

**FEBRUARY 16, 2010 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICT 4**

**ITEM #5**

**PURPOSE**

To consider amending the stipulations for Ms. Kimberly Dumett regarding Z-35 (LIONEL DAVID HOBSON, JR.) of August 19, 2008, for property located in Land Lot 402 of the 19th District on the southerly side of Powder Springs Road, north of Macland Road.

**BACKGROUND**

The subject property is zoned NRC subject to numerous conditions/stipulations that are attached. This request seeks to allow a produce stand to operate from a portion of the front building in addition to the approved sign company. The only changes to the front building being proposed will be the erection of a 12 foot awning to the side of the building where the produce will be displayed for sale. A produce stand originally was a use that was on the stipulated list of uses to be excluded that was submitted by the previous owner. The present owner would like to remove produce stands from the list. The owner is also requesting clarification regarding allowance of other uses in addition to the sign business. Staff can support amending the stipulations to allow other NRC uses, still maintaining the list of excluded uses, but allowing the other NRC uses to be approved by the District Commissioner. If a proposed use is listed on the excluded list, that use would need to be approved by the Board of Commissioners, the same way this use is being considered. This would allow the owner to lease a portion of the building for something other than a sign business. This request also seeks a delay in having to comply with the D.O.T. requirements from the original application until such time the property is redeveloped or some substantial changes are made to the existing buildings. The Other Business application is attached which includes a letter of stipulations from the applicant.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners first determine if the request is minor. If it is determined to be minor, consider the request and if approved, should be subject to all other previously approved conditions/stipulations to remain in effect. The District Commissioner to approve the final design of the proposed addition (produce awning) to the existing building, the District Commissioner to be authorized to approve other uses allowed within the NRC district, omitting uses on the stipulated list of excluded uses and requiring these uses to be approved by the Board of Commissioners. Consider delaying the Cobb D.O.T. required improvements until such time the property is redeveloped. Further subject to the submitted stipulation letter dated January 14, 2010.

**ATTACHMENTS**

Board of Commissioners Decision  
Other Business Application  
Stipulation Letter Dated 1/14/10

ORIGINAL DATE OF APPLICATION: 08-19-08APPLICANTS NAME: LIONEL DAVID HOBSON, JR.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 09-16-08 ZONING HEARING:**

**LIONEL DAVID HOBSON, JR.** (owner) requesting Rezoning from NRC with Stipulations to NRC with Stipulations for the purpose of a Sign Company in Land Lot 402 of the 19<sup>th</sup> District. Located on the southerly side of Powder Springs Road, north of Macland Road.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** Rezoning to the NRC with Stipulations zoning district **subject to:**

- site plan received by the Zoning Division June 4, 2008, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- letter of agreeable conditions from Mr. Garvis L. Sams, Jr., dated July 3, 2008 *with the following change* (attached and made a part of these minutes):
  - Item No. 6 - Add to end of paragraph: *“The LED sign will have light detector/photocell technology by which the brightness can be dimmed when ambient light conditions darken.”*
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED** unanimously

Plat To Accompany Rezoning Application For

# LIONEL D. HOBSON, JR.

LOCATED IN LAND LOT 402, 19TH DISTRICT,  
2ND SECTION, COBB COUNTY, GEORGIA

AREA = 1.561 ACRES  
(68,001 SQ. FT.)

Z-35  
(2008)

**ZONING NOTE.**  
SUBJECT PROPERTY IS CURRENTLY ZONED  
R1C (R2) WHICH WAS PETITIONED IN 2002.  
THIS PLAT HAS BEEN PREPARED FOR ZONING  
PURPOSES ONLY AND IS NOT FOR  
RECORDING.

**NOTE.**  
THERE MAY BE UNDERGROUND UTILITIES  
ASSOCIATED WITH THE SUBJECT PROPERTY  
THAT ARE NOT SHOWN.  
THIS PLAT IS PREPARED FOR EXCLUSIVE USE  
BY THE CLIENT, USE BY ANY THIRD PARTY IS  
AT THEIR OWN RISK.



DATE	DESCRIPTION

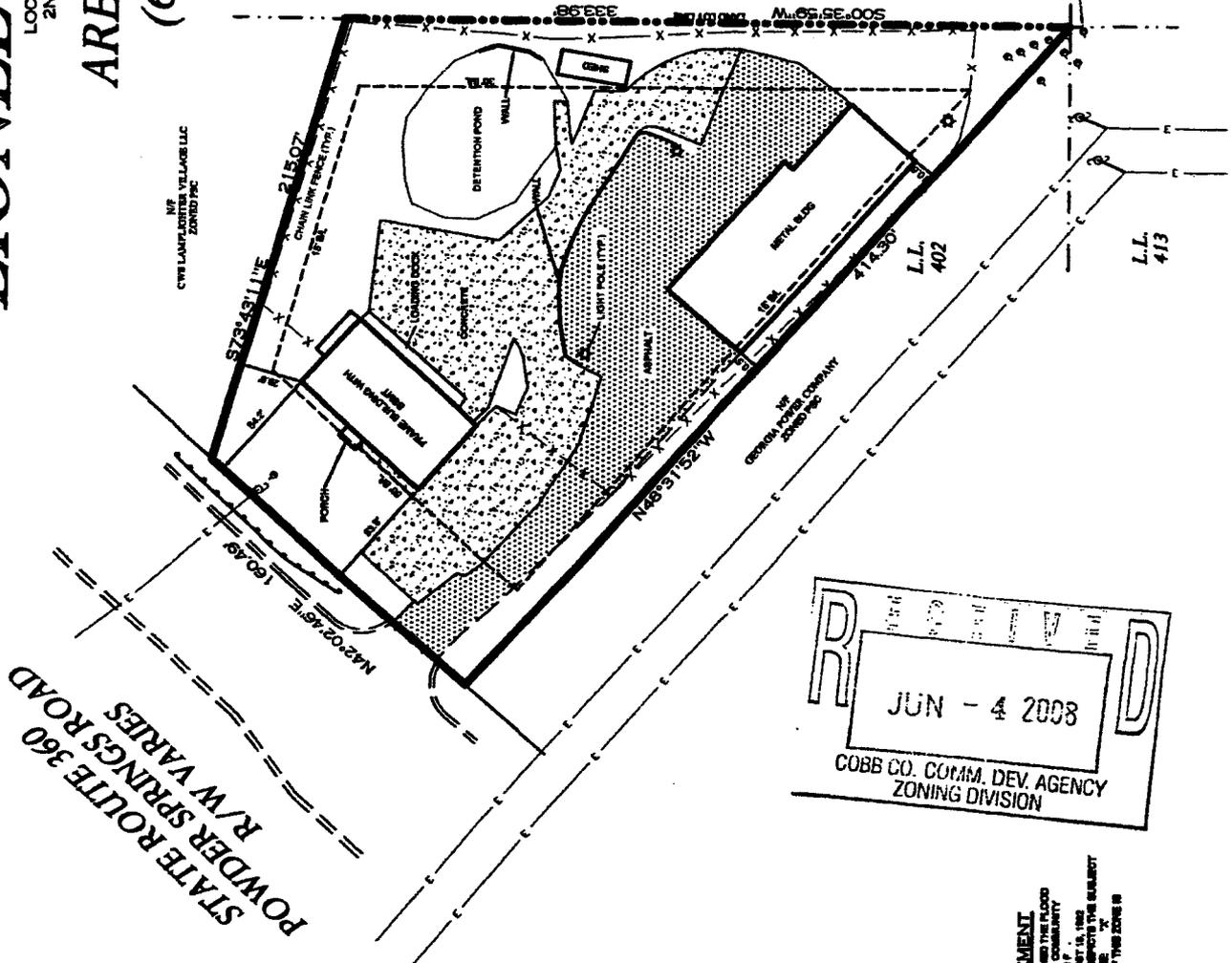
**RUSSELL & COMPANY**  
PROFESSIONAL LAND SURVEYORS  
1000 W. COUNTY ROAD 100  
PO BOX 1000  
Kennesaw, GA 30144  
PHONE 770-426-1100  
FAX 770-426-1101  
PLAT 2008-01-001

Min. Bk. 56 Petition No. Z-35  
Doc. Type Side plan  
Meeting Date 9-16-08

PAGE 4 OF   

L.L. 403

L.L. 412



**RECEIVED**  
JUN - 4 2008  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

**FLOOD STATEMENT**  
I HAVE THIS DATE EXAMINED THE FLOOD  
INSURANCE RATE MAP (FIRM) FOR COMMUNITY  
PANHANDLE COUNTY, GEORGIA  
EFFECTIVE DATE: AUGUST 15, 1982  
THE MAP UNAMBIGUOUSLY SHOWS THE SUBJECT  
PROPERTY IS IN ZONE X  
AN AREA ABOVE THE 100  
YEAR FLOOD PLANE.

STATE ROUTE 360  
POWDER SPRINGS ROAD  
R/W VARIES

NE  
CIVIL LAMPQUETER VILLAGE LLC  
ZONED R1C

NE  
CIVIL LAMPQUETER VILLAGE LLC  
ZONED R1C

NE  
GENERAL POWER COMPANY  
ZONED R1C

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

Min. Bk. 56 Petition No. Z-35  
Doc. Type letter of  
stipulations  
Meeting Date 9-16-08

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI\*  
MELISSA P. HAISTEN  
JUSTIN H. MEEKS

July 3, 2008

770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

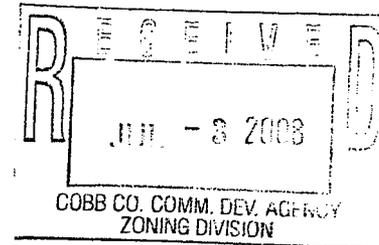
SAMSLARKINHUFF.COM

\*ALSO LICENSED TO PRACTICE  
IN ALABAMA

PAGE 5 OF     

**VIA E-MAIL and**  
**HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661



Re: Application of Lionel "David" Hobson, Jr., to Rezone a 1.56 Acre  
Tract from Conditional NRC to Conditional NRC (No. Z-35)

Dear John:

You will recall that this firm represents the applicant who is also the property owner concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on August 5, 2008 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on August 19, 2008.

In accordance with direction received from the County's professional staff and consistent with our ongoing dialogue with area business owners, I have been authorized by my client to submit this letter of agreeable stipulations which, if the application for rezoning is approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. Rezoning of the subject property shall be from Conditional NRC to Conditional NRC in substantial conformity to that certain site plan, prepared for Lionel D. Hobson, Jr. by The Crusselle Company which was submitted contemporaneously with the Application for Rezoning.

**VIA E-MAIL and**  
**HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
Page 2  
July 3, 2008

3. The subject property<sup>1</sup> will be utilized as the principal place of business of Southern Sign Systems, Inc. which is relocating from the adjacent retail shopping center (1651 Powder Springs Road). Southern Sign Systems intends on utilizing the subject property in its "as-built" configuration. However, the building which is oriented toward Powder Springs Road shall be aesthetically enhanced.
4. The hours of operation shall be Monday through Friday from 8:00 a.m. until 6:00 p.m.
5. There will be approximately six (6) employees working in the building fronting on Powder Springs Road and approximately four (4) to six (6) employees working in the rear building which is located next to the Lamplighter Village Mobile Home Community.
6. Signage for the sign company shall be ground-based, monument style, with finished materials and color being in substantial conformity to the aesthetic upgrades to the building fronting on Powder Springs Road. Signage shall be in conformity with the Cobb County Sign Ordinance and may consist of LED/electronic components. There shall be no roof signs, exterior temporary signs or banners.
7. Any newly installed lighting shall be environmentally sensitive, low level luminaries fitted with non-glare lenses to prevent illumination from penetrating outside the boundaries of the subject property.
8. Any newly installed security lighting on the buildings shall be fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.
9. The building located on the rear of the subject property will contain a MultiCam 3000 Series CNC Router used in connection with the sign business. The Router shall be fully enclosed within the building which will be insulated.
10. Any dumpsters servicing the sign company shall be enclosed and shielded from view. All dumpsters will have rubber lids to minimize noise.

---

<sup>1</sup> The subject property was rezoned to its present NRC classification for the purposes of a Walgreen's pharmacy in December, 2002 (No. Z-155); however, Walgreen's chose a different location.

**VIA E-MAIL and**  
**HAND DELIVERY**

Petition No. 2-35  
Meeting Date 9-16-08  
Continued

PAGE 7 OF     

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
Page 3  
July 3, 2008

11. The following otherwise permitted uses under the NRC classification shall be prohibited:
- a. Video arcades as a primary business.
  - b. Tattoo parlors and body piercing shops.
  - c. Billiard parlors.
  - d. Pawn shops, title pawn shops or checking cashing establishments.
  - e. Shooting ranges.
  - f. Houses of worship.
  - g. Any business which principally features sexually explicit products or drug-related paraphernalia.
  - h. Commercial produce and agricultural product stands.
  - i. Community fairs.
  - j. Designated recycling and collection locations.
  - k. Emissions and inspection stations.
  - l. Group homes.
  - m. In-home day care.
  - n. Rest homes, personal care homes or convalescent homes.
  - o. Self service laundry facilities.

Petition No. 2-35  
Meeting Date 9-16-08  
Continued

**VIA E-MAIL and**  
**HAND DELIVERY**

PAGE 8 OF     

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
Page 4  
July 3, 2008

12. Compliance with recommendations from the Cobb County Department of Transportation that any substantive redevelopment of the subject property, other than aesthetic upgrades or utilization as built, will require the installation of sidewalk, curb and gutter on the subject property's frontage and the installation of a deceleration lane with a taper at the subject property's point of ingress and egress.
13. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on site detention and water quality.
14. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
15. Compliance with the recommendations of the Cobb County Water System with respect to the availability of water and sewer to service the subject property.
16. Minor modifications to the site plan and this letter of agreeable stipulations/conditions may be approved by the District Commissioner during the Plan Review process.

Please do not hesitate to call should you require additional information or documentation prior to the formulation of your staff analysis and recommendations. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLSjr/jbmc

cc: Shown on next page.

**VIA E-MAIL and**  
**HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
Page 5  
July 3, 2008

Petition No. 2-35  
Meeting Date 9-16-08  
Continued

PAGE 9 OF 9

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery  
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail  
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail  
Mr. Mark A. Danneman, Manager – VIA Hand Delivery  
Mr. John M. Morey – VIA E-Mail and First Class Mail  
Mr. David Breaden – VIA E-Mail  
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery  
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery  
Mr. L. David Hobson  
Ms. Kimberly Dumett, Southern Sign Systems – VIA E-Mail

# Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 2-16-2010

Applicant: Kimberly Dumett Phone #: 678-290-1613  
(applicant's name printed)

Address: 1691 Powder Springs Rd E-Mail: kdumett@southern signs.us

Kimberly Dumett Address: same  
(representative's name, printed)

[Signature] Phone #: 678-290-1613 E-Mail: kdumett@southern signs.us  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: October 31, 2011  
Notary Public



Titleholder(s): Big Mountain Properties Phone #: 770-358-0354  
(property owner's name printed)

Address: 1691 Powder Springs Rd E-Mail: kdumett@southern signs.us

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: October 31, 2011  
Notary Public



Commission District: 4 Zoning Case: Z-35

Date of Zoning Decision: 8-19-08 Original Date of Hearing: 8-5-08

Location: 1691 POWDER SPRINGS ROAD  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 402 District(s): 19

State specifically the need or reason(s) for Other Business: see attached

(List or attach additional information if needed)



January 14, 2010

Mr. Mark Danneman  
Cobb County Zoning  
191 Lawrence Street  
Marietta, GA 30064

Re: 1691 Powder Springs Rd.

Dear Mr. Danneman,

I would like to thank you in advance for meeting with Mr. Murrey Holman and Mr. Woody Thompson and discussing the Zoning issues with my property located at 1691 Powder Springs Rd., Marietta GA 30064. As Mr. Holman informed you we are happy to have the opportunity to sign a rental lease with Joanne and Charles Lindsay of J & J Produce. We want to be sure that J & J Produce will be able to conduct their business in the front building located on our property. The Lindsay's have agreed to make sure that all cash transactions will be handled from the store area inside the building. They also have agreed to add a permanent awning, designed to complement the existing structure in either wood or aluminum with a shingled roof. The awning will not protrude more than 12' from the building. Pursuant to a request from Mr. Holman, I will also be happy to make some landscaping improvements on the easement located on our property. We will cut down the existing vegetation maintain it at least once per quarter and plant 18-20 saplings at 5' centers. We will also remove the silt fence.

As I know you are aware we purchased the property over a year ago and at that time the property was re-zoned to NRC with (15) stipulations. The purpose of the rezoning was to allow the relocation of our business, Southern Sign Systems, Inc., as a renter in the back warehouse and to utilize the front building for other purposes allowable with the NRC district. Unfortunately, we have had extreme difficulty leasing and would greatly appreciate having the wording clarified and thereby allowing us to utilize the property as intended.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Dumett", written over a horizontal line.

Kimberly Dumett  
Co-Owner Big Mountain Properties, LLC

Cc: Mr. Murrey Holman  
Mr. Woody Thompson  
Joanne & Charles Lindsay