

**SEPTEMBER 20, 2011 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 1

PURPOSE

To consider a stipulation amendment for Mr. Rabah Mouas who represents 3778 Canton Road, LLC regarding rezoning application Z-74 of 2001 (Robert E. Hightower), for property located at the northeast intersection of Canton Road and Centerview Drive in Land Lots 299 and 300 of the 16th District.

BACKGROUND

The subject property was zoned GC and CRC with stipulations for a contractor’s office and retail in 2001. The north half of the property is zoned GC limited to CRC permitted uses; the basement of the north half is zoned for a contractor’s office only. The south half of the property is zoned CRC. The development plan was amended in 2004 and in 2005 to facilitate the current development on the property. There is a one story brick building with a basement on the property. The applicant would like to amend the zoning stipulations to allow two additional uses on the property. First, the applicant is requesting that a baseball training facility be allowed in the basement of the GC zoned property. There would be batting cages, pitching training and fielding training taught in the basement. Second, the applicant would like to include one more use in the GC zoned property that was excluded. This use would be for scooter sales and service, which may also have some accessory motorcycle repair. This use would be located in one of the store fronts facing Canton Road. There will not be any changes to the property and there will not be any outdoor displays or storage. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Zoning stipulations (Exhibit A)
Other Business Application (Exhibit B)
Site plan (Exhibit C)

ORIGINAL DATE OF APPLICATION: 06-19-01

September 20, 2011 Exhibit "A" Other Business Item 01

APPLICANTS NAME: ROBERT E. HIGHTOWER

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 07-17-01 ZONING HEARING:

ROBERT E. HIGHTOWER (Daniel E. Busch and Ronald L. Becker, owners) for Rezoning from **R-20** to **GC** for the purpose of a Contractor's Office and Retail Sales in Land Lots 299 and 300 of the 16th District. Located on the east side of Canton Road, north of Centerview Drive.

The public hearing was opened and Mr. Garvis Sams, Ms. Pam Oslin, and Mr. David Poteet addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Olens, second by Byrne, to **approve** rezoning request to the **GC zoning district with stipulations** to allow for a plumbing contractor business located in the lower level for the northern portion of the property, and to **delete** rezoning request to the **CRC zoning district with stipulations** for the southern portion of the property **subject to:**

- agreeable stipulations/conditions dated July 3, 2001, not otherwise in conflict (copy attached and made a part of these minutes)
- GC classification for the northern portion of the property is use specific to allow the plumbing contractor business of Robert E. Hightower in the lower level of the building *only*; any future use change must come back to the Board of Commissioners for approval; all other uses within said building shall be those permitted under the CRC classification *excluding automobile truck and trailer leases, automotive and truck sales and service facilities, automotive paint and body shop repairs, automotive parking lots and garages, billiards and pool halls, boarding kennels, bus stations, car washes, commercial greenhouses, convenience stores with fuel sales, liquor stores, emission and inspection stations, motels, parking for vehicles, communication towers, rooming and boarding houses*
- CRC uses for the southern portion of the property shall be bound by the same exclusions for CRC uses as specified for the northern portion of the property
- 40' undisturbed buffer adjacent to property owned by Ms. Pamela Oslin
- County Arborist, Ms. Pamela Oslin, and a representative of the applicant shall participate in the landscape plan for the purpose of screening the rear of the building from the Oslin property, with the County Arborist having final approval of the plan
- if desired by Ms. Pamela Oslin, installation of fencing adjacent to the Oslin property

ORIGINAL DATE OF APPLICATION: 06-19-01

September 20, 2011
Exhibit "A"
Other Business Item 01

APPLICANTS NAME: ROBERT E. HIGHTOWER

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 07-17-01 ZONING HEARING (Continued):

- minimum 25' landscape/greenspace buffer along Centerview Drive
- Garbage pickup Monday through Saturday between the hours of 7 a.m. to 7 p.m.
- maximum of two (2) plumbing contractor vehicles to be parked on site at night
- parking spaces to be limited in number as required by the Cobb County Code; if any additional parking spaces are needed, a variance would be required from the Board of Zoning Appeals
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- Water and Sewer Division comments and recommendations

VOTE: **ADOPTED** unanimously

APPLICATION OF ROBERT E. HIGHTOWER
TO REZONE A 1.322 ACRE TRACT FROM R-20 TO GC (NO. Z-74)

AGREEABLE STIPULATIONS/CONDITIONS
JULY 3, 2001

Min. Bk. 17 Petition No. Z-74
Doc. Type Agreeable stipulations/
conditions
Meeting Date July 17, 2001

In accordance with dialogue established with the County's professional staff, representatives of the Northeast Cobb Homeowners Group and adjacent residents, the following stipulations shall become conditions and a part of the grant of the rezoning, as submitted and revised, and binding upon the subject property thereafter:

1. Maximum height of the buildings shall be one (1) story with a basement. Each building shall have a maximum of 9,600 square feet per building (4,800 square feet per floor).
2. Architectural style of the buildings shall be residential in appearance with pitched roofs and brick on all sides, consistent with the architectural renderings provided to staff contemporaneously herewith.
3. Trash and refuse containers shall be located on the northeastern portion of the subject property and shall be enclosed on at least three (3) sides and shielded from view.
4. The installation of a 40' undisturbed buffer adjacent to property owned by Ms. Pamela Oslin. Additionally, the installation of a landscape/green space area along Centerview Drive as shown on the revised site plan.

5. An agreement that the southernmost tract shall be rezoned to the CRC classification and that the northernmost tract be rezoned to the GC classification to allow for a plumbing contractor business therein. Both tracts shall otherwise allow those uses permitted under the CRC classification.
6. In addition to the foregoing, an agreement that there will be no liquor/package stores nor will there be any outside storage of any kind whatsoever.
4. All external lighting in parking areas or on buildings shall be low intensity, environmental type lighting with direct illumination being confined within the perimeter of the subject property.
5. Compliance with Cobb County Department of Transportation recommendations, including the following:
 - a. The construction of a 150' deceleration lane with a 50' taper.
 - b. The construction of sidewalk, curb and gutter on both Canton Road and Centerview Drive.
 - c. No access to Centerview Drive.
 - d. Interparcel access.

Petition No. 2-74
Meeting Date July 17, 2001
Continued

6. The submission of a landscape plan during Plan Review for staff and the Arborist's review and approval.

7. Compliance with the Cobb County Sign Ordinance and the erection of ground-based, monument style signage, consistent with the architectural theme as aforementioned.

8. Subject to recommendations from the Cobb County Development & Inspections Department and its Stormwater Management Division with respect to hydrology, stormwater concerns and down stream considerations.

Petition No. Z-74
Meeting Date July 17, 2001
Continued

ORIGINAL DATE OF APPLICATION: 06-19-01APPLICANTS NAME: ROBERT E. HIGHTOWER
(Amendment for Mr. Don Westbrook)THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 03-16-04 ZONING HEARING:****OTHER BUSINESS ITEM #2 - TO CONSIDER AMENDING THE STIPULATIONS FOR MR. DON WESTBROOK REGARDING Z-74 (ROBERT E. HIGHTOWER) OF JUNE 19, 2001**

To consider amending the stipulations for Mr. Don Westbrook regarding Z-74 (Robert E. Hightower) of June 19, 2001, for property located on the east side of Canton Road, north of Centerview Drive in Land Lots 299 and 300 of the 16th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend stipulations. Following presentation and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to **approve** amendment to stipulations for Mr. Don Westbrook regarding Z-74 (Robert E. Hightower) of June 19, 2001, for property located on the east side of Canton Road, north of Centerview Drive in Land Lots 299 and 300 of the 16th District **subject to:**

- use as electrical contractor business
- one-story building, with brick on all four sides, similar to the architectural rendering presented (copy attached and made a part of these minutes)
- District Commissioner to approve final architectural design
- all previously approved conditions/stipulations to remain in full force and effect

VOTE: **ADOPTED** unanimously

PAGE 10 OF 12

APPLICATION NO. _____

ORIGINAL DATE OF APPLICATION: 06-19-01

APPLICANTS NAME: ROBERT E. HIGHTOWER

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 02-15-05 ZONING HEARING:

**OTHER BUSINESS ITEM #7 - TO CONSIDER AMENDING THE
STIPULATIONS REGARDING Z-74 (ROBERT E. HIGHTOWER) OF JUNE 19,
2001**

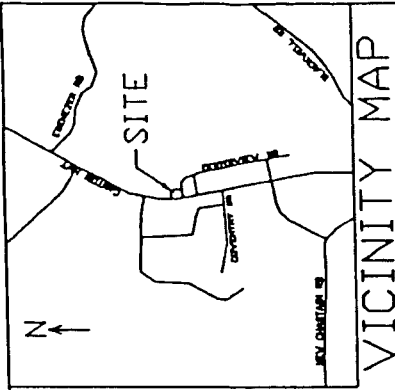
To consider amending the stipulations regarding Z-74 (Robert E. Hightower) of June 19, 2001, for property located on the east side of Canton Road, north of Centerview Drive in Land Lots 299 and 300 of the 16th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend the stipulations. Following presentation and discussion, the following motion was made:

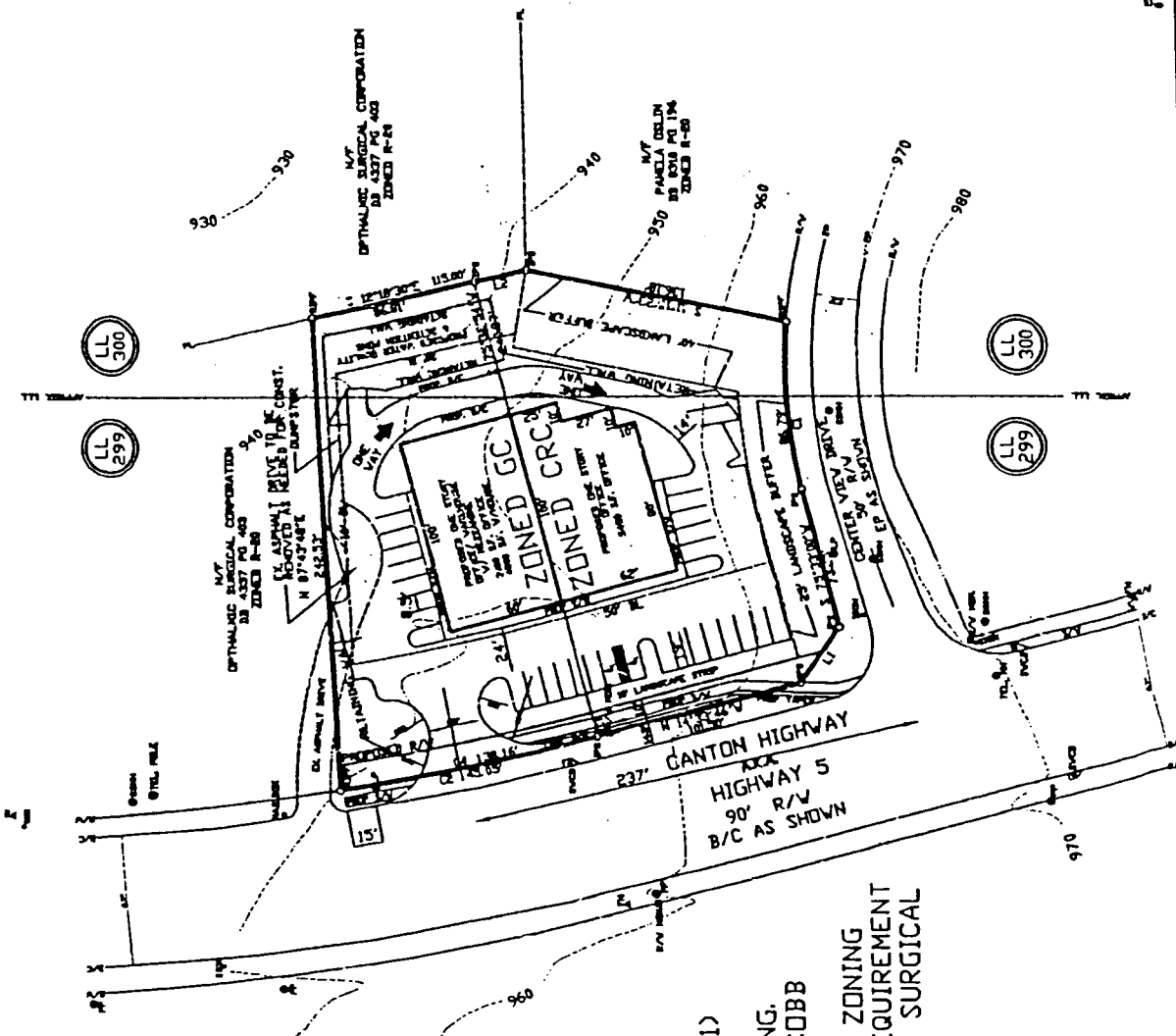
MOTION: Motion by Lee, second by Olens, to **approve** site plan amendment regarding Z-74 (Robert E. Hightower) of June 19, 2001, for property located on the east side of Canton Road, north of Centerview Drive in Land Lots 299 and 300 of the 16th District **subject to:**

- site plan last revised December 9, 2004 (copy attached and made a part of these minutes)
- allowance of one (1) one-story office building with 12,980 square feet
- deletion of requirement for a 40'foot buffer adjacent to Ophthalmic Surgical COBB Corporation to allow for a driveway and detention pond
- letter from Ms. Pamela Oslin dated January 10, 2005 (copy attached and made a part of these minutes)
- all other previously approved conditions/stipulations to remain in full force and effect

VOTE: **ADOPTED** unanimously



Min. Bk. 33 Petition No. OB#7 (Z-74 08/19/01)
 Doc. Type Site Plan
 Meeting Date 2/15/05



TRACT AREA = 1.47 ACRES (63,812 S.F.)

CLASS	AREA	PERCENT	ACRES	PERCENT
C-1	1.47	100.00	1.47	100.00

LINE	BEARING	DISTANCE
L-1	N 89° 45' 00" W	151.00
L-2	S 89° 45' 00" E	151.00

PROJECT DATA:
 TRACT ZONED GC & CRC (Z-74 2001)
 BOUNDARY SURVEY PREPARED BY
 PAUL LEE CONSULTING ENGINEERING.
 TOPOGRAPHIC DATA TAKEN FROM COBB
 GIS PANEL.
 PURPOSE OF THIS PLAT TO AMEND ZONING
 APPROVAL TO REMOVE BUFFER REQUIREMENT
 ALONG PROPERTIES OF OPHTHALMIC SURGICAL
 CORPORATION.



ROB MOUAS

PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.
 1775 GUNN RD. SUITE 100
 ATLANTA, GA 30329
 TEL: 404-525-1100 FAX: 404-525-1101

JAN 13 2005

10:30 AM

COBB COUNTY COMM. DEV. DEPT.
ZONING DIVISION

3780 Centerview Dr.
Marietta, GA 30066

January 10, 2005

Commissioner Tim Lee
Cobb County Board of Commissioners
100 Cherokee Street
Marietta, GA 30090

Min. Bk. 33 Petition No. DB# 7 (Z-74 of 6/19/01)
Doc. Type Letter from Ms. Pamela Oslin
Meeting Date 2/15/05

Dear Commissioner Lee,

Thank you for protecting my interest as to the development of the property fronting on Canton Hwy.

I have met with Mr. Rob Mouas and I am very pleased with his development subject to the following conditions which I have agreed to and support.

1. Mr. Mouas is to build 1 approx. 11, 000 sq. ft 4 sided brick building on the property
2. Approx. 50 % of the building is to be occupied by his electrical contractors business.
3. The remainder of the building is to be leased with the same restrictions imposed on the previous zoning Z-74 of July 17, 2001.
4. The 40 ft. landscape buffer adjacent to my property is to be reduced to 20 ft. with me and the county arborist approving the landscaping and screening plan.
5. The 25 ft. buffer adjacent Centerview Dr. will be eliminated to the minimum with Mr. Mouas installing a retaining wall adjacent to the Centerview Dr. property line and landscaping the right of way green area appropriate for this type of development and similar to the beauty shop on the southerly side of Centerview Dr., across the street from his development.

Thank you for your consideration and I am certain Mr. Mouas will provide a quality development that will be a credit to our community.

Sincerely,

Pamela M. Oslin

Pamela Oslin

770-928-9626

September 20, 2011
Exhibit "B"
Other Business Item 01

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 9-20-11

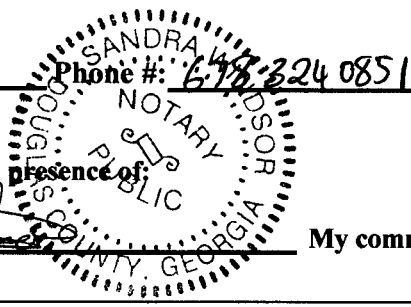
Applicant: 3778 CANTON RD LLC Phone #: 770-780-8406
(applicant's name printed)

Address: 3778 CANTON RD SK 200 30066 E-Mail: -

Rabah MOUAS Address: 5030 Ashley PL Acworth GA 30102
(representative's name, printed)

R. Mouas Phone #: 678-324-0851 E-Mail: R.MOUAS@comcast.net
(representative's signature)

Signed, sealed and delivered in presence of:
[Signature] My commission expires: 3-16-15
Notary Public

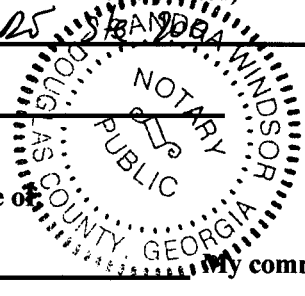


Titleholder(s): 3778 CANTON RD LLC Phone #: 770 780 8406
(property owner's name printed)

Address: 3778 CANTON RD SK 200 30066 E-Mail: R.MOUAS@comcast.net

R. Mouas
(Property owner's signature)

Signed, sealed and delivered in presence of:
[Signature] My commission expires: 3-16-15
Notary Public



Commission District: 3 Zoning Case: Z-74 of 2001

Date of Zoning Decision: 7-17-01 Original Date of Hearing: 7-7-01

Location: 3778 CANTON RD Marietta GA 30066
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 299 & 300 District(s): 16th

State specifically the need or reason(s) for Other Business: Amend zoning stipulations to allow commercial indoor recreation uses (Baseball batting cage, etc.) where the plumbing contractor was stipulated. Also, amend stipulations to allow motor scooter sales (primarily) with some motorcycle sales on the GC zoned property (no outdoor storage).

(List or attach additional information if needed)

