

**SEPTEMBER 20, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 054

PURPOSE

To consider a stipulation amendment for Five-K, Inc. regarding rezoning application Z-46 of 2016 (Five-K, Inc), for property located on the east side of Canton Road, south of Rosedale Drive Land Lot 588 of the 16th District (2568 Canton Road).

BACKGROUND

The subject property was rezoned to Neighborhood Retail Commercial (NRC) in 2016 for a retail use. The applicant has found a retail user that needs to expand the hours past the hours stipulated by the Board of Commissioners. The stipulated hours are Monday through Saturday from 8:00 a.m. to 5:00 p.m. and Sunday from noon to 5:00 p.m. The applicant would like to have the following hours: Monday through Thursday from 10:00 a.m. to 7:00 p.m., Friday and Saturday from 9:00 a.m. to 9:00 p.m., and Sunday from 10:00 a.m. to 7:00 p.m. If approved, all previous zoning conditions would remain in effect.

FUNDING

N/A

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"

06-054-2016

Cobb County, Georgia

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

BOC Hearing Date Requested: 9-20-2016

Applicant: FIVE KING Phone #: 706-767-2800
(applicant's name printed)

Address: P.O. Box 8 Rome, GA 30162 E-Mail: charliequillie@yahoo.com

Charles D Keown Address: 1392 CROWN TER MARIETTA
(representative's name, printed) GA 30062

Charles D Keown Phone #: 770-971-5127 E-Mail: charliequillie@yahoo.com
(representative's signature)

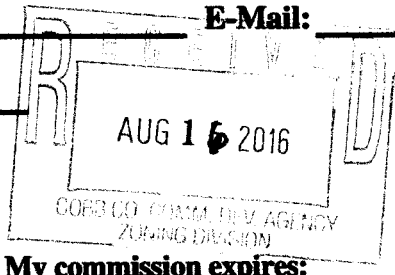
Signed, sealed and delivered in presence of:

Amy L Duke My commission expires: Feb 20, 2018
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:

Notary Public My commission expires: _____

Commission District: 3 Zoning Case: Z-46

Size of property in acres: 1.43 Original Date of Hearing: June 21, 2016

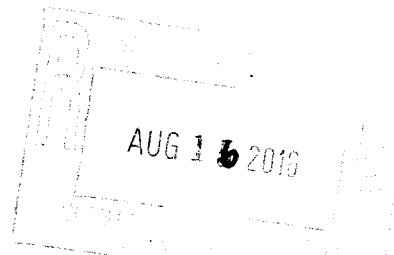
Location: 2568 CANTON RD MARIETTA GA 30066
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 588 District(s): 16

State specifically the need or reason(s) for Other Business: TO AMEND
HOURS OF OPERATION TO:
MONDAY - THURSDAY 10AM-7pm.
FRIDAY AND SATURDAY 9AM-9pm.
SUNDAY 10AM-7pm

(List or attach additional information if needed)

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REGULAR AGENDA (CONT.)

Z-46 FIVE-K, INC. (Five-K, Inc, owner) requesting Rezoning from NS to NRC for the purpose of Neighborhood Retail in Land Lot 588 of the 16th District. Located on the east side of Canton Road, south of Rosedale Drive (2568 Canton Road).

The public hearing was opened and Mr. Charles Keown and Ms. Carol Brown addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to **approve** Z-46 to the NRC zoning category, subject to:

1. Site plan received by the Zoning Division on April 12, 2016, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
2. For the existing use *only*, any other NRC use to be approved by the District Commissioner
3. No special exception uses allowed under Chapter 134, Section 213 of the *Official Code of Cobb County*
4. No automotive repair or automotive uses
5. No outdoor display of merchandise
6. Retail hours of operation to be Monday through Saturday from 8:00 a.m. until 5:00 p.m.; Sunday hours to be 12:00 p.m. until 5:00 p.m.
7. Delivery hours to be Monday through Friday from 9:00 a.m. until 5:00 p.m.
8. No idling of trucks
9. No overnight parking of commercial vehicles, except for minivans or cars
10. Garbage and recycling locations to be contained in completely enclosed facilities
11. Buffer to be maintained per NRC standards
12. Building to be repainted with colors approved by the District Commissioner within six months of this decision
13. Upon redevelopment or any remodeling that exceeds the 50% threshold as defined by Code, then property to comply with Canton Road Design Guidelines
14. Applicant to work with neighbor adjacent to the rear property line regarding maintenance of the existing landscape buffer, with final plan to be approved by District Commissioner and County Arborist

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REGULAR AGENDA (CONT.)

Z-46 FIVE-K, INC. (CONT.)

15. Water and Sewer Division comments and recommendations
16. Stormwater Management Division comments and recommendations
17. Department of Transportation comments and recommendations
18. 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

VOTE: ADOPTED 5-0

Chairman Lee called for a recess at 11:20 a.m.; the hearing reconvened at 11:29 a.m.

~~Z-48 **FORMATION DEVELOPMENT GROUP** (The Homer Trust under Trust dated October 8, 1996 and the Item IV Trust under the last Will and Testament of Harry F. Homer Sr., owner) requesting Rezoning from RSL to RSL-SUPPORTIVE for the purpose of Residential Senior Living- Supportive in Land Lot 66 and 67 of the 1st District. Located on the northern corner of Johnson Ferry Road and Little Willeo Road (no address given).~~

The public hearing was opened and Mr. James Balli, Ms. Trish Steiner, Mr. Andrew Naples, and Ms. Heidi Bozzelli addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to approve Z-48 to the RSL-Supportive zoning category, subject to.

1. Site plan/landscape plan dated April 6, 2016 (attached and made a part of these minutes)
2. Letter of agreeable conditions from Mr. James Balli dated June 17, 2016 (attached and made a part of these minutes); *noting that any reference to "July 17, 2016" be amended to read "June 17, 2016," with the following change:*
 - A. Item No. 3 – add to end: *"Final elevations to be approved by the District Commissioner."*