

**FEBRUARY 19, 2019 ZONING HEARING**  
**“OTHER BUSINESS”**  
**COMMISSION DISTRICT 4**

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**ITEM OB-5**

**PURPOSE**

To consider amending the stipulations for Hilltop TIC, LP and Rufe Snow Ltd. regarding rezoning application Z-11 of 2016, for property located at the southeast corner of Veterans Memorial Highway and Powell Drive in Land Lot 34 the 18<sup>th</sup> District (1391 Veterans Memorial Highway).

**BACKGROUND**

The subject property was rezoned to NRC in 2016 for a climate controlled self-storage facility and retail. The climate controlled self-storage facility is no longer going to be developed. The zoning stipulations specifically allow and disallow certain uses. The applicant only desires to operate typical shopping center uses from this property, and these are the uses located in the front of the shopping center. The applicant would like to lease the basement in the rear of the shopping center to two vocational schools, which are not permitted uses in NRC. The vocational schools would be for cosmetology and for electricians. The space intended for the vocational schools would be ideal for the use since the schools do not need the road exposure a retail use would require. The vocational schools would have the same, or less intensity than other uses allowed in NRC, such as convenience stores, grocery stores, or fast food restaurants. If approved, all other zoning stipulations would remain in effect.

**STAFF COMMENTS**

**Fire Department:** The proposed change might constitute a change of use and new certificate of occupancy. Life Safety Code and Building code issues related to fire sprinkler system requirements would have to be met. Otherwise no comment.

**RECOMMENDATION**

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

**ATTACHMENT**

Other Business application and stipulations.

# Application for "Other Business"

OB-5-2019

## Cobb County, Georgia

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

BOC Hearing Date Requested: February 19, 2019

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

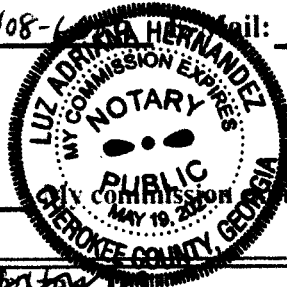
Address: 4311 West Lovers Lane Dallas, TX 75209 E-Mail: KMurdrison@MurdrisonCommercial.com

Lauren M. Hanford, Esq. Address: 3500 Lenox Rd, Suite 760 Atlanta, GA 30326  
(representative's name, printed)

Lauren M. Hanford Phone #: (404) 408-1111 E-Mail: Lauren@glawgp.com  
(representative's signature)

Signed, sealed and delivered in presence of:

S. Schwab Stewart 1-11-19  
Notary Public \_\_\_\_\_ Date: 5-19-21

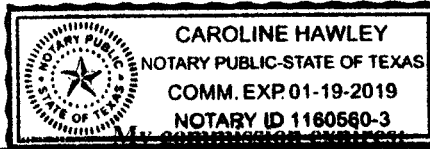


Titleholder(s): Hilltop TIC, LP (Hilltop TIC, LP) Phone #: 214 717 6116  
(property owner's name printed)

Address: 4311 West Lovers Ln, Dallas, TX 75209 E-Mail: KMurdrison@MurdrisonCommercial.com

Ken Murdrison, Manager  
(Property owner's signature)

Signed, sealed and delivered in presence of:  
Caroline Hawley 1/19/19  
Notary Public \_\_\_\_\_



Commission District: 4 (Commissioner Lisa Capid) Zoning Case: 2-11 and O.B. 004-2017

Size of property in acres: 3.02 acres Original Date of Hearing: 7/19/16 and 2/21/17

Location: 1391 Veterans Memorial Hwy.  
(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.

(List or attach additional information if needed)

# Application for "Other Business"

## Cobb County, Georgia

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

BOC Hearing Date Requested: February 19, 2019

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

Address: 4311 West Lovers Lane Dallas, TX 75209 E-Mail: KMurchison@MurchisonCommercial.com

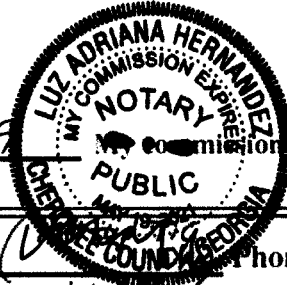
Lauren M. Hafford, Esq. Address: 3500 Lenox Rd, Suite 760 Atlanta, GA 30326  
(representative's name, printed)

Lauren M. Hafford Phone #: (404) 408-6600 E-Mail: Lauren@glawgp.com  
(representative's signature)

Signed, sealed and delivered in presence of:

Az Schain Henuel

1-11-19



My Commission Expires: 5-19-21

Notary Public

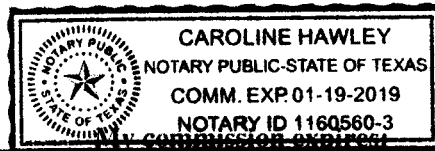
Titleholder(s): 5441 Rufe Snow Ltd. Phone #: 214 717 6116  
(property owner's name printed)

Address: 4311 West Lovers Ln, Dallas TX 75209 E-Mail: KMURCHISON@MURCHISONCOMMERCIAL.COM

KMurchison  
(Property owner's signature)

Signed, sealed and delivered in presence of:

Caroline Hawley



Notary Public

Commission District: 4 (Commissioner Lisa Capid) Zoning Case: 2-11 and O.B. 004-2017

Size of property in acres: 3.02 acres Original Date of Hearing: 7/19/16 and 2/21/17

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

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

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(List or attach additional information if needed)

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

The Applicants, Hilltop TIC, LP and 5441 Rufe Snow, Ltd. (collectively, "the Applicants"), are the owners of the property located at 1391 Veterans Memorial Highway in Mableton, Cobb County, Georgia (the "Property"). The Property consists of 3.02 acres, which is zoned NRC (Neighborhood Retail Commercial) and contains an existing retail shopping center. The rear portion of the property, which is zoned R-20 (Single Family Residential), contains a cell tower and an automobile repair shop.

The Applicants purchased the Property (also known as the Hilltop Shopping Center) in February 2017. Since the Applicants purchased the property, they have made significant efforts to clean up the Property and obtain stable tenants for the Shopping Center. The Shopping Center contains unique basement space, and the Applicants have potential tenants interested in operating two vocational schools in the basement of the Shopping Center – a cosmetology school and a school for electricians. The purpose of this Other Business application is to allow such vocational uses on the Property. Currently, vocational schools are not permitted in the NRC zoning district; however, beauty shops are permitted. The proposed cosmetology school on the Property would outwardly appear no different than a beauty shop. Additionally, the proposed school for electricians would be a less intense use of the Property than some of the other permitted uses in the NRC district such as drive-in restaurants and churches/places of worship. The Applicant respectfully requests that the Board allow the requested vocational uses on the Property.

Sincerely,

THE GALLOWAY LAW GROUP, LLC

  
Lauren M. Hansford  
Attorney for Applicant

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

**Fire and Emergency Services Notes**

- 1) Provide fire hydrant as shown.
- 2) Fire hydrant shall be located in the following locations:
  - a) Corner of lot and adjacent to "Fire Truck Lane".
  - b) Within 150 feet of any street or driveway.
  - c) Within 150 feet of any building.
  - d) Within 150 feet of any fire hydrant.
  - e) Within 150 feet of any fire hydrant.
  - f) Within 150 feet of any fire hydrant.
  - g) Within 150 feet of any fire hydrant.
- 3) Fire hydrant shall be located in the following locations:
  - a) Corner of lot and adjacent to "Fire Truck Lane".
  - b) Within 150 feet of any street or driveway.
  - c) Within 150 feet of any building.
  - d) Within 150 feet of any fire hydrant.
  - e) Within 150 feet of any fire hydrant.
  - f) Within 150 feet of any fire hydrant.
  - g) Within 150 feet of any fire hydrant.

**AKA BANKHEAD HWY # 78/278**

**OLD POWDER S (PUBLIC) R/W**

**AKA BANKHEAD HWY # 78/278**

**PAVING WIDTH VARIES**

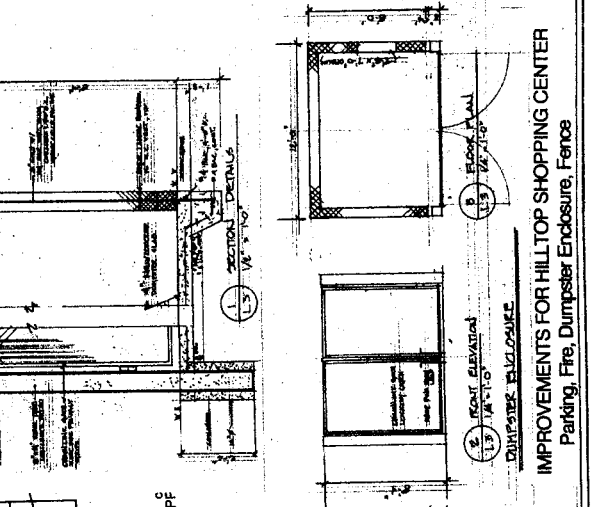
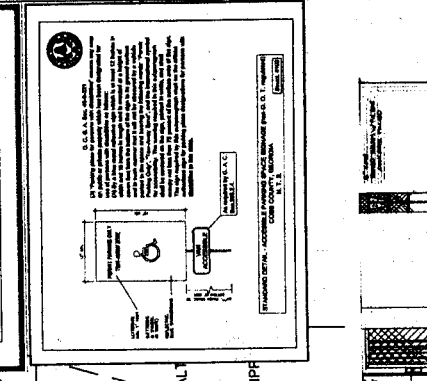
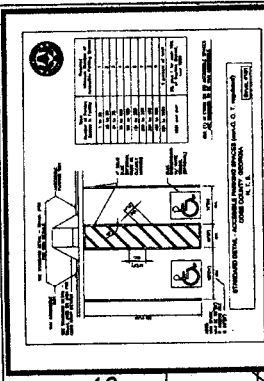
**S88°29'41"E**

**192.70' (R/W)**

**POWELL DRIVE (PUBLIC) 50' R/W**

**S89°35'52"W**

**199.85'**



**RT3 Architects**  
Architecture + Design + Planning  
360 E. Marietta Street, Canton GA  
770-720-4669



**Site Plans per Rezoning**  
1391 Veterans Memorial Hwy  
Mableton, GA 30128

Revisions  
1-1-10  
2-1-10  
3-1-10

**L3**  
SHEET NO. 5-17  
DATE: 4-20-17  
Scale as Noted

**IMPROVEMENTS FOR HILLTOP SHOPPING CENTER**  
Parking, Fire, Dumpster Enclosure, Fence



Printed: 1/11/2019

### Cobb County Online Tax Receipt

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
 Phone: 770-528-8600  
 Fax: 770-528-8679

Payer:  
 HILLTOP OPERATING MCRE MANAGEMENT  
 PADNER

**5441 RUFÉ SNOW LTD &  
 HILLTOP TIC LP**

### Payment Date: 10/1/2018

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2018	18003400010	10/15/2018	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$7,939.57	\$0.00



Scan this code with your  
 mobile phone to view this  
 bill!

Original Zoning Stipulations – Z-11 (July 19, 2016)

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 19, 2016  
PAGE 8

**REGULAR AGENDA**

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

EXHIBIT  
"B"  
1/10/17

**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 18<sup>th</sup> 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 18<sup>th</sup> 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**



MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 19, 2016  
PAGE 9

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:

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
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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

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 19, 2016  
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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 18<sup>th</sup> 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

Zoning Stipulations – O.B.4 (February 21, 2017)

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 21, 2017  
PAGE 10**

**CONSENT AGENDA (CONT.)**

**O.B. 5 (CONT.)**

*Later in the hearing, Mr. Pederson announced that the date read into the record for the site plan for Other Business Item 5 was incorrect, and requested that the above motion be amended to include the correct date. The Board was agreeable to this request; therefore, the following motion was made:*

**Amended Motion**

MOTION: Motion by Boyce, second by Birrell, to **amend** the above motion for O.B. 5 as follows:

- 1. Site plan received by the Zoning Division on January 17, 2017, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**

**VOTE: ADOPTED 5-0**

*Per Commissioner Cupid's request and by general consensus, O.B. 4 was added to the Consent Agenda.*

**O.B. 4** To consider amending the stipulations for 5441 Rufe Snow, Ltd. and Hilltop TIC, LP regarding rezoning application Z-11 (Manouchehr Jahangard) of 2016, for property located at the southeast corner of Veterans Memorial Highway and Powell Drive in Land Lot 34 the 18<sup>th</sup> District.

To **approve** O.B. 4, subject to:

- 1. Letter of agreeable conditions from Ms. Lauren M. Hansford dated February 15, 2017 (attached and made a part of these minutes)**
- 2. Shed to the rear of the R-20 property is to meet County standards as a structurally sound building or be torn down within six months of the approval of this application**

**CONSENT VOTE: ADOPTED 5-0**

*Later in the hearing, O.B. 3 was added to the Consent Agenda (see page 16 for final action).*

Lauren  
Hansford

THE  
**GALLOWAY**  
LAW GROUP

3500 Lenox Road, N.E., Suite 750 | Atlanta, GA 30326  
D 404-965-3668 | O 404-965-3680  
Partner | lauren@gallowaylaw.com

February 15, 2017

81 Petition No. 0.0.4  
Letter  
2-21-17

VIA HAND DELIVERY

Mr. John Pederson  
Zoning Division Manager  
1150 Powder Springs Street, Suite 400  
Marietta, GA 30064

Re: OB-004-2017 (1391 Veterans Memorial Highway, Mableton, Cobb  
County, Georgia)

Dear John:

This firm represents Hilltop TIC, LP and 5441 Rufe Snow, Ltd. (the "Applicants") in connection with the "Other Business" Application they filed related to 3.02 acres of property located at 1391 Veterans Memorial Highway in Mableton, Georgia (the "Property"). After meeting with the Mableton Improvement Coalition and Commissioner Cupid, and conferring with the adjacent property owner, we have been authorized by the Applicants to submit this letter of agreeable stipulations and conditions, which, if the Application for "Other Business" is approved, as submitted, shall become a part of the Property's zoning and shall be binding upon the Property. The proposed conditions/stipulations are as follows:

1. Final site plan to be submitted to the Zoning Division within 30 days, with final approval by the District Commissioner.
2. The Applicants respectfully request the deletion of conditions 2 and 2.A. from the previous zoning of the Property on July 19, 2016 (Z-11). In lieu of these previous conditions, a new condition specifying certain prohibited uses shall be provided. Specifically, the following uses shall be prohibited on the Property:
  - a. Liquor stores;
  - b. Adult entertainment;
  - c. Pawn shops and title pawn shops;
  - d. Wholesale only businesses;
  - e. Tattoo parlors;
  - f. Check cashing;
  - g. Vehicle sales, parts, or service;

228424

Petition No. 0.B.4  
Meeting Date 2-21-17  
Continued

- h. Art frame retail sales;
- i. Gun, knife or weapons sales;
- j. Thrift stores, second hand stores, or flea markets; and
- k. Used tire stores.

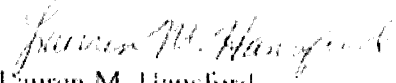
The remaining conditions from Z-11 (numbered 3 through 23) are acceptable to the Applicants. However, the Applicants note that condition number 16 from Z-11 is no longer applicable since the Applicants do not intend to have a free-standing climate controlled self-service storage facility on the Property.

Please do not hesitate to contact me should you or Members of the Board of Commissioners need any further information or documentation prior to this application being heard by the Board on February 21, 2017.

Thank you for your assistance with this request.

Sincerely,

THE GALLOWAY LAW GROUP, LLC

  
Lauren M. Hansford

LMH/mo  
Enclosure

cc: Members, Cobb County Board of Commissioners  
Robin Meyer, Mableton Improvement Coalition  
Sonya Wheatley, Mableton Improvement Coalition  
Ray Thomas, Mableton Improvement Coalition  
Ken Murchison