

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: February 21, 2017

Applicant: 5441 Rufe Snow, Ltd. Phone #: 214 207 8470
(applicant's name printed)

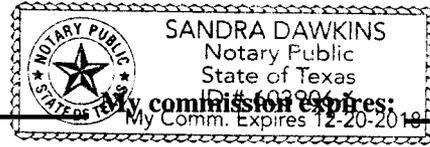
Address: 4311 West Lovers Lane Dallas TX 75209 E-Mail: Kenmva@stglobal.net

Louis Lebowitz Address: 4311 West Lovers Lane, Dallas TX 75209
(representative's name, printed)

[Signature] Phone #: 214 520 8818 *2 E-Mail: llebowitz@msn.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public



Titleholder(s): Parsiyan Group, LLC Phone #: 770-265-2216
(property owner's name printed)

Address: 2550 Heritage Ct SE Atlanta GA E-Mail: _____

[Signature]
(Property owner's signature)

30339 BY:
(Mehrdad Mesbahi)
as Manager

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: April 19, 2020

Commission District: 4 (Lisa Cupid) Zoning Case: Z-11

Size of property in acres: 3.02 acres Original Date of Hearing: July 19, 2016

Location: 1391 Veterans Memorial Highway
(street address, if applicable; nearest intersection, etc.)

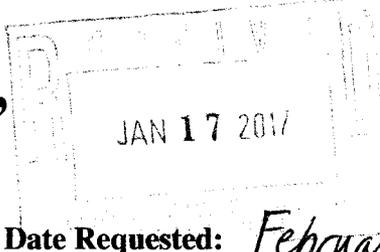
Land Lot(s): 34 District(s): 18th

State specifically the need or reason(s) for Other Business: Please see attached Letter of Intent.

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: February 21, 2017



OB-004-2017

Applicant: Hilltop TIC, LP Phone #: 214 2078470
(applicant's name printed)

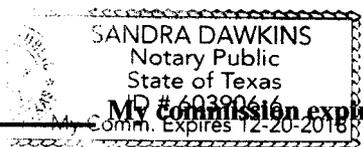
Address: 4311 West Lovers Lane Dallas TX 75209 E-Mail: Kenmurc@sbglobal.net

Ken Murcison Address: 4311 West Lovers Lane Dallas TX 75209
(representative's name, printed)

Ken Murcison Phone #: 214 2078470 E-Mail: Kenmurc@sbglobal.net
(representative's signature)

Signed, sealed and delivered in presence of:

Sandra Dawkins
Notary Public



My commission expires: 12/20/18

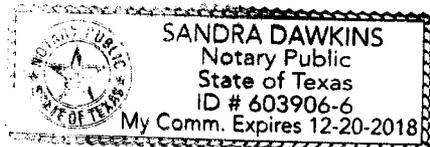
Titleholder(s): Parsiyan Group, LLC Phone #: 770-265-2216
(property owner's name printed)

Address: 2550 Heritage Ct. SE Atlanta, GA E-Mail: _____

[Signature] (BY: Mehrdad Mesbahi 30339
as Manager)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public



My commission expires: April 19, 2020

Commission District: 4 (Commissioner Lisa Cupia) Zoning Case: Z-11

Size of property in acres: 3.02 acres Original Date of Hearing: July 19, 2016

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Land Lot(s): 34 District(s): 18th

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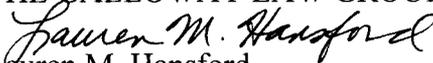
APPLICATION FOR "OTHER BUSINESS"
COBB COUNTY, GEORGIA
LETTER OF INTENT

The Applicants, 5441 Rufe Snow, Ltd. and Hilltop TIC, LP (collectively, "the Applicants"), have a contract to purchase the property located at 1391 Veterans Memorial Highway in Mableton, Cobb County, Georgia (the "Property"). Upon conducting their due diligence, the Applicants discovered that the current owner has not maintained the Property, and there are numerous Code Violations on site, which the Applicants are working diligently to address prior to their purchase of the Property. Additionally, in reviewing the zoning of the Property, it is the Applicants' understanding that on July 19, 2016, the Cobb County Board of Commissioners ("Board") rezoned the Property from PSC (Planned Shopping Center) and R-20 (Single-Family Residential) to NRC (Neighborhood Retail Commercial) and R-20 (the southern portion of the Property retained its R-20 zoning designation) with conditions. The Board also approved the owner's request for a Special Land Use Permit for a Climate Controlled Self-Storage Facility with associated conditions.

The Property in its current condition contains an existing retail shopping center in the area zoned NRC, with a cell tower and an automobile repair shop in the area zoned R-20. The Applicants seek to keep the current zoning and operate the shopping center and allow the current uses on the R-20 portion of the Property to remain. The Applicants do not seek to operate a Climate Controlled Self-Storage Facility on the Property. To that extent, the Applicants seek clarification and/or modification of conditions 2 and 2.A. to allow the Applicants to operate the existing shopping center as a retail center as permitted by right under the NRC zoning without requiring review by the committee referenced in condition 2.A. It appears that condition 2 and condition 2.A. pertained to the owner's request for Self-Storage and potential new uses of the Property, not the operation of the existing shopping center. However, prior to purchasing the Property, the Applicants respectfully request clarification and/or modification of these conditions.

Sincerely,

THE GALLOWAY LAW GROUP, LLC


Lauren M. Hansford

Attorney for the Applicant

3500 Lenox Road, NE
Suite 760
Atlanta, Georgia 30326
(404) 965-3680

MINUTES OF ZONING HEARING
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REGULAR AGENDA

By general consensus, the following companion cases Z-11 and SLUP-4 were heard concurrently, but voted on separately.

Z-11 **MANOUCHEHR JAHANGARD** (Hilswepow, LLC, owner) requesting Rezoning from **PSC** and **R-20** to **NRC** for the purpose of a Climate-Controlled Self-Storage Facility in Land Lot 34 of the 18th District. Located at the southeast corner of Veterans Memorial Highway and Powell Drive, and on the south side of Old Powder Springs Road (1391 Veterans Memorial Highway). *(Previously continued by the Planning Commission from their February 2, 2016 hearing, continued by staff at the March 1, 2016 Planning Commission hearing; and held by the Planning Commission at the April 1, 2016 hearing until their July 7, 2016 hearing)*

SLUP-4 **MANOUCHEHR JAHANGARD** (Hilswepow, LLC, owner) requesting a **Special Land Use Permit** for the purpose of a Climate-Controlled Self-Storage Facility in Land Lot 34 of the 18th District. Located at the southeast corner of Veterans Memorial Highway and Powell Drive, and on the south side of Old Powder Springs Road (1391 Veterans Memorial Highway) *(Previously continued by the Planning Commission from their February 2, 2016 hearing, continued by staff at the March 1, 2016 Planning Commission hearing; and held by the Planning Commission at the April 1, 2016 hearing until their July 7, 2016 hearing)*

The public hearing was opened, and Mr. Manouchehr Jahangard and Ms. Robin Meyer addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Ott, to **approve** Z-11 to the **NRC** zoning category **for the PSC portion of this property only** (southern portion of the property retains its R-20 zoning category), subject to:

1. **Final site plan to be submitted to the Zoning Division within 30 days, with final approval by the District Commissioner (attached and made a part of these minutes)**
2. **Uses to include self-service storage, incubator space, retail, or a combination thereof for this Applicant *only***
 - A. **Use of the site to be assessed by a committee comprised of the Applicant, District Commissioner, a representative from a work force development agency and/or a small business entrepreneurship organization, and two representatives from the business and residential community to determine appropriate form and viability of incubator space, with the District Commissioner approving final apportionment of all considered uses**

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REGULAR AGENDA (CONT.)

Z-11 MANOUCHEHR JAHANGARD (CONT.)

3. All timeframes referenced are from this decision unless otherwise noted
4. Any fence installed along the front of the building shall be wrought iron style fence
5. No outside storage
6. Landscaping plan to be completed and submitted to the County Landscape Architect and District Commissioner for approval; all landscaping to be completed within 180 days; the landscaping shall include, but not limited to, an eight foot landscape enhancement strip along the Veterans Memorial right-of-way; any dead or damaged landscaping shall be replaced within 90 days
7. No additional impervious surface on the subject property
8. Landscaping and/or black wrought iron fencing to be used to prevent access from Old Powder Springs Road, which shall be included in the landscape plan approved by the County Landscape Architect and District Commissioner; and be completed within 180 days
9. Final building architecture and color to be submitted to the Zoning Division, with the District Commissioner approving final building renderings
10. Building to be completely secure inclusive of all broken windows which are to be replaced within 30 days; any broken windows that occur subsequent to approval shall be repaired and replaced within 10 days from breakage
11. All trash to be removed from the property within 10 days
12. No signs are grandfathered and all signs must meet current sign ordinance; all signs to be in compliance within 120 days
13. The loading dock and any pavement (other than authorized curb cuts) located on the county right-of-way to be removed within 120 days
14. Repave and stripe the parking lot in front of the building within 120 days; parking lot to incorporate landscape islands as required by current code
15. No business licenses or Certificate of Occupancy to be issued until Community Development has verified that all items with a stipulated timeframe have been completed
16. Adherence to the provisions in Section 134-213 of the County Code for "*free-standing climate controlled self-service storage facilities*" under Permitted Uses, except where in conflict with the stipulations stated herein
17. All dumpsters to have a rubber lid and be located within an enclosure that meets current standards
18. Hours of operation to be from 7:00 a.m. until 11:00 p.m.; no access to units allowed outside these hours
19. District Commissioner may approve minor modifications, *except* for those that:

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REGULAR AGENDA (CONT.)

Z-11 MANOUCHEHR JAHANGARD (CONT.)

- A. increase the overall building square footage
 - B. cause a reduction in the size of an approved buffer adjacent to a property that is zoned the same or is more restrictive in its designated zoning category
 - C. change an access location to a different roadway
 - D. violate the Cobb County Zoning Ordinance
 - E. would be in direct conflict with or in direct contradiction to any Cobb County regulations or the foregoing stipulations
20. Water and Sewer Division comments and recommendations, *not otherwise in conflict*
 21. Stormwater Management Division comments and recommendations, *not otherwise in conflict*
 22. Department of Transportation comments and recommendations, *not otherwise in conflict*
 23. 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

MOTION: Motion by Cupid, second by Ott, to approve SLUP-4, subject to:

1. District Commissioner to approve the final location and size of the storage portion of the subject property
2. Property to be *staffed* at a minimum of the hours of 8:00 a.m. until 5:00 p.m. daily, excluding federal holidays (note: *staffed* shall mean at least one employee on the premises during those hours)
3. A minimum of 10 high definition security cameras shall be installed to monitor a substantial portion of the exterior of the premises; cameras shall operate 24 hours per day and be recorded; recordings shall be saved for a minimum of 30 days and copies of the recordings shall be made available to law enforcement or code enforcement upon request
4. Hours of operation to be 7:00 a.m. until 11:00 p.m.; no access shall be allowed outside those hours
5. Access to units sufficiently restricted to prevent people from living out of the units

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REGULAR AGENDA (CONT.)

SLUP-4 MANOUCHEHR JAHANGARD (CONT.)

6. Permit expires after one year if the self-storage business is not in operation
7. Water and Sewer Division comments and recommendations, *not otherwise in conflict*
8. Stormwater Management Division comments and recommendations, *not otherwise in conflict*
9. Department of Transportation comments and recommendations, *not otherwise in conflict*

VOTE: ADOPTED 5-0

~~Z-42~~

~~AMADU MANE (Deepak Pahari, owner) requesting Rezoning from GC to NRC for the purpose of a Grocery Store in Land Lot 147 of the 18th District. Located on the northwest corner of South Gordon Road and Old Alabama Road (1956 Old Alabama Road). (*Previously continued by Staff from the June 21, 2016 Board of Commissioners hearing*)~~

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

~~MOTION: Motion by Cupid, second by Weatherford, to approve Z-42 to the NRC zoning category, subject to:~~

- ~~1. Site plan received by the Zoning Division on March 14, 2016, with District Commissioner approving minor modifications (attached and made a part of these minutes)~~
- ~~2. Removal of phone booth and associated poles~~
- ~~3. Addition of a 100 square foot landscaping bed to be located adjacent to the right-of-way at the corner of South Gordon and Old Alabama Roads; and to include heavy landscaping with bushes and/or trees; landscape plan to be approved by the County Arborist and the District Commissioner~~
- ~~4. Repair missing or damaged façade; or alternatively, replace façade with new material approved by the District Commissioner~~
- ~~5. Dumpster to have a rubber lid and enclosure to meet Cobb County Development Standards~~
- ~~6. All signage to meet current Cobb County Sign Ordinance; window signs to be a maximum of 25% of the window area~~
- ~~7. Both final building architecture and exterior paint colors to be approved by the District Commissioner~~