

**JULY 18, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM 026

PURPOSE

To consider amending the stipulations for Atlanta Roller Derby, Inc. regarding rezoning application Z-14 (Kuo Ken Tai) of 2016, for property located on the north side Veterans Memorial Highway, west of North Allen Road in Land Lot 45 of the 18th District.

BACKGROUND

The subject property was rezoned to OS in 2016 for eleven specific permitted uses. The applicant operates a professional roller derby organization and needs a place to practice. The applicant would need the Board of Commissioner’s to amend the zoning minutes to allow the use of “Commercial Indoor Recreation” at this property. All activity would take place inside the building. If approved, all previous stipulations would remain in effect.

STAFF COMMENTS

None.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

OB-026-2017

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

BOC Hearing Date Requested: 7/18/17

Applicant: Atlanta Roller Derby, Inc. Phone #: _____
(applicant's name printed)

Address: _____ **E-Mail:** _____

SAMS, LARKIN, HUFF & BALLI, LLP

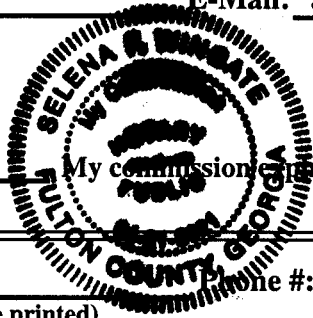
Adam J. Rozen, Esq. Address: 376 Powder Springs St., Ste 100 Marietta, GA 30064

(representative's name, printed)

[Signature] Phone #: 770-422-7016 E-Mail: arozen@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public My commission expires: _____



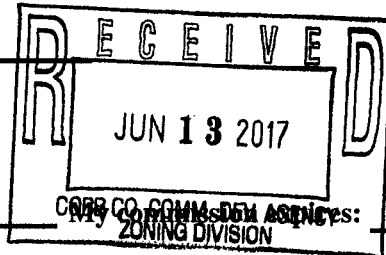
Titleholder(s): 281 VM, LLC Phone #: _____
(property owner's name printed)

Address: _____ **E-Mail:** _____

See Attached
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____



Commission District: 4-Cupid **Zoning Case:** Z-14 (2016)

Size of property in acres: 8.048 **Original Date of Hearing:** 4/19/16

Location: 281 Veterans Memorial Hwy Mableton, GA 30126 ; north side of Veterans Memorial Hwy
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 45 **District(s):** 18

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

Allow commercial indoor recreation use in OS for the purpose of indoor practice facility.

(List or attach additional information if needed)

**CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE
OTHER BUSINESS APPLICATION**

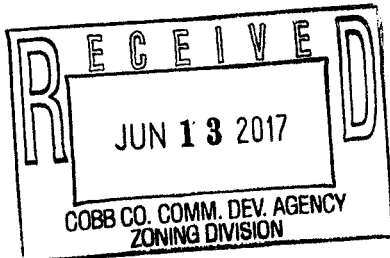
1.

My name is Allison Knorch. I am the secretary, assistant secretary or other officer to whom the operating agreement has delegated the responsibility for authenticating records of the company, **ATLANTA ROLLER DERBY, INC.**, a Georgia Corporation (the "Applicant"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Other Business Application concerning certain real property located in Cobb County, Georgia.

2.

In accordance with the Requirements for Completing a Cobb County Other Business Application, I hereby attest on behalf of the Applicant that I have reviewed the Other Business Application and related documents which are being filed simultaneously therewith by the Applicant and Owner Company (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

- (a) That signature or facsimile affixed to the Other Business Application is in fact the seal of the officer executing on behalf of Applicant and is a true representation thereof; and
- (b) That the officer or other representative of the Applicant who executed the Other Business Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Other Business Application on behalf of the Applicant, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Other Business Application and the filing of the Other Business Application by the Applicant is with the express permission of the Property Owner Company.

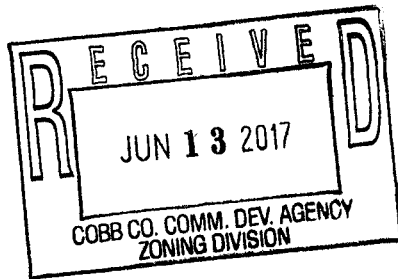


By: [Signature] (SEAL)

Its: AK

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB- 26 (2017)
Hearing Date: July 18, 2017
Applicant: Atlanta Roller Derby Inc.
Titleholder: 281 VM, LLC



Signature: [Handwritten Signature]
Name: Hugh H. Scott, Jr
Address: _____

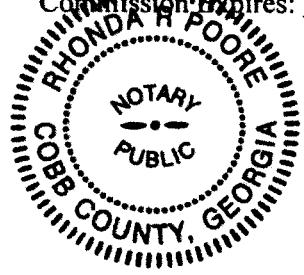
Date Executed: 6-12-17

Signed, sealed, and delivered in the presence of:

[Handwritten Signature]

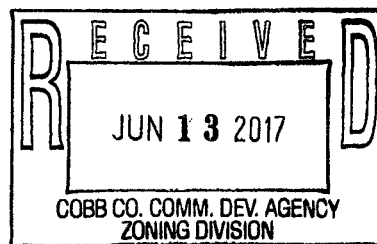
Notary Public

Commission Expires: 4/19/2018



281 UM Zoning

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 19, 2016
PAGE 12



REGULAR AGENDA (CONT.)

Vice-Chair Weatherford called for a recess from 10:16 a.m. until 10:24 a.m.

- Z-14** KUO KEN TAI (owner) requesting Rezoning from OS and NS to LI for the purpose of Warehouse/Distribution in Land Lot 45 of the 18th District. Located on the north side of Veterans Memorial Highway, west of North Allen Road. *(Previously continued by the Planning Commission from their February 2, 2016 hearing, and previously continued by Staff from the March 1, 2016 Planning Commission hearing)*

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

MOTION: Motion by Cupid, second by Weatherford, to recommend deletion of Z-14 to the OS zoning category, subject to:

1. Site plan received by the Zoning Division on December 3, 2015, *noting that a parking plan shall be prepared to show an increase in the number of parking spaces and removal of substandard parking spaces* (attached and made a part of these minutes)
2. Letter of agreeable conditions from Mr. Parks Huff dated April 18, 2016 (attached and made a part of these minutes), *not otherwise in conflict* with the following changes:
 - A. Item No. 3 – strike last sentence, add to end: *“Parking plan to be submitted to Community Development and approved by the District Commissioner.”*
 - B. Item No. 7 – add to end: *“...Committee, with final approval by the District Commissioner.”*
 - C. Item No. 13, after second sentence – add sentence: *“Non-commercial vehicles such as RVs or commercial vehicles with less than 12,500 gross vehicle weight is permitted where there is a landscape buffer or fencing that provides a complete visual barrier and provides a sound buffer to the adjacent residential lot.”*
 - D. Item No. 14 – add to end: *“Final approval subject to the District Commissioner.”*
3. Zoning Division comments and recommendations, *not otherwise in conflict*
4. Planning Division comments and recommendations, *not otherwise in conflict*

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 19, 2016
PAGE 13

REGULAR AGENDA (CONT.)

Z-14 KUO KEN TAI (CONT.)

5. Fire Department comments and recommendations, *not otherwise in conflict*
6. Water and Sewer Division comments and recommendations, *not otherwise in conflict*
7. Stormwater Management comments and recommendations, *not otherwise in conflict*
8. Department of Transportation comments and recommendations, *not otherwise in conflict*

VOTE: ADOPTED 4-0, Lee absent

Following the vote on Z-14 (10:40 a.m.), Chairman Lee arrived and thus presided over the remainder of the hearing.

Commissioner Ott announced that he would recuse himself from any action on Z-24 (Boos Development Group, Inc.) due to a conflict created by a relative being associated with this request.

~~Z-24 BOOS DEVELOPMENT GROUP, INC. (Mason Wayne Miller and Mary K. Miller, owners) requesting rezoning from NRC and R-20 to NRC with **Stipulations** for the purpose of Retail in Land Lot 1263 of the 19th District. Located at the intersection of the northwesterly side of Brownsville Road and the easterly side of Pine Valley Road.~~

~~The public hearing was opened, and Mr. John Moore addressed the Board. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Cupid to deny Z-24; however, the motion failed due to the lack of a second.~~

~~**SUBSTITUE MOTION:**~~

~~MOTION: Motion by Weatherford, second by Birrell, to approve Z-24 as presented.~~

~~*Upon further discussion, it was determined that a 30 day hold would be appropriate to gather additional information.*~~

~~MOTION: Motion by Weatherford, second by Birrell, to hold Z-24 until the May 17, 2016 Board of Commissioners Zoning Hearing.~~

~~VOTE: ADOPTED 4-0, Ott recused~~

Min. Bk. 78 Petition No. Z-14
Doc. Type Letter
Meeting Date 4-19-16

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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

770-422-7016
TELEPHONE
770-426-6583
FAC SIMILE

ADAM J. ROZEN

SLHB-LAW.COM

April 18, 2016

VIA EMAIL & HAND DELIVERY:

Mr. Jason Campbell
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Application of Kuo Ken Tai to Rezone a 8.048 Acre Tract from OS and NS to LI;
Land Lot 45 of the 18th District, 2nd Section, Cobb County, Georgia (Z-14).

Dear Jason:

Kuo Ken Tai owns an eight (8±) acre tract on the north side of Veterans Memorial Highway with an existing 168,000 square foot warehouse building. The building was used as a warehouse, showroom, sales and distribution facility for an import business known as KOK. The building is affectionately known as the KOK building because of the large signage located on the side of the building. The KOK business closed down many years ago and the building has been mainly vacant since that time. The building is being marketed for sale and several potential buyers have not been able to close on the property because the NS (sliver of property) and the OS zoning category are too restrictive given the size of the warehouse space and the flexibility needed to properly utilize the building. The applicant and potential purchasers have met the staff and the Mableton Improvement Coalition to create a list of stipulations that protect the interests of the surrounding community while allowing appropriate uses that will allow for a successful enterprise to use the building so it does not continue to be vacant. The following is a list of stipulations that my client is willing to allow to become conditions of the grant of the proposed zoning:

1. The property will remain zoned OS and the NS portion shall be rezoned to OS; however, the following uses will be expressly allowed:
 - a. Pod storage (the storage of self-storage facility pods) in defined areas.
 - b. Accessory retail sales and service.
 - c. Warehouse, showroom, storage facility.
 - d. Logistics facility (must comply with the requirements of OS).

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-14
Meeting Date 4-19-16
Continued

VIA EMAIL & HAND DELIVERY:

Mr. Jason Campbell
Cobb County Zoning Division
Community Development Agency
April 18, 2016
Page 2

- e. Assembly of items.
- f. Automotive parking lots or garages.
- g. Corporate or administrative offices.
- h. Office service and supply establishments.
- i. Parking for vehicles.
- j. Wholesale trade and distribution facilities, and
- k. Wholesale trade offices in conjunction with office showrooms, display and other facilities.

The following uses are expressly prohibited:

- a. Overnight parking of semi-truck and semi-trailers.
- b. Shipping containers or pods stored outdoors.
- c. Vehicles with a gross vehicle rating of over 12,500 pounds unless parked on a loading dock on the southeastern portion of the building.
- d. Assembly halls and religious services.
- e. Clubs or lodges.
- f. Storage or sales of guns, knives or other weapons except as incidental to other storage in the warehouse, and
- g. Automotive or truck service repair or body work.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-14
Meeting Date 4-19-16
Continued

VIA EMAIL & HAND DELIVERY:

Mr. Jason Campbell
Cobb County Zoning Division
Community Development Agency
April 18, 2016
Page 3

2. Any assembly processes shall be conducted inside the building and shall not emit any noise, vibration, smoke, gas, fumes or odors.
3. Generally, the existing asphalt is in good condition. However, the applicant shall repair or patch the asphalt where it has failed and shall restripe the parking lot spaces and add a line of demarcation between the subject parcel and the adjacent parcel that shares a parking lot. The applicant shall prepare a parking study and parking plan designed by an engineer. ~~The District Commissioner can grant up to a 10% variance on the parking ratio due to limited space.~~ *Parking Plan to be submitted to Community Development and approved by the District Commissioner.*
4. The front setback shall be reduced from 75 feet to 58 feet for the existing building per the site plan previously submitted.
5. Allow encroachment of the existing curb and paving into the fifty foot (50') landscape buffer along the western property line. Additionally, the existing wooden privacy fence along the western property line shall be repaired or replaced as needed.
6. Allow encroachment of the existing paving, detention facility wall and building into the fifty foot (50') landscape buffer along the northern property line as depicted on the site plan submitted with the Zoning Application. Additionally, additional low-story evergreen plantings and/or a privacy fence will be installed on the northern side of the asphalt area located on the northwestern side of the property.
7. Any outside dumpsters will be secured in a dumpster enclosure with a door. The dumpster enclosure shall comply with Development Standards and shall be finished with brick or other materials approved by the Architecture and Landscape Committee, *with the final approval by the District Commissioner.*
8. The landscaping between the building and Veterans Memorial Highway will be maintained and dead or dying shrubbery or trees shall be removed and/or replaced.
9. The existing building wall signage will be removed and replaced with signage that complies with the Cobb County Sign Ordinance and that is located in a manner that is consistent with the enclosed rendering. The signage will be for the master tenant of the building and potentially for larger tenants occupying 20,000 square feet or more. Smaller individual tenants will not have separate wall signage. However, any monument signage will comply with the County Sign Ordinance and it might include signage for smaller tenants of the building.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-14
Meeting Date 4-19-16
Continued

VIA EMAIL & HAND DELIVERY:

Mr. Jason Campbell
Cobb County Zoning Division
Community Development Agency
April 18, 2016
Page 4

Non-commercial vehicles such as RVs or commercial vehicles with less than 12,500 gross vehicle weight is permitted where there is a landscape buffer or fencing that provides a complete visual barrier and provides a sound buffer to the adjacent residential lot.

10. The damaged awning located above the loading dock doors on the east side of the building will be repaired.
11. The red trim will be painted to match the building or color approved by the Architecture and Landscape Committee. If the building color is changed, it will be repainted in a neutral color or color approved by the Architecture and Landscape Committee.
12. The existing detention pond will be cleared of trees and the outlet structure will be clear of debris.
13. The parking lot or asphalt paving area located to the north of the building on the western side of the property will only receive deliveries from 7:00 a.m. through 8:00 p.m. Monday through Friday, Saturday from 9:00 a.m. to 5:00 p.m. and on Sunday 12:00 p.m. to 5:00 p.m. The back parking lot may also be used for the long term storage of non-commercial vehicles such as RVs or commercial vehicles under 12,500 gross vehicle weight if it is ancillary to the use of a tenant with 1,000 square feet of space. If the back parking lot is used for vehicle storage, the rear loading dock shall not be used. The other loading areas will only receive deliveries from 6:00 a.m. to 8:00 p.m.
14. Any initial exterior changes to the building, including painting, and landscaping (including the removal and replacement of missing or dying buffer vegetation) will be reviewed and approved by an Architectural and Landscape Committee that will be comprised of: 1) someone appointed by the Mableton Improvement Coalition; 2) the property owner; and, 3) a designee from the Cobb County Community Development Department. *Final approval subject to the District Commissioner.*
15. There shall be no additional building or paving permitted on the property.
16. The required improvements shall be made within 180 days of the final Board of Commissioners' approval. After that, no additional CO's shall be issued for the building until the items contained in paragraphs 3, 5, 6, 8, 10 and 12 have been completed. Once the items have been completed, if any landscaping or fencing becomes damaged, it shall be repaired or replaced within 90 days.
17. Compliance with Cobb DOT recommendations, upon redevelopment of the subject property.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-14
Meeting Date 4-19-16
Continued

VIA EMAIL & HAND DELIVERY:

Mr. Jason Campbell
Cobb County Zoning Division
Community Development Agency
April 18, 2016
Page 5

18. There shall be a maximum of 12,500 square feet of finished area in the building, including any area in the mezzanine unless sufficient parking is available per County parking requirements.
19. The District Commissioner shall have the authority to approve minor modifications to these stipulations/conditions, except for those that:
 - a. Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
 - b. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
 - c. Increase the height of a building that is adjacent to property that is zoned in the same or more restrictive zoning district.
 - d. Violate the Cobb County Zoning Ordinance.
 - e. Change access locations to different roadways.
 - f. Would be in direct conflict with, or direct contradiction to, Cobb County regulations or any of the foregoing stipulations.

The approval of the aforementioned changes shall not be unduly burdensome to the owner and said approval shall not be unreasonably withheld.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

Parks F. Huff
phuff@slhb-law.com

PFH/kik
Enclosure/Attachment
cc: Listed on next page

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-14
Meeting Date 4-19-16
Continued

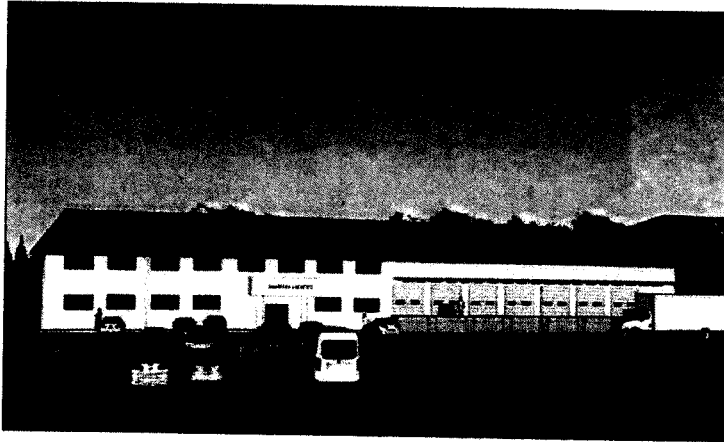
VIA EMAIL & HAND DELIVERY:

Mr. Jason Campbell
Cobb County Zoning Division
Community Development Agency
April 18, 2016
Page 6

- cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Commission Assistants, Cobb County Board of Commissioners (via email w/attachment)
Mr. Dana Johnson, AICP, Director (via email w/attachment)
Mr. Lee McClead, Deputy Director (via email w/attachment)
Mr. John Pederson, AICP, Zoning Division Manager (via email w/attachment)
Mr. Jason Gaines, AICP, Planning Division Manager (via email w/attachment)
Mr. Terry Martin, Planner II (via email w/attachment)
Ms. Kim Wakefield, Zoning Analyst (via email w/attachment)
Mr. Donald Wells, Zoning Analyst (via email w/attachment)
Mr. David Breaden, P.E. (via email w/attachment)
Ms. Jane Stricklin, P.E. (via email w/attachment)
Mr. Tim Davidson, P.E., Plan Review Engineer (via email w/attachment)
Ms. Pam Mabry, County Clerk (via email w/attachment)
Ms. Lori Barton, Deputy County Clerk (via email w/attachment)
Ms. Robin Presley, Deputy County Clerk (via email)
Ms. Robin Meyer, Mableton Improvement Coalition (via email)
Ms. Poju Tai (via email w/attachment)
Mr. Andy Kao (via email w/attachment)

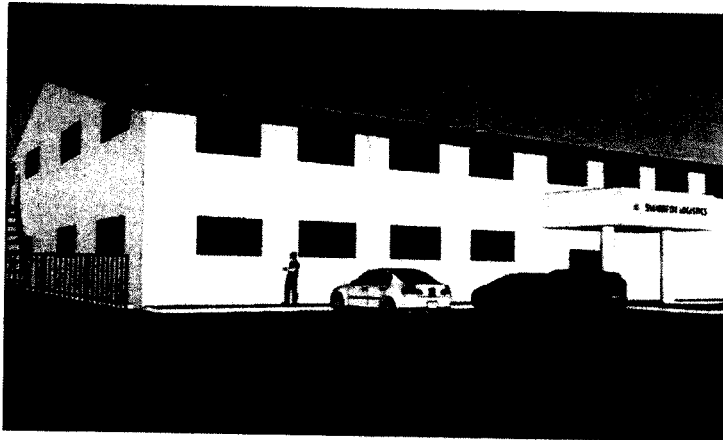
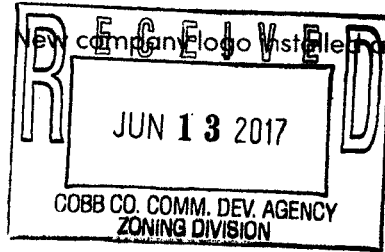
SIGNAGE RENDERING

Attachment to April 18, 2016
Stipulation Letter



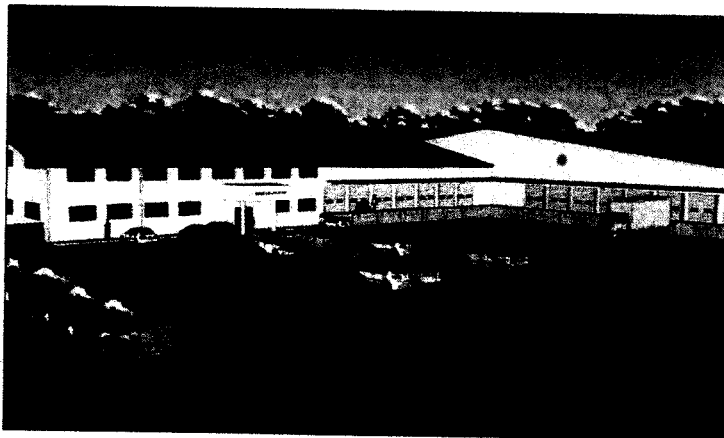
EAST FACING SIGNAGE

- ☑ All K.O.K signage removed from east facing section of building
- ☑ New company logo visible above entrance



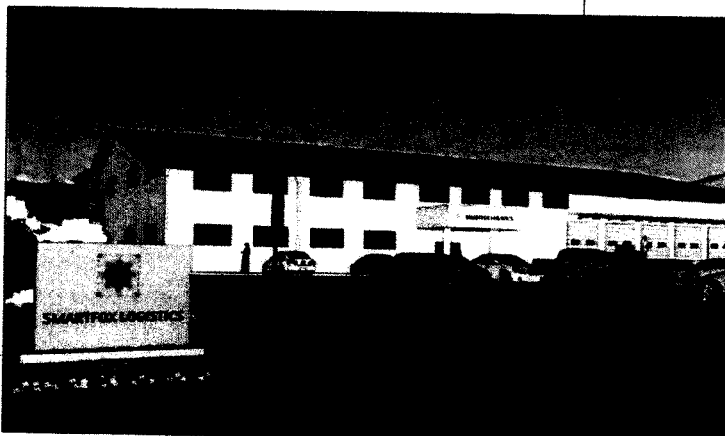
EAST FACING SIGNAGE & SOUTHERNMOST WALL

- ☑ All K.O.K signage removed from southernmost wall of property
- ☑ No company signage installed on southernmost side of building
- ☑ To reiterate, only one company sign installed on east facing wall (above entrance)



WAREHOUSE SECTION

- ☑ Unattractive K.O.K signage removed from warehouse and replaced with attractive company logo
- ☑ Old red trim removed completely and repainted in a more attractive color



MONUMENT SIGN

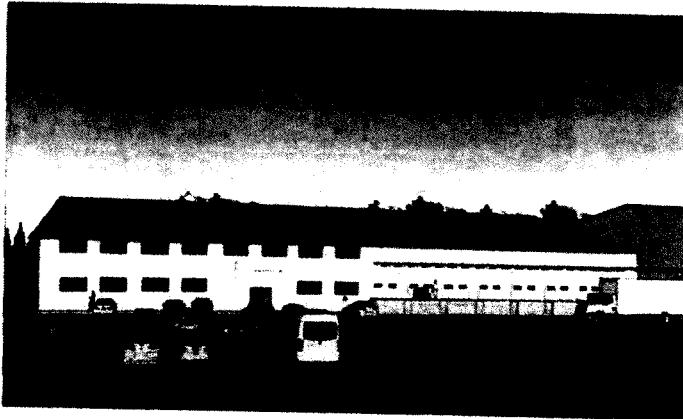
- ☑ Tasteful monument sign installed at entrance to property along Veterans Memorial Hwy that reflects the presence of quality businesses/tenants

*Renderings not to scale and are not finalized designs
**All signage to comply with Cobb County regulations

Petition No. 2-14
Meeting Date 4-19-16
Continued

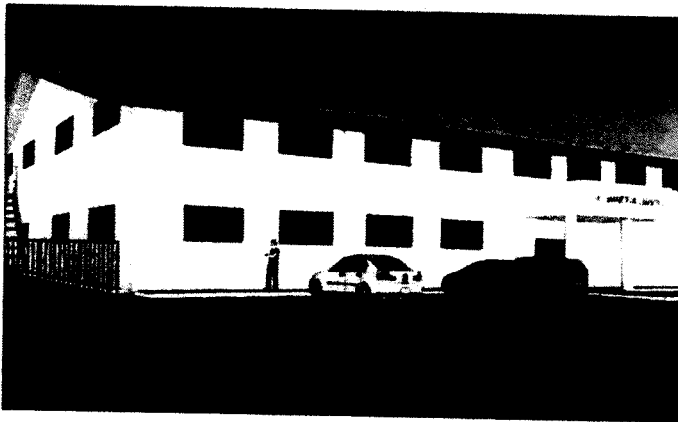
SIGNAGE RENDERING

Attachment to April 18, 2016
Stipulation Letter



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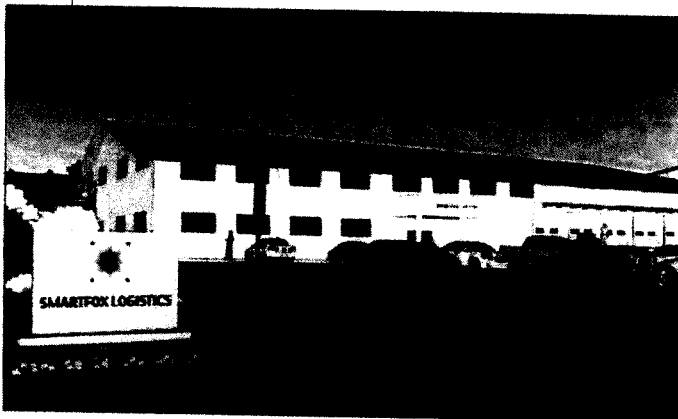
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*Renderings not to scale and are not finalized designs
**All signage to comply with Cobb County regulations

