

**APRIL 19, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM 006

PURPOSE

To consider a site plan and stipulation amendment for Quality Construction, Inc. & AAA Quality Plumbing, Inc. regarding rezoning application Z-32 of 2015 (Quality Construction, Inc. & AAA Quality Plumbing, Inc.), for property located on the east side of Canton Road, south of Blackwell Lane, in Land Lot 637 of the 16th District. (*Continued by staff from the March 15, 2016 hearing*)

BACKGROUND

The subject property was rezoned in 2015 for a contractor’s office. One of the zoning conditions require the site to come back to the Board of Commissioners upon a redevelopment of the subject property. The applicant has triggered this condition by proposing to tear down two small buildings (approximately 300 square feet each) on the rear of the property and replacing them with two 3,600 square foot storage buildings. There will also be a parking and staging area near the proposed buildings. These improvements are needed to facilitate the applicant’s growing business. The proposed site plan is attached for review. If approved, all previous zoning stipulations not in conflict would remain in effect.

STAFF COMMENTS

Fire Department: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application, proposed site plan and current zoning stipulations.

Cobb County Fire and Emergency Services

Fire Marshal Comments

Applicant Name: Quality Construction

Petition Number: OB-006 (2016)

Date: 2/19/2016

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8" supply lines to all hydrants.

Application for "Other Business" Cobb County, Georgia

OB-006-2016

(Cobb County Zoning Division - 770-528-2035) 5 - 2016 **HOC Hearing Date Requested:** March 15, 2016

Applicant: Quality Construction, Inc. & AAA Quality Plumbing, Inc. **Phone #:** (404) 641-1372
(applicant's name printed)

Address: 652 Verney Dr., Marietta, GA 30066 **E-Mail:** Jezubeciks@yahoo.com

SAMS, LARKIN, HUFF & BALLI, LLP

by: Garvis L. Sams Jr.

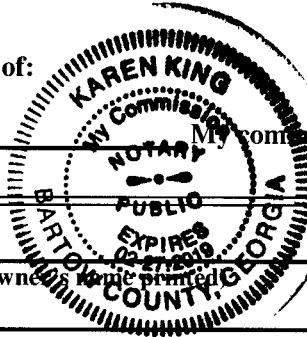
Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064

(representative's name, printed)

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

Signed, sealed and delivered in presence of:

Karen L. King My commission expires: Feb. 27, 2019
Notary Public



Titleholder(s) : See Attached **Phone #:** _____
(property owner's name printed)

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

(Property owner's signature)

Signed, sealed and delivered in presence of:

_____ My commission expires: _____
Notary Public

Commission District: 3 (Birrell) **Zoning Case:** Z-32 of 2015

Size of property in acres: 1.60 **Original Date of Hearing:** April 21, 2015

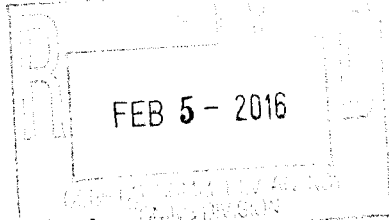
Location: East side of Canton Road, south of Blackwell Lane (2481 & 2487 Canton Road)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 637 **District(s):** 16th

State specifically the need or reason(s) for Other Business: To amend stipulations and approve a revised site plan for Quality Construction, Inc. & AAA Quality Plumbing, Inc. to allow the construction of two (2) storage structures to the rear of the primary structure.

* Applicant specifically reserves the right to amend any information set forth in this Other Business Application or any other portion of the Other Business Application, at any time during the Other Business process.

ATTACHMENT TO APPLICATION FOR OTHER BUSINESS



Application No.: OB- 6

BOC Hearing Date: March 15, 2016

Applicant: Quality Construction, Inc. & AAA Quality Plumbing, Inc.

Titleholder: AI & SONS PROPERTIES, LLC

PIN#: 16063700600
16063700070

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

[Handwritten Signature] 2-4-16
Signature of Owner Date

Printed Name: Aleks Jezubciks

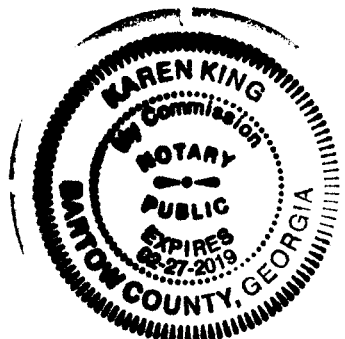
Address: 652 Verney Drive
Marietta, GA 30066

Telephone No.: (404) 641-1372

Karen L. King
Signature of Notary Public

Date 2-4-16

(Notary Seal)



CERTIFICATE REGARDING CORPORATE AUTHORITY
APPLICATION FOR OTHER BUSINESS

FEB 5 - 2016

1.

My name is Aleks Jezubciks. I am the secretary, assistant secretary or other officer to whom the operating agreement or bylaws has delegated the responsibility for authenticating records of the company, *AJ & Sons Properties, LLC* (the "Titleholder Company"). 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 regarding certain real property owned by the Titleholder Company located in Cobb County, Georgia.

2.

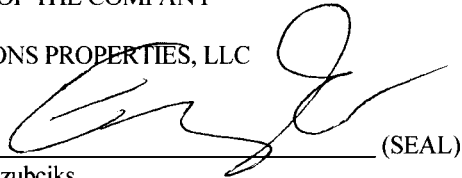
In accordance with the Requirements for Completing a Cobb County Other Business Application, I hereby attest on behalf of the Titleholder Company that I have reviewed the Other Business Application and related documents which are being filed simultaneously therewith by the Applicant Company (collectively, 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 Titleholder Company and is a true representation thereof; and
- (b) That the officer or other representative of the Titleholder Company 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 Titleholder Company, 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 Titleholder Company.

NAME OF THE COMPANY

AJ & SONS PROPERTIES, LLC

Aleks Jezubciks


(SEAL)

Secretary

Title

OB-006-2016
Proposed Site Plan

DGM
LAND PLANNING
CONSULTANTS



075 Cobb Place
Suva Suite 212
ALBENESAW
GA 30144
770 514-9006
FAX 514-9491



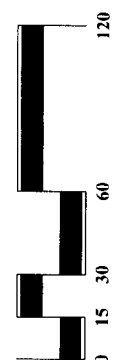
Rezoning Plat

2481 & 2487 Canton Road

Cobb County, Georgia Land Lot 637, 16th District, 2nd Section

prepared for:

AAA Quality Plumbing, Inc.



February 3, 2016



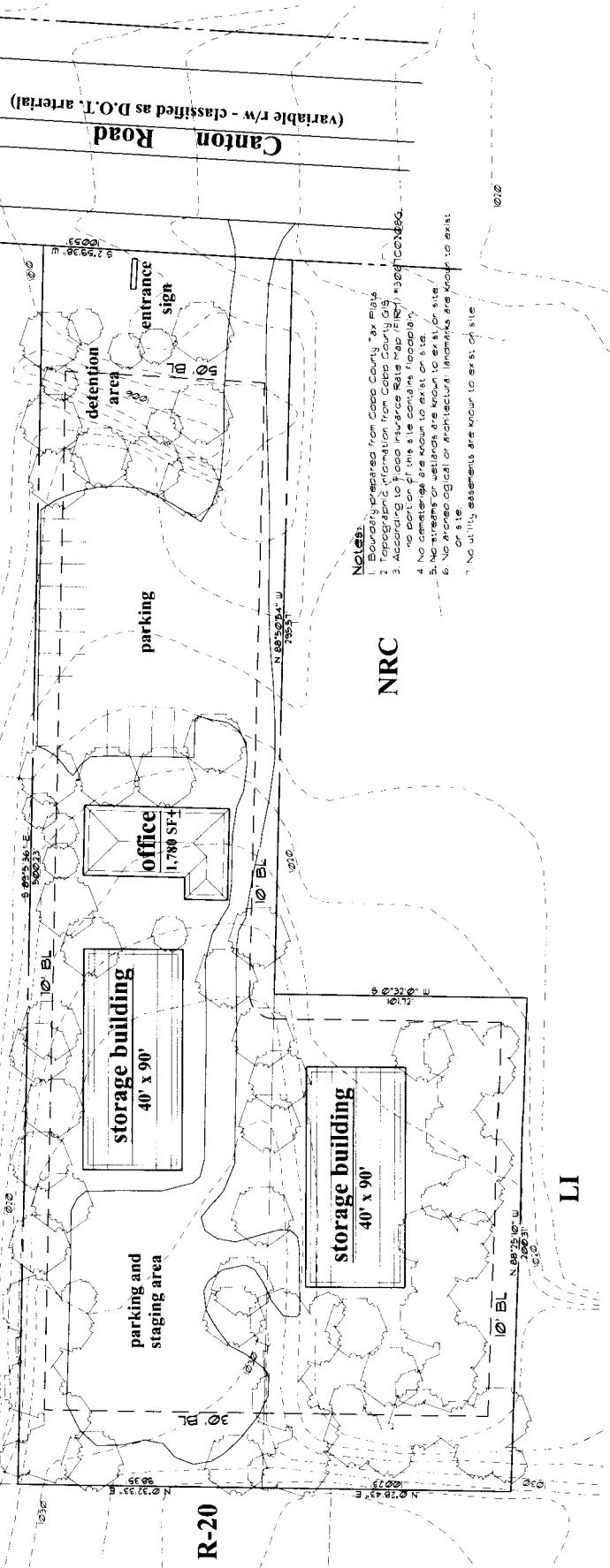
FEB 5 -- 2016

Site Data

- Total Site Area: 1.60 AC
- Existing Zoning: NRC
- Proposed Zoning: NRC (with stipulations)
- Total Building Area Shown: 1,760 SF +
- Parking Required: 6.2 (1/285 SF of net bldg. area)
- Parking Provided: 11
- GC Building Setbacks:
 - front: 50' (arterial)
 - side: 10'
 - rear: 30'

GC

Canton Road
(Variable r/w - classified as D.O.T. arterial)



- Notes:**
1. Boundary prepared from Cobb County tax maps.
 2. Topographic information from Cobb County GIS.
 3. According to Flood Insurance Rate Map (FIRM) #2207000500.
 4. No easements are shown on this site.
 5. No streams or wetlands are known to exist on site.
 6. No archeological or architectural landmarks are known to exist on site.
 7. No utility easements are known to exist on site.

R-20

NRC

LI

FEB 5 - 2016

CONSENT AGENDA (CONT.)

Z-32 **QUALITY CONSTRUCTION, INC. & AAA QUALITY PLUMBING, INC.**
(AJ & Sons Properties, LLC, owner) requesting Rezoning from GC to GC With Stipulations for the purpose of Specialized Contractors in Land Lot 637 of the 16th District. Located on the east side of Canton Road, south of Blackwell Lane (2481 and 2487 Canton Road).

To delete Z-32 to the NRC zoning category, subject to:

- Allowance of specialized contractors under NRC
- Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated February 27, 2015 (attached and made a part of these minutes)
- Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated March 27, 2015 (attached and made a part of these minutes), with the following changes:
 - Item No. 13 – noted as: *“for information only”*
 - Add Item No. 14 - *“Would be in direct conflict with or in direct contradiction to all Cobb County code and zoning ordinances or the agreed to stipulations of this zoning.”*
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- Planning Division comments and recommendations

~~Z-38~~ ~~AURIANA PARK~~ (owner) requesting Rezoning from TS and R-20 to ~~R-20~~ for the purpose of a Single-Family House in Land Lot 141 of the 20th District. Located on the west side of Old Mack Dobbs Road, south of Cobb Parkway (2905 Old Mack Dobbs Road).

To approve ~~Z-38~~ to the ~~R-20~~ zoning category, subject to:

- Allowance of existing garage, shed, and carport as shown on site plan received by the Zoning Division on February 6, 2015 (attached and made a part of these minutes)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Fire Department comments and recommendations
- Cobb DOT comments and recommendations

DGM
LAND PLANNING
CONSULTANTS



975 Cox Pkwy
Bldg. Sims 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491



Rezoning Plat

2481 & 2487 Canton Road

Cobb County, Georgia

Land Lot 637, 16th District, 2nd Section

prepared for:

AAA Quality Plumbing, Inc.



February 4, 2015

Site Data

Total Site Area: 1.60 AC

Existing Zoning: GC

Proposed Zoning: GC (with stipulations)

Total Building Area Shown: 1,760 SF ±

Parking Required: 6.2 (1/285 SF of net bldg. area)

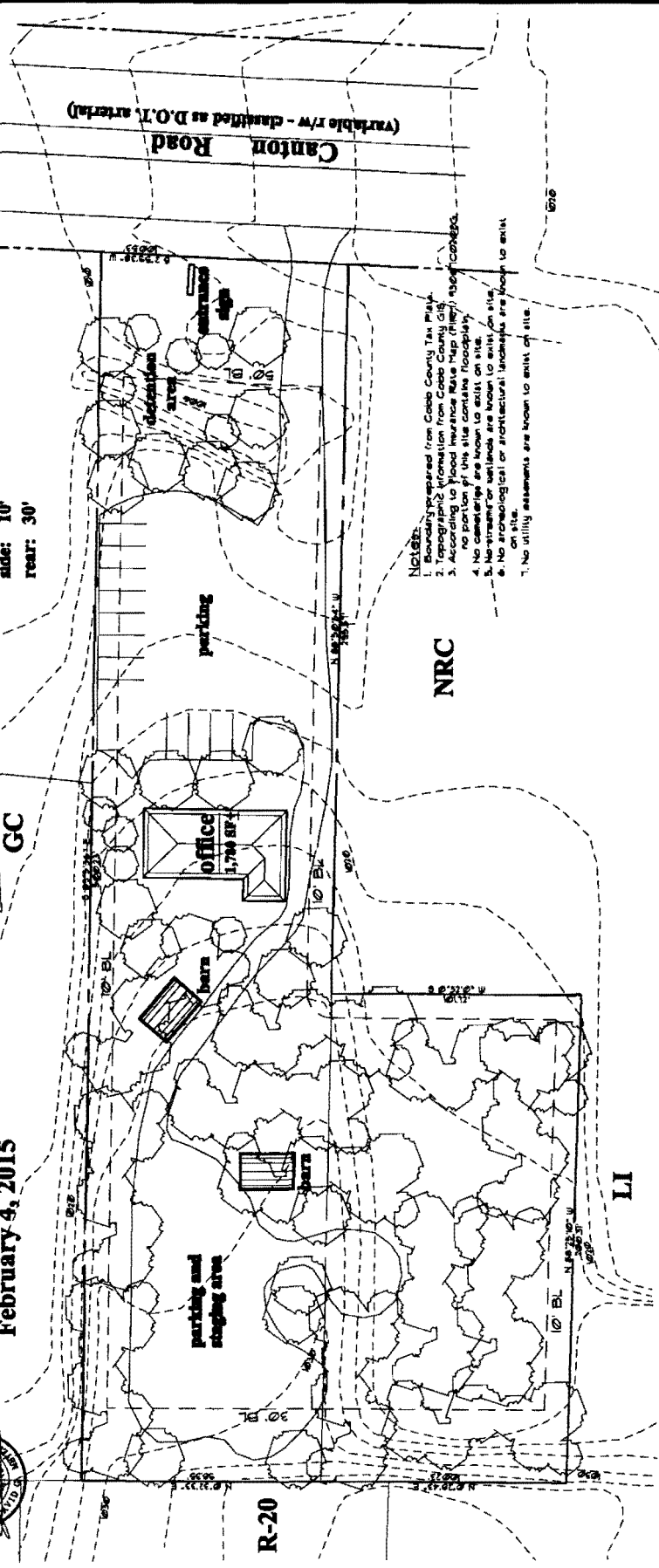
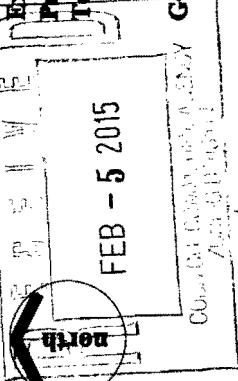
Parking Provided: 11

GC Building Setbacks:

front: 50' (arterial)

side: 10'

rear: 30'



- Notes:
1. Boundary prepared from Cobb County Tax Map.
 2. Topographic information from Cobb County GIS.
 3. All utility lines shown are approximate.
 4. No easements are known to exist on site.
 5. No wetlands or wetlands are known to exist on site.
 6. No archeological or architectural landmarks are known to exist on site.
 7. No utility easements are known to exist on site.

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
FACSIMILE

ADAM J. ROZEN

SLHB-LAW.COM

February 27, 2015

VIA EMAIL:

Mr. Terry Martin, Planner II
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Min. Bk. 75 Petition No. Z-32
Doc. Type letter
Meeting Date 4-21-15

Re: Application of Quality Construction, Inc. & AAA Quality Plumbing, Inc. to
Rezone a 1.60 Acre Tract from GC to GC with stipulations (No. Z-32)

Dear Terry:

As you know, this firm has been engaged by and represents the Applicants and Property Owner with respect to the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on April 7, 2015. Thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on April 21, 2015.

During the pendency of this Application, we have had the opportunity to initiate and engage in discussions with the Planning & Zoning staff, with various departmental representatives and others. In that regard, we are submitting this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

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 concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The rezoning of the subject property shall be from its existing zoning category of GC to GC with stipulations for the purposes of specialized contractors.¹ The total site area

¹ The subject property lost its non-conforming "grandfathered" exemption through non-use over the statutory period of time. It is bounded on the north by property zoned and utilized for GC and on the south by property utilized for LI & NRC and is located in an area denominated as a Neighborhood Activity Center ("NAC") under Cobb County's Future Land Use Map.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Terry Martin, Planner II
Cobb County Zoning Division
Community Development Agency
February 27, 2015
Page 2

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Meeting Date 4-21-15
Continued

consists of 1.60 acres and the Applicants propose to utilize the subject property for their respective businesses, Quality Construction, Inc. and AAA Quality Plumbing, Inc.

3. The days and hours of operation will be Monday through Saturday from 7:00 a.m. until 7:00 p.m.
4. The Applicants are in the process of removing all materials on the subject property not otherwise related to the subject businesses and will store all materials ancillary to their businesses in accordance with County Regulations.²
5. Compliance with recommendations from the Stormwater Management Division with respect to detention, hydrology, water quality and downstream considerations.³
6. The submission of a landscape plan during the Plan Review Process subject to the Arborist's review and approval. All landscaped buffer areas may be penetrated for purposes of access, utilities and stormwater management and any and all slopes or other engineering features required by Cobb County.
7. Compliance with the following recommendations from the Cobb County Department of Transportation, as follows:
 - a) The voluntary donation and conveyance of right-of-way so that the County can achieve fifty feet (50') from the centerline of Canton Road (the width of which varies).
 - b) If determined to be necessary during the Plan Review Process, the driveway to the subject property may be widened to commercial standards where it intersects Canton Road.
 - c) An agreement to comply with Cobb County Development Standards and Ordinances related to project improvements except as otherwise approved by the Board of

² The subject property was purchased approximately four and a half (4½) months ago and the Applicants and Property Owner have undertaken enormous remedial measures during that time frame in which to clean up the litter, debris and junk on the site.

³ Even though detention is shown on the site plan, the Stormwater Management Division advises that no detention or water quality will be required unless 5,000 sq. ft. or more of the subject property is disturbed and replaced with impervious surfaces.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. Terry Martin, Planner II
Cobb County Zoning Division
Community Development Agency
February 27, 2015
Page 3

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Meeting Date 4-21-15
Continued

Commissioners, Cobb County Department of Transportation or the Cobb County Community Development Agency as their respective authority may allow.

8. Compliance with recommendations from the Cobb County Water System with respect to the availability of water and sewer to the subject property.⁴
9. Compliance with recommendations from the Cobb County Fire Department with respect to fire prevention and life-safety issues.
10. The District Commissioner shall have the authority to approve minor modifications as the development proposal proceeds through the Plan Review Process and thereafter, 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 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 a property that is zoned in the same or in a more restrictive zoning district.
 - d) Change access location to a different roadway.

The subject property is located in a long established commercial area along the Canton Road Corridor. Contiguous to Light Industrial property and General Commercial property, the Applicants' proposal is entirely appropriate from a land use perspective particularly when considered in the context of existing and planned development within this sub-area of the County.

Please do not hesitate to contact me should you need any additional information or documentation prior to the formulation of staff's Zoning Analysis and Recommendations.

⁴ The subject property is presently on an existing septic system which is subject to review and approval by the Health Department.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

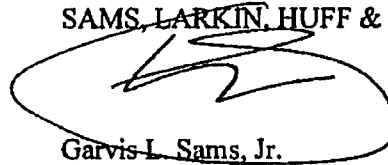
Mr. Terry Martin, Planner II
Cobb County Zoning Division
Community Development Agency
February 27, 2015
Page 4

Petition No. Z-32
Meeting Date 4-21-15
Continued

With kind regards, I am

Very truly yours,

~~SAMS, LARKIN, HUFF & BALLI, LLP~~



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

- cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP, Director (via email)
Mr. Dana Johnson, AICP, Deputy Director (via email)
Mr. John P. Pederson, AICP, Manager (via email)
Mr. Jason Campbell, Planner II (via email)
Ms. Kim Wakefield, Zoning Analyst (via email)
Mr. David Breaden, P.E., Cobb County Stormwater Management (via email)
Mr. Eric Meyer, P.E., Cobb County DOT (via email)
Mr. Tim Davidson, Cobb County Water System (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
Mr. David V. Poteet (via email)
Ms. Carol Brown, Chairperson, Canton Road Neighbors, Inc. (via email)
Mr. Alex Jezubciks (via email)
Mr. Steve Wilbert (via email)

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ADAM J. ROZEN

SLHB-LAW.COM

March 27, 2015

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Min. Bk. 75 Petition No. Z-32
Doc. Type letter
Meeting Date 4-21-15

Re: Application of Quality Construction, Inc. & AAA Quality Plumbing, Inc. to
Rezone a 1.60 Acre Tract from GC to GC with stipulations (No. Z-32)

Dear John:

You will recall that this firm has been engaged by and represents the Applicants and Property Owner concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on April 7, 2015. Thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on April 21, 2015. Next week, the Planning Commission will discuss the Application at its regularly scheduled Work Session.

Previously, on February 27, 2015, we submitted a letter of agreeable stipulations/conditions. Since that time, we have continued our discussions with staff and, more specifically, with Canton Road Neighbors, Inc. ("CRN"). In that regard, I am in receipt of and have had an opportunity to review with my client the letter from CRN to Planning Commissioner Christi Trombetti, dated March 25, 2015. I will respond to CRN's letter in the order presented therein:


1. Deletion of the subject property to the NRC zoning district may allow specialized contractors which is the use for which my clients have applied; however, in view of the fact that the subject property is presently zoned GC; is directly contiguous to property zoned LI; and, has been utilized for all permitted uses under the GC classification for decades, my client prefers to retain the latitude to continue under that zoning district.
2. Since my client will not be operating as a special exception use within the NRC district, this paragraph does not apply. However, there is no intent to conduct any operations outside of an enclosed building except, of course, for the comings and goings of vehicles and equipment related to the specialized contractors' businesses.
3. There will be no manufacturing or fabrication of equipment on the subject property.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 27, 2015
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Meeting Date 4-21-15
Continued

-
4. Upon a redevelopment, the Canton Road Design Guidelines shall be applicable to the subject property.
 5. Upon a redevelopment of the subject property, the site plan shall come back to the Board of Commissioners for review and approval in the form of an Other Business Application. 
 6. Sidewalks shall be installed along the frontage of the subject property within six (6) months of the Board of Commissioners' approval of the pending rezoning. The Applicants and Property Owners intend to ultimately install sidewalks along the frontage of the contiguous property (which is not a part of this Application) at a later time.
 7. The landscaping and brick wall shall remain in place along the subject property's frontage on Canton Road.
 8. The existing buffer along the western property line of the subject property shall be used but enhanced in order to comply with buffer requirements under the subject property's proposed zoning district of GC.
 9. Presently, neither the Applicants nor the Property Owner have plans for the installation of a security fence; however, such fencing may be added at a later date.
 10. The Applicants and the Property Owner will utilize existing security lighting installed on the subject property in a manner so that the illumination of which shall not escape the boundaries of the subject property.
 11. The hours of outdoor operation such as the loading of materials, etc., shall be from 7:00 a.m. until 8:00 p.m.
 12. The Applicants and Property Owner intend on utilizing the existing signage which was utilized by the former occupant (Landscape Company) of the subject property. However, if such signage ceases to be utilized then, and in such an event, ground-based monument-style signage shall be utilized on the subject property.
 13. The current billboard is located on property which is not a part of this Application for Rezoning but is located on contiguous property which is owned by the same owner. If and/or when said billboard is replaced, the Applicants and Owner will consider the utilization of digital signage.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

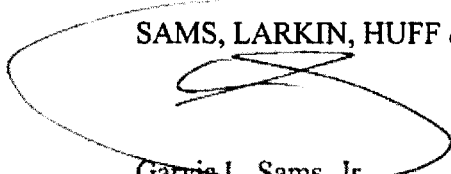
VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
March 27, 2015
Page 3

All of the other stipulations and conditions contained in the February 27, 2015 letter of agreeable stipulations/conditions shall remain in full force and effect except where in conflict with supplemental stipulations/conditions mentioned above. Please do not hesitate to contact me should you or the staff need any further information or documentation prior to this Application being heard and considered by the Planning Commission in their Work Session next week. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
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