

**APRIL 21, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-020

PURPOSE

To consider amending the stipulations for Nick and Anna Letsos regarding SLUP-4 (Nick Letsos and Anna N. Letsos) of 2010, for property located in Land Lot 660 of the 16th District, at the northwesterly intersection of Canton Road and Westerly Way.

BACKGROUND

The subject property was rezoned to Community Retail Commercial (CRC) with a Special Land Use Permit for a used car lot in 2010. One of the stipulations established a maximum time limit for the used car lot to operate, which was three years from the issuance of a business license. The time limit was extended through Other Business in 2012 to end in May 2015. The owners would like to either eliminate the time limit stipulation, or modify the stipulation so the used car sales use must cease operation upon redevelopment of the property. If approved, all other stipulations would remain in effect.

STAFF COMMENTS

Recommend installing sidewalk along the road frontages.

Recommend eliminating the southern driveway along Canton Road.

Recommend upgrading existing driveway to meet commercial standards.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

RECOMMENDATION

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

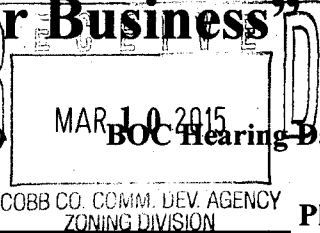
ATTACHMENTS

Other Business Application and zoning stipulations.

Application for "Other Business" Cobb County, Georgia

OB-020-2015

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



BOC Hearing Date Requested: April 21, 2015

Applicant: Nick Letsos and Anna N. Letsos
(applicant's name printed) **Phone #:** (404) 636-0847

Address: 1837 Angelique Drive, Decatur, GA 30033 **E-Mail:** npletsos@aol.com
Sams, Larkin, Huff & Balli, LLP 376 Powder Springs Street, Suite 100
Garvis L. Sams, Jr. **Address:** Marietta, GA 30064

(representative's name, printed)
[Signature] **Phone #:** (770) 422-7016 **E-Mail:** gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:
Karen L. King
Notary Public **My Commission Expires:** 2-27-19

Titleholder(s): Nick Letsos & Anna N. Letsos **Phone #:** (404) 636-0847
(property owner's name printed) **E-Mail:** npletsos@aol.com

Address: 1837 Angelique Drive, Decatur, GA 30033 **E-Mail:** npletsos@aol.com
[Signatures]
(Property owner's signature)

Signed, sealed and delivered in presence of:
Karen L. King
Notary Public **My Commission Expires:** 2-27-15

Commission District: Birrell (3rd) **Zoning Case:** SLUP-4

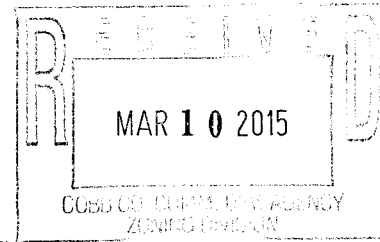
Date of Zoning Decision: April 20, 2010 **Original Date of Hearing:** April 20, 2010

Location: Northwesterly quadrant of the intersection of Canton Road and Westerly Way.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 660 **District(s):** 16th

State specifically the need or reason(s) for Other Business: To revise the stipulation which places a thirty-six (36) month time limit on the Special Land Use Permit from the date of issuance of the Business License. It is the Applicant's desire to either eliminate the time limit on the duration of the Special Land Use Permit; modify it to tie into a redevelopment of the subject property or, eliminate the time limit in its entirety.

(List or attach additional information if needed)



REGULAR CASES -- NEW BUSINESS (Continued)

SLUP-4 **NICK LETSOS AND ANNA N. LETSOS** (owners) requesting a **Special Land Use Permit** for the purpose of Used Vehicle Sales in Land Lot 660 of the 16th District. Located at the northwesterly intersection of Canton Road and Westerly Way (2377 Canton Road).

The public hearing was opened and Mr. Parks Huff addressed the Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Thompson, to **approve** Special Land Use Permit for **36 months, subject to:**

- **time limit on this SLUP of 36 months from the date of issuance of Business License**
- **future request for time limit extension to be approved by the Board of Commissioners as an Other Business Item**
- **site plan received by the Zoning Division February 3, 2010, with the District Commissioner approving minor modifications to site layout (on file in the Zoning Division)**
- **Applicant to adhere to all stipulations from Z-36 of 2009 (including and with emphasis on: removal and replacement of existing signage, preservation of existing trees on the property, and no net increase in paved area for this use)**
- **no junk or inoperative vehicles kept on site**
- **no repossessed vehicles kept on site**
- **no outdoor storage (except for used vehicles)**
- **no parking, loading or unloading vehicles in the right-of-way or within median of Canton Road**
- **all exterior lighting be designed to eliminate stray light onto adjacent properties**
- **no outdoor speakers or pagers**
- **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 3-0**

**SLUP-4
(2010)**

- 1) THE FIELD SURVEY WAS CONDUCTED BY ADVANCE SURVEY, INC. ON 11/11/09. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1908 AND THE SURVEYING BOARD OF GEORGIA. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1908 AND THE SURVEYING BOARD OF GEORGIA. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1908 AND THE SURVEYING BOARD OF GEORGIA.
- 2) THE FIELD SURVEY WAS CONDUCTED BY ADVANCE SURVEY, INC. ON 11/11/09. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1908 AND THE SURVEYING BOARD OF GEORGIA. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1908 AND THE SURVEYING BOARD OF GEORGIA. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1908 AND THE SURVEYING BOARD OF GEORGIA.
- 3) A PRELIMINARY SURVEY WAS CONDUCTED BY ADVANCE SURVEY, INC. ON 11/11/09. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1908 AND THE SURVEYING BOARD OF GEORGIA. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1908 AND THE SURVEYING BOARD OF GEORGIA. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1908 AND THE SURVEYING BOARD OF GEORGIA.
- 4) THE UTILITIES SHOWN ON THIS SURVEY ARE BASED ON THE SURVEYOR'S VISUAL OBSERVATION AND THE UTILITIES SHOWN ON THIS SURVEY ARE BASED ON THE SURVEYOR'S VISUAL OBSERVATION AND THE UTILITIES SHOWN ON THIS SURVEY ARE BASED ON THE SURVEYOR'S VISUAL OBSERVATION.
- 5) THE BUSINESS AND PROFESSIONAL SERVICES ZONING DISTRICT IS SHOWN ON THIS SURVEY AND THE BUSINESS AND PROFESSIONAL SERVICES ZONING DISTRICT IS SHOWN ON THIS SURVEY AND THE BUSINESS AND PROFESSIONAL SERVICES ZONING DISTRICT IS SHOWN ON THIS SURVEY.
- 6) THIS PARCEL IS IN ZONING DISTRICT 252 COVERING COBB COUNTY, GEORGIA. THE ZONING DISTRICT IS SHOWN ON THIS SURVEY AND THE ZONING DISTRICT IS SHOWN ON THIS SURVEY AND THE ZONING DISTRICT IS SHOWN ON THIS SURVEY.
- 7) ZONING: GC (GENERAL COMMERCIAL) - SEE ZONING CASE 1989 163
- 8.) ZONING INFORMATION WAS TAKEN FROM GA. ZONING ORDINANCE ON SEPTEMBER 22, 2008. THE ZONING INFORMATION WAS TAKEN FROM GA. ZONING ORDINANCE ON SEPTEMBER 22, 2008. THE ZONING INFORMATION WAS TAKEN FROM GA. ZONING ORDINANCE ON SEPTEMBER 22, 2008.
- 9) EXISTING PAVEMENT AREA=23,722 SQ. FT. PROPOSED PAVEMENT AREA= 19,839 SQ. FT. TOTAL PAVEMENT AREA= 43561 SQ. FT. 1.00 ACRES

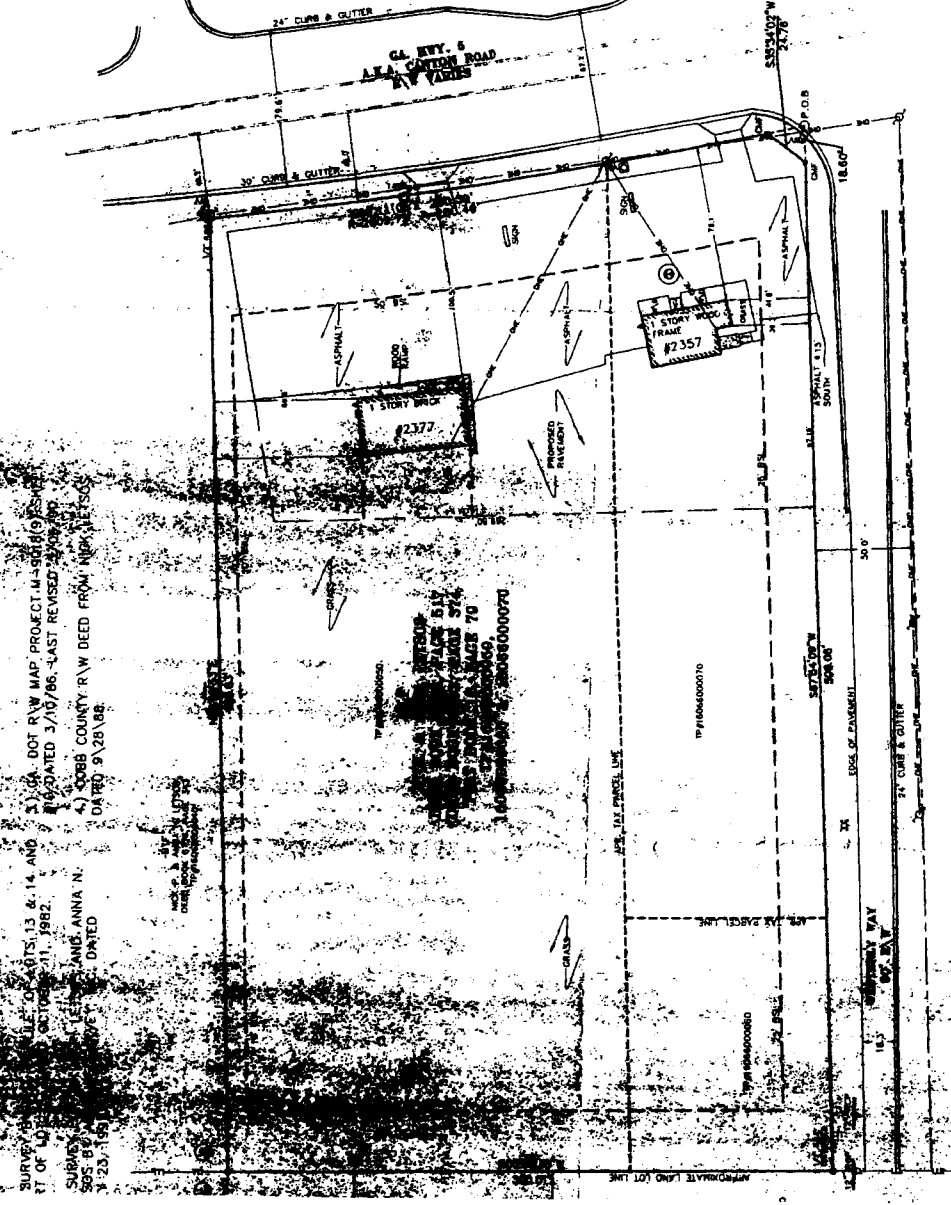
RECEIVED

FEB - 3 2010

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

- LEGEND**
- APX APPROXIMATE
 - BLK BUILDING SETBACK LINE
 - CONC CONCRETE
 - CONC CONCRETE CORNER
 - FOUN FOUND
 - FOUN FOUND, OPEN TOP
 - REBAR REBAR
 - CALC/SET CORNER
 - LAND LOT NUMBER
 - NON OR FORMERLY
 - POB POINT OF BEGINNING
 - PIPE CORRUGATED METAL
 - R/W RIGHT-OF-WAY
 - TAX PARCEL
 - WOOD DECK
 - GAS METER
 - FIRE HYDRANT
 - WV WATER VALVE
 - WM WATER METER

- REFERENCES**
- 1) GA. DOT R/W MAP PROJECT M-9018(9) SECTION 11, 1982.
- 2) COBB COUNTY R/W DEED FROM NIKOS P. LEONIS AND ANNA N. LEONIS DATED 9/28/88.
- 3) GA. DOT R/W MAP PROJECT M-9018(9) SECTION 11, 1982.
- 4) COBB COUNTY R/W DEED FROM NIKOS P. LEONIS AND ANNA N. LEONIS DATED 9/28/88.



BOUNDARY SURVEY FOR:

NIKOS P. LEONIS
ANNA N. LEONIS

JOB NO: 0920799	LAND LOT: 660
SCALE: 1" = 30'	DISTRICT: 16TH
DATE: SEPT. 30, 2009	SECTION: 2ND
DRAWN BY: EEH	COUNTY: COBB
CHK BY: AGP	STATE: GEORGIA
PC: RC	IM:

Advance Survey, Inc.
634 W. CLAYTON STREET
LAWRENCEVILLE, GA. 30046
OFFICE: (770) 955-8938
FAX: (770) 955-8421

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APPLICANT: Nick Letsos and Anna N. Letsos

PETITION NO.: SLUP-4

PRESENT ZONING: CRC

PETITION FOR: SLUP

ZONING COMMENTS: Staff Member Responsible: John P. Pederson, AICP

The applicant is requesting a Special Land Use Permit for used vehicular sales. The property currently has two houses that were converted to offices years ago, which have been used for used car sales in the past. The business is anticipated to be open Monday through Saturday, from 8:00 am to 7:00 pm. The plan is showing the required one-acre of paved parking for the used car lot. The property was rezoned in December 2009 with many stipulations that the applicant is agreeable to.

Historic Preservation: No comments.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

WATER & SEWER COMMENTS:

Records show both addresses connected to water. Health Dept. OK with existing septic system for existing car sales & buildings with no additions/expansions.

TRAFFIC COMMENTS:

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along Canton Road.

Recommend installing sidewalk along the road frontages.

Recommend eliminating the southern driveway along Canton Road.

Recommend upgrading existing driveway to meet commercial standards.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

FIRE COMMENTS:

Certificate of Occupancy for 2377 Canton Rd- Auto Consign Mart

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process for 2nd Building (2357 Canton Rd).

STORMWATER MANAGEMENT COMMENTS:

Additional parking to meet the one acre minimum will require an increase of more than 5000 sq ft of impervious area. Stormwater management must be provided for the new paved area to meet detention and water quality requirements. Stormwater management for the entire site must be provided upon re-development.

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 17, 2012
PAGE 11

OTHER BUSINESS (Continued)

ITEM NO. 2

To consider amending the stipulations for Nick and Anna Letsos regarding SLUP-4 (Nick Letsos and Anna N. Letsos) of 2010, for property located in Land Lot 660 of the 16th District, at the northwesterly intersection of Canton Road and Westerly Way.

Mr. John Pederson, Zoning Division Manager, provided information regarding a stipulation amendment to extend time limit for used car business. The public hearing was opened and Mr. Parks Huff addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Lee, to **approve** Other Business Item No. 2 for stipulation amendments regarding application SLUP-4 (Nick Letsos and Anna N. Letsos) of 2010, for property located in Land Lot 660 of the 16th District, at the northwesterly intersection of Canton Road and Westerly Way, **subject to:**

- **time limit extended for used car business on this SLUP for an additional 24 months (effective May 20, 2013 with end date of May 20, 2015)**
- **Applicant/owner to work with Cobb DOT, obtain cost estimates and consider installation of sidewalks on this property frontage in concurrence with the adjoining property (Z-13 of 2012)**
- **all previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED 4-0**

ITEM NO. 3

To consider a stipulation amendment for Mr. Rex Horney regarding rezoning application Z-32 (Rex Horney) of 2009, for property located at the northwesterly intersection of Canton Road and Hawkins Store Road in Land Lots 228, 277 and 278 of the 16th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding stipulation amendment to allow a business use that caters to children's birthday parties. The public hearing was opened and Ms. Carol Brown and Mr. Rex Horney addressed the Board. Following presentation and discussion, the following motion was made: