

**SEPTEMBER 17, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM # 1

PURPOSE

To consider a stipulation amendment for the Captain Ashok K. Sagar regarding rezoning application Z-114 of 2002 (Captain Ashok K. Sagar), for property located on the south side of Veteran Memorial Highway, east of North Allen Road in Land Lot 45 of the 18th District.

BACKGROUND

The subject property was zoned Light Industrial (LI) in 2002 to build a small warehouse and distribution facility on the property. One of the zoning stipulations called for the existing house to be demolished within twelve months of rezoning; the house should have been demolished by November 19, 2003. The applicant has fixed up the house (see photo in Other Business application) and would like to amend the zoning stipulations to allow the house to remain. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

STAFF COMMENTS

Water and Sewer: Connection to sanitary sewer required upon redevelopment.

Stormwater Management: All previous Stormwater Management comments to remain in effect.

Cobb D.O.T.: Recommend DOT recommendations for Z-114 (02) remain.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

#1

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 9-17-13

Applicant: CAPT. ASHOK K. SAGAR Phone #: _____
(applicant's name printed)

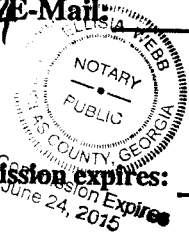
Address: 168 Veterans Memorial Highway E-Mail: _____

Ashok . K. Sagar Address: _____
(representative's name, printed)

[Signature] Phone #: 678-778-7474 E-Mail: _____
(representative's signature)

Signed, sealed and delivered in presence of:

Ellisia Webb My commission expires: 6/24/2015
Notary Public



Titleholder(s): DCS Overseas, LLC Phone #: _____
(property owner's name printed)

Address: 168 Veterans Memorial Highway E-Mail: _____

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

Ellisia Webb My commission expires: 6/24/2015
Notary Public



Commission District: 4 Zoning Case: Z-114 of 2002

Date of Zoning Decision: 11-19-02 Original Date of Hearing: 10-15-02

Location: _____
(street address, if applicable; nearest intersection, etc.)

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

State specifically the need or reason(s) for Other Business: Amend The
Zoning stipulations in order to use the
property.

(List or attach additional information if needed)



"OTHER BUSINESS" ZONING NOTICE

Requested by
Capt. Ashok K. Sagar

for the purpose of
*Amending Zoning Stipulations to
allow existing house to remain.*
RE *Z-114 of 2002*

to be heard by the
COBB COUNTY BOARD OF COMMISSIONERS
9-17-13

on
OTHER BUSINESS AGENDA

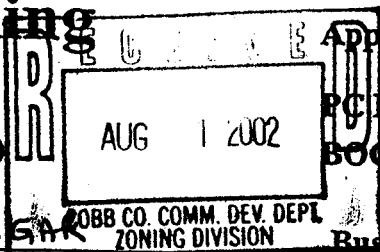
Hearing to be held in the Cobb County Building,
Commissioners' Meeting Room, 2nd floor
100 Cherokee St., Marietta, GA

For additional information contact the Zoning Division at (770) 528-2035



Application for Rezoning Cobb County, Georgia

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



Application No. 2-114
PC Hearing Date: 10-1-02
BOC Hearing Date: 10-18-02

Applicant CAPT. ASHOK K. SAGAR
(applicant's name printed) Business Phone 404-691-1122

Address 168 VETERANS MEMORIAL HWY, MABLETON, GA 30126 Home Phone 678-778-7474

ASHOK K. SAGAR Address 168 VETERANS MEMORIAL HWY, MABLETON, GA 30126
(representative's name, printed)

~~_____~~ Business Phone 404-691-1122 Beeper or Fax # 404-691-1033
(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public

Notary Public, Carroll County, Georgia
My Commission Expires Dec. 21, 2008
My commission expires: _____

Titleholder ASHOK K. SAGAR Business Phone 404-691-1122 Home Phone 678-778-7474
(titleholder's name, printed)

Signature ~~_____~~ Address 168 VETERANS MEMORIAL HWY, MABLETON, GA 30126
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

Notary Public

Notary Public, Carroll County, Georgia
My Commission Expires Dec. 21, 2008
My commission expires: _____

Zoning Request From RESIDENTIAL R-20 to LIGHT INDUSTRIAL
(present zoning) (proposed zoning)

For the Purpose of LT. INDUSTRIAL/WHSE DISTRIBUTION Size of Tract 1.289 Acre(s)
(subdivision, restaurant, warehouse, apt., etc.)

Location 168 VETERANS MEMORIAL HWY, MABLETON, GEORGIA 30126
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 45 District(s) 18 (2nd SECTION)

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

M

PAGE 2 OF 2

APPLICATION NO. Z-114

ORIGINAL DATE OF APPLICATION: 10-15-02

APPLICANTS NAME: CAPTAIN ASHOK K. SAGAR

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 10-15-02 ZONING HEARING:

CAPTAIN ASHOK K. SAGAR for Rezoning from **R-20** to **LI** for the purpose of Warehouse/Distribution in Land Lot 45 of the 18th District. Located on the south side of Veterans Memorial Highway, east of North Allen Road. *(Continued by the Planning Commission from their October 1, 2002 hearing; therefore, was not considered by the Board of Commissioners at this hearing.)*

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APPLICATION NO. Z-114

ORIGINAL DATE OF APPLICATION: 10-15-02

APPLICANTS NAME: CAPTAIN ASHOK K. SAGAR

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 11-19-02 ZONING HEARING:

CAPTAIN ASHOK K. SAGAR for Rezoning from **R-20** to **LI** for the purpose of Warehouse/Distribution in Land Lot 45 of the 18th District. Located on the south side of Veterans Memorial Highway, east of North Allen Road.

The public hearing was opened and Mr. Parks Huff addressed the Board. During the presentation, Applicant's representative withdrew the request to use the existing house for commercial purposes. Following presentation and discussion, the following motion was made:

MOTION: Motion by W. Thompson, second by Askea, to **approve** rezoning to the **LI** zoning district **subject to:**

- **no outdoor storage**
- **letters of agreeable stipulations from Mr. Parks Huff dated September 6, 2002 and October 30, 2002, *not otherwise in conflict* (copy attached and made a part of these minutes)**
- **existing house to be removed within twelve (12) months**
- **access to the property to be via a common entrance with the LI property to the west**
- **site plan to be approved by District Commissioner**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

Min. Ek. 21 Petition No. Z-114
Doc. Type Letter of Agreeable
Stipulations
Meeting Date Nov. 19, 2002

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

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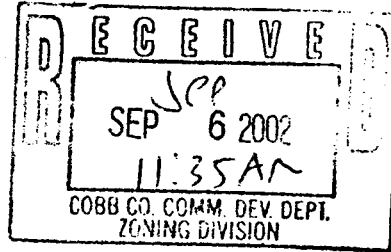
GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
M. KYLE GREENE
RICHARD A. HARRAH

OF COUNSEL
DAVID P. HARTIN

770.422.7016
TELEPHONE
770.426.6583
FACSIMILE

SAMSLARKIN@AOL.COM
E-MAIL

September 6, 2002



VIA HAND DELIVERY

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

Re: Rezoning Application for Captain Ashok Sagar, 168 Veterans Memorial Highway,
Mableton, Georgia (Z-114)

Dear John:

I have been retained by Captain Sagar regarding the above-styled rezoning application. As you know, he is requesting that a 1.289 acre tract be rezoned to the LI category for an import export warehouse.

Attached to this letter is a proposed site plan that has been prepared at the County's request. The applicant does not have any immediate plans to build the three additional warehouses. The applicant would agree to a stipulation by the County that in the development on this lot would be subject to site plan approval by the Board of Commissioners. In the immediate future, the applicant will only be using the existing house on the property for his office and minimal storage.

Additionally, attached to this letter is an agreement by Billy Culpepper, the adjoining property owner to our east stating that he does not require a buffer along his property. There was a precedent set for this waiver of a buffer requirement with Pioneer Import's approval last year on the property just to the west of the subject property. Presently, the applicant is approaching C. W. Couch for his written waiver of a buffer along his property line. He agreed to waive the buffer requirement with Pioneer Import. Please contact me if any additional information is need for this rezoning application

Sincerely,

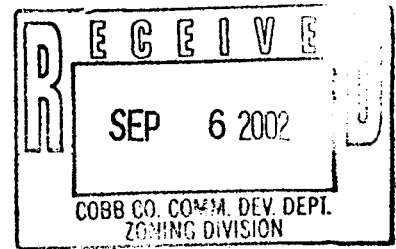
SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read "Parks F. Huff".

Parks F. Huff

PFH/lmb
Enclosure

Petition No. Z-114
Meeting Date Nov. 14, 2002
Continued



To Whomsoever It May Concern

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Dear Sir or Madam,

Capt. Ashok K. Sagar, who is the owner of #168 Veterans Memorial Highway Mableton Georgia, 30126 and is my next-door neighbor, has informed me that he has applied for rezoning of his property to light industrial category / *General Commercial*.

This is to certify that I the undersigned have no objection whatsoever if Capt. Ashok Sagar does not leave any buffer zone (side-yard setback) between my property and his, reference rezoning of his property to light industrial / *General Commercial*.

MANAGER (Billy Culiff) *Americul LLC*

Add: *178* Veterans Memorial Hwy.

Mableton Georgia, 30126

Tel: *404-2134162*

8-14-02

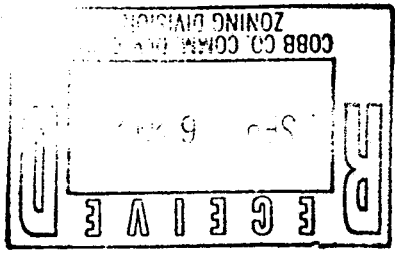
Attn: Zoning Office, Cobb County Georgia.

Petition No. 2-114
 Meeting Date Nov. 19, 2002
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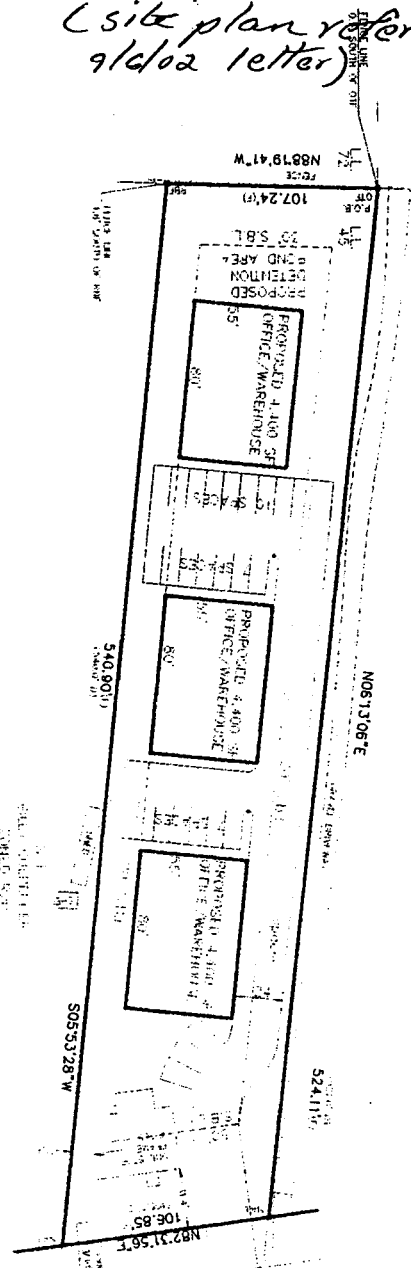
(Site plan referenced in 9/6/02 letter)

COUCH
 ZONED U

PAGE 6 OF



TOTAL ACREAGE = 1289 ACRES



VETERAN'S MEMORIAL HIGHWAY
 (90' R/W)

OWNER/OWNER'S REPRESENTATIVE:
 ASHOK SAGAR
 18TH DISTRICT
 COBB COUNTY, GEORGIA
 PHONE: (770) 531-1122

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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
RICHARD A. HARRAH

OF COUNSEL
DAVID P. HARTIN

October 30, 2002

Min. Bk. 21 Petition No. Z-114
Doc. Type Letter of Agreeable
Stipulations
Meeting Date Nov. 19, 2002

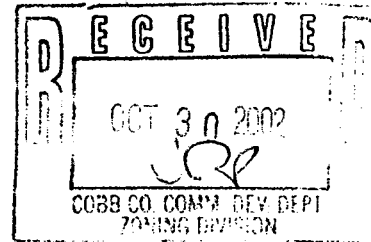
PAGE 7 OF

770.422.7016
TELEPHONE
770.426.6583
FACSIMILE

SAMSLARKIN@AOL.COM
E-MAIL

VIA HAND DELIVERY

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



Re: Rezoning Application for Captain Ashok Sagar, 168 Veterans Memorial Highway, Mableton, Georgia (Z-114)

Dear John:

As you know, I represent Captain Sagar in regards to the above-captioned application for rezoning that is on the Planning Commission's agenda for November 5, 2002. After discussions with staff, my client is willing to agree to certain stipulations that would attach to the zoning.

1. The existing house would be used as a showroom, administrative office and for limited storage until the additional warehouses were built.
2. The house will retain its residential character until these warehouses are built.
3. Parking for the residential structure will be located to the rear of the structure so as to limit the visibility from the road and maintain the residential appearance of the house.
4. Upon the construction of the warehouse facility, the residential structure will be removed.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

John P. Pederson, Planner III
Cobb County Community Development Department
Zoning Division
October 30, 2002
Page -2-

Petition No. 2-114
Meeting Date Nov. 19, 2002
Continued

PAGE 8 OF 8

5. The side that faces Veterans Memorial Highway for the new warehouse facility shall be brick and consistent with the style of the Atlanta Wholesale Warehouse which is located across Veterans Memorial Highway from the subject property.

I trust that these stipulations will address the concerns of the staff and the Planning Commission relating to the rezoning of this property. Please contact me if you have any additional questions or concerns.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff

PFH/dkc

cc: Captain Ashok Sagar

Z-114

ASHOK SAGAR
FOR
ZONING PLAN

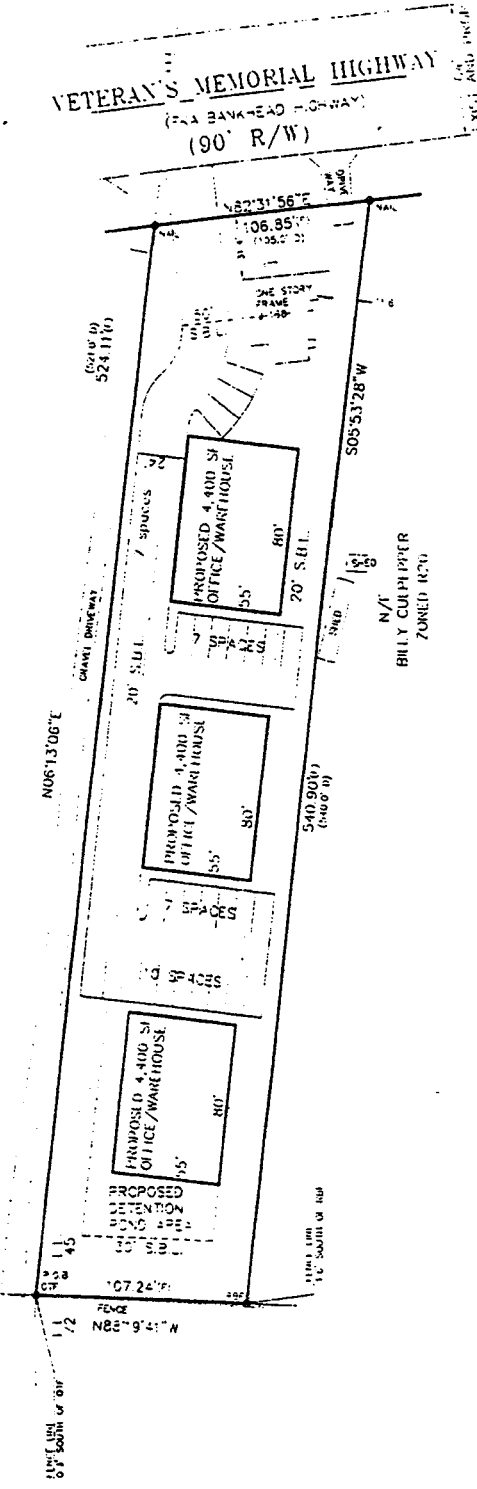
PREPARED BY:
LATE ENGINEERING & SURVEYING, INC.
ENGINEERS LAND SURVEYORS



VETERAN'S MEMORIAL HIGHWAY
(P.A. BANKHEAD HIGHWAY)
(90' R/W)

N/A
C.W. CONCH
ZONED U

H/A
C.W. CONCH
ZONED U



TOTAL ACREAGE - 1.289 ACRES

N/A
BILLY CULPITTER
ZONED R2U

RECEIVED
Revised
SEP 6 2002
JPP
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

OWNER/DEVELOPER:
MR. ASHOK SAGAR
1025 W. BANKHEAD HIGHWAY
MARIETTA, GEORGIA 30066
PHONE: (404) 931-1122

ALL INFORMATION ON THIS ZONING PLAN IS FOR INFORMATION ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY OR A CONTRACT. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR VERIFYING ALL INFORMATION AND FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

APPLICANT: Captain Ashok K. Sagar
404-691-1122

REPRESENTATIVE: Sams Larkin & Huff, LLC
Parks Huff 770-422-7016

TITLEHOLDER: Captain Ashok K. Sagar
404-691-1122

PROPERTY LOCATION: Located on the south side of Veterans Memorial Highway, east of North Allen Road.

ACCESS TO PROPERTY: Veterans Memorial Highway

PHYSICAL CHARACTERISTICS TO SITE: Existing house

PETITION NO: Z-114

HEARING DATE (PC): 10-01-02

HEARING DATE (BOC): 10-15-02

PRESENT ZONING: R-20

PROPOSED ZONING: LI

PROPOSED USE: Warehouse/Distribution

SIZE OF TRACT: 1.289 acres

DISTRICT: 18

LAND LOT(S): 45

PARCEL(S): 15

TAXES: PAID X DUE

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: R-20/ Single-family house
- SOUTH: R-20/ wooded, Single-family house
- EAST: R-20/ Single-family house
- WEST: LI, R-20/ undeveloped

OPPOSITION: NO. OPPOSED PETITION NO: SPOKESMAN

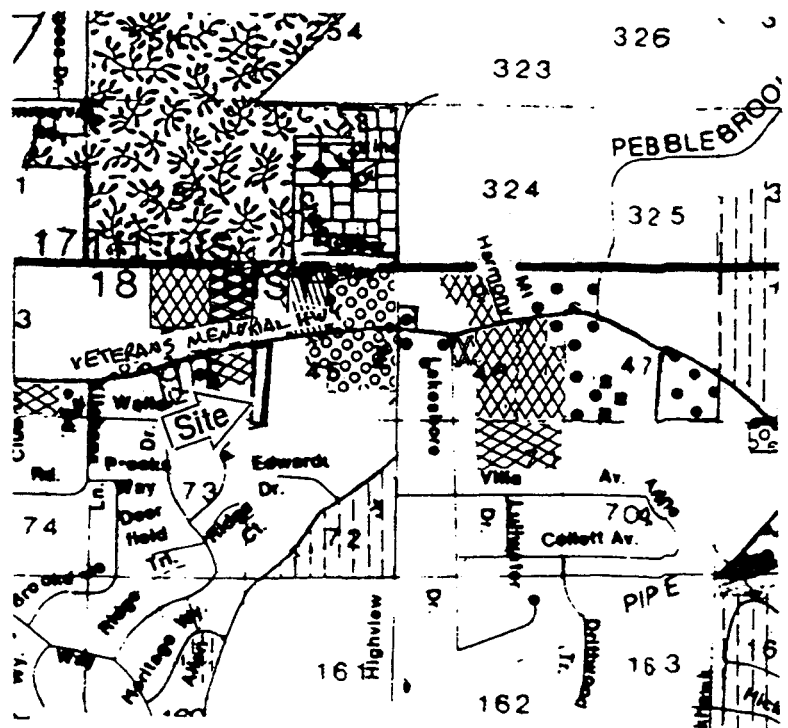
PLANNING COMMISSION RECOMMENDATION

APPROVED MOTION BY
REJECTED SECONDED
HELD CARRIED

BOARD OF COMMISSIONERS DECISION

APPROVED MOTION BY
REJECTED SECONDED
HELD CARRIED

STIPULATIONS:



APPLICANT: Captain Ashok K. Sagar

PETITION NO.: Z-114

PRESENT ZONING: R-20

PETITION FOR: LI

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 4 Total Square Footage of Development: 14,400

F.A.R. 11,171 Square Footage/Acre

Parking Spaces Required: 27 Parking Spaces Provided: 27

The applicant is requesting the LI zoning category to operate his wholesale/distribution business from this location. The applicant distributes picture frames, small gifts and novelty art. There will be no manufacturing, but there will be light assembly of some items. The applicant has stated that all activity will take place inside the building and there will be no exterior storage. The applicant will utilize the existing house at this point in time, but would like to add additional buildings (up to 13,200 square-feet) behind the house, in the future. These additions would have brick facades. The applicant has received permission from the adjoining R-20 property owner directly to the east to waive the required 50-foot landscape buffer.

Historic Preservation: No comment.

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.

FIRE COMMENTS:

<u>Station No. & Location</u>	<u>Response Time</u>	
1. _____	_____	<input type="checkbox"/> adequate <input type="checkbox"/> inadequate
2. _____	_____	<input type="checkbox"/> adequate <input type="checkbox"/> inadequate
3. _____	_____	<input type="checkbox"/> adequate <input type="checkbox"/> inadequate

GPM Requirements: _____ Water Main Size Required: _____

APPLICANT Captain Ashok K. Sagar

PETITION NO. Z-114

PRESENT ZONING R-20

PETITION FOR LI

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

Available at Development? Yes No

Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s): 8" DI / S side Veterans Memorial Hwy

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer: At site in Veterans Memorial Hwy

Estimated Waste Generation (in G.P.D.): **A D F** 1000 **Peak** 2500

Treatment Plant: S Cobb

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

Flow Test Required? Yes No

Letter of Allocation issued? Yes No

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? Yes No

Additional Comments:

* If off-site easements are required. Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Captain Ashok K. Sagar

PETITION NO.: Z 114

PRESENT ZONING: R 20

PETITION FOR: LI

DRAINAGE COMMENTS CONTINUED

Revised 9-9-02

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown **must be addressed at Plan Review**
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

- Tract slopes down to Southeast and into established residential area. Natural Ground Slopes run about 10%.
- In meeting with staff, applicant stated intention to use existing improvements adding only improvements to meet code. Those improvements must be submitted to Plan Review. In future, applicant stated intention to add larger building. Pre-design meeting with staff would facilitate progress at Plan Review.
- Revised Plan (Received 9-9-02 at Stormwater Management) shows 3 new buildings and appurtenant drives and parking added behind existing house. Zoning Regulations call for 50' undisturbed buffer along East and South lines adjacent to Residential Zoning and usage. As these are downslope from remainder of property and will assist in spreading and filtering runoff, Stormwater Management is in favor of protecting such buffer. Lack of compliance with such buffer makes this plan unacceptable. Stormwater Management recommends rejection.

APPLICANT: Captain Ashok K. Sagar

PETITION NO.: Z-114

PRESENT ZONING: R-20

PETITION FOR: LI

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Veterans Memorial	21429	Arterial	100'

Based on 2-15-01 traffic counting data taken by Cobb County DOT.

Veterans Memorial Highway is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Upgrade driveway to comply with commercial standards.

GADOT permit.

RECOMMENDATIONS

Recommend a commercial drive.

A GADOT permit will be required for any work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-114 CAPTAIN ASHOK K. SAGAR

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. This part of Veterans Memorial Highway has a mixture of uses that include residential, commercial and industrial uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposal would be consistent with the existing uses of existing and nearby properties.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within an Industrial Compatible Land Use Category.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The proposal is consistent with the *Cobb County Comprehensive Plan*, which delineates this area to be within an Industrial Compatible area. This section of Veterans Memorial Highway has many types of uses, including the use the applicant is proposing.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- No outdoor storage;
- Letter from Mr. Parks F. Huff, dated September 6, 2002;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.