# OCTOBER 20, 2015 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 4

### **ITEM # 043**

### **PURPOSE**

To consider amending the site plan and stipulations for Art Frame, LLC regarding rezoning application Z-93(Art Frame, LLC) of 2004, for property located on the south side of Veterans Memorial Highway, east of Lakeshore Drive in Land Lot 47 of the 18<sup>th</sup> District.

### **BACKGROUND**

The subject property was rezoned to Light Industrial in 2004 for a retail and wholesale framed art business. The applicant has filed for rezoning on property next door in order to expand their business (Z-59 of 2015). One of the agreements coming out of the Z-59 rezoning process is this piece would come back to the Board of Commissioners via Other Business in order to place the same zoning stipulations on this property. It will be much easier in the future to manage the properties if both pieces have the same zoning stipulations. If approved, all other zoning stipulations not in conflict would remain in effect.

### **STAFF COMMENTS**

**Stormwater Management**: Previous Stormwater Management comments (Z-59, June 2015) to remain in effect.

### **RECOMMENDATION**

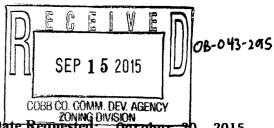
The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

### **ATTACHMENTS**

Other Business application and stipulations.

(Stipulation Amendment)

# Application for "Other Business" **Cobb County, Georgia**



(Cobb County Zoning Division - //0-528-2035)	<b>30C Hearing Date Req</b>	dested: October 20, 2015
Applicant: Art Frame, LLC	Dhana 4.	( <b></b> )
(applicant's name printed)	Pnone #:	(770) 745-5180
Address: 516 Veterans Memorial Highway, S.E	., Mableton, E-Mail:	mike@artframeusa.com
Moore Ingram Johnson & Steele, LLP	GA 30126	
John H. Moore / Address:	Emerson Overlook,	326 Roswell Street
(representative's name, printed)	Marietta, GA 3006	
BY: ## (770) 429	-1499 <b>E-Mail</b> :	imoore@miis.com
(representative's signature) Georgia Bar No. 519800		w7@mijs.com
Signed, sealed and delivered in presence of:		EXPIRES GEORGIA JAM. 10. 2019
Notary Bulling	My commission expires: _	January 10, 2010 Coss Co
Notary Public		Allow :
Titleholder(s): RA Mableton Holdings, LLC	Phone #:	(770) 745–5180
(property owner's name printe	,	
Address: 516 Veterans Memorial Highway, S.E		mike@artframeusa.com
BY: A J ALL	GA 30126	
(Property owner's signature) Ahmad Ahmadi, Manager	-	
Signed, sealed and delivered in presence of:		SOLIOTA PLANTS
<u> </u>	Iy commission expires:	January 10, 2019
Notary Public	<del></del>	
Commission District: 4 (Cupid) Z	oning Case:z-9:	3 (2004)
Date of Zoning Decision: 08/17/2004 Ori	ginal Date of Hearin	<b>ng:</b> 07/20/2004
Location: South side of Veterans Memorial		
	Highway, East of Lal	keshore Drive
(street address, if applicable; nearest interse	<b>D</b> : 4 : 46 >	•
Land Lot(s): 47	District(s): _	18th
State specifically the need or reason(s) for Oth	ner Business:	
See Exhibit "A" attached hereto and incorpo	orated herein by rei	Formas
accurred netecto and incorpo	oraced HereIII by rel	erence.

# EXHIBIT "A" -ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS" (STIPULATION AMENDMENT)

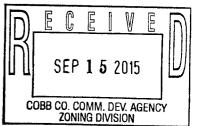
**Application No.:** 

Z-93 (2004)

Original Hearing Date: Date of Zoning Decision: July 20, 2004 August 17, 2004

**Current Hearing Date:** 

October 20, 2015



### BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant:

Art Frame, LLC

Titleholder:

RA Mableton Holdings, LLC

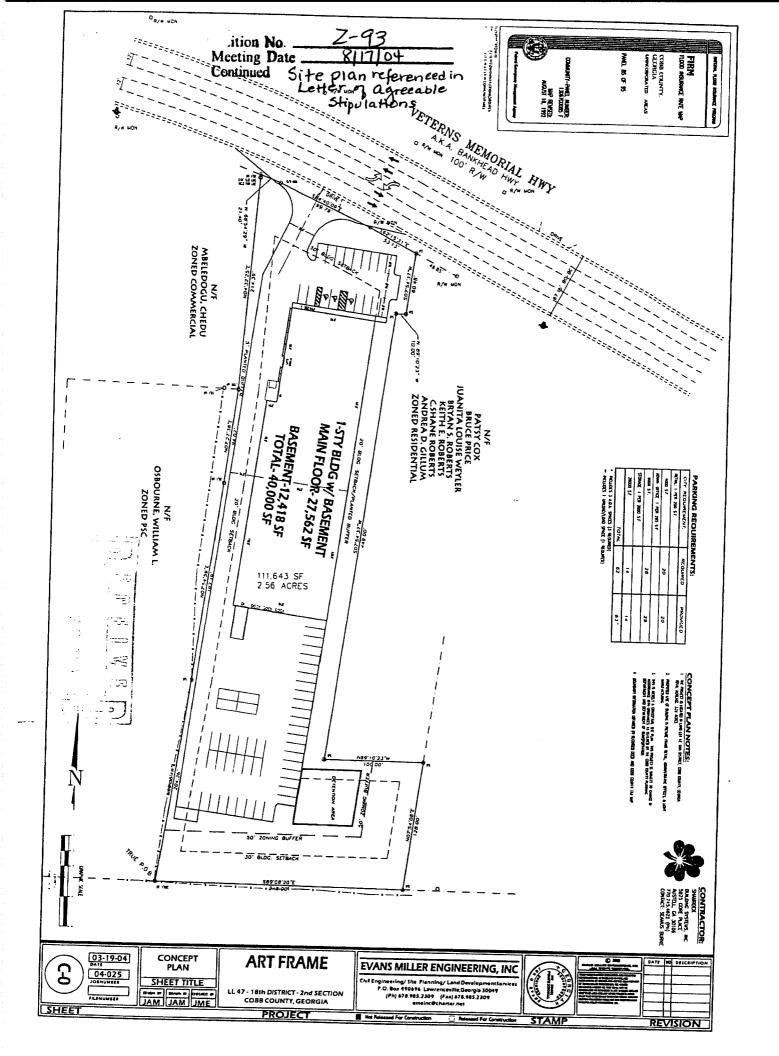
On August 17, 2004, the Cobb County Board of Commissioners approved the rezoning of an approximate 2.56 acre tract located on the south side of Veterans Memorial Highway, east of Lakeshore Drive, and being more particularly known as 516 Veterans Memorial Highway (hereinafter "Property" or "Subject Property). The Property was rezoned to the Light Industrial ("LI") zoning category. Following zoning approval, Applicant constructed its facilities for the retail and wholesale picture frames; including, but not limited to, picture frame materials, picture frame assembly, sale of art, framed art, picture frames, frame materials, and related art business sales.

In April 2015, Applicant filed an Application for Rezoning (Z-59 (2015)) on a1.1 acre tract located adjacent to the existing facilities, which would allow for expansion of its business operations. This Application was amended on or about July 24, 2015, to add adjacent property, being 2.85 acres, to provide additional buffering and landscaping.

Pursuant to a stipulation contained within the letter of agreeable stipulations and conditions in Z-59 (2015), Applicant seeks to have the stipulations and conditions approved by the Board of Commissioners as applicable to the Subject Property and existing Art Frame facility; and, where prior stipulations are in conflict, the stipulations approved by the Board of Commissioners in Z-59 (2015) shall be applicable and control.

The proposed amendment in no way adversely impacts or affects the quality or integrity of the current facilities or operation of Applicant's business; and further, provides uniformity to the entire assembled tract. If the requested amendment is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property and the overall development.

# SITE PLAN APPROVED BY BOARD OF COMMISSIONERS IN APPLICATION FOR ZONING NO. Z-93 (2004) – AUGUST 17, 2004



# OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING FOR Z-93 (2004) – AUGUST 17, 2004

MINUTES OF ZONING HEARING COBB COUNTY BOARD OF COMMISSIONERS AUGUST 17, 2004 9:11 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, August 17, 2004, at 9:11 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman Samuel S. Olens
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Joe L. Thompson
Commissioner G. Woody Thompson, Jr.

Z-93 ART FRAME, LLC (Patsy Cox, et al., owners) for Rezoning from R-20 to LI for the purpose of Wholesale Sale of Framed Art in Land Lot 47 of the 18<sup>th</sup> District. Located on the south side of Veterans Memorial Highway, east of Lakeshore Drive.

MOTION: Motion by Goreham, second by Lee, as part of the Consent Agenda, to <u>approve</u> rezoning to the LI zoning district subject to:

- site plan and architectural design to be approved by the District Commissioner prior to permitting to allow input from the Mableton Improvement Coalition
- use specific for retail and wholesale framed art business; any change in use to be approved by the District Commissioner
- letter of agreeable stipulations from Mr. John Moore dated July 28, 2004 (copy attached and made a part of these minutes)
- buildings to be brick, stucco or hard surface on three sides
- brick monument based sign, surrounded with heavy professional landscaping
- Historic Preservation comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: ADOPTED unanimously

### Moore Ingram Johnson & Steele

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

JOHN H. MOORE STEPHEN C. STEELE WILLIAM R. JOHNSON T ROBERT D. INGRAM \* J. BRIAN O'NEIL G. PHILLIP BEGGS **ELDON L. BASHAM** MATTHEW J. HOWARD JERE C. SMITH CLAYTON O. CARMACK KEVIN B. CARLOCK 1 ALEXANDER T. GALLOWAY III1 J. KEVIN MOORE RODNEY R. McCOLLOCH SUSAN S. STUART DANIEL A. LANDIS

BRIAN D. SMITH HARRY R. TEAR III W. TROY HART JEFFREY A. DAXE MELISSA W. GILBERT TIMOTHY W. BAILEY JOYCE W. HARPER JONATHAN H. PETCU AMY K. WEBER COURTNEY H. MOORE KIM A. ROPER TARA C. RIDDLE JOSHUA M ROOTH\*\*\* KELLI L. CROSS TANYA I CROSSESS

#### MAIN OFFICE

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ROBERT W. BROWN II JASON L. FOSS VICTOR P. VALMUS JEFFERY L. DICKERSON T. SHANE MAYES DALLAS R. IVEY SUZY A. LIFE F. MICHAEL VISCUSE\*\* ALLISON B. FAUST ANGELA H. SMITH OPHELIA W. CHAN STACEY L. STEWART MEREDITH M. MILBY DOUGLAS B. ROHAN DAVID M. VAN SANT

DARRELL L. SUTTON

KASI R. WHITAKER AUTUMN L. VEAZEY NICHOLAS J. PETERSON\*\*\* JEFFREY K. STINSON BENJAMIN A. WALDEN DAVID A. COX

OF COUNSEL: MICHELLE S. DAVENPORT JOHN L. SKELTON, JR.

ALSO ADMITTED IN TH

ALSO ADMITTED IN SC ADMITTED ONLY IN TH

WRITER'S DIRECT DIAL HUMBER

July 28, 2004

Petition No. reeable Doc. Type Letter Stipulations Meeting Date Hand Delivered

28

PG DEBSION

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Suite 300 191 Lawrence Street Marietta, Georgia 30060-1661

> RE: Application for Rezoning

> > Application No.: Z-93 (2004)

Applicant/

Current Owner: Art Frame, LLC

Former Property

Owners:

Patsy Cox; Bruce Price; Juanita Louise Weyler; Bryan S. Roberts:

Keith E. Roberts; C. Shane Roberts; and Andrea D. Gillum

Property: 2.56 acres located at

> 516 Bankhead Highway, S.E., Land Lot 47, 18th District,

2<sup>nd</sup> Section, Cobb County, Georgia

Dear John:

As you know, this firm represents Art Frame, LLC, who is the Applicant and current Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to a 2.56 acre tract located at 516 Bankhead Highway, S.E., in Land Lot 47, 18th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning zoning staff and reviewing the staff comments recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations which, if the Application for Rezoning is

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Page Two July 28, 2004 Petition No. Z-Q3
Meeting Date 8 17104
Continued

approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full that certain letter of agreeable stipulations and conditions dated and filed June 28, 2004. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property will be from the R-20 zoning category to the Light Industrial ("LI") zoning category with reference being made to that certain revised Concept Plan prepared for Art Frame, LLC by Evans Miller Engineering, Inc.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning as follows:
  - (a) The surveyed acreage of the Subject Property is 2.56 acres;
  - (b) A revised legal description setting forth the 2.56 acre tract is submitted herewith; and
  - (c) A revised Concept Plan prepared for Art Frame, LLC by Evans Miller Engineering, Inc. is filed contemporaneously herewith.
- (4) The total site area consists of 2.56 acres.
- (5) Applicant proposes the construction of a one-story building, with basement, for the wholesale sale of framed art, and for any other uses provided within the light industrial zoning category, said building being more particularly shown and delineated on the referenced revised Concept Plan.
- (6) The front facade of the building shall be all brick.

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Continued

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- (7) Entrance signage for the proposed development shall be ground based, monument style signage located at the entrance thereto. The finish, materials, and colors shall be compatible with the design and materials of the building.
- (8) All dumpsters shall be enclosed within a minimum six (6) foot high brick enclosure on three sides with a solid screen gate on the access side. The brick enclosure shall match the exterior brick of the proposed building and/or signage. All dumpsters shall contain rubber lids to minimize noise.
- (9) Environmentally sensitive, shoe-box type, recessed lighting shall be utilized for parking areas. Light bulbs shall be recessed within the fixtures and shall not extend below the fixtures.
- (10) Security lighting on the structures shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (11) There shall be landscaped buffers, which shall include the thirty (30) foot building setback along the southerly boundary and the twenty (20) foot building setback along the westerly and easterly boundaries of the Subject Property, as more particularly shown and reflected on the referenced revised Concept Plan.
- (12) Minor modifications to the referenced revised Concept Plan, including, but not limited to, the layout and stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (13) The Subject Property will be serviced by Cobb County sewer.
- (14) The detention facilities shall comply with Cobb County Stormwater Management requirements and shall be enclosed

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Page Four July 28, 2004

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by a black vinyl-clad, chain link fence and landscaped to the exterior.

- (15) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (16) Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, hydrology, and downstream considerations, except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.
- (17) Applicant shall comply with the recently enacted Cobb County Tree Ordinance; and in that regard, Applicant shall use best efforts to minimize grading so as to avoid mass grading of the Subject Property.
- (18) Stormwater detention shall be designed to exceed minimum standards established by applicable law.
- (19) Applicant agrees to the following system improvements to mitigate traffic concerns:
  - (a) Installation of curb and gutter along the entire Bankhead Highway property frontage;
  - (b) A one hundred fifty (150) foot deceleration/ acceleration lane for ingress/egress from Bankhead Highway into the proposed development;
  - (c) Verify the availability of the minimum sight distance of four hundred seventy-five (475) feet; and

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Continued

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> (d) Georgia Department of Transportation permits will be required for all work encroaching upon state right-of-way.

We believe the requested zoning, pursuant to the referenced revised Concept Plan and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the changing conditions of the area and the properties and owners thereof surrounding the development. The proposed use shall be a beneficial to the public, shall be compatible with surrounding neighborhoods and businesses, and shall be an enhancement to the Subject Property. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

Moore Ingram Johnson & Steele, Llp

John H. Moore

JHM:cc

Enclosures

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Continued

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Page Six July 28, 2004

C: Cobb County Board of Commissioners: Samuel S. Olens, Chairman George Woody Thompson, Jr. Helen C. Goreham Joe L. Thompson Tim Lee (With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

Clarice Barber Page Southwest Austell Neighbors (With Copy of Enclosure) (Telefax Transmission To (770) 944-0363)

Mr. James Cavedo
Mableton Coalition
(With Copy of Enclosure)

Mr. and Mrs. James Edwin Oliver (With Copy of Enclosure)

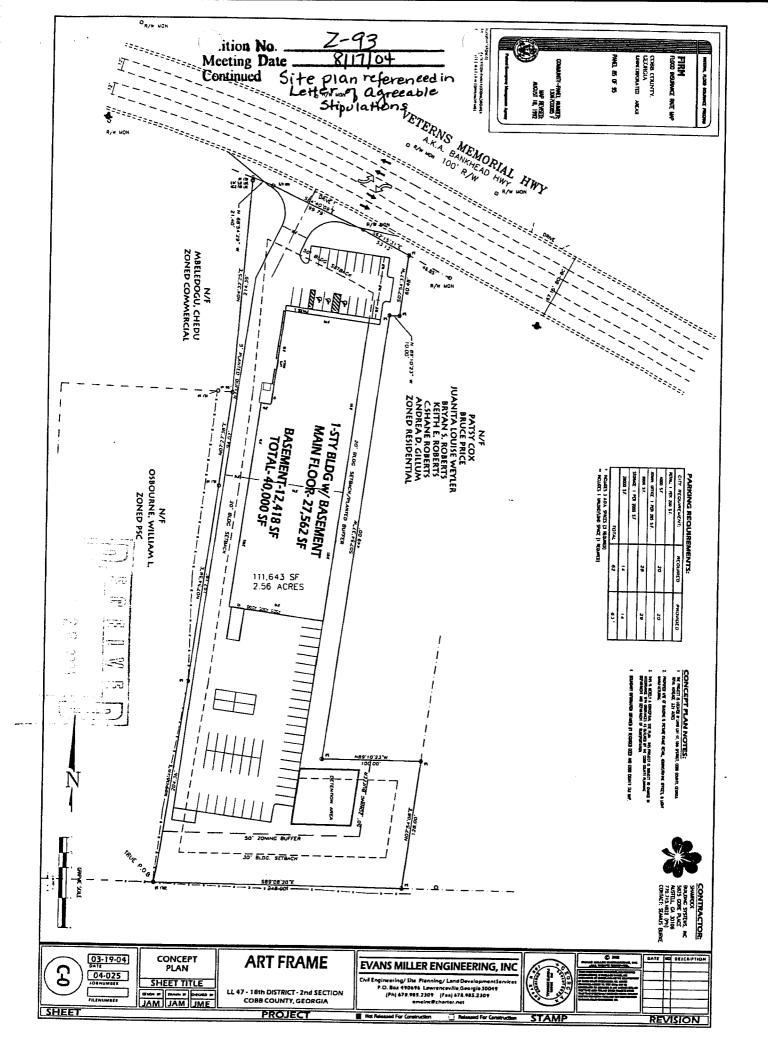
Art Frame, LLC
(With Copy of Enclosure)

Petition No	Z-93	
Meeting Date _	8117104	
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### REVISED LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 47, of the 18<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, and being more particularly described as follows:

To find the true point of beginning, commence at a right-of-way monument located on the southeasterly right-of-way of Veterans Memorial Highway, having a 100 foot right-of-way; thence proceeding northwesterly as measured along the southeasterly side of Veterans Memorial Highway for a distance of 46.85 feet to a point; this being the TRUE POINT OF BEGINNING; thence running south 07° 54' 37" west for a distance of 60.48 feet to a point and corner; thence running north 89° 10' 23" west for a distance of 10.00 feet to a point and corner; thence running south 07° 54' 37" west for a distance of 449.00 feet to a point and corner; thence running north 89° 10' 23" west for a distance of 100.00 feet to a point and corner; thence running north 07° 54' 08" east for a distance of 128.00 feet to a point and corner; thence running south 89° 08' 20" east for a distance of 248.00 feet to a point and corner; thence running north 09° 03' 19" east for a distance of 204.36 feet to a point; thence running north 07° 54′ 59" east for a distance of 197.19 feet to a point; thence running north 07° 27' 38" east for a distance of 94.07 feet to a point; thence running north 04° 32' 25" east for a distance of 214.39 feet to a point located on the southwesterly right-of-way of Veterans Memorial Highway; thence running south 68° 54' 29" east for a distance of 21.40 feet to a point; thence running south 64° 40' 09" east as measured along the southwesterly right-of-way of Veterans Memorial Highway for a distance of 99.79 feet to a point; thence running south 62° 15′ 31" east as measured along the southwesterly right-of-way of Veterans Memorial Highway for a distance of 53.13 feet to a point, the same being the POINT OF BEGINNING. This tract contains 2.56 acres as per survey by Evans Miller Engineering, Inc., Jon M. Evans, Georgia Registered Land Surveyor No. 26681, dated March 19, 2004,



# 2014 PAID AD VALOREM PROPERTY TAX RECIEPT FOR SUBJECT PROPERTY (TAX PARCEL NO. 18004700120)



CARLA JACKSON
CHELLY MCDUFFIE
Phone:
Fax:

TAX COMMISSIONER
CHIEF DEPUTY
770-528-8600
770-528-8679

Printed: 9/8/2015 3:38:19 PM

### **Cobb County Online Tax Receipt**

Thank you for your payment!

Payer: ART FRAME LLC

**RA MABLETON HOLDINGS LLC** 

Payment Date: 10/15/2014

Tax-Year	Parcel ID	Due Date	Αp	peal Amount		Taxes Due
2014	18004700120	10/15/2014	Pay:	N/A	or	21779.10
Interest	Possible **		Total Due			
		7985	g oral Due	unount Palds		Balance
\$0.00	\$0.00	\$0.00	\$21,779.10	\$21,779.10		\$0.00