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**SAMS, LARKIN & HUFF**  
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July 20, 2023

**(AMENDED REVISED STIPULATION LETTER)**

**VIA EMAIL:**

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

Re: Application of S&B Investments, Inc. to Rezone an approximate 0.73 ± Acre Tract  
of Land from CF & R-80 to NRC (No. Z-67 of 2022)

Dear John:

As you know, this firm represents S&B Investments, Inc. (“S&B”) regarding the above captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission (“PC”) on August 1, 2023 and, thereafter, the Application is scheduled to be heard and considered by the Cobb County Board of Commissioners (“BOC”) on August 15, 2023.

**The Site Plan submitted with the Rezoning Application is withdrawn and the present building configuration and footprint will remain as it exists. Any change in configuration or footprint in the future will be brought back before the Cobb County Board of Commissioners for approval.**

The property at issue (“Subject Property”) consists of a 0.73-acre tract of land which is situated within the confines of a Neighborhood Activity Center (“NAC”) as shown on the Future Land Use Map (“FLUM”) and is more specifically located at the northwestern intersection of Johnson Ferry Road and Paper Mill Road.

The original entitlement of the Subject Property was granted 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 smaller portion of Paper Mill Village (“PMV”) which is partially split-zoned in the Future Commercial (“CF”), R-80 and NRC zoning districts, respectively.

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The Subject Property is considered a non-conforming, “grandfathered” property and the continued utilization of this tract is predicated upon the same use continuing without interruption for a period of time dictated by the Cobb County Zoning Ordinance or is required to be rezoned in accordance with current Zoning Ordinance requirements and applicable zoning classifications. 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 with the existing village will be of paramount importance, as will compatibility with existing access arrangement. (2040 Comprehensive Plan 5-year NAC-P20). Of course, the CF classification does not, independent of these particular circumstances, provide any present right to utilize the Subject Property zoned and as such and has always been considered a “holding district” for future commercial development since the Cobb County Zoning Ordinance was comprehensively adopted, on December 26, 1972.

The May 6, 1982 Order (for the most part based upon a 1973 agreement which was recorded on the Deed Records and 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, of which the Subject Property is a part. The Subject Property has been through several Other Business approvals with respect to signage and for uses, all of which were and are still allowable under the NAC land use designation and the proposed NRC zoning district.

The Paper Mill Village commercial tracts (6.83 acres) located at 37 Johnson Ferry Road & 255 Village Parkway) were rezoned to the NRC zoning district via Application No. Z-25 [2022], which was heard and approved in May of last year.

With respect to the foregoing, and after discussions and meetings with area business and property owners, civic representatives and staff, S&B is agreeable to the following stipulations becoming conditions and a part of the grant of the requested rezoning and binding upon the Subject Property thereafter, 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 concerning the Subject Property which constitutes the subject matter of this Application for Rezoning.

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2. The total site area of the Subject Property, consisting of .73 acres shall continue to be maintained as a commercial retail center.
3. The applicant agrees to follow the existing “village” architectural style and to formulate a Landscaping and Architectural Review Committee consisting of the applicant. A representative of the Chattahoochee Plantation Estate, a representative from Hampton Farms, East Cobb Civic Association, the Community Development Agency Director and the District Commissioner.
4. This Rezoning is solely and exclusively for a Commercial Retail Center and the following uses shall be conditionally prohibited within and on the Subject Property:
  - a. Billiards and Pool Halls; however, certain types of restaurants such as Sports Bars and Grills shall be allowed a maximum of two (2) pool/billiard tables.
  - b. Carwashes.
  - c. Store-Front type Churches, except where the prohibition of same may be constitutionally impermissible.
  - d. Community Fairs, except to continue the allowance of Art Exhibits and
  - e. Cultural Facilities, except to continue Art Exhibits and PMV-sponsored events which have historically taken place from time to time during the existence of PMV.
  - f. Designated Recycling Collection locations.
  - g. Emissions Stations.
  - h. Outdoor Golf Courses.
  - i. Freestanding Climate Control Self-Service Storage Facility; however, storage within existing buildings within PMV shall be permitted.
  - j. Freestanding Ice Vending Machines.
  - k. Full-Service Gasoline Stations.

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- l. Funeral Homes.
- m. Group Homes.
- n. In-Home Day Care.
- o. Self-Service Laundries.
- p. Light Automotive Repair.
- q. Non-profit fishing lakes.
- r. Parking for Vehicles, except for the temporary parking for tenants and their customers or clients.
- s. Radio, Television and other Communication Towers.
- t. Rest Homes and Personal Care Homes.
- u. Self-Service Fuel Sales.
- v. Automotive Parts Stores exceeding 3,000 square feet.
- w. Sex and/or Adult Themed Novelty Shops.
- x. Supermarkets, exceeding 10,000 square feet.
- y. Video Stores for rental or sale as a principal use; however, video-related merchandise may be sold as components of other businesses within PMV.
- z. Stores which principally feature and sell CBD and CBD related products, remedies or novelties and stores which constitute “Vape Shops” or feature smoking and related paraphernalia.
- aa. Large truck, van, or other such vehicles “for rent or lease”, such as U-Haul.
- bb. Package stores; however, excepting any specialty boutique-type wine or spirits shops or any grocery or other stores which may currently be allowed to serve or sell alcohol.

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cc. No drive-thru.

5. The Signage for the Subject Property shall be ground-based, monument-style, consistent with the architectural style (Village Like) and composition of the development and consistent with provisions of the Cobb County Sign Ordinance and consistent with previous signage approved as a part of the previous Application.
6. The utilization of low-intensity, environmental type, down-lighting which shall be subject to review and approval by staff. All exterior lighting shall be shielded, and direct illumination shall be confined within the perimeter of the Subject Property. Further, a lighting photometric plan shall be submitted during the Plan Review Process.
7. There is a landscaping and a berm adjacent to Paper Mill Road that provide a visual barrier for the parking lot. The existing landscaping and berm shall remain.
8. The District Commissioner shall have the authority to approve minor modifications to this rezoning proposal as the development proceeds through the Plan Review Process and thereafter except for those that:
  - a. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district
  - b. Relocate a structure closer to the property line of an adjacent property which is zoned in the same or in a more restrictive zoning district
  - c. Increase the height of a building which is adjacent to a property that is zoned is the same or a more restrictive zoning district
  - d. Change access points to different rights-of-way
  - e. Violate the Cobb County Zoning Ordinance.

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Please do not hesitate to contact me should you have any questions whatsoever regarding S&B's proposal.

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read "Parks F. Huff". The signature is fluid and cursive, with the first name "Parks" and last name "Huff" clearly distinguishable.

Parks F. Huff  
[phuff@samlarkinhuff.com](mailto:phuff@samlarkinhuff.com)

PFH/jac

cc: ON FOLLOWING PAGE

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cc: Members, Cobb County Board of Commissioners (via email)  
Dr. Jackie McMorris, County Manager (via email)  
Board of Commissioners Assistants (via email)  
Members, Cobb County Planning Commission (via email)  
Ms. Jessica Guinn, AICP, Director (via email)  
Ms. Jeannie Peyton, Senior Planner (via email)  
Mr. Terry Martin, AICP, CNU-A Planner III (via email)  
Ms. Margie Vazquez, Planner II (via email)  
Mr. LeDarius Scott, Planner, *AICP Candidate*, Planner II (via email)  
Mr. Cameron Jones, Planner II (via email)  
Ms. Pamela Mabry, County Clerk (via email)  
Ms. Robin Stone, Deputy County Clerk (via email)  
Ms. Leila Washington, Deputy County Clerk (via email)  
Mr. Jeffrey Byrd, Fire Marshal's Office (via email)  
Ms. Ligia Florim, Cobb DOT (via email)  
Mr. Carl Carver, P.E., Stormwater Management Division (via email)  
Mr. Tim Davidson, Plan Review, Water System (via email)  
Mr. Owen Brown, Retail Planning Corporation (via email)  
Mr. Kirk Post, President, Hampton Farms HOA President (via email)  
Ms. Kim Swanson, Hampton Farms HOA (via email)  
Mr. W. A. Smitherman, Hampton Farms HOA (via email)  
Mr. Joe Gavalis, Chattahoochee Plantation Estates (via email)  
Ms. Risa Baylis, Riverpark/CPCA (via email)  
Mr. Richard Groome, ECCA President (via email)  
Ms. Chris Lindstrom, ECCA (via email)  
Mr. Abdul K. Amer, P.E., A&R Engineering, Inc. (via email)  
Mr. Michael Toothaker, RLA, Gaskins + LeCraw Engineering Inc. (via email)  
Mr. Suresh Parmar, S&B Investments, Inc. (via email)