

**MAY 15, 2018 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICT 3**

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**ITEM OB-023**

**PURPOSE**

To consider a stipulation amendment for Meridian Restoration, Inc. regarding rezoning application Z-42 of 2014 for property located on the north side of Liberty Hill Road and on the south of Hiawasse Drive in Land Lot 660 of the 16<sup>th</sup> District (837 Liberty Hill Road).

**BACKGROUND**

The subject property was rezoned to Neighborhood Retail Commercial (NRC) in 2014 for the purpose of a gym and auto repair. One of the rezoning stipulations limited the use of the property to the stated uses only, with the Board of Commissioners approving any changes to the uses. The gym is still there, but the auto repair use has left the property. The applicant would like to place their contractor's office on the property. The applicant's office hours are Monday-Friday from 8:00 am to 5:00 pm, and there will be approximately five employees. The applicant will renovate the interior of the building, and leave the exterior as it exists today. The applicant states there will not be any outdoor storage of materials, but there will be a dumpster to place their construction debris into. The required buffers and fencing would also remain as stipulated in 2014. If approved, all other stipulations would remain in effect.

**STAFF COMMENTS**

Cobb DOT: 1) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements; 2) Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Liberty Hill Road, a minimum of 30' from the roadway centerline; 3) Recommend ADA ramps at the driveway for the sidewalk along the Liberty Hill Road frontage; 4) Recommend no access to Hiawasse Drive; and 5) Recommend driveway on Liberty Hill Road be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.

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**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business Application and zoning stipulations.

# Application for "Other Business"

## Cobb County, Georgia

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

BOC Hearing Date Requested: 05.15.2018

OB-023

**Applicant:** MERIDIAN RESTORATION, INC **Phone #:** 678.546.2819  
(applicant's name printed)

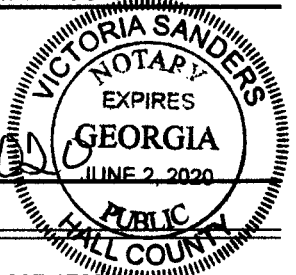
**Address:** 4403 MENDI COURT, SUWANEE GA 30024 **E-Mail:** INVOICES@THEMERIDIANCOMPANIES.COM

MATTHEW GEITGEY **Address:** 4403 MENDI COURT, SUWANEE, GA 30024  
(representative's name, printed)

[Signature] **Phone #:** 678.546.2819 **E-Mail:** INVOICES@THEMERIDIANCOMPANIES.COM  
(representative's signature)

Signed, sealed and delivered in presence of:  
[Signature]  
Notary Public

My commission expires: 6/2/2020



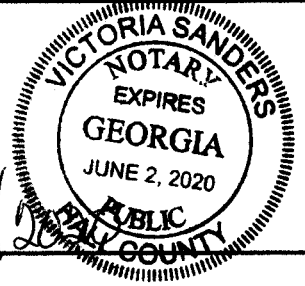
**Titleholder(s) :** RONALD KEITH BRUMBELOW **Phone #:** 404.227.1763  
(property owner's name printed)

**Address:** 5910 BROOKGREEN ROAD, ATLANTA GA 30328 **E-Mail:** INVOICES@THEMERIDIANCOMPANIES.COM

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:  
[Signature]  
Notary Public

My commission expires: 6/2/2020



**Commission District:** 3 **Zoning Case:** Z - 42 OF 2014

**Size of property in acres:** .86 **Original Date of Hearing:** 07.15.14

**Location:** 837 LIBERTY HILLROAD, SUITE A, MARIETTA GA 30066  
(street address, if applicable; nearest intersection, etc.)

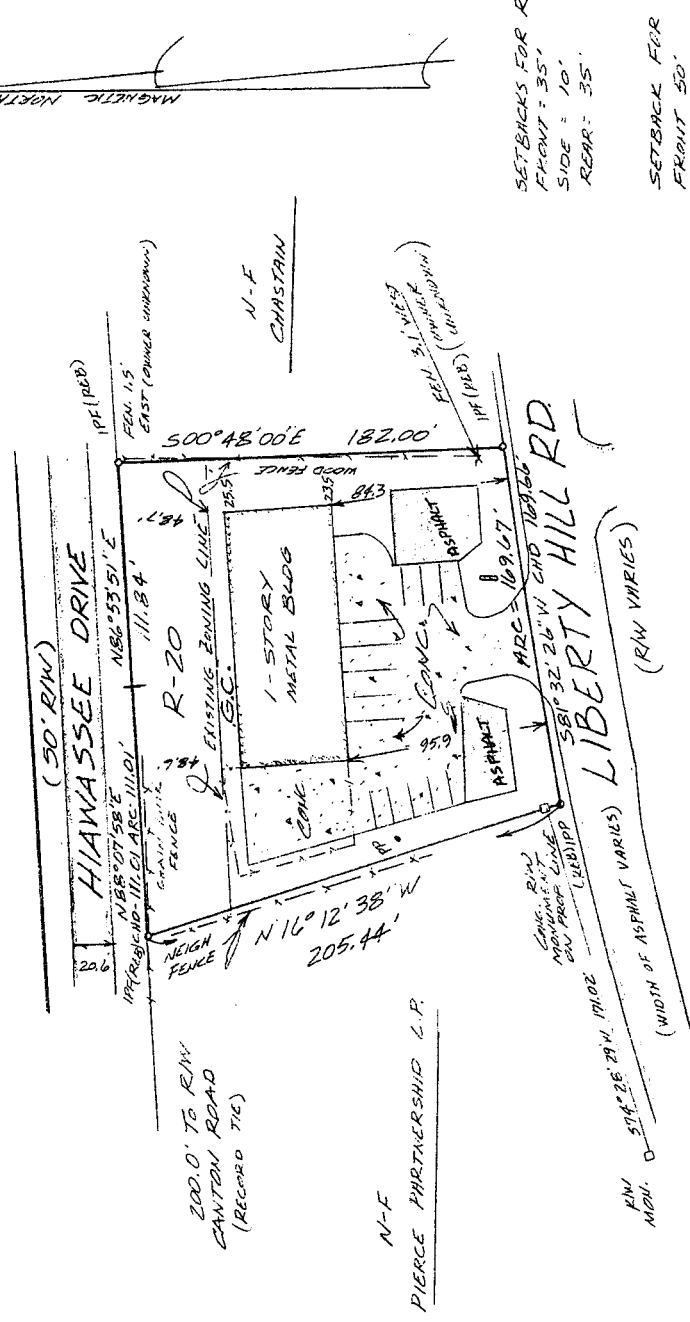
**Land Lot(s):** 660 **District(s):** 16

**State specifically the need or reason(s) for Other Business:** NON AUTOMOTIVE USE.

WE FALL UNDER PROFESSIONAL OFFICE FOR RECONSTRUCTION CONTRACTORS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(List or attach additional information if needed)

**CURRENT ZONING**  
 NOTE: THIS PROPERTY IS IN TWO ZONING DISTRICTS  
 NORTH OF ZONING LINE IS R-20  
 SOUTH OF ZONING LINE IS G.C.



SETBACKS FOR R-20  
 FRONT = 35'  
 SIDE = 10'  
 REAR = 35'

SETBACK FOR G.C.  
 FRONT 50'  
 SIDE 10'  
 REAR 30'

AREA = 0.8566 ACRES  
 37,313.50 SQ. FT.

837 LIBERTY HILL ROAD



**SURVEY FOR:**  
 HENRY SHUGART

LOT	BLK.	UNIT	REVISIONS
	D.B. 14922	P.B. 1874	18-18-3
LAND LOT 640			
DISTRICT 1/2 7th			SECTION 2110
2285			COUNTY GEORGIA
PLAT BOOK			PAGE 108
DATE: 2-28-17			SCALE: 1" = 40'
			23-77-3

THE FIELD AND WORK UNDER THE SIGN OF A SURVEYOR IS A PROFESSIONAL SERVICE AND THE SURVEYOR IS RESPONSIBLE FOR THE ACCURACY OF THE SURVEY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND PLATTED AND THE ADJACENT LANDS TO VERIFY THE CORRECTNESS OF THE PLAT AND THE ACCURACY OF THE SURVEY. THE SURVEYOR HAS FOUND NO DISCREPANCIES AND THE SURVEY IS FOUND TO BE ACCURATE. THE SURVEYOR HAS FOUND NO DISCREPANCIES AND THE SURVEY IS FOUND TO BE ACCURATE.

JA EVANS  
 SURVEYING CO. INC.  
 POWER SURVEYS, GEORGIA  
 P.O. BOX 1000000 - LSP00248

NOTE: RECORDED DEED IN MATHEMATICALLY IN ERROR. PROPERTY LINES ARE BASED ON MONUMENTS FOUND.

This survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia, as adopted by the Georgia Board of Registration for the Professions, Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 13-6-97.

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REGULAR AGENDA (CONT.)

~~SUBJECT: MONOPINE COMMUNICATIONS, LLC (CONT.)~~

- Final site plan to be approved by District Commissioner with the appropriate tower setback and certified structure design with breakpoint design if tower setback does not meet Code requirements
- The overall height of the tower to be no more than 130 feet and the stealth design to be approved by the District Commissioner (125 foot tower with five foot lighting rod)
- The tower to be a monopine design substantially similar to that contained in the Site Review by CityScape as Exhibit A, with District Commissioner approving exact representation
- The Applicant shall design the tower to support up to four carriers of like design
- The Applicant shall provide satisfactory SHPO and NEPA documentation
- The emergency power generator noise shall not exceed 70dB at the property boundaries and testing is allowed only between 9:00 a.m. and 4:00 p.m. Monday through Friday
- All feed lines shall be contained within the support structure and not be visible
- All antenna and feed line ports are to be sealed to prevent access by birds and other wildlife

~~NOTE: ADOPTED unanimously~~

*Clerk's Note: Commissioner Cupid requested that during the next code amendment cycle, the height of towers and fall zones be reviewed by staff.*

*Chairman Lee called for a brief recess at 12:30 p.m. The meeting reconvened at 1:30 p.m.*

**Z-42**      **JAMES R. CRAIG** (owner) requesting Rezoning from GC and R-20 to NRC for the purpose of a Gym and Auto Repair in Land Lot 660 of the 16<sup>th</sup> District. Located on the north side of Liberty Hill Road, and the south side of Hiawassee Drive, east of Canton Road (837 Liberty Hill Road)

The public hearing was opened and Mr. James Craig, Ms. Carol Brown, and Mr. L. G. Chastain addressed the Board. Following presentation and discussion, the following motion was made:

**MOTION:** Motion by Birrell, second by Goreham, to delete Rezoning to the NRC and R-20 zoning District subject to:

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REGULAR AGENDA (CONT.)

Z-42

JAMES R. CRAIG (CONT.)

- 1 • Rezoning of existing GC portion to NRC, leaving 35 foot undisturbed buffer along Hiawassee Drive zoned R-20
- 2 • Final site plan to be approved by District Commissioner that identifies landscape buffers, parking of vehicles including those waiting for repairs, and stormwater issues; site plan and parking plan to be provided to the District Commissioner within two weeks of this decision
- 3 • Parking allowed on Canton Road side (area currently fenced and concreted) and shall be striped; parking allowed on front left side (closest to Canton) and graded area to be paved; and all paving and striping to be completed within 90 days of this decision
- 4 • No parking to the rear or eastern side of the building
- 5 • 35 foot vegetated buffer along Hiawassee Drive to be restored and gravel removed within 90 days of this decision; buffer to be maintained in perpetuity
- 6 • 15 foot undisturbed buffer to be re-established along the eastern property line within 90 days of this decision
- 7 • An eight foot privacy fence will be installed along the eastern property line to be completed within 90 days of this decision; the fence will be maintained in proper condition in perpetuity
- 8 • No outdoor storage except for vehicles awaiting repairs; vehicles will be stored on the westerly side of the building
- 9 • All work to be performed inside the building
- 10 • No speaker systems
- 11 • No lighting to spill across into the residential properties
- 12 • No carwashes; billiards or pool halls; recycling collection centers; eating or drinking establishments; banks or financial institutions with a drive-in or transfer machines; outdoor emission stations; radio, television, or communication towers and antennas; self service laundry facilities; pawn, title or check cashing facilities
- 13 • Hours of operation to be from 6:00 a.m. until 8:00 p.m., *with no music or noise prior to 7:00 a.m.*
- 14 • Applicant to contact the Stormwater Management Division regarding potential stormwater/detention issues
- 15 • Current tenants to cease operation immediately until a Business License is obtained and presented to the District Commissioner by Thursday, July 17, 2014
- 16 • Approval is for this Applicant and these uses *only*, any changes to the use or tenants to be brought back to the Board of Commissioners for approval

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REGULAR AGENDA (CONT.)

Z-42 JAMES R. CRAIG (CONT.)

- 17 • Fire Department comments and recommendations, *not otherwise in conflict*
- 18 • Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- 19 • Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- 20 • Cobb DOT comments and recommendations, *not otherwise in conflict*
- 21 • 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 4-1, Ott opposed

Z-43

JOHN F. PAPAZIAN AND DONNA D. PAPAZIAN (owners) requesting Rezoning from R-20 to NRC for the purpose of Existing Daycare in Land Lot 660 of the 16<sup>th</sup> District. Located on the east side of Canton Road, south of Liberty Hill Road (2288 Canton Road).

The public hearing was opened and Mr. Garvis L. Sams, Jr. and Ms. Carol Brown addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to approve Rezoning to the NRC zoning district subject to:

- Site plan to be approved by the District Commissioner indicating striped parking, with striping to be completed within 30 days of this decision
- Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated June 6, 2014 (attached and made a part of these minutes) *with the following change:*
  - Item No. 7 – revise to read: “...hours of operation shall be Monday through Friday from 6:00 a.m. until 7:00 p.m.... ”
- Installation of sidewalks to be completed within six months of this decision
- Installation of pedestrian streetlight to be completed within 30 days of adoption of the *revised* Canton Road Guidelines
- Decel lane to be installed upon redevelopment of the subject property