## MARCH 21, 2017 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 3

## **ITEM OB-009**

# **PURPOSE**

To consider amending the stipulations and site plan for Karl Novak regarding rezoning application Z-97 (DPK, LP) of 2000, for property located on the south side of Kurtz Road, the north side of Dogwood Drive and on the east & north sides of Sylvan Park Drive in Land Lots 732 and 733 of the 16<sup>th</sup> District.

# **BACKGROUND**

The subject property was rezoned to Office Services (OS) and Low Rise Office (LRO) in 2000 for a business park. The property was rezoned showing a 9,000 square foot building on the south property line; the applicant would like revise this building to a 5,000 square foot building. Additionally, the proposed building was to be all brick with an asphalt shingle roof. The applicant's proposed building would have wood siding with a standing metal roof (pictures attached). The building will be used by a painting business. If approved, all other zoning stipulations would remain in effect.

## **STAFF COMMENTS**

**Stormwater Management**: Subject to Plan Review and revised hydrology study to reflect proposed site plan changes.

**Cobb DOT:** Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Kurtz Road, a minimum of 30' from the roadway centerline; b) donation of right-of-way on the north side of Dogwood Drive, a minimum of 25' from the roadway centerline. Recommend no access to Dogwood Drive and Sylvan Park Drive. Recommend driveways be upgraded to commercial standards.

## **RECOMMENDATION**

The Board of Commissioners consider the request for the site plan and stipulation amendment.

# **ATTACHMENTS**

Other Business application and stipulations.

Application for "Other Business" OB-009-2017
Cobb County, Georgia
(Cobb County Zoning Division – 770-528-2035) BOC Hearing Date Requested: Z 13 ZOT
Applicant: Karl Novak Phone #: 404.570.1062
Address: 3850 tockhavey et. E-Mail: Kayl novak painting e
Korl Joseph Malah Address: 3850 tockhaven Gl Matietta 92 30066
(representative's name, printed) Address: <u>7830 Coccievey</u> Gi Matteria G2 Soob'b
representative's signature) Phone #104 520 1062 E-Mail: Kott . nouskipointing @ bell South . Netarnipersad
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Notary Public
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(property owner's name printed) Address: E-Mail:
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Signed, sealed and delivered in presence of:     My commission expires:     Notary Public     Commission District:   3   Zoning Case:   H/A   Size of property in acres:     3.62   Yoriginal Date of Hearing:     9/2000', Z/2002
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OB-009-2017

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representative's name, printed}	
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(List or attach additional information if needed)





OB-009-2017 Proposed building architecture (front)

Building is one-story with a wood siding exterior with a metal roof.





### MINUTES OF ZONING HEARING SEPTEMBER 19, 2000

Z-97 DPK, L. P. for rezoning from R-20 and GC to LI for the purpose of Office Condominiums in Land Lot 732 of the 16<sup>th</sup> District. Located on the south side of Kurtz Road and the north side of Dogwood Drive, west of Canton Road.

The public hearing was opened and Garvis Sams, Jr., and Henry Hasty addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Buckner, second by Olens, to <u>delete</u> Rezoning to the OS and LRO zoning district subject to:

- Letter of agreeable stipulations dated September 7, 2000 from Garvis L. Sams, Jr. (copy attached and made a part of these minutes), amending paragraph 9 of said letter changing 90 days to 120 days for implementation of the landscape plan.
- No new construction is to begin until the existing property is cleaned up.
- The LRO section shall not be developed, but shall be used for detention
- Rubber lids on all trash receptacles/dumpsters.
- Stormwater Management comments.
- Cobb DOT comments and recommendations

VOTE: ADOPTED 4-0 Byrne not present

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SAMS & LARKIN A LINITED LIABILITY PARTNERSHIP Min. Bk. Petition No. 2-97 Doc. Type Stigulation letter

Mccting Date 2000 Sept

ATTORNEYS AT LAW SUITE 100 · 376 POWDER SPRINGS STREET MARIETTA, GEORGIA 30064

GARVIS L. SAMS, JR. JOEL L. LARKIN PARKS F. HUFF M. KYLE GREENE

OF COUNSEL DAVID P. HARTIN

DAVID Y. KWON

#### VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager Cobb County Zoning Department Suite 300 191 Lawrence Street Marietta, Georgia 30060-1661

> Application of DPK, L.P. to Rezone a 1.66 Acre Tract from R-20 & GC to Re: OS & LRO (No. Z-97)

Dear Mark:

As you know, I represent DPK, L.P., the applicant and property owner concerning the above-captioned application for rezoning. The application was heard by the Cobb County Board of Commissioners on August 15, 2000, wherein, after consideration of same, the application was held until the Board's next regularly scheduled Zoning hearing on September 19, 2000.

With respect to the foregoing and in accordance with the Board's action, Mr. Dangar and I met with Commissioners Bill Buckner and Sam Olens. In that regard and consistent with the dialogue established with both Commissioners, we have agreed to additional stipulations/ conditions of zoning and have revised the site plan so that now the zoning request constitutes a down-zoning/rezoning from R-20 & GC to Office Services (OS) and Low Rise Office (LRO). With respect to same, the following stipulations shall become conditions and a part of the grant of the rezoning, shall be binding upon the subject property thereafter and this letter will supercede the original letter of stipulations/conditions, dated July 18, 2000. The referenced stipulations are as follows:

A deletion of the proposal to include a request for a change in zoning from GC to OS on 1. the easternmost tract and from R-20 to OS on the westernmost tract with a 50 foot strip of Low Rise Office (LRO) within the designated buffer/detention area.

September 7, 2000

TELEPHONE (770) 426-6583 FAGSIMILE SAMSLARKIN@AOLCOM E-MAIL

(770) 422-7016

SEP 07 2000

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SAMS & LARKIN A LIMITED LIABILITY PARTNERSHIP

Petition No. <u>Z-97</u> Meeting Date <u>Sept 19 acm</u> Continued

#### VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager Cobb County Zoning Department Page 2 September 7, 2000

- 2. The maximum height of the buildings shall be one (1) story.
- 3. The architectural style of the buildings shall be residential in appearance including pitched roofs and the composition of said buildings shall be brick. Prior to the construction of the buildings, architectural plans shall come back before the Board of Commissioners for approval as an "Other Business" agenda item.
- 4. Trash and refuse containers shall be shielded from roads and residences adjacent to the subject property.
- 5. An agreement that the OS component on the westernmost tract shall consist of an even mix (50/50) of office and warehouse uses.
- 6. 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. To the rear (west) of the development, there will be security lighting only.
- 7. The maintenance of a 50 foot buffer between the subject property and residential property to the west which shall be rezoned to the LRO classification. Encroachment shall be allowed within the buffer for purposes of on site detention.
- 8. The construction and erection of an 8 foot wooden privacy fence along the western property line. Additionally, the construction and erection of a black chain-link fence with attendant landscaping along the Kurtz Road frontage.
- 9. The submission of a landscape plan which shall embody the fencing components and which shall be subject to the staff's and the Arborist's review and approval. Additionally, an agreement that said landscape plan as it relates to the Kurtz Road frontage shall be implemented within ninety (90) days from the date of approval of said zoning.
- 10. Compliance with Cobb County Department of Transportation recommendations and an agreement on the applicant's part to eliminate any parking within public rights-of-way.
- 11. Compliance with the Cobb County Sign Ordinance including, but not limited to, an agreement that there will be no portable signs, billboards or airborne signs displayed on the subject property or the buildings constructed thereon.

#### SAMS & LARKIN A LIMITED LIABILITY PARTNERSHIP

Petition No. <u>Z-97</u> Meeting Date <u>Sept 19 above</u> Continued

#### VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager Cobb County Zoning Department Page 3 September 7, 2000

- 12. The granting of contemporaneous setback variances from 50 feet to 35 feet on Kurtz Road and from 30 feet to 28 feet on Dogwood Drive.
- 13. Subject to recommendations from the Cobb County Development & Inspections Department and its Stormwater Management Division with respect hydrology, stormwater concerns and down-stream considerations.

As you know, the subject property is located in an area in which the Future Land Use Map and Comprehensive Land Use Plan have denominated as Community Activity Center (CAC). In that regard, particularly when considered in the context of the foregoing stipulations/ conditions, the zoning proposal and utilization of the subject property as proposed is consistent with the County's policy and intent concerning development and the transitioning of same along this section of the Canton Road Corridor. Please do not hesitate to call should you or your staff require any further information or documentation concerning this application prior to the next regularly scheduled meeting in September.

Very truly yours,

SAMS & LARKIN, LLP

Garvis L. Sams, Jr.

#### GLSjr/jbmc

Enclosures

Members, Cobb County Board of Commissioners - w/enclosure
 Ms. Malinda Bradley, Assistant County Clerk - w/enclosure
 Mr. Timothy D. Lee, Northeast Cobb Homeowners Group - w/enclosure
 Mr. Paul A. Dangar, Jr. - w/enclosure



### MINUTES OF REGULAR MEETING MARCH 26, 2002 PAGE 17

# 14. <u>COMMUNITY DEVELOPMENT</u>

#### **Zoning Division**

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### 14A. <u>APPROVAL OF STIPULATION AMENDMENT AND ARCHITECTURAL</u> <u>PLANS REGARDING Z-97 (DPK, L.P.) OF AUGUST 15, 2000, FOR</u> <u>PROPERTY LOCATED ON THE SOUTH SIDE OF KURTZ ROAD AND</u> <u>THE SOUTH SIDE OF DOGWOOD DRIVE, WEST OF CANTON ROAD IN</u> <u>LAND LOT 732 OF THE 16<sup>TH</sup> DISTRICT – ZONING:</u>

MOTION: Motion by Askea, second by Olens, to <u>approve</u> stipulation amendment and architectural plans regarding Z-97 (DPK, L.P.) of August 15, 2000, for property located on the south side of Kurtz Road and the south side of Dogwood Drive, west of Canton Road in Land Lot 732 of the 16<sup>th</sup> District **subject to**:

- applicant to submit a landscape plan approved by the County Arborist in lieu of the fifty (50') buffer previously stipulated
- letter from Mr. P.A. Dangar, Jr., dated March 11, 2002 (copy attached and made a part of these minutes)
- detention facility to be located on the R-20 portion of property across Dogwood Drive, as referenced on plat (copy of plat attached and made a part of these minutes)
- architectural renderings for the three buildings (attached and made a part of these minutes)
- all other previously approved conditions/stipulations shall remain in full force and effect

VOTE: **ADOPTED** unanimously

Į ß 3 2002 COBB CO. COMM. DEV. DEPT. ZOHING DIVISION

DPK, LP

March 11, 2002

Cobb County Board of Commissioners 100 Cherokee Street, NE Marietta, Georgia 30060

Re: Z-97 for DPK, L.P.

#### Gentlemen:

At the February 19, 2002 meeting the referenced zoning case was postponed in order that a meeting be held at the site. This meeting took place on March 7, 2002 at 4:00 PM with the following persons in attendance:

**Commissioner Bill Askea** Commissioner Sam Olens Mr. Henry Mingledorff, Mr. David Breaden – Cobb Storm Water Management Mr. P. A. Dangar, Jr., Mr. David E. Dangar, Sr. - Appllicant Mr. Tom Ginn - Southern Surveying & Mapping

Based upon the discussions at the site the following items were agreed to by the applicant in order to proceed with the approval of this amendment to the stipulations of this Zoning Request:

- 1. Architectural Plans to be reviewed at the next hearing.
- 2. Currently existing strip of land zoned R-20 to remain as R-20 with permission granted to applicant to use this for part of commercial detention.
- 3. Applicant will assume responsibility for maintenance of this commercial detention facility.
- 4. Applicant agrees to provide "rip rap" at the discharge side of culvert beneath Sylvan Park Drive, providing Cobb County acts as agent for applicant in obtaining permission from property owner for this work.

We appreciate your assistance in completing this request.

Yours truly,

DPK, L.P. P. A. Dangar.

Agent

1629 Clubview Court Kennesaw, GA 30144

copy: Mark Danneman

Office: 770-428-4728 Fax: 770-428-4007





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