

**David C. Kirk**  
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August 20, 2019

**VIA OVERNIGHT DELIVERY AND EMAIL**

Mr. John Pederson, Division Manager  
Cobb County Community Development  
1150 Powder Springs Street, Suite 400  
Marietta, GA 30064

**Re: SLUP-11 Concerns of Adjacent Property Owner (ML Wildwood Holding LLC)**

Dear Mr. Pederson:

I am writing to you on behalf of ML Wildwood Holding LLC ("ML Wildwood") to express its serious concerns related to the Special Land Use Permit application ("SLUP-11") submitted by Mr. Garvis Sams, Jr., on behalf of Milestone Hotel Management Company, Inc. (the "Applicant") for the development of a 95-suite hotel at the corner of Powers Ferry Road and Windy Hill Road on a 1.9-acre property owned by Habersham Wildwood, LLC.

ML Wildwood owns the property located at 3045 Windy Hill Road, which is directly adjacent to the SLUP-11 property (the "Subject Property") and is currently occupied by a Hilton Garden Inn hotel. ML Wildwood has serious concerns with the proposed hotel to be located on the Subject Property that relate to various criteria established by Cobb County for the review of SLUP applications, including concerns with parking and traffic, deliveries and circulation, landscaping, the intensity of the use, and construction and building safety.

The Cobb County Zoning Ordinance provides several criteria for the evaluation of SLUP applications. I have noted those relevant criteria below and outlined ML Wildwood's concerns immediately following.

**Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.** ML Wildwood believes the establishment of the proposed use will have a negative effect on the surrounding area and on the ability of the Hilton Garden Inn to operate in a safe and efficient manner. Together with The Flats at Riverwalk condominium project, the Hilton Garden Inn property will be the most directly impacted by the proposed use. ML Wildwood is the beneficiary of multiple easements from the owner of the Subject Property, including, among others, access easements providing access to the Hilton Garden Inn and its parking lot, a parking easement granting ML Wildwood the exclusive use of 21 parking spaces and a slope easement directly to the east of the Hilton Garden Inn's property.

The stipulation letter submitted by Mr. Sams, dated July 9, 2019, states it is the intent of the Applicant to “demolish any infrastructure improvements currently on the Subject Property in order to allow for the construction and development of [the proposed hotel].” Based on the site plan dated May 21, 2019 and submitted with the SLUP–11 application, as well as on the Applicant’s request to reduce its required parking, it appears what this means is the Applicant proposes to eliminate at least one of ML Wildwood’s parking spaces within the parking easement, eliminate the northern access drive serving the Hilton Garden Inn, and severely impact the area of the slope easement, which could result in significant damage to the Hilton Garden Inn’s property and operations.

The parking reduction will encourage visitors to the new hotel to improperly use parking on the Hilton Garden Inn property. In addition, elimination of the northern access drive will have a direct and material impact on the ability of visitors, staff, and delivery vehicles to access the Hilton Garden Inn. Finally, and of particular concern, the slope easement provides ML Wildwood the right to review all building plans potentially impacting the integrity of ML Wildwood’s property and parking, yet no plans have been provided by the Applicant showing the extent of such impact. While we realize this is a zoning proceeding, it is impossible for the Hilton Garden Inn to understand the impact the proposal may have on its property simply by an examination of the site plan submitted by the Applicant. Additional information and far greater detail is needed in order to fully understand the scope of the proposed project and the potential impact to ML Wildwood’s property.

Finally, because of the small lot size and the proximity of the Subject Property, ML Wildwood is concerned about the disruption to its operations and other adverse impacts that are likely to result from the construction of the suites hotel, should it be approved. The Applicant should be required to provide a staging and logistics plan to demonstrate it will not disrupt the operations of or access to the Hilton Garden Inn, as well as the convenience and safety of the Hilton Garden Inn’s guests.

Accordingly, we have no option but to oppose the application unless and until the Applicant provides sufficient information for ML Wildwood to review and analyze to determine the extent of the adverse effect approval of the SLUP and implementation of the proposal will have on ML Wildwood’s property.

**Whether or not property values of surrounding property will be adversely affected.**

Based on the submitted site plan, the development of the proposed 95-room hotel will eliminate a critical access point for deliveries to the Hilton Garden Inn, will remove at least one parking space to which the Hilton Garden Inn has rights, and potentially impact the operations of the Hilton Garden Inn and the parking field in a negative manner. Accordingly, ML Wildwood submits the value of the Hilton Garden Inn property is likely to be diminished by the approval of the SLUP.

**Whether or not adequate provisions are made for parking and traffic considerations.** ML Wildwood is concerned the proposed 95-room hotel would significantly impair traffic flow in and around the Hilton Garden Inn property, the Powers Ridge office park located directly north, and the already-impaired traffic circulation along Powers Ferry Road and Windy Hill Road. Of particular concern is the safety of guests and visitors using the entrance to the property on Windy Hill Road due to the increase in traffic volume, the reduction of options to access the Hilton Garden Inn property, and speeds along Windy Hill Road. Many area residents have shared these concerns with management of the existing Hilton Garden Inn. Additionally, ML Wildwood has particular concerns regarding the potential impact to Hilton Garden Inn deliveries, which are served primarily by the northern entrance given the high traffic and poor turning geometry of the southern driveway. Finally, it is unclear the extent to which the elimination of the northern access drive to the Hilton Garden Inn will have on fire access.

The trip generation numbers submitted by the applicant are inadequate and do not provide any understanding of the impact the proposed hotel may have on the Hilton Garden Inn's traffic circulation issues and the transportation infrastructure of the surrounding area, which is already operating at or near capacity. We understand a number of commercial and residential projects are either under development or are in the planning stages in the immediate area and believe more information is needed to understand how the proposed hotel may impact the area's ongoing traffic concerns. We note that staff has required the Applicant to prepare an adequate traffic impact analysis – rather than simply provide trip generation numbers – and respectfully submit that consideration of the application should be delayed until this report is provided and adequate time given to Cobb County staff, the Cobb County Planning Commission and Board of Commissioners, as well as other concerned commercial and residential neighbors to fully understand the potential traffic impacts of the proposed hotel development.

**Whether or not the site or the intensity of the use is appropriate.** Based on the application and submitted site plan, ML Wildwood respectfully submits the site is insufficient to accommodate the requested use and, therefore the intensity of the use is not appropriate. Cobb County requires the Subject Property to be at least 2.0 acres in size for the location of an all-suites hotel as proposed by the applicant. Even with the elimination of the northern access drive and the inclusion of the parking easement area in its calculations, the Applicant is unable to meet this minimum standard and has requested Cobb County waive/reduce it to approximately 1.9 acres. Further, this 1.9-acre tract contains a detention pond and additional (southern) access easement area that cannot be used for construction of the hotel. Accordingly, ML Wildwood respectfully submits the effective, useable area of the Subject Property is far less than the reported 1.9 acres and is simply far too small to safely and efficiently accommodate the proposed 95-suite hotel without eliminating required buffers and negatively impacting the use, usability, and value of surrounding properties.

**Whether or not adequate controls and limits are placed on commercial and business deliveries.** While ML Wildwood agrees with the Applicant that deliveries to the proposed suites hotel on the Subject Property will be commensurate in number and type to other hotels in the area, including the Hilton Garden Inn, the submitted site plan contains insufficient detail regarding the location of any delivery areas or dumpster locations to determine how such deliveries will be made and to what extent such deliveries will impair or block access to the Hilton Garden Inn property. This is a particular concern in light of the Applicant's proposal to eliminate the northern access drive for the Hilton Garden Inn which, according to the Hilton Garden Inn's General Manager, is the primary access point for deliveries in light of the congestion typically present at the southern entrance (adjacent to Windy Hill Road) and the geometry of the southern drive. Adequate information regarding the location and procedure for such deliveries is thus essential to any decision regarding this application and has not yet been provided by the Applicant.

**Whether or not adequate landscape plans are incorporated to ensure an appropriate transition.** Based on its review of the application materials provided by Cobb County staff, ML Wildwood respectfully submits the Applicant has failed to provide any landscape plans for the proposed suites hotel development, much less adequate landscaping plans. It does appear that the proposal will require the removal of several mature trees as well as a number of hardwoods planted near the top of the existing slope easement. How the proposal will provide adequate landscaping is thus unknown at this time.

**Whether the Application complies with any applicable specific requirement set forth in this chapter for a Special Land Use Permit for particular types of uses.** As noted above and in the Applicant's stipulation letter, the application fails to comply with several specific requirements set forth in Cobb County's Zoning Ordinance for the development of a suites hotel, including the reduction of the required lot size (which is effectively far greater than that requested by the Applicant), the elimination of required parking, and the waiver (elimination) of buffer requirements. Accordingly, ML Wildwood respectfully submits the application fails to comply with applicable standards set forth in the Zoning Ordinance.

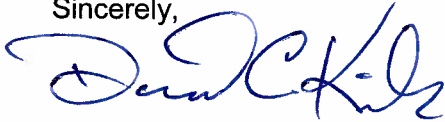
**Whether the Applicant has provided sufficient information to allow a full consideration of all relevant factors.** ML Wildwood respectfully submits the application fails to provide adequate information related to the criteria noted above and thus lacks sufficient information to allow for a full consideration of such factors. Accordingly, ML Wildwood respectfully requests the application be denied or, at the very least, consideration of the application be deferred until such time as all information allowing for a full consideration of such relevant factors is provided and adequate time given to Cobb County staff, adjacent property owners, and the community as a whole to evaluate this information.

## Conclusion

We appreciate the opportunity to present our considerable concerns regarding this proposal and the accompanying Special Land Use Permit application. For all the reasons given above, ML Wildwood urges the Cobb County Planning Commission and Board of Commissioners to deny the SLUP-11 application.

We appreciate your thoughtful consideration of the concerns outlined above.

Sincerely,



David C. Kirk

/dck

cc: Cobb County Board of Commissioners  
Cobb County Planning Commissioners  
Ms. Nele Brietbart  
Garvis L. Sams, Jr, Esq.