

**FEBRUARY 19, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 2

PURPOSE

To consider a stipulation amendment for the Robert Feldberg regarding rezoning application Z-70 of 2005 (Robert Feldberg), for property located on the northeasterly side of Atlanta Road and on the northern side of Winchester Parkway in Land Lot 748 of the 17th District.

BACKGROUND

The subject property is zoned Neighborhood Retail Commercial (NRC) for a commercial indoor recreation use, a printing business or a church. The applicant would like to allow other permitted uses under the NRC zoning district in order to expedite future leases on the property. During the December 2012 Other Business hearing for this property, the Board of Commissioner’s directed the applicant to present a list the permitted and prohibited uses on this property. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business application, list of excluded uses and zoning stipulations.

02-19-2013 BOC Zoning
Hearing per 12-18-2012
BOC direction

2

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 12-18-12

Applicant: Robert Feldberg Phone #: 770-434-3050
(applicant's name printed)

Address: 415 Laurel chase ct.; Atlanta GA 30327 E-Mail: bobf@reproproducts.com

Robert Feldberg Address: 4479 Atlanta Road; Smyrna GA 30080
(representative's name, printed)

Robert Feldberg Phone #: 770-434-3050 E-Mail: SAME as Above
(representative's signature)

Signed, sealed and delivered in presence of:

Brenda W. Hansen My commission expires: NOTARY PUBLIC COBB COUNTY, GEORGIA
MY COMMISSION EXPIRES JULY 7, 2013
Notary Public

Titleholder(s): Robert S. Feldberg Phone #: 770-434-3050
(property owner's name printed)

Address: 415 Laurel chase CT.; Atlanta GA 30327 E-Mail: SAME as above

Robert Feldberg
(Property owner's signature)

Signed, sealed and delivered in presence of:

Brenda W. Hansen My commission expires: NOTARY PUBLIC COBB COUNTY, GEORGIA
MY COMMISSION EXPIRES JULY 7, 2013
Notary Public

Commission District: 2 Zoning Case: Z-70

Date of Zoning Decision: 5-17-05 Original Date of Hearing: 5-17-05

Location: (4479) Now 4485 Atlanta Road, Smyrna GA 30080
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 748 District(s): 17

State specifically the need or reason(s) for Other Business: Amend stipulations
from "commercial indoor recreation or the applicant's printing
business use only" to also allow a "religious facility" or
other uses allowed under NRC subject to approval of
the District Commissioner.

(List or attach additional information if needed)

d. *Group home* means a dwelling shared by six or less persons, excluding resident staff, who live together as a single house-keeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall apply to homes for the handicapped. As used in this subsection, the term "handicapped" shall mean:

1. Having a physical or mental impairment that substantially limits one or more of such person's major life activities so that such person is incapable of living independently;
2. Having a record of having such an impairment; or
3. Being regarded as having such an impairment.

However, the term "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

e. *Light automotive repair establishment* means an indoor repair establishment (no outside storage) for performing light auto and small truck repair (under one ton) such as brake repair, oil changes, lubrication, transmission repair, installation of belts and hoses, inspections and the like, with a maximum size of 8,000 square feet.

f. *Neighborhood retail uses* means commonly found low scale and low intensity retail uses, with square footages as defined in the use limitations section (11) of this district, that offer basic services and frequently purchased goods to the immediate surrounding residential areas, such as the following: auto parts

store, antique shop, appliance store (home use), bakery, barbershop or beauty shop, beverage shop, bookstore (but not including adult bookstores), bridal shop, camera shop, china and pottery store, clothing store, dance studio, delicatessen, dog grooming shop, draperies and interior decorating supplies, drugstore, hardware store, dry goods store, florist, furniture store, gifts and stationery store, jewelry store, manicurist shop, meat market or butcher shop, millinery store, mimeograph and letter shop, music store, novelty shop, paint store, pedicurist shop, shoe repair shop, shoe store, sporting goods store, supermarket or grocery, tailor shop, toy store, variety shop or video store.

g. *Nonautomotive repair uses* means commonly found low intensity repair shops such as jewelry, camera, home appliance, television and videocassette recorder repair shops.

h. *Office service and supply establishments* means wholesale and retail commercial establishments that sell, service and supply small office equipment and supplies, such as stores that offer sales of copiers, facsimile machines, typewriters, ribbons, transcribers, dictation equipment, tape, staplers and other general office equipment.

i. *Professional office* means a structure wherein services are performed involving predominately administrative, professional or clerical operations such as the following: law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist, investigative services, photographer, insurance, contractor, land surveyor, telephone sales, political/campaign, veterinarian or travel bureau.

(3) *Permitted uses.* Permitted uses are as follows:

Banks and financial institutions with drive-in establishment or automated transfer machines.

Billiards and pool halls, subject to chapter 78, article III, division 6, pertaining to pool rooms.

Carwashes.

Churches, chapels, temples, synagogues, and other such places of worship.

~~Commercial produce and agricultural product stands.~~

~~Community fairs.~~

Convenience food stores with self-service fuel sales, provided that the building shall not exceed 3,000 square feet in gross floor area and that no automotive repairs shall be done on-site.

Cultural facilities.

~~Designated recycling collection locations.~~

Eating and drinking establishments, including drive-in fast food restaurants.

~~Emissions or inspection stations. (No temporary buildings/tents to be utilized after June 30, 1998.)~~

~~Executive golf courses (see section 134-270).~~

Film developing and printing facilities.

~~Free-standing climate controlled self-service storage facilities. The following minimum standards shall apply to free-standing climate controlled self-service storage facilities:~~

1. Building height should not exceed those of adjacent buildings, nor impact the view shed of adjacent residential property.
2. F.A.R. should be .75 or as determined appropriate by the board of commissioners.
3. All units shall be accessed through a main or central entrance.
4. All windows or similar architectural features must be "one way" and provide for an opaque screen from view outside of the building.
5. Architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center. Said architectural style/design to be approved by the board of commissioners. Any roof-mounted utilities or building components must be sufficiently screened from view of adjoining properties and public right-of-way.

6. There shall be no outside storage allowed nor overnight and/or long-term parking of heavy equipment, commercial equipment or parking of construction or related equipment allowed.

7. There shall be no storage of recreational vehicles and no dry storage of pleasure boats of any type customarily maintained by private individuals for their personal use.

8. ~~There shall be no storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals.~~

9. No units within the facility shall be used for or considered to be premises for the purpose of assigning a legal address in order to obtain an occupational license or any other government permit or licenses to do business.

10. There shall be no resident manager or any type of overnight accommodations for such.

11. ~~Landscape plan to be approved by staff with emphasis on planting within the parking facilities.~~

12. ~~One parking space shall be provided per every 80 individual storage units/areas.~~

13. Loading area, including adequate turnaround space for a tractor trailer vehicle, must be screened by a permanent architectural or landscape feature or as may be approved by the board of commissioners if not located to the side or rear of proposed structure.

14. Lighting plan to be approved by the board of commissioners.

15. No units shall be used to manufacture, fabricate or process goods, to service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities, to conduct garage sales or retail sales of any kind, to rehearse or practice utilizing band instruments, or for conversion to

an apartment or dwelling unit, or to conduct any other commercial or industrial activities on the site.

- 16. Dumpster areas and detention areas must be sufficiently screened from view of adjoining properties and public right-of-way.
- 17. Hours of operation to be established by the board of commissioners, considering the operation hours of surrounding businesses.
- 18. Special land use permit as provided in section 134-37.

Freestanding ice vending machines. The following minimum standards shall apply to freestanding ice vending machines:

- 1. Architectural style must be similar to or complimentary to the architectural styles of contiguous properties and consistent with the county's architectural guidelines.
- 2. Any roof-mounted utility, conditioned air unit or other mechanical device associated with the operation of the machine must be screened from the view of public right-of-way with an architectural feature similar to or complimentary to the architectural styles of contiguous properties. Further, these utilities, units or mechanical devices must include a noise abatement feature or device that abates noises or sounds from adjacent residential property.
- 3. Special land use permit as required in section 134-37.

Full service gasoline stations.
Funeral homes.

~~Golf courses, 18-hole regulation, public and private (see section 134-270).~~

~~Golf courses, par 3 (see section 134-270).~~

~~Group homes.~~

~~In-home day care.~~

Laundry and dry cleaning pickup establishments.

~~Light automotive repair establishments, provided the building shall not exceed 8,000 square feet in floor area.~~

Neighborhood retail uses.

Nonautomotive repair service establishments.

Nonprofit (seasonal use) fishing lakes.

Nursery schools and child day care centers.

Office service and supply establishments.

Parking for vehicles:

Private parks.

Professional offices.

Radio, television and other communication towers and antennas subject to section 134-273.

Rest homes, personal care homes or convalescent homes.

Self-service laundry facilities.

Temporary uses.

(4) Lot size and setback requirements. Lot size and setback requirements are as follows:

- a. Minimum lot size: 20,000 square feet.
- b. Minimum lot width at front setback line: 60 feet.
- c. Minimum public road frontage: 50 feet.
- d. Minimum building setbacks: As shown and applied in the following diagram:

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APPLICATION NO. Z-70

ORIGINAL DATE OF APPLICATION: 05-17-05

APPLICANTS NAME: ROBERT FELDBERG

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

BOC DECISION OF 05-17-05 ZONING HEARING:

ROBERT FELDBERG for Rezoning from **LI** to **CRC** for the purpose of Commercial Indoor Recreation in Land Lot 748 of the 17th District. Located at the northeast intersection of Atlanta Road and Winchester Parkway (private road).

Prior to a motion and vote on the Consent Agenda, Commissioner Thompson discussed additional stipulations with the Applicant.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **delete** rezoning to the NRC zoning district **subject to:**

- **site plan received by the Zoning Division March 10, 2005, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **commercial indoor recreation or the Applicant's printing business use only**
- **no inflatable rides, games or other activities allowed outside; all activities to be inside the building**
- **no exterior inflatable signs or advertising devices**
- **signage to be in compliance with County sign ordinance; signage to contain no flashing sign components; no exterior roof signs, temporary signs (except grand opening signs), leasing signs, or signs indicating the coming business**
- **all lighting to be environmentally sensitive, decorative, and themed to the community**
- **no tenant (NRC business) vehicles or other vehicles to be parked in front of the proposed development containing tenant identification, advertisement, or "for sale" signs posted thereon; vehicles actively used in the operation of the existing businesses may contain signage**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 18, 2012
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OTHER BUSINESS (CONT.)

ITEM NO. 2

To consider a stipulation amendment for Robert Feldberg regarding rezoning application Z-70 of 2005 (Robert Feldberg), for property located on the northeasterly side of Atlanta Road and on the northern side of Winchester Parkway in Land Lot 748 of the 17th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding a stipulation amendment to allow religious use or other uses allowed under NRC. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **approve** Other Business Item No. 2 for stipulation amendment regarding application Z-70 of 2005 (Robert Feldberg), for property located on the northeasterly side of Atlanta Road and on the northern side of Winchester Parkway in Land Lot 748 of the 17th District, **subject to:**

- **Allow religious facility; Applicant to present a stipulation letter listing the prohibited uses under NRC as Other Business at the February 19, 2013 Board of Commissioners Zoning Hearing**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously

ITEM NO. 3

To consider site plan and stipulation amendments for Tri-Kell Investments, Inc. regarding rezoning application Z-49 of 2008 (Tri-Kell Investments, Inc.), for property located at the northwesterly intersection of Paces Mill Road and U.S. Highway 41 in Land Lots 976, 977, 1016 and 1017 of the 17th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding a stipulation and site plan amendment to move office tower and remove a stipulation. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **approve** Other Business Item No. 3 for stipulation and site plan amendments regarding application Z-49 of 2008 (Tri-Kell Investments, Inc.), for property located at the northwesterly intersection of Paces Mill Road and U.S. Highway 41 in Land Lots 976, 977, 1016 and 1017 of the 17th District, **subject to:**

McCreary Engineering, Inc.
 1500 WINGBERRY PARKWAY
 SUITE 200
 DUBLIN, GEORGIA 30008
 (770) 491-6681

REVISIONS

REPRO PRODUCTS, INC.
 LAND LOT 748, 17th DISTRICT
 COSS COUNTY, GEORGIA

17
 SHEET NO. 17

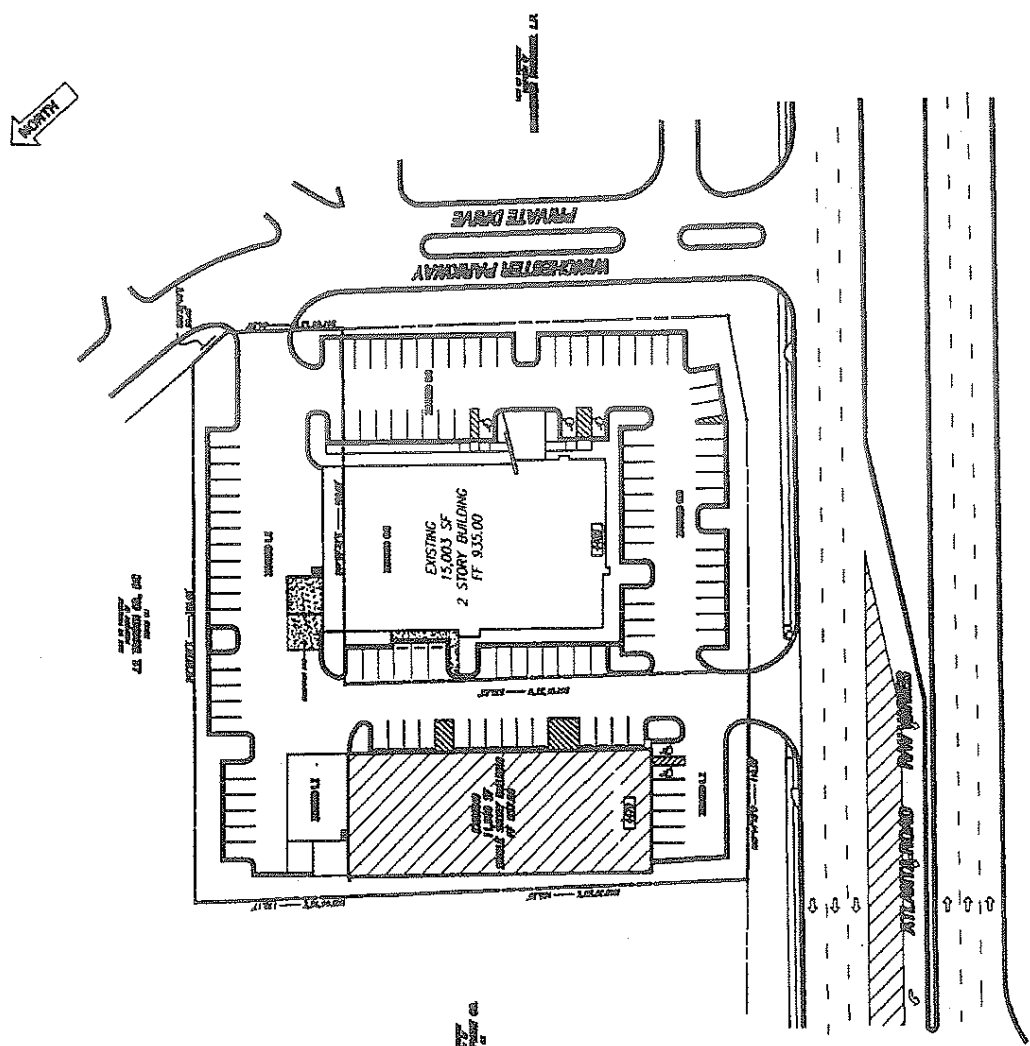
Min. Bk. 34 Petition No. Z-70
 Doc. Type Site Plan
 Meeting Date May 17, 2005



SITE PLAN

SCALE 1" = 50'

1. THIS PLAN IS A PRELIMINARY PLAN.
2. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.
3. THE CITY ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN IF THE INFORMATION IS NOT TRUE AND CORRECT.
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RECEIVED
 MAR 10 2005
 COMMUNITY DEVELOPMENT DEPT. Revised