

**AUGUST 19, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-54

PURPOSE

To consider a stipulation amendment for Jack & Julia Mattern regarding rezoning application Z-13 of 2013 (Michael McMillen and Justin McMillen), for property located on the east side of Atlanta Road, south of Paces Ferry Road in Land Lot 743 of the 17th District.

BACKGROUND

The subject property was rezoned to Limited Retail Commercial (LRC) on June 19, 2013. The applicant’s company designs and builds interiors used to restore homes and businesses. Their plans for the building are to use it as a design showroom and office space where clients come to see samples of furniture and fabric and other accessories. There are two zoning conditions they must amend in order to use and renovate the property. First, the applicant would need the stipulation that restricts signage to a ground based monument style sign only amended to also allow small wall signs above the front door and side doors. Second, the applicant would need to amend the allowable materials on the building to include synthetic stucco (EFIS), hardi-plank, and painted block. If approved, all other zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

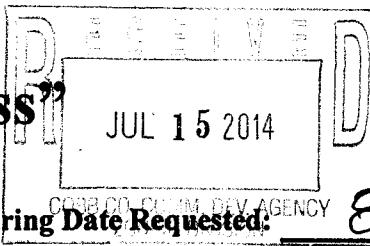
The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

ATTACHMENTS

Other Business Application and zoning stipulations.

Application for "Other Business" Cobb County, Georgia

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



OB-54

BOC Hearing Date Requested: 8-19-14

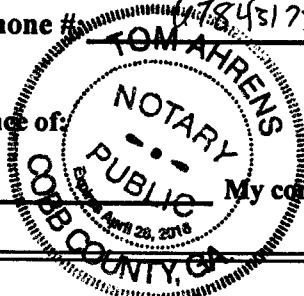
Applicant: JACK & JULIA MATERN Phone #: 678 431 7539
(applicant's name printed)

Address: 3691 ATLANTA ROAD E-Mail: julia@completeremodeling.com
4201 Windy Grove Way Smyrna

JACK & JULIA MATERN Address: _____
(representative's name, printed)

Julia Matern Phone #: 678 431 7539 E-Mail: jack@completeremodelingsolutions.com
(representative's signature)

Signed, sealed and delivered in presence of: _____
Tom Ahrens My commission expires: 4/24/2014
Notary Public



Titleholder(s): _____ Phone #: _____
(property owner's name printed)

Address: _____ E-Mail: _____

(Property owner's signature)

Signed, sealed and delivered in presence of: _____
My commission expires: _____
Notary Public

Commission District: 2 Zoning Case: 2-13 (2013)

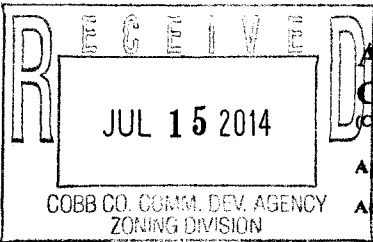
Date of Zoning Decision: 6-18-13 Original Date of Hearing: _____

Location: 3691 ATLANTA ROAD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 743 District(s): 17th

State specifically the need or reason(s) for Other Business: _____
SIGNAGE, EXTERIOR - PARTIAL HARDBACKING
STIPULATION AMENDMENT

(List or attach additional information if needed)



Application for "Other Business"
Cobb County, Georgia

Cobb County Zoning Division - 770-528-2035 BOC Hearing Date Requested: 8-19-14

Applicant: JACK + JULIA MATERN Phone #: 404-931-9669
(applicant's name printed)

Address: 3691 S ATLANTA ROAD, SMYRNA E-Mail: JULIA@REMODELINGSOLUTIONS.COM

JACK + JULIA MATERN Address: 3691 S. ATLANTA ROAD SMYRNA
(representative's name, printed)

Julia Matern Phone #: 404-931-9669 E-Mail: JULIA@REMODELINGSOLUTIONS.COM
(representative's signature)

Signed, sealed and delivered in presence of:
Tom Ahrens My commission expires: 10/16/17
Notary Public

Titleholder(s): MICHAEL & JUSTIN McMILLAN Phone #: (678) 614-1323
(property owner's name printed)

Address: 2672 Austell Rd Marietta GA 30008 E-Mail: MichaelMcMillanJ@smail

Michael McMillan
(Property owner's signature)

Signed, sealed and delivered in presence of:
Chelsea Morgan My commission expires: 10/16/17
Notary Public

Commission District: _____ Zoning Case: _____

Date of Zoning Decision: _____ Original Date of Hearing: _____

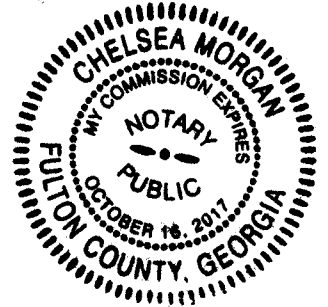
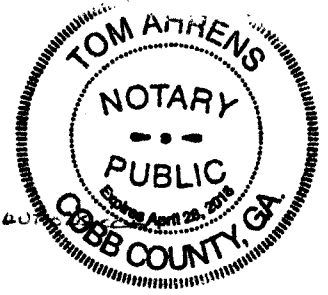
Location: 3691 ATLANTA ROAD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 743 District(s): 17th

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

STIPULATION AMENDMENT
SIGNAGE
AMEND BUILDING MATERIALS

(List or attach additional information if needed)



ORIGINAL DATE OF APPLICATION: 04-16-13APPLICANTS NAME: MICHAEL MCMILLEN AND JUSTIN MCMILLENTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 06-18-13 ZONING HEARING:**

MICHAEL MCMILLEN AND JUSTIN MCMILLEN (owners) requesting Rezoning from R-12 to LRC for the purpose of a Professional Office in Land Lot 743 of the 17th District. Located on the east side of Atlanta Road, south of Paces Ferry Road (3691 Atlanta Road). (*Previously continued by Staff from the May 21, 2013 Board of Commissioners hearing*)

The public hearing was opened and Mr. James Balli, Mr. Chuck Hamilton, Mr. Scott Hanson, Ms. Mary Rose Barnes and Ms. Patti Crenshaw addressed the Board. Following presentation and discussion, the following motion was made:

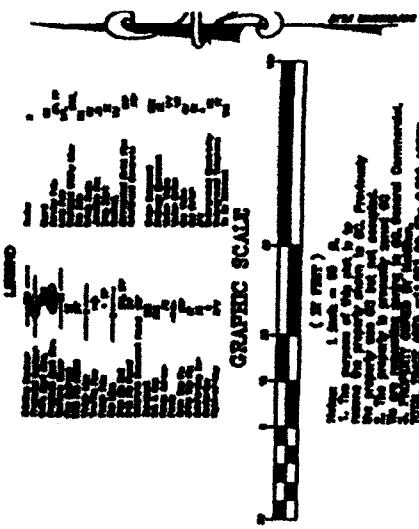
MOTION: Motion by Ott, second by Birrell, to **approve** Rezoning to the LRC zoning district **subject to:**

- **Proposed business shall have a sign that is ground based monument style *only*, constructed from brick, stone, stucco or combination thereof that complies with the Cobb County Sign Ordinance, additionally:**
 - **No part of the sign can be located within the right-of-way**
 - **Sign size not to exceed five feet in height and five feet in length**
 - **Sign to be back-lit *only*, no spotlights, reader board or electronic signs**
 - **No placards, banners or neon signs allowed on the property**
 - **Final design of signage to be approved by the District Commissioner**
- **Building to be remodeled on all four sides so as to produce the overall appearance of a professional office, additionally:**
 - **Building may not exceed one story in height**
 - **Exterior may consist of stucco, brick, stone or combination thereof**
 - **For safety reasons a second door must be added to the building**
 - **Final exterior design to be approved by the District Commissioner, prior to remodeling**
 - **Start of remodeling may be delayed up to 24 months if the Applicant is attempting to obtain a tenant. Once the Applicant has placed a tenant, the start of remodeling must begin no later than six months after the tenant has signed the lease**
- **Letter of agreeable conditions from Mr. James Balli dated March 14, 2013 (attached and made a part of these minutes) *with the following changes:***
 - **Item No. 1 - delete paragraph in its entirety**
 - **Item No. 2 - delete the first sentence**
 - **Item No. 4 - delete paragraph in its entirety**
 - **Item No. 6 - revise to read: "... shall be environmentally sensitive and designed so as to prevent..."**

ORIGINAL DATE OF APPLICATION: 04-16-13APPLICANTS NAME: MICHAEL MCMILLEN AND JUSTIN MCMILLENTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 06-18-13 ZONING HEARING: (Continued)**

- Item No. 8 - correct third sentence to read: "... restricted to 7:00 a.m. until 9:00 a.m., Monday through Friday."
- Item No. 10 - delete paragraph in its entirety and replace with: "Parking for customers and clients shall be on this property only, with no parking allowed on the adjacent property. Further, the existing shared drive shall continue to be utilized by both property owners and blocking of this drive is not permitted. All no parking areas to be clearly delineated by the Applicant."
- Item No. 11 - delete paragraph in its entirety and replace with list of allowable uses, as revised by removing (l) Auto Parts Store from the list; removing "Non-Automotive Repair Shop" from (p); and adding to end of (t) "with no drive through" (list attached and made a part of these minutes)
- All deliveries must take place after 8:00 a.m. and before 7:00 p.m., Monday through Friday
- Landscape plan must be submitted to the County Arborist before permits are issued, with final landscape plan to be approved by the District Commissioner
- The current building setbacks are for this building *only*, and any new construction that alters the footprint of the building must be approved by the Board of Commissioners
- All HVAC must be screened from view and should not be visible from the street
- The grounds, especially eastern and southern sides must be cleared of all debris and the crumbling block wall on the south side must be repaired or removed
- No drive throughs allowed
- No overnight parking allowed
- The number and location of the parking to be approved by both Cobb DOT and the Fire Marshall
- No residential use
- District Commissioner to approve the final site plan, landscape plan and ground based monument sign
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

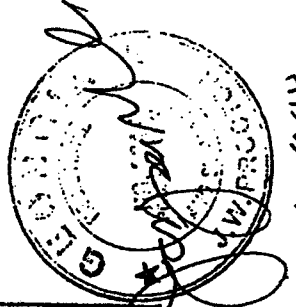
VOTE: **ADOPTED** unanimously



NOTICE TO THE PUBLIC
 This document is a public record and is available for inspection and copying at the Cobb County Planning Department, 1000 Peachtree Street, N.E., Atlanta, Georgia 30309. The fee for a copy of this document is \$10.00 per page. The fee for a copy of this document is \$10.00 per page. The fee for a copy of this document is \$10.00 per page.

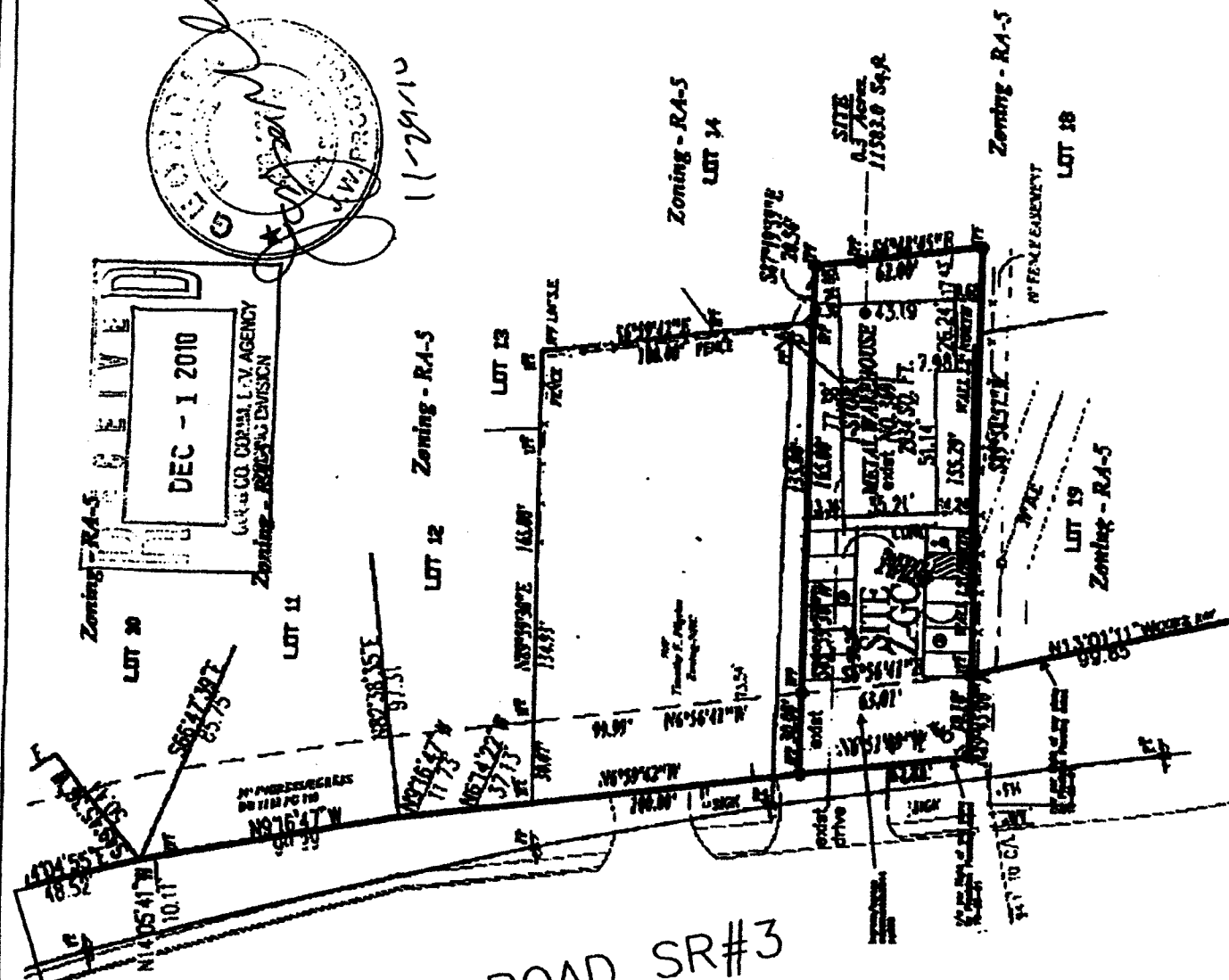


site map



11-29-10

RECEIVED
 DEC - 1 2010
 COBB COUNTY PLANNING DEPARTMENT
 ZONING DIVISION



ATLANTA ROAD SR#3
 VARIABLE R/W & VARIABLE PAVEMENT WIDTH

RECEIVED
 JUL 15 2014
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



Min. Bk. 69 Petition No. Z-13
Doc. Type Letter of agreeable
Conditions
Meeting Date June 18, 2013

SAMS, LARKIN & HUFF, LLP
ATTORNEYS AT LAW

376 POWDER SPRINGS STREET
SUITE 100
MARIETTA, GA 30064-3448

JAMES A. W. BALLI

(Admitted in GA and AL)

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(770) 422-7016

FACSIMILE

(770) 426-6583

WWW.SAMSLARKINHUFF.COM

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March 14, 2013

VIA HAND DELIVERY

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

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 MAR 14 PM 12:46
COBB COUNTY ZONING DIVISION

Re: Application of Michael McMillen and Justin McMillen to Rezone a tract of land from R-12 to LRC; Land Lot 743, Parcel 26, 17th District, 2nd Section, Cobb County, Georgia ("Property") (Z-13)

Dear John:

As you are aware, I represent the Applicant with regard to the re-zoning request for LRC as shown on the plan submitted with the rezoning request ("Plan"). The proposed use is for a professional office use consistent with the provisions of the LRC zoning designation. As you are aware, the property was previously zoned General Commercial for numerous years and was a commercial business called Georgia Auto Electric. The Property is also adjacent to property also zoned LRC and in use as a hair business. However, the property went through the zoning process as Z-1 of 2011. During that zoning process, certain requests and uses of the property were proposed which are not requested or proposed in this application. The differences include, but are not limited to, (1) the property **will not** serve as a residence; (2) the property will be an office use **by appointment only**; and (3) there will not be any overnight parking nor any vehicles used for advertising parked at the Property.

Prior to filing, and subsequent to filing, the Applicants have had the opportunity to obtain input from Staff, surrounding property owners, interested civic organizations and previous applications. In light of those considerations, I wanted to submit this letter of stipulations that will address may, if not all, of the known concerns. I would appreciate you circulating this letter to

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
March 14, 2013

everyone involved with this Application who is not otherwise copied. The following stipulations, upon approval by the Board of Commissioners, shall become conditions of the zoning ordinance applicable to this Property, shall run with the land and become binding on any and all subsequent owners:

1. The proposed business shall have a sign that is ground based monument-style brick/stucco and that complies with the Cobb County Sign Ordinance as to size and visibility. There will not be any neon signs in the windows of the office building. There will not be any placard signs in the windows.
2. The proposed office use shall be **by appointment only**. The office will be open 9 a.m. to 7 p.m., Monday to Saturday. The office will be closed on Sunday.¹
3. There will not be any residential use of the Property. No person shall be allowed to reside on the Property and the Property shall not be used as a dwelling.
4. The building will be remodeled so as to produce the look of a professional office such as a hair salon, insurance agent, dentist or the like. The building shall not exceed one-story in height. The remodeled building shall consist of stucco, high grade windows, decorative doors and resemble the exterior elevation drawings attached hereto and be a substantial improvement on the current metal two-car garage industrial building. (Attached exterior elevations).
5. No overnight parking of vehicles. There will be no parking of r.v. travel trailers or the like at the Property.
6. Any lighting, including outdoor lighting, shall be designed so as to prevent any lighting from penetrating into any surrounding residential properties.
7. There will be no cars or vehicles listed "for sale" at the Property.
8. There will be no outdoor storage of any material or products at the Property. There will be no dumpster on the Property and garbage shall be addressed via rolling trash cans with plastic lids. Any trash containers shall be shielded from view and trash pick-up shall be restricted to 6:00 a.m. to 8:00 a.m.

¹ The adjacent business has been approved to be open 9:00 a.m. to 9:00 p.m., Monday to Saturday.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
March 14, 2013

9. No parking of vehicles displaying advertisement to be parked at the Property.
10. Parking of any customers/clients shall be only on the Property. There shall be no parking on the adjacent property currently in use as a hair dresser. The no parking area shall be clearly delineated by markings installed by the Applicant.
11. The following shall be provisions to **exclude** uses from the Property and shall describe uses that **shall not** be allowed:
 - (a) No clubs or lodges;
 - (b) No recycling facilities or collection;
 - (c) No in-home day care;
 - (d) No vehicle sales
 - (e) No outdoor speakers, bells or music;
 - (f) No Neon Signs;
 - (g) No emission stations;
 - (h) No car washes;
 - (i) No adult entertainment, arcades or pool halls;
 - (j) No drive through restaurants of any kind;
 - (k) No check cashing or money transfer facility;
 - (l) No adult novelty or adult book store;
 - (m) No alcohol sales;
 - (n) No pawn shops or thrift shops;
 - (o) No veterinarian with boarding;
 - (p) No commercial towers or antennae;
 - (q) No tattoo parlors;
 - (r) No massage parlors, except as part of a medical facility or spa;
 - (s) No dog grooming;
 - (t) No convenience stores;
 - (u) No vehicle repair
12. Minor modifications to be approved by the District Commissioner. District Commissioner to approve any landscape buffers.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Exhibit No. 2-13
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Continued

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VIA HAND DELIVERY

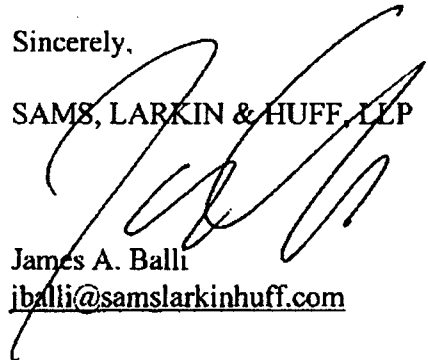
Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
March 14, 2013

While not everyone's requested stipulations can be achieved, these stipulations represent a blended majority of the requested stipulations and further reflect an agreement by the Applicant to address many of the concerns previously submitted. Please submit this letter to the Planning Commissioners and Board of Commissioners for inclusion in the Application.

Thank you for your time and assistance.

Sincerely,

SAMS, LARKIN & HUFF, LLP

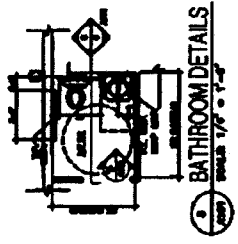
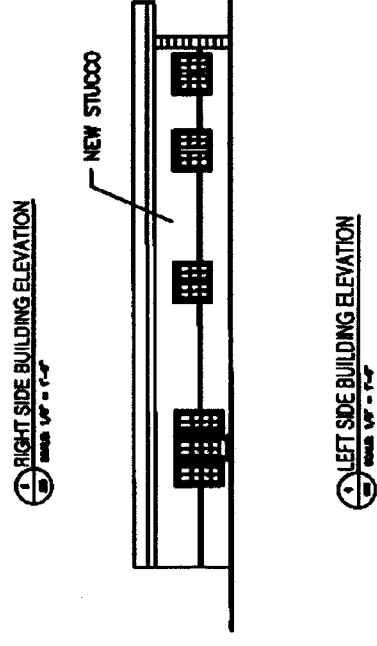
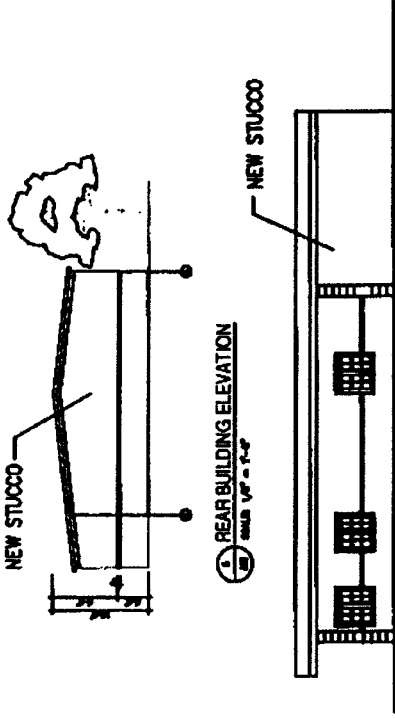
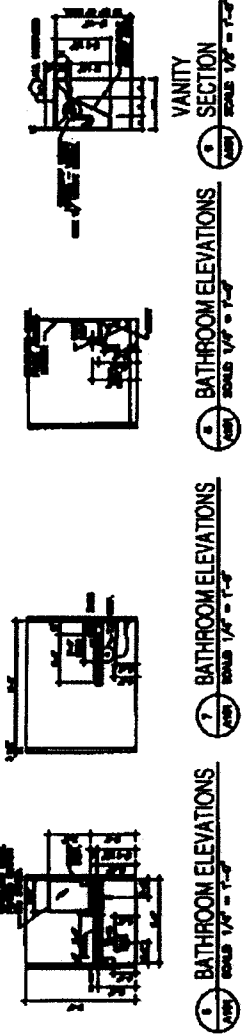
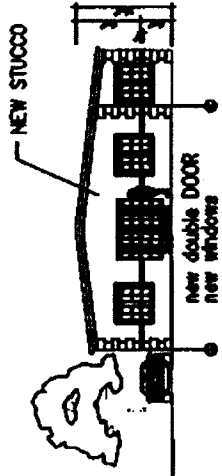
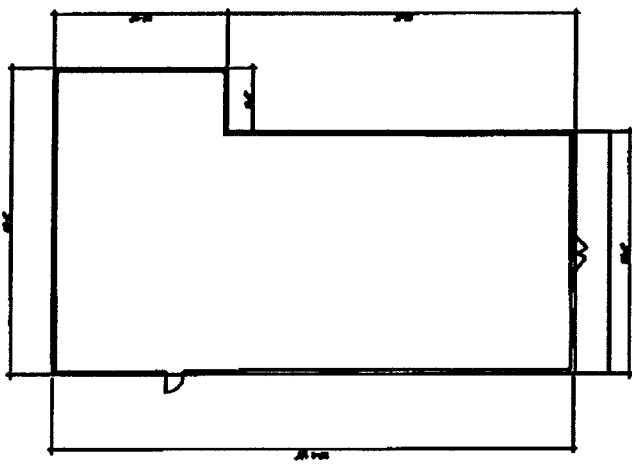


James A. Balli

jballi@samslarkinhuff.com

cc: Members, Cobb County Board of Commissioners
Members, Cobb County Planning Commission
Mr. Robert L. Hosack, Jr., AICP, Director
Mr. Jason Campbell, Planner III
Mary Rose Barnes, Oakdale Community Association
All neighbors within the 1000 feet radius (approximately 227).

Petition No. 2-13
 Meeting Date 10-18-2013
 Continued



Alternative List by Applicant on Z-13 (2013)

- (a) Lawyer, Doctor, Optician, Audiologist, Chiropractor or Dentist;
- (b) Accounting or Tax Preparation;
- (c) Real Estate, Stockbroker;
- ✓ (d) Architect, Land Surveyor or Engineer;
- (e) Investigative Services;
- (f) Photographer;
- (g) Insurance Office, Contractor Office, Medical Office, Political or Campaign Office;
- (h) Veterinarian;
- (i) Travel Bureau;
- (j) Physical Therapy;
- (k) Book Store, Antique Shop, Shoe Store, Clothing Store, Music Store or Bridal Shop;
- (l) ~~Auto Parts Store;~~
- (m) Camera Shop, Electronic sales/repair;
- (n) Dance Studio, Gym, Yoga Studio, or Fitness Facility;
- (o) Florist, Jewelry Store, Barbershop/Hair Salon, or Manicurist Salon;
- (p) Hardware Store, Commercial Sign Shop or ~~Non-Automotive Repair Shop;~~
- (q) Craft and Hobby Shop, Gifts and Stationary Store or Dry Goods Store;
- ✓ (r) Tailoring Shop, Shoe Repair, Interior Decorating Store or Furniture Store;
- (s) Bakery, Butcher Shop or Beverage Shop;
- (t) Bank; ~~or~~ no drive thru
- (u) Laundry/Dry Cleaners without Drive Thru.

~~Applicant requests 36-48 months to begin remodeling so as to identify and locate end user/tenant who may have specific needs or requests.~~