No.:** Z-72 (2020)  
**Original Zoning Hearing Date:** December 15, 2020  
**Date of Zoning Decision:** October 19, 2021  
**Current OB Hearing Date:** April 18, 2023



**Applicant/Titleholder:** Johnson Ferry Rd LLC

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

The property which is the subject of this Application for "Other Business" is 19.08 acres, more or less, located on the north and northeasterly and south and southwesterly sides of Waterfront Drive and the southerly side of the re-located Waterfront Drive, westerly of Johnson Ferry Road, Land Lots 470 and 471, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Property is the residential portion of Z-72 (2020) which was rezoned to the RA-5 zoning classification by the Cobb County Board of Commissioners on October 19, 2021.

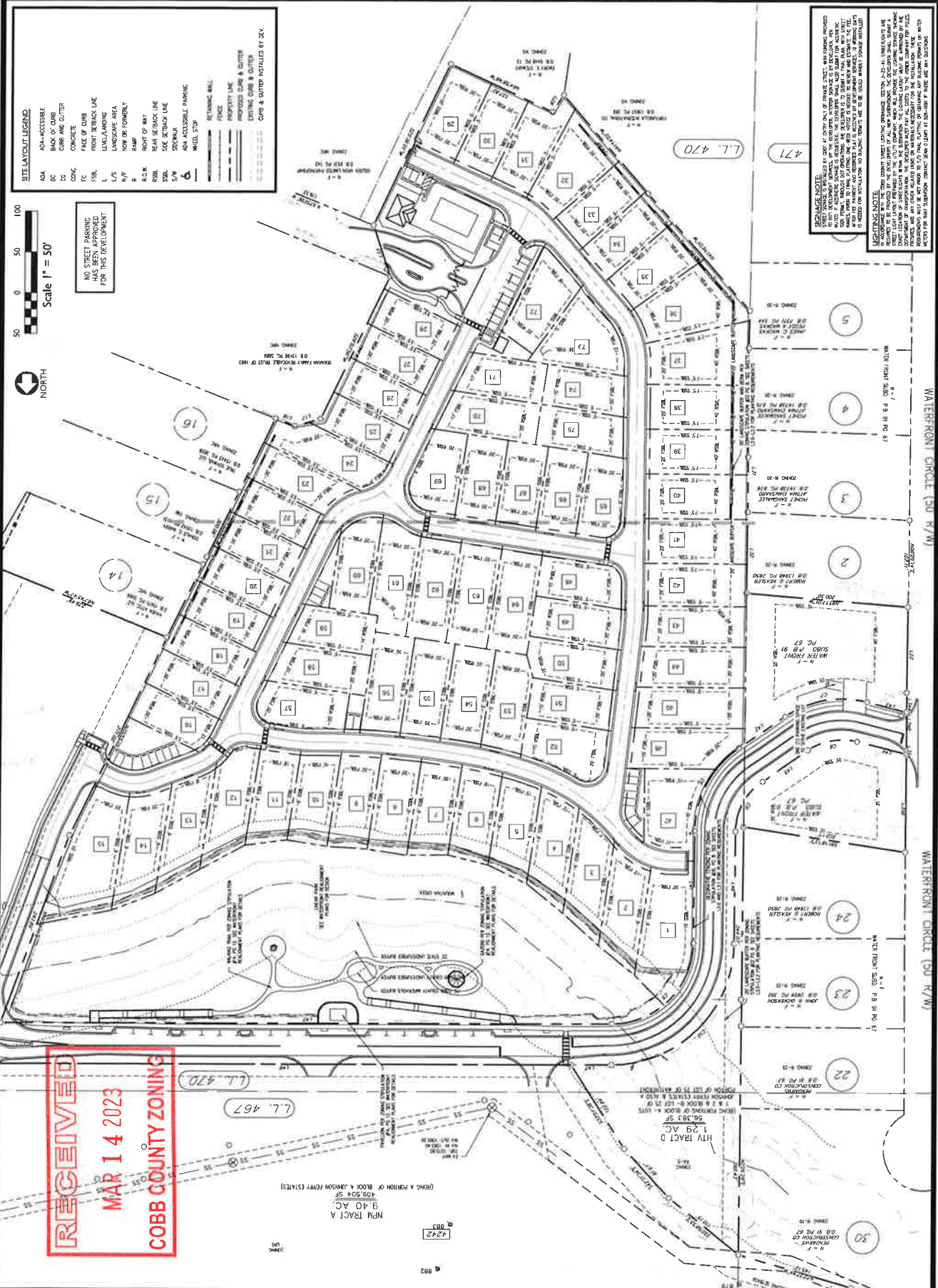
During engineering for development of the Property, Applicant has determined that an amendment to one stipulation is necessary for approval of the final Site Plan. Applicant seeks the amendment of the following stipulation set forth in the Cobb County Board of Commission minutes:

"7. Maximum 40% impervious surface for the RA-5 area."

Applicant seeks to amend the 40 percent impervious surface to a maximum of 45 percent impervious surface for the RA-5 area. Attached as Exhibit "1" is the final Site Plan for development of the Subject Property.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the final, official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on October 19, 2021, or any amendments by District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Stipulation Amendment.

The amendment proposed and presented herein in no way adversely impacts or affects the quality or integrity of the development of the Subject Property. If the requested stipulation amendment is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon development of the Subject Property.



**RECEIVED**  
**MAR 14 2023**  
**COBB COUNTY ZONING**

NO STREET PARKING HAS BEEN APPROVED FOR THIS DEVELOPMENT

Scale 1" = 50'

100  
50  
0  
50

NORTH

**REMARKS NOTE**

THIS SITE PLAN IS SUBMITTED TO THE CITY OF ATLANTA FOR REVIEW AND APPROVAL. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.

**LIGHTING NOTE**

THE LIGHTING DESIGN IS BASED ON THE ASSUMPTIONS AND CONDITIONS SET FORTH IN THE LIGHTING DESIGN REPORT. THE LIGHTING DESIGN IS SUBJECT TO CHANGE BASED ON THE RESULTS OF THE LIGHTING DESIGN REPORT. THE LIGHTING DESIGN IS SUBJECT TO CHANGE BASED ON THE RESULTS OF THE LIGHTING DESIGN REPORT.

HY TRACT D  
 1.29 AC.  
 56,193 SF

NPA TRACT A  
 9.40 AC.  
 408,000 SF



**SITE PLAN FOR RA-5 DEVELOPMENT  
– DECEMBER 15, 2022**

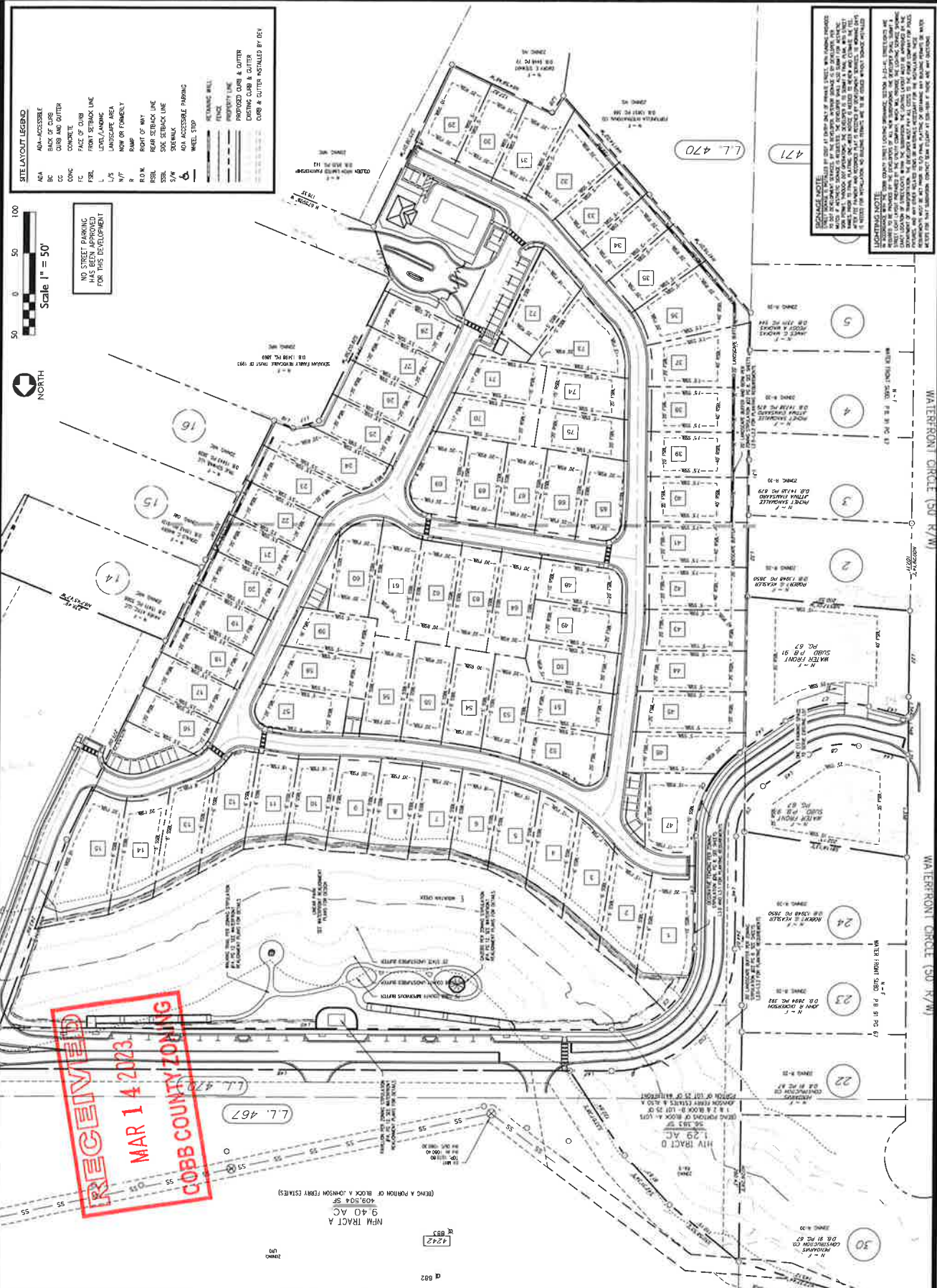


# WATERFRONT RESIDENTIAL

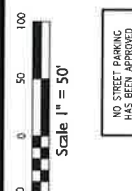
COBB COUNTY, GEORGIA

SPR-2022-00334

## OVERALL SITE LAYOUT PLAN



- SITE LAYOUT LEGEND**
- ADA-ACCESSIBLE
  - BACK OF CURB
  - CURB AND GUTTER
  - CONCRETE
  - FACE OF CURB
  - LANDSCAPE LINE
  - LANDSCAPE AREA
  - LANDSCAPE
  - RAMP
  - RIGHT OF WAY
  - REAR SETBACK LINE
  - SIDE SETBACK LINE
  - SIDEWALK
  - STREET
  - STREET STOP
  - ADA ACCESSIBLE PAVING
  - WHEEL STOP



NO STREET PARKING IS TO BE ALLOWED FOR THIS DEVELOPMENT

RETAINING WALL

FENCE

PROPOSED CURB & GUTTER

EXISTING CURB & GUTTER

ADA-ACCESSIBLE PAVING

WHEEL STOP

LANDSCAPE LINE

LANDSCAPE AREA

LANDSCAPE

RAMP

RIGHT OF WAY

REAR SETBACK LINE

SIDE SETBACK LINE

SIDEWALK

STREET

STREET STOP

ADA ACCESSIBLE PAVING

WHEEL STOP

LANDSCAPE LINE

LANDSCAPE AREA

LANDSCAPE

RAMP

RIGHT OF WAY

REAR SETBACK LINE

SIDE SETBACK LINE

SIDEWALK

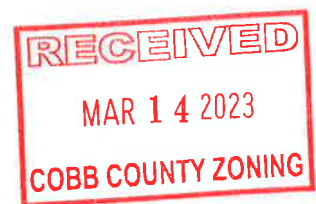
STREET

STREET STOP

ADA ACCESSIBLE PAVING

WHEEL STOP

**OVERALL SITE PLAN APPROVED BY  
COBB COUNTY BOARD OF  
COMMISSIONERS PURSUANT TO  
APPLICATION FOR REZONING  
Z-72 (2020) – OCTOBER 19, 2021**





SITE DATA  
PROJECT: NORTH POINT MINISTERS, INC.  
1500 AVENUE, NORTH POINT, MISSOURI  
OWNER: NORTH POINT MINISTERS, INC.  
DATE: 12/11/10

JOHNSON FERRY ROAD AND NEW WATERFRONT DRIVE  
(EXTENDING FRONTAGE AND ADJACENT SIDE PROPERTY LINES)

Table with 3 columns: Item, Description, Quantity. Includes items like 'TOTAL LOTS', 'TOTAL AREA', 'TOTAL PARKING SPACES', etc.

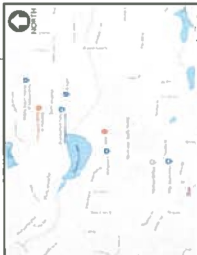
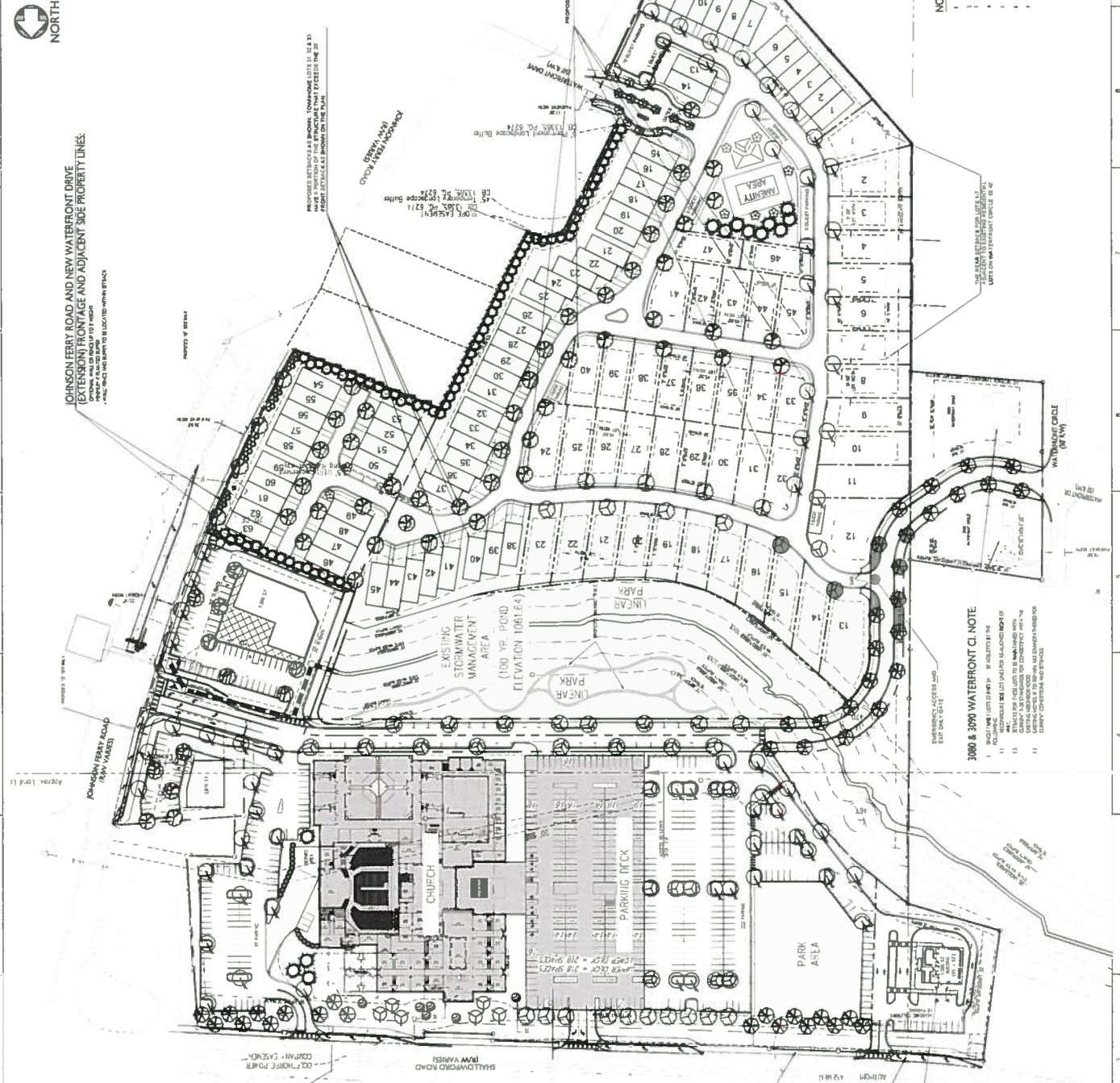


Table with 3 columns: DISTANCE, AREA, PERCENT. Lists various distances and areas for different parts of the site plan.

NOTE  
1. THIS PLAN IS A PRELIMINARY CONCEPT PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.  
2. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
3. ALL LOT LINES ARE TO BE SET BY THE APPLICANT.  
4. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NORTH POINT AND THE MISSOURI DEPARTMENT OF REVENUE.  
5. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MISSOURI DEPARTMENT OF REVENUE.  
6. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MISSOURI DEPARTMENT OF REVENUE.  
7. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MISSOURI DEPARTMENT OF REVENUE.  
8. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MISSOURI DEPARTMENT OF REVENUE.  
9. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MISSOURI DEPARTMENT OF REVENUE.  
10. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE MISSOURI DEPARTMENT OF REVENUE.



EXHIBIT "A"

**OFFICIAL MINUTES OF COBB COUNTY  
BOARD OF COMMISSIONERS ZONING  
HEARING AS TO APPLICATION FOR  
REZONING NO. Z-72 (2020)  
- OCTOBER 19, 2021**



**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 19, 2021**

**REGULAR AGENDA - MORNING CASES**

**Z-72'<sup>20</sup>**

**NORTH POINT MINISTRIES, INC.** (The 'True Vine' Experience Foundation, Inc.; Sara M. Sweeney; Hanna Land Company, Inc., owners) requesting rezoning from **LRO, NRC, and R-20** to **LRO, NRC, and FST** for a church, retail/restaurant, townhomes, and single-family residential in land lots 466, 467, 470, and 471 of the 16<sup>th</sup> district. Property is located on the south side of Shallowford Road, the west side of Johnson Ferry Road, the north and south sides of Waterfront Drive, and the east side of Waterfront Circle (multiple addresses). *(Previously continued by Staff from the December 1, 2020, Planning Commission (PC) hearing until the April 6, 2021, PC hearing; held by the PC from the April 6, 2021, and May 4, 2021, PC hearings until the June 1, 2021, PC hearing; continued by Staff from the June, 2021, PC hearing until the July 6, 2021, PC hearing; held by the PC from the July 6, 2021, PC hearing until the August 3, 2021, PC hearing; held by the Board of Commissioners (BOC) from the August 17, 2021, and September 21, 2021, BOC Zoning hearings until the October 19, 2021, BOC Zoning hearing).*

Prior to opening the public hearing, Chairwoman Cupid announced that she was recusing herself from this case due to her affiliation with North Point Ministries.

The public hearing was opened; Kevin Moore, Ruth Michels, Thea Powell, and Chadwick Carroll addressed the Board.

Following the presentation and discussion, but prior to making her motion, Commissioner Richardson announced that she was going to commission a JOSH Area Community Group to consist of the following members: Thea Powell, David Rumrill, and Ruth Michels. The goal of this group is to ensure adequate representation from the JOSH Area and all related subdivisions. The newly named members of the JOSH Area Community Group agreed to serve in this capacity for current and future zoning cases in review and recommendations for the JOSH Area. After comments by Commissioner Richardson, she made the following motion:

MOTION: Motion by Richardson, second by Sheffield, to **approve** the LRO and NRC designated areas of Z-72'<sup>20</sup>, and to **delete** to the RA-5 zoning district the residential portion of Z-72'<sup>20</sup>, subject to:

- 1. The residential area being limited to five units per acre**
- 2. The final number of units will be approved after the FEMA Flood Plan Study, still capped at the density of less than five**
- 3. Letter of agreeable conditions from Kevin Moore dated October 14 13, 2021, with Site Plan attached (attached and made a part of these minutes), *not otherwise in conflict with this proposal***

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 19, 2021**

**REGULAR AGENDA - MORNING CASES (CONT.)**

**Z-72<sup>20</sup> NORTH POINT MINISTRIES, INC. (CONT)**

4. A cut-through mitigation strategy is to be developed, which includes the following:
  - A. Crosswalks
  - B. Four-way stops
  - C. Right Turn Only or Emergency Entrance Only
  - D. School bus traffic control
  - E. "Pork chop" on the right-in/right-out

**NOTE: This strategy is to be worked through as part of the final Site Plan**
5. For all meetings that include East Cobb Civic Association's (ECCA) recommendations or reviews, that at a minimum, one member from the JOSH Area Community Group is also a part of those same conversations, and that they participate in all review and recommendation activities as well
6. Final Site Plan to be approved by the District 2 Commissioner after recommendation from ECCA and the JOSH Area Community Group
7. Maximum 40% impervious surface for the RA-5 area
8. Staff comments and recommendations, *not otherwise in conflict*

*Prior to the vote, discussion ensued, and then Commissioner Richardson amended her motion to include the following two additional stipulations:*

9. Any change of the use of the church on the LRO portion of the property would come back to the Board of Commissioners as Other Business
10. All of the restrictions of use placed on the NRC portion of the property would be issued for the newly identified NRC portion of the property, and any changes to those uses would come back to the Board of Commissioners as Other Business

**VOTE: ADOPTED 3-1, Gambrell opposed and Cupid recused**

*Clerk's Note: When stipulating the letter from Kevin Moore, the letter was actually dated, "10-13" rather than "10-14".*

*Vice Chair Sheffield called for a brief recess from 10:45 a.m. until 10:55 a.m.*

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

MARIETTA, GEORGIA  
EMERSON OVERLOOK  
325 POWELL STREET  
SUITE 100  
MARIETTA, GEORGIA 30060  
TELEPHONE (770) 425-1430

KNOXVILLE, TENNESSEE  
408 N. CEDAR BLUFF ROAD  
SUITE 300  
KNOXVILLE, TENNESSEE 37923  
TELEPHONE (888) 882-8028

JACKSONVILLE, FLORIDA  
10201 CENTURION PARKWAY N  
SUITE 401  
JACKSONVILLE, FLORIDA 32250  
TELEPHONE (904) 428-1485

BRENTWOOD, TENNESSEE  
5309 MARYLAND WAY  
SUITE 200  
BRENTWOOD, TENNESSEE 37027  
TELEPHONE (615) 425-7247

LEXINGTON, KENTUCKY  
777 CORPORATE DRIVE  
SUITE 430  
LEXINGTON, KENTUCKY 40503  
TELEPHONE (844) 388-8028

ORLANDO, FLORIDA  
7390 WEST SAND LAKE ROAD  
SUITE 500  
ORLANDO, FLORIDA 32819  
TELEPHONE (407) 387-4233

HARRISBURG, PENNSYLVANIA  
2800 HARTZDALE DRIVE  
SUITE 801  
CAMP HILL, PENNSYLVANIA 17011  
TELEPHONE (717) 790-2834

October 13, 2021

Via E-mail Only

Min. Bk. 93 Petition No. Z-72(2020)  
Doc. Type Letter

Meeting Date 10-19-21

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

RE: Application for Rezoning - Application No.: Z-72 (2020)  
Applicant: North Point Ministries, Inc.  
Property Owners: The 'True Vine' Experience Foundation,  
Inc.; Hanna Land Company, Inc.; and  
Sara M. Sweeney  
Property: 33.13 acres, more or less, located on the  
southerly side of Shallowford Road, the  
westerly side of Johnson Ferry Road, the  
northerly and southerly sides of Waterfront  
Drive, and the easterly side of Waterfront  
Circle, Land Lots 466, 467, 470, and 471,  
16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County,  
Georgia

Dear John:

The undersigned and this firm represent North Point Ministries, Inc., the Applicant (hereinafter referred to as "Applicant"), and the Property Owners, The 'True Vine' Experience Foundation, Inc.; Hanna Land Company, Inc.; and Sara M. Sweeney (hereinafter collectively referred to as "Owners" or "Property Owners"), in the above-referenced Application for Rezoning with regard to combined tracts totaling 33.13 acres, more or less, located on the southerly side of Shallowford Road, the westerly side of Johnson Ferry Road, the northerly and southerly sides of Waterfront Drive, and the easterly side of Waterfront Circle, Land Lots 466, 467, 470, and 471, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings and continuing discussions with County Staff, ongoing meetings and discussions with area residents and homeowner representatives; reviewing the



**MOORE INGRAM JOHNSON & STEELE**

Petition No. 7-72 (2020)  
Meeting Date 10-19-21  
Continued

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 15  
October 13, 2021

Departmental Comments and Staff Recommendations: reviewing the uses of surrounding properties; and following the presentations to and hearings before the Cobb County Planning Commission and the Cobb County Board of Commissioners, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full any and all prior letters of stipulations and conditions submitted for the referenced Application. The proposed, revised stipulations are as follows:

- (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 on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Rezoning of the Subject Property shall be from the existing zoning classifications of Neighborhood Retail Commercial ("NRC"), Low Rise Office ("LRO"), and R-20 to the proposed zoning classifications of Low Rise Office ("LRO"), Neighborhood Retail Commercial ("NRC"), and RA-6. site plan specific to the revised Concept Rezoning Plan ("Zoning Plan") prepared for Applicant by AEC, Inc. dated October 1, 2020, last revised October 7, 2021, and submitted as part of this revised letter of stipulations and conditions. A reduced copy of the revised Zoning Plan is attached as Exhibit "A" and incorporated by reference.
- (3) The Subject Property is comprised of a total of 33.13 acres, more or less, with the proposed rezoning of the Property as follows:
  - (a) Approximately 10.22 acres proposed for rezoning to the LRO zoning classification;
  - (b) Approximately 2.05 acres proposed for rezoning to the NRC zoning classification; and
  - (c) Approximately 20.86 acres proposed for rezoning to the RA-6 zoning classification for use as residential townhomes and detached single-family homes.

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**PROPOSED LRO DEVELOPMENT**

- (1) Approximately 10.22 acres of the Subject Property shall be rezoned from its existing zoning classifications to the proposed Low Rise Office ("LRO") zoning classification.
- (2) Applicant proposes construction of a maximum 130,000 square foot Church building, to include a worship center; classrooms and offices related to the Church ministry; multi-purpose rooms for Church activities and functions (site plan proposes 124,983 square feet; but a maximum of 130,000 square feet allows for limited flexibility upon final design and construction).
- (3) The maximum building height of the Church building from the Shallowford Road street frontage shall be thirty-five (35) feet.
- (4) Lighting for the Church campus shall be environmentally sensitive, decorative, and themed to the architecture and style of the buildings, as allowed by the power provider.
- (5) The entrance areas, together with all islands and planted areas, park area, plaza areas, and streetscape areas along Shallowford Road will be professionally designed, landscaped, and maintained, and shall be substantially similar to the perspectives collectively attached as Exhibit "B."
- (6) Any pre-school or school operated by the Church, which is open to the public, shall require a special land use permit. (NOTE: The Church will be, and is permitted, to operate a weekday pre-school for employees' children.)
- (7) Setbacks for the Church campus shall be as more particularly shown and delineated on the referenced, revised Zoning Plan. A reduction of the front setback on Shallowford Road is proposed from the required fifty (50) feet to forty-five (45) feet for the Church building, and from fifty (50) feet to forty-seven (47) feet for the parking deck. Both reductions shall only be applicable to the specific areas shown and shall not serve to reduce the required setback for the overall front.
- (8) As shown on the revised Zoning Plan, there shall be established a Park Area for the enjoyment of guests and the community. The Park Area shall be passive, but

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functional, with appropriate landscaping and hardscape features such as benches. The designated Park Area shall be maintained by the Applicant.

- (9) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (10) Applicant proposes the construction of a professional office building, as shown and reflected on the referenced Zoning Plan, at the westernmost end of the LRO portion of the proposed development. Architectural elevations shall be compatible and consistent with the architectural design and theme of the proposed Church building and consistent with the LRO Zoning District, subject to District Commissioner final approval after review by the East Cobb Civic Association.
- (11) For Sunday services, the Church shall utilize traffic control for entering and exiting the Church property in coordination with local law enforcement. Additionally, the Church shall post signs prohibiting right turns on the new Waterfront Drive on Sundays, between the hours of 9:00 a.m. and 1:00 p.m.
- (12) The Shallowford Road elevation of the Church shall be substantially in conformance with the perspectives attached collectively as Exhibit "B," subject to District Commissioner final approval after review by the East Cobb Civic Association.
- (13) Any walls along Shallowford Road shall be faced with brick or other decorative masonry materials, and shall be no higher than four (4) feet, with plant and tree material located in front of the wall. Any wall shall be of the same design and exterior materials as the frontage wall proposed along Johnson Ferry Road to ensure compatibility and consistency.

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**PROPOSED RA-6 DEVELOPMENT**

- (1) Approximately 20.86 acres of the Subject Property shall be rezoned from its existing zoning classifications to the proposed zoning classification of RA-6, site plan specific to the revised Zoning Plan previously referenced, and shall be developed for a residential community containing a maximum of one hundred twelve (112) residences, further specified as a maximum of forty-nine (49) single-family, detached homes and a maximum of sixty-three (63) townhomes, having an overall maximum net density of a 5.37 units per acre, as defined by the Cobb County Zoning Ordinance. In the event any 100-year floodplain is determined to be located on the RA-6 portion of the Property, the maximum net density of 5.37 units per acre shall control. In such event, any required reduction in the total number of units to meet the maximum net density of 5.37 units per acre shall ensure that a minimum percentage of detached homes (43 percent) is retained on the revised Site Plan. The final Site Plan shall be provided to the East Cobb Civic Association for an opportunity of review and input only; with final approval by the District Commissioner.
- (2) Proposed lots located on Waterfront Circle, as shown and reflected on the referenced Zoning Plan, shall remain as single-family residential lots and development of the proposed lots shall be adjusted as follows:
  - (a) Reconfiguration of side lot lines for realignment of right-of-way,
  - (b) Setbacks for the proposed lots to be maintained at current R-20 standards for consistency with existing neighborhood; and
  - (c) Existing residences, if to remain, are grandfathered for current conditions and setbacks.
- (3) All proposed homes shall be Traditional and Craftsman in style and architecture and shall have facades consisting of brick, stone, stacked stone, cedar shake shingles, board and batten, cementitious siding, and combinations thereof, with complementary accents, with a minimum of fifty (50) percent brick or stone on front elevations. The rear of townhomes along Johnson Ferry Road shall be of the same composition of materials as the front elevations. The detached homes shall be substantially similar to the perspective attached as Exhibit "C," and the townhomes shall be substantially similar to the perspective attached as

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Exhibit "D." Elevations of townhomes and detached homes are subject to final approval by the District Commissioner, after review by the East Cobb Civic Association.

- (4) All homes shall have two-car garages, which shall remain available for parking and incidental storage. Garages cannot be converted into living space or used solely for storage. The driveway pads in front of the garages shall be of sufficient size to park two (2) full-size automobiles. Such restrictions shall also be included within the Declaration of Covenants, Easements, and Restrictions for the proposed community.
- (5) Applicant agrees the maximum impervious surface for the overall proposed RA-6 development shall be forty-five (45) percent.
- (6) The proposed detached homes shall have a minimum of 2,200 square feet, upwards to 3,500 square feet, and greater. The homes will be a maximum of thirty-five (35) feet in height, per the RA-6 zoning ordinance.
- (7) Applicant agrees to have an "elevator option" as an upgrade at the point of sale to the initial homebuyer.
- (8) The minimum lot width for detached lots within the proposed RA-6 development shall be forty-five (45) feet, except for detached lots which have greater widths as otherwise specified.
- (9) The proposed detached lots shall have a minimum five (5) foot side setbacks, with a minimum of fifteen (15) feet between structures for all lots adjacent to existing residential properties. In addition, for all detached lots adjacent to the "Linear Park," there shall be a minimum of twelve (12) feet between structures.
- (10) Detached lots which adjoin residentially zoned property shall be a minimum of 7,000 square feet in size; have a minimum lot width of fifty-six (56) feet, a minimum building separation of fifteen (15) feet, and a minimum rear setback of forty (40) feet.
- (11) The proposed townhomes shall have a minimum of 2,000 square feet, upwards to 3,500 square feet, and greater.

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- (12) All townhomes shall be a maximum of thirty-five (35) feet in height; and further shall be a minimum of twenty-six (26) feet in width.
- (13) Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed community.
- (14) Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, amenity, parks and open space, stormwater management landscape areas, general landscaped areas, mail kiosk, private streets, fencing, and the like contained within the community.
- (15) All residences shall be "for sale" residences. There shall be no more than a maximum of ten (10) percent of the residences being leased at any one time; and such restriction shall be included in the Declaration of Covenants, Easements, and Restrictions.
- (16) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the proposed homes, as allowed by the power provider.
- (17) Setbacks for the proposed community shall be as shown and delineated on the referenced, revised Zoning Plan. Where the Zoning Plan contains setback notations that are greater or more restrictive than identified in the table, the greater, or more restrictive setback shall apply.
- (18) Applicant agrees the impervious setback shall be marked and identified on the final, recorded subdivision plat, and such impervious setback shall be identified in the Declarations of Covenants, Easements, and Restrictions; as well as, marketing materials.
- (19) Amenities for the proposed community may consist of a pool and cabana. Additionally, there shall be green and pocket park areas; together with linear parks and walking paths, which shall be for passive recreational uses and enjoyment of all residents.

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- (20) The proposed community shall have private streets and Applicant shall have the option of installing gates at the entrances in accordance with Cobb County Ordinances and Regulations. Construction of the private streets shall comply in all respects as to materials and base with Cobb County Code. The proposed gate at the relocated Waterfront Drive shall be restricted to "exit only" and emergency vehicles.
- (21) Applicant agrees to the installation of a sidewalk along one side of the internal residential streets.
- (22) There shall be a twenty (20) foot landscape buffer adjoining all residentially zoned properties, as shown and reflected on the referenced, revised Zoning Plan (except for the two (2) "R-20" lots included with this Application). Within this buffer, Applicant shall include a berm for purposes of further visual screening and landscaping.
- (23) The streetscape along Johnson Ferry Road for the residential portion shall include decorative fencing or decorative walls (and/or faced with masonry materials); as well as, a minimum four (4) foot landscape buffer with tree plantings for purposes of visual screening. Any such walls shall be substantially consistent with any walls installed along Shallowford Road in terms of design and materials.
- (24) Applicant agrees to the installation of fencing along the fifty (50) foot stream bank buffer, with such fencing to be wrought-iron type, decorative style fencing; and, in addition, shall include a minimum of a staggered row of evergreen trees for purposes of visual screening planted on the outside of the fencing.
- (25) Applicant agrees that any rear patios will be located outside of the impervious surface setback.
- (26) Applicant agrees to the installation of decorative fencing along the side yards of Lots 12 and 13, adjacent to Waterfront Drive; and in addition, the planting of a staggered row of evergreen trees to the outside of the fencing, for purposes of visual screening.

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## PROPOSED NRC DEVELOPMENT

- (1) Approximately 2.05 acres of the Subject Property shall be developed to the NRC zoning category, as shown and reflected on the referenced, revised Zoning Plan.
- (2) All dumpsters servicing the proposed NRC parcels shall be enclosed within a minimum six (6) foot high brick faced enclosure on three sides with a metal screen gate or door on the access side. The materials and colors for the enclosure shall match and be complementary to the façade of the retail structures. All dumpsters shall contain rubber lids to minimize noise.
- (3) Applicant agrees to the planting of street trees along the NRC frontage along with installation of complementary, decorative fencing to any wall or fencing along the residential portion.
- (4) Applicant agrees the NRC portion shall be limited to no more than one (1) drive-thru use.
- (5) Permitted uses for the NRC parcel are as follows:
  - (a) Neighborhood retail uses as defined in the Cobb County Zoning Ordinance;
  - (b) Restaurant;
  - (c) Eating and/or drinking establishments, including drive-thrus;
  - (d) Office (general and professional); and
  - (e) Parking of vehicles (related to Church activities only).
- (6) The Church will maintain the existing NRC parcels and the existing trees until such time as the parcels are developed as part of the overall development; or as part of a specific NRC use, whichever first occurs.



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**STIPULATIONS FOR OVERALL DEVELOPMENT**

- (1) Minor modifications to the within stipulations, the referenced, revised Zoning Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
  - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
  - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
  - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
  - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
  - (e) Change an access location to a different roadway;
  - (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
  - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
  - (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.
- (2) All construction and employee vehicles and equipment will be parked, and otherwise located on the Subject Property during development of infrastructure and construction of buildings, and shall not be parked on or along Shallowford Road, Johnson Ferry Road, or any nearby residential streets.
- (3) Applicant agrees to the creation and establishment of a Landscape Review Committee consisting of a representative of Applicant and/or Developer and/or Owner, a representative of the East Cobb Civic Association, and a representative

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of the Cobb County Community Development Agency. The Landscape Review Committee shall be responsible for the review of the landscape, fencing/wall plans, buffering, the Park Area, and Linear Park, with final approval being made by the District Commissioner.

- (4) The existing stormwater management area on the Subject Property, as shown and reflected on the revised Zoning Plan, may be utilized for the proposed overall development. Additionally, a fifty (50) foot Cobb County undisturbed stream bank buffer and a twenty-five (25) foot State of Georgia undisturbed stream buffer; as well as, a seventy-five (75) foot impervious buffer, shall be established, as shown and reflected on the referenced, revised Zoning Plan.
- (5) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (6) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by Cobb County or any utility provider.
- (7) Applicant agrees to the Cobb County Department of Transportation Comments and Recommendations.
- (8) Applicant agrees its stormwater management plans shall include analysis of two-year, five-year, ten-year, twenty-five-year, fifty-year and one hundred-year (24-hour) storms and ensure that peak discharge from the site during each of these storms will not exceed undeveloped conditions (forest/woods condition) from the site.
- (9) During the Plan Review Process, and prior to issuance of the Land Disturbance permit, Applicant shall provide the stormwater management plans to the East Spring Lake Subdivision Homeowners Association, to include calculations and specific assumptions incorporated into the plans, erosion control plans, and the detailed hydrological report. Such plans will be provided for review and an opportunity for input only.

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- (10) Applicant agrees that it will be responsible for any downstream impacts occurring in the East Spring Lake Subdivision resulting directly from its development activities in accordance with applicable law, statutes, and ordinances.
- (11) Subject to Cobb County Department of Transportation approval, there shall be a "three-way stop" on the relocated Waterfront Drive, at the two western-most access points for the LRO tract.
- (12) Applicant agrees to conduct a pre-and post-development siltation study of the downstream lake located in the East Spring Lake Subdivision. The results of both studies shall be provided to the East Spring Lake Homeowners Association.
- (13) The Church and the mandatory homeowners association for the residential community shall provide and share in the costs for perpetual maintenance of any shared stormwater management area and Linear Park.
- (14) The Linear Park and "Park," as shown on the revised Zoning Plan, shall be available for use by the general public, and shall include appropriate hardscape features, including, but not limited to, the following:
  - (a) A minimum of one pavilion, measuring 14 feet by 20 feet;
  - (b) A minimum of one gazebo, measuring 20 feet;
  - (c) Walking trails;
  - (d) Benches; and
  - (e) Appropriate lighting contained within the Park, Linear Park, and along the walking trails.
- (15) All landscaping shall be appropriately irrigated.
- (16) For the relocation of Waterfront Drive, Applicant shall be responsible for the costs of permitting and construction of the relocated road. Applicant and Cobb County shall coordinate permitting for the stream crossing with applicable governing agencies to include, if necessary, the County as permit Applicant.

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Upon completion, the relocated road will be dedicated as a public road to Cobb County.

- (17) Applicant agrees all street lighting, pedestrian lighting, and the like shall have consistent design features throughout the proposed development.
- (18) Applicant agrees to cooperate with the Georgia Native Plant Society ("GNPS") to provide an opportunity for GNPS to perform a "Plant Rescue" on those portions of the Subject Property which will be disturbed.
- (19) Applicant agrees exterior lighting within the project shall be determined by the development of a photometric plan coordinated with Cobb County Staff. Applicant shall work with Staff and a representative of the East Cobb Civic Association to develop a lighting plan to minimize the spillage of excess light onto adjacent residential properties. The lighting plan shall include the use of the following devices: Timers on non-essential security lights to turn off at 10:00 p.m. and baffles on security lights. No flood lights shall be installed and all exterior lights shall be on timers. Decorative wash lights that shine on the building façades are not considered flood lights.
- (20) Development and construction hours for the project shall be limited to the following:
  - (a) 7:00 a.m. to 8:00 p.m. - Monday – Friday, April 1<sup>st</sup> thru September 30<sup>th</sup>.
  - (b) 7:00 a.m. to 7:00 p.m. - Monday – Friday, October 1<sup>st</sup> thru March 31<sup>st</sup>.
  - (c) 9:00 a.m. to 6:00 p.m. - Saturday; and
  - (d) No work shall be permitted on Sunday unless approved by the District Commissioner.
- (21) Applicant agrees that a truck/vehicle tire washing station will be provided at all exits from the Property during development and construction of the project.

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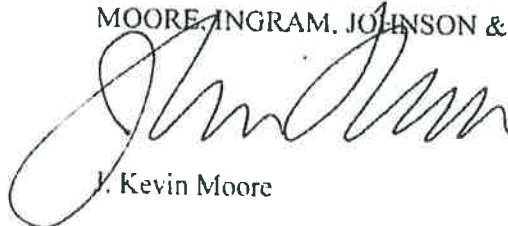
- (22) All existing homes and businesses not currently occupied will be boarded up and secured within sixty (60) days of the sale of the Property, and demolished within one hundred twenty (120) days of the sale of the Property. For existing homes to remain on Waterfront Circle, Applicant must bring maintenance to County Standards and secured within sixty (60) days of the sale of the Property; or, demolish such homes within one hundred twenty (120) days of the sale of the Property.
- (23) Applicant agrees to post on-site and to provide a representative of the East Cobb Civic Association, Inc., with a 24-hour contact person for the duration of development and construction of the project.

We believe the development of the components of this project, pursuant to the revised Zoning Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. Applicant has worked tirelessly with not only County Staff, but also with surrounding neighborhoods and community representatives, to address and mitigate concerns related to the project, which is evident in the revised Zoning Plan and revised stipulations. North Point Church will offer North and East Cobb residents opportunities for worship and learning, both in person and remotely, and will certainly be a "good neighbor" and stellar example of service to the North and East Cobb communities. Additionally, the proposed residential community will allow for redevelopment of aged, rental properties to a quality, attractive residential community. Improvements proposed for infrastructure and the design and connectivity of sidewalks and roadways for the overall development addressed concerns and allow for the components of the project to blend and harmonize with the surrounding commercial and residential neighborhoods. The overall development will certainly be an enhancement to the Subject Property and the East Cobb Community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

Attachments

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**c. Cobb County Board of Commissioners:**

Lisa N. Cupid, Chairwoman  
JoAnn Birrell  
Keli A. Gambrell  
Jerica Richardson  
Monique Sheffield  
(With Copies of Attachments)

Jessica Guinn, Director  
Cobb County Community Development Agency  
(With Copies of Attachments)

Jeannie Peyton  
Senior Planner  
Zoning Division  
Cobb County Community Development Agency  
(With Copies of Attachments)

East Cobb Civic Association, Inc.  
(With Copies of Attachments)

North Point Ministries, Inc.  
(With Copies of Attachments)



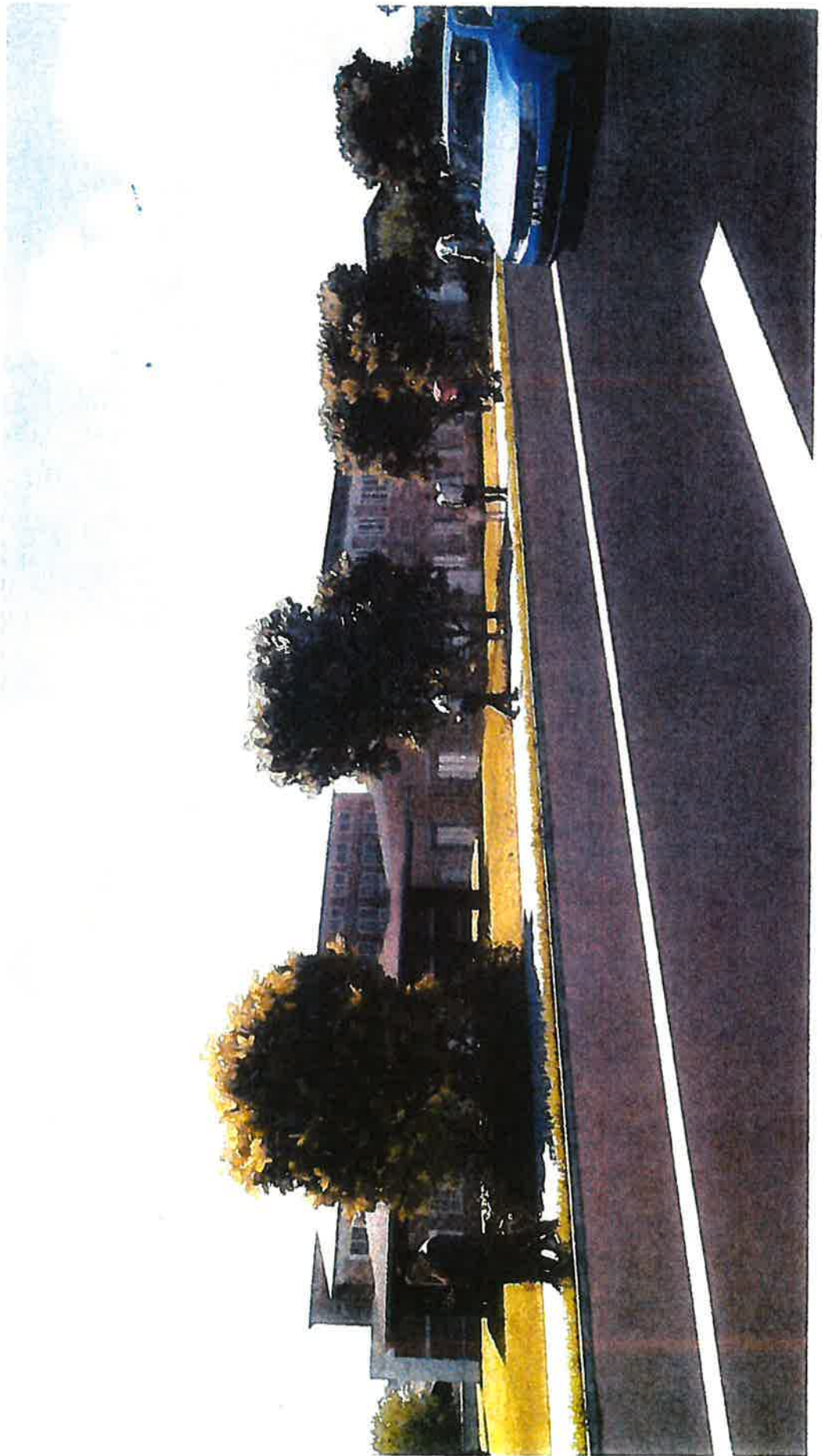
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EXHIBIT "B"



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Petition No. E-72(2022)  
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EXHIBIT "C"

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EXHIBIT "D"