

4

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 3-15-2011

Applicant: Henry H. Hays Phone #: 404-323-0288  
(applicant's name printed)

Address: 60 Shawnee Trail, Suite 100, Mari. GA. 30067 E-Mail: henry@3hco.com

Henry H. Hays Address: 60 Shawnee Trail, Suite 100, Mari. GA. 30067  
(representative's name, printed)

[Signature] Phone #: 404.323.0288 E-Mail: henry@3hco.com  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: \_\_\_\_\_ My Commission Expires 09/10/2012  
Notary Public

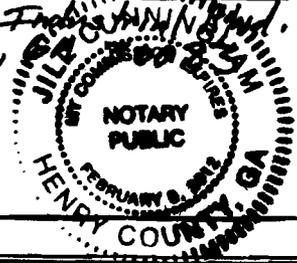
Titleholder(s): MBB INVESTMENTS, LLC Phone #: 404.297.8388  
(property owner's name printed)

Address: Southwest Restoration & Fireproofing Co., Inc. E-Mail: mbehnamiri@serest.com  
(property owner's name printed)

[Signature] Mahmoudo B. Behnamiri, Manager  
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: \_\_\_\_\_  
Notary Public



Commission District: 3 Zoning Case: Z-20 1996

Date of Zoning Decision: 2-20-1996 Original Date of Hearing: 2-20-1996

Location: Northwest Corner of W. Frank Gandy Parkway & Sandy  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 334 District(s): 16<sup>th</sup>

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

(List or attach additional information if needed)

Application for Other Business, Cobb County, GA – (Continued)

Preface:

This Property will still be subject to Stipulations 1) "all previous zoning stipulations of Z-95 of 1990 (Evelyn J. Gordy-Rankin) to remain in effect as is relates to Architectural Review, master landscape plan and any other stipulations from stated previous zoning application which have not been completed" i.e. each new users will have to submit their building elevations, landscape plan, and building and monument signage to the Architectural Control Committee (ACC) for their review before submitting their plans to Cobb County.

Specific Needs or Reasons for Other Business

As to stipulation No. 2) "site plan submitted"

The Property was rezoned for 30,500 SF of retail shops in 1996 in two (2) separate structures (7,300 SF facing Sandy Plains Road and 23,500 SF facing Gordy Parkway). Market conditions have changed, and the size and amount of retail shops are no longer viable. The planned two (2) separate structures will be replaced by three (3) separate free-standing buildings that will be located on their own separate parcels, which will then be leased or sold to individual businesses. The new aggregate SF of the three buildings will be substantially less than the current 30,500 SF.

**Request...that the original stipulation No. 2) be deleted in its entirety and replaced with the following:**  
***"The property may be subdivided into three (3) separate individual parcels per the attached preliminary site plan; provided, each parcel meets Cobb County subdivision requirements. The District Commissioner must approve the final site plan and has the authority to approve minor modifications to the site plans".***

As to stipulation No.5) "construction of deceleration and acceleration lanes"

All road work and curb cuts have been installed on W. Frank Gordy Parkway. The curb cut on Sandy Plains Road has not been installed.

**Request...that the original stipulation No. 5) be deleted in its entirety and replaced with the following:**  
***"All curb cuts have been installed on Gordy Parkway. No other curb cuts will be allowed on Gordy Parkway. Minor modifications of the existing curb cuts on Gordy Parkway may be approved by Cobb DOT. The curb cut for the Property on Sandy Plains Road must meet Cobb DOT approval which will require a deceleration lane".***

**Z-20**      **SHALLOWFORD DEV. INC.** for Rezoning from OI to NRC for the purpose of Retail Shops in Land Lot 334 of the 16th District. 3.3 acres. Located on the west side of Sandy Plains Road, north of Gordy Parkway. The Board of Commissioners approved application subject to: 1) all previous zoning stipulations of Z-95 of 1990 (Evelyn J. Gordy-Rankin) to remain in effect as it relates to Architectural Review, master landscape plan and any other stipulations from stated previous zoning application which have not been completed; 2) site plan submitted, dated December 5, 1995, reduced copy attached and made a part hereof; 3) owner/developer to control site stormwater discharges so as not to exceed the capacity of downstream storm drainage systems; 4) project subject to the Cobb County Flood Damage Prevention Ordinance requirements; 5) construction of 150 foot deceleration lane for egress from the Arterial, and the construction of 150 foot deceleration and acceleration lanes for ingress/egress from the Major Collector; 6) previous traffic related stipulations of zoning application #Z-95 of 1990 (Evelyn J. Gordy-Rankin) are a part of this rezoning approval; 7) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements. Motion by Byrne, second by Wysong, carried 5-0.

**Z-21**      **DOUGLAS COUNTY BANK** for Rezoning from GC with stipulations to NRC for the purpose of Commercial Uses in Land Lot 512 of the 18th District. 2 acres. Located at the northwest intersection of Six Flags Drive and Factory Shoals Road. The Board of Commissioners, as part of the Consent Agenda, approved application subject to: 1) owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns; 2) project subject to Drainage Division comments; 3) access locations to be upgraded to commercial standards; 4) project subject to previous "traffic related" zoning stipulations as included in zoning application Z-49 of 1990 (Ronald L. Loxoff); 5) installation of 150 foot deceleration/acceleration lanes for ingress/egress from the Arterial and Major Collector; 6) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements. Motion by Poole, second by Wysong, carried 5-0.

63



