



Community Development – Zoning Division

John Pederson – Division Manager

ZONING CASE

Z-25-2022

SITE BACKGROUND

Applicant	Healey Weatherholtz Properties
Phone	404-433-4128
Email	quill@hwproperties.com
Representative Contact	Garvis L. Sams, Jr.
Phone	770-422-7016
Email	gsams@samslarkinhuff.com
Titleholder	Healey Weatherholtz Village LLLP, 37 Johnson Ferry Road, LLC
Property Location	Located on the west side of Johnson Ferry Road and on the north side of Paper Mill Road
Address	37 Johnson Ferry Road, 255 Village Parkway
Access to Property	Johnson Ferry Road, Paper Mill Road

QUICK FACTS

Commission District	2-Richardson
Current Zoning	CF, R-80, R-40
Current Use of Property	Commercial, retail
Proposed Zoning	NRC
Proposed Use	Neighborhood retail
Future Land Use	NAC
Site Acreage	6.83
District	1
Land Lot	73, 81
Parcel #	01007300140, 01007300250
Taxes Paid	Yes

FINAL ZONING STAFF RECOMMENDATIONS

(Zoning Staff Member: Terry Martin, MPA)

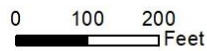
Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

1. Site plan received by the Zoning Division on March 3, 2022, with minor modifications to be approved by the District Commissioner;
2. Adherence to Johnson Ferry Road Design Guidelines for all future additions and/or redevelopments to the site;
3. Fire Department comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Water and Sewer comments and recommendations;
6. Department of Transportation comments and recommendations; and
7. Variances as identified in Zoning Division comments.

Z-25 Aerial Map



This map is provided for display and planning purposes only. It is not meant to be a legal description.



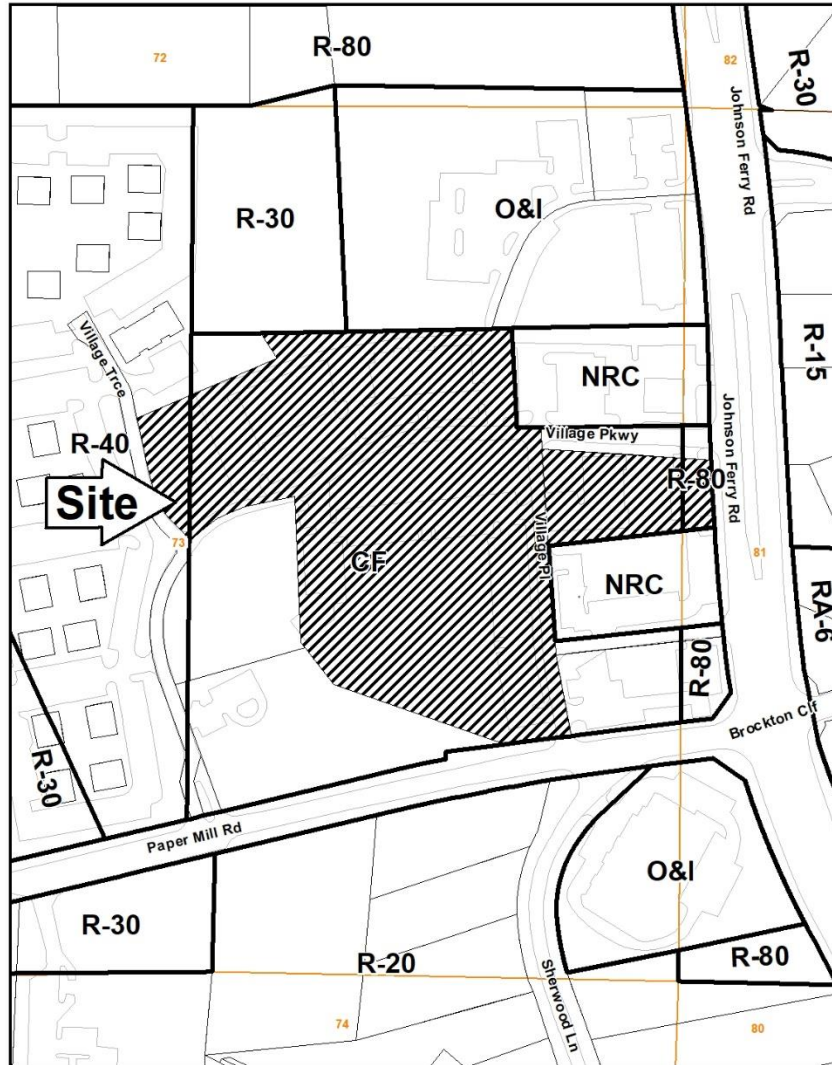
- Zoning Boundary
- City Boundary

North

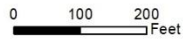
Zoning: R-30, O&I / Single-family Residence, Professional Offices

Future Land Use: MDR, NAC

Z-25 2022-GIS



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Zoning Boundary
 City Boundary

WEST

Zoning: R-40 / Professional Offices

Future Land Use: NAC

EAST

Zoning: CF, NRC / Gas Station, Professional Offices, Retail

Future Land Use: NAC

SOUTH

Zoning: R-20, NRC, CF / Single-family Residences, Professional Offices, Retail

Future Land Use: VLDR

Current zoning district for the property

The R-80 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-80 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

The R-40 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-40 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

The CF future commercial district was originally established as a zone designated for future commercial use with no immediate right to use or occupy the zone for commercial purposes until an applicant shall have been regularly and properly granted specific zoning for the purposes described in any of the commercial districts enumerated in this chapter. Under the comprehensive amendment to the zoning ordinance, the board of commissioners resolved that an owner of property currently designated CF, and not developed, shall have until January 17, 1996, within which to commence development pursuant to the previous conditions. For purposes of this section, commencing development shall mean applying for rezoning to an appropriate zoning district, obtaining a building permit, and beginning construction on the development. If such development shall not occur by January 17, 1996, such portion of the undeveloped and unzoned property must be brought in for rezoning to another district which is compatible with the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990, prior to any future development. Additionally, no new applications for CF zoning may be accepted.

Requested zoning district for the property

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the

NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

Summary of the applicant's proposal

The applicant is requesting to rezone the 6.83 acre site to the NRC neighborhood retail commercial district simply as acknowledgment of the present build out and development of the site with no further development proposed. The request stems from the property's unique situation of being subject to a Superior Court of Cobb County Order of the Court from 1973 and 1982 which allowed the development subject to a conceptual site plan, renderings/elevations, and covenants conditions and restrictions between Cobb County, area residents, and the developer at that time. Subsequent changes and redevelopment within the Papermill Village development has required being brought before the Board as Other Business applications or Rezoning. The current request is simply an attempt to handle the current status of the property ahead of a less timely opportunity should the need arise due to tenant changes or other proposed improvements to the property. While the current request is not to allow further development of the site, it will do away with potential impediments to its future upkeep, maintenance, and permitting.

Non-residential criteria

Proposed # of buildings: 11, existing

Proposed # of stories: one to two, existing

Total sq. footage of development: 57,202, existing

Floor area ratio: 0.19

Square footage per acre: 8,375

Required parking spaces: 303 based on existing tenant mix estimations

Proposed parking spaces: 303

Acres in floodplain or wetlands: 0

Impervious surface shown: 79.9% - Tract 1, 69.7% - 37 Johnson Ferry Road, 74.8% averaged

Are there any zoning variances?

Yes;

1. Reduce the side setbacks for 37 Johnson Ferry Road from required 15 feet to nine (9') feet adjacent to the northern property line and to 11 feet adjacent to the southern property line (existing);
2. Reduce the side setback for building 200 from required 15 feet to three (3') feet adjacent to interior lot line to the west (existing); and
3. Increase the maximum allowable impervious coverage from 70% to 79.9% for Tract 1 and 69.7% for 37 Johnson Ferry Road or 74.8% average for the site.

03/14/22

CCFMO is acceptable to the proposed zoning case as presented. A full review will be conducted when a full set of plans are submitted

Approval based on Professional Engineer-stamped plans that signify overall plan conformance to all Georgia State and Cobb County Codes. Design Professional and Developer maintain the sole responsibility for the design and for correcting all errors, omissions, problems, and code violations (if any) exposed during construction AFTER authorization by Cobb County.

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE:

New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This serves as an early notification to owners and developers for budgeting purposes.

FIRE DEPARTMENT ACCESS:

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 2018 Edition and Cobb County Development Standards 402.11).

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, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches. (Cobb County Development Standards 402.11)

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.

(continued)

SPECIFIC FIRE DEPARTMENT ACCESS (INTERNATIONAL FIRE CODE APPENDIX D):

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 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.8.2.1)

COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 ft in height. A minimum of two remote means of fire department access roads must be provided

D104.2 Buildings exceeding 62,000 square feet in area. A minimum of two remote means of fire department access roads must be provided

Exception: Buildings not exceeding 124,000 sq ft and protected with an approved automatic sprinkler system a single fire department access road is permitted

D104.3 Remoteness. Where two fire department access road are required, they must be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the lot or area to be served

MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units.

Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2

D106.2 Projects having more than 200 dwelling units.

Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

CERTIFICATE OF OCCUPANCY:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

(continued)

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. (Cobb County Development Standards 401.8.2)

FIRE HYDRANT:

The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road. (Cobb County Development Standards 410.5.2)

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).

FIRE PROTECTION:

Auto parts buildings may be required to be protected with a fire sprinkler system. Final determination to be made at building plan review. Be prepared to provide water supply.

Josh Davis

(770) 528-8161

Josh.davis@cobbcounty.org

Z-25-2022 DEPARTMENT COMMENTS – Cemetery Preservation

No comment

5/3/22

Approval of this petition will not have an impact on the enrollment of schools.

03/25/2022

Project Information

1. Address: 37 Johnson Ferry Road
2. District: 2
3. Existing Zoning: CF, R-80 Existing Allowable Impervious Coverage:
4. Proposed Zoning: NRC Allowable Future Impervious Coverage: 70%

Site Data

1. Flood Damage Prevention Designated Flood Hazard: No
2. FEMA Designated 100-year Floodplain Flood: Local Zone X around the existing lake.
3. Drainage Basin: Chattahoochee River
4. State Stream Buffers: Possibly, Not Verified around the existing lake
5. County Stream Buffer Ordinance: Possibly, Not Verified; around existing lake
6. Wetlands: Possibly, Not Verified Location: Around the existing lake
7. Existing Lake(s): Onsite; knowns Healey Weatherholtz Village

Comments and Recommendations

These comments and recommendations are typically required at the time of plan review and permitting.

1. The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineers. Copies of the Corps of Engineers permits are to be furnished at the time of the Land Disturbance Permit.
2. Streambank Buffers need to be confirmed with the Community Development Erosion Control Division (770) 528-2191
3. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system including drainage swales and roadside ditches.
4. Stormwater discharges through an established residential neighborhood downstream.
5. Existing onsite stormwater management facilities shall be inspected prior to permitting. A current inspection report shall be furnished at the time of plan review and permitting.
6. Existing onsite lakes shall be inspected. A current inspection report furnished at the time of permitting. Existing lakes that do not meet current regulations shall be improved to current regulations including but not limited to dams, spillways, and control systems.
7. Existing onsite stormwater management ponds and/or lakes shall be modeled hydrologically to establish and maintain the existing base flow(s) as the pre-developed condition for the site runoff.

Z-25-2022 DEPARTMENT COMMENTS – Stormwater Management

(continued)

8. At this time there are no present or future site improvement/modifications proposed.
9. Any Future improvements to the site will be considered a redevelopment project. Redevelopment projects that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves other land disturbing activity of one acre or more. Therefore; requiring an updated stormwater management facility that may require runoff reduction, water quality, and detention per the Georgia Stormwater Management Manual (GSMM).
10. The existing and/or proposed onsite storm drain system and stormwater management facility is considered private. All annual inspections, maintenance and repairs are the responsibility of the property owner. A stormwater facility maintenance agreement and access easement will be required at the time of the land disturbance permit with the Cobb County Stormwater Management Division.
11. As of January 1, 2021, Stormwater Runoff Reduction is required per the Georgia Stormwater Management Manual (GSMM); unless it is determined to be infeasible during plan review. If it is determined to be infeasible additional water quality designs will be required in accordance with the GSMM.

03/25/2022

Cobb 2040 Comprehensive Plan: The subject tract is within Neighborhood Activity Center (NAC) future land use category. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

If yes, which City:

Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

NAC-P20

In recognition of the unique character and nature of the Paper Mill Village area, the Board of Commissioners has established a NAC at the intersection of Johnson Ferry Road and Paper Mill Road. Because of the unique nature and mixture of land uses within the village, in addition to the consistent architectural theme within the village, the Board of Commissioners will only consider uses permitted within the O&I and LRO zoning districts. Architectural and use compatibility with the existing components of the existing village will be of paramount importance, as will compatibility with existing access arrangements. Applications for rezoning of property in this area will be evaluated for appropriateness based upon these criteria. (Map 4.18; Appendix 4, PG 4.75)

Masterplan/ Corridor Study: Yes No

Design guidelines area? Yes No

If yes, design guidelines area: Johnson Ferry Road Design Standards

Does the proposal plan comply with the design requirements? Yes No N/A

Note: Since no physical change occurs, Design Standards is waived.

Is the property within an Opportunity Zone? Yes No

(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)

Is the property within an Enterprise Zone? Yes No

(The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)

(continued)

Is the property eligible for the Façade Improvement Program?

Yes No

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes No

(The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

Is this property within the Six Flags Special Service District?

Yes No

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone?

Yes No

Is the property within the Clear Zone (CZ)?

Yes No

Is the property within 3000’ of Dobbins ARB?

Yes No

Is the property within the Accident Potential Zone (APZ I)?

Yes No

Is the property within the Accident Potential Zone II (APZ II)?

Yes No

Is the property within the Noise Zone?

Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

Yes No

(continued)

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application.

03/22/22 – DATE OPTIONAL

Water comments:

At development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): various

Additional water comments: no redevelopment proposed as part of this rezoning

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: On site

Estimated waste generation (in G.P.D.): Average daily flow = +/- 0

Peak flow = +/- 0

Treatment plant: R. L. Sutton WRF

Plant capacity: Yes NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Off-site easement required: YES* NO

Line capacity study required: YES NO

Letter of allocation issued: YES NO

Septic tank recommended by this department: YES NO

Subject to Health Department approval: YES NO

Additional sewer comments: no redevelopment proposed as part of this rezoning

*If off-site easements are required, the developer/owner must submit easements to CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process. The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Paper Mill Road	Minor Collector	35	Cobb County	60'
Johnson Ferry Road	Arterial	40	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Paper Mill Road	South of Streamside Drive	9,120	D
Johnson Ferry Road	South of Columns Drive	33,900	D

Based on 2018 AADT count data taken by GDOT, as published on their website, for Paper Mill Road.

Based on 2020 AADT count data taken by GDOT, as published on their website, for Johnson Ferry Road.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial or collector roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Comments and observations

Paper Mill Road is classified as a minor collector roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Johnson Ferry Road is classified as an arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

1. Recommend installation of a deceleration lane at the Village Parkway and Village Place access points on Johnson Ferry Road. Recommend location and design be determined during plan review, subject to Cobb County DOT approval. This recommendation should be implemented upon redevelopment of the property, where redevelopment is defined as any action requiring a Land Disturbance Permit.
2. Recommend installation of a deceleration lane at the Village Parkway and Village Place access points on Paper Mill Road. Recommend location and design be determined during plan review, subject to Cobb County DOT approval. This recommendation should be implemented upon redevelopment of the property, where redevelopment is defined as any action requiring a Land Disturbance Permit.
3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

It is Staff's opinion that the applicant's rezoning proposal will permit continuation of a use that is suitable in the view of use and development of adjacent and nearby properties. The site has an established history of this use for the past forty plus years.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

It is Staff's opinion that the applicant's rezoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The request is to acknowledge the site's current build out and usage and does not propose any new development or intensification of the site.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion is supported by the departmental comments contained in this analysis.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

It is Staff's opinion that the applicant's NRC rezoning proposal is in conformity with the policies and intent of the Cobb County Comprehensive Plan. The property is delineated in a Neighborhood Activity Center, NAC, future land use category. The site's existing and historic uses are consistent with the NAC land use designation.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give grounds for approving the applicant's rezoning proposal to acknowledge the site's current build out and usage. The site has an established history of its current use for the past forty plus years and the current request does not propose any new development or intensification of the site.

The staff analysis and recommendation made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

Summary of Intent for Rezoning*

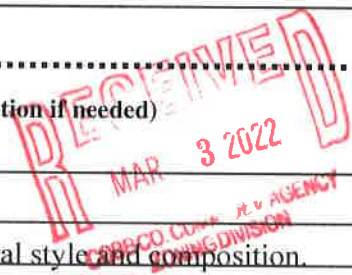
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Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____

- c) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Neighborhood Retail Uses
- b) Proposed building architecture: As-Built architectural style and composition.
- c) Proposed hours/days of operation: The hours/days of operation will be the same that presently exist.
- d) List all requested variances: _____



.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The Subject Property is within the confines of a Neighborhood Activity Center ("NAC") under Cobb County's Future Land Use Map ("FLUM") and was rezoned by way of a Court Order (See attached Zoning Impact Statement).

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time.

* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

Zoning Impact Statement & Summary of Intent

Scores of developers, builders, lenders, property owners and others have sought clarity with respect to Paper Mill Village since the mixed use development (“Subject Property”) was approved in 1982 after litigation and by way of a Superior Court of Cobb County Order of the Court (“Order”). The Subject Property makes up a large portion of Paper Mill Village (“PMV”) which is partially split zoned in the Future Commercial (“CF”), R-80 and NRC zoning districts, respectively.

In that regard, many of the tracts which make up PMV are considered as non-conforming, “grandfathered” properties. In other words, the continued utilization of many of the tracts within PMV is predicated upon the same use continuing without interruption for a period of time dictated by the Cobb County Zoning Ordinance or are required to be rezoned in accordance with current Zoning Ordinance requirements and applicable zoning classifications. Also, interestingly, the CF classification does not, independent of these particular circumstances, provide any present right to utilize property zoned as such and has always been considered a “holding district“ for future commercial development.

The May 6, 1982 Order (for the most part based upon a 1973 agreement which was recorded on the Deed Records which served as a guide until the litigation was commenced almost a decade later), specifically allowed for a mixed use development to be constructed at this northwest intersection of Johnson Ferry Road and Paper Mill Road. However, even though the Order allowed the development, it was and is subject to it conforming to a conceptual site plan; renderings/elevations; and, covenants conditions and restrictions between Cobb County, area residents and the developer at that time... all of which were incorporated into the Order, a copy of which will be submitted under separate cover.

In the interim, the Board of Commissioners have approved amendments to certain uses by amending the Court Order through the submission of Applications for Rezoning, Other Business Applications, Special Use Permits and/or Variances.... dependent upon the individual circumstances concerning each property thus revised or amended.

Many of the area residents and neighbors who negotiated that Settlement four (4) decades ago are no longer with us, including my father, Garvis L. Sams, Sr. (our firm represented Cobb County at the time) who was appointed by the Court as "Trustee" of the original development plans until PMV came to fruition as a mixed use development and which, to this day is an aesthetically pleasing, successful and strategically positioned assemblage of tracts which serve the neighborhood well for forty plus (40+) years.