

Application for "Other Business"

OB-80

Cobb County, Georgia

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

BOC Hearing Date Requested: 12-18-18

Applicant: Alan Baran
(applicant's name printed) **Phone #:** (404) 797-9191

Address: 330 Six Flags Parkway, Mableton, GA 30126
SAMS, LARKIN, HUFF & BALLI, LLP **E-Mail:** alamb@mbfinc.net
by: Adam J. Rozen

Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed)

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

Signed, sealed and delivered in presence of:

Lori Jordan
Notary Public



Commission expires: 11/13/19

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: 4 (Cupid) **Zoning Case:** Z-38 of 2012

Size of property in acres: 2.514 **Original Date of Hearing:** December 18, 2012

Location: 320, 350, and 370 Six Flags Parkway, Mableton, GA 30126
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 508 **District(s):** 18th

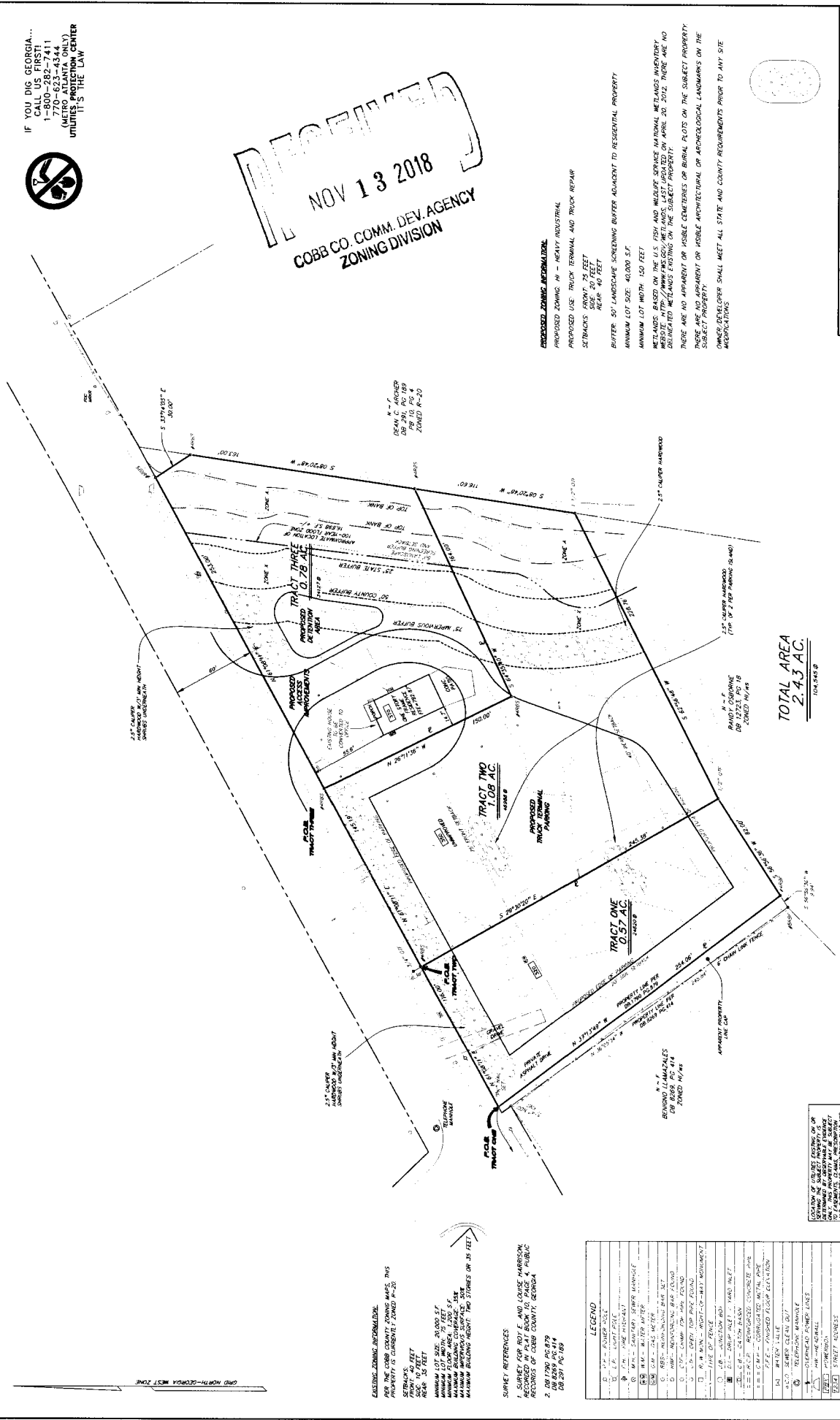
State specifically the need or reason(s) for Other Business: To Amend Stipulations and Site Plan for Z-38 approved in 2012 in order to move the location of the proposed detention; to provide additional landscaping along the public road frontage and throughout site; and to amend surface parking standards and DOT recommendations.

(List or attach additional information if needed)

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 770-623-4344
 (METRO ATLANTA ONLY)
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 ZONING DIVISION



TOTAL AREA
2.43 AC.



PROPOSED ZONING: INDUSTRIAL
 PROPOSED ZONING: M - HEAVY INDUSTRIAL
 PROPOSED USE: TRUCK TERMINAL AND TRUCK REPAIR
 SETBACKS: FRONT: 75 FEET
 SIDE: 44 FEET
 BUFFER: 50' LANDSCAPE SCREENING BUFFER ADJACENT TO RESIDENTIAL PROPERTY
 MINIMUM LOT SIZE: 40,000 SF
 MINIMUM LOT WIDTH: 150 FEET
 METLANDS: BASED ON THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY
 WETLAND: MTP//WWW.FWS.GOV/WETLANDS, LAST UPDATED ON APRIL 30, 2012. THERE ARE NO
 DESIGNATED WETLANDS EXISTING ON THE SUBJECT PROPERTY.
 THERE ARE NO APPARENT OR VISIBLE CHARACTERISTICS OF BURIAL PLOTS ON THE SUBJECT PROPERTY.
 THERE ARE NO APPARENT OR VISIBLE ARCHITECTURAL OR ARCHAEOLOGICAL LANDMARKS ON THE
 SUBJECT PROPERTY.
 OWNER/DEVELOPER SHALL MEET ALL STATE AND COUNTY REQUIREMENTS PRIOR TO ANY SITE
 REDEVELOPMENT.

ZONING SITE PLAN FOR:

DATE:	11/13/18	REVISION:	
SCALE:	1"=40'	SCALE:	1"=118' - REV. SITE PLAN
DRAWN BY:	AM/ML	CHECKED BY:	AM/ML
DATE:	11/13/18	DATE:	

URIZAR TRUCKING

Gaskins
 ENGINEERS • ARCHITECTS • LAND PLANNERS • ENVIRONMENTAL SCIENTISTS
 11450 GORDON ROAD, SUITE 100, ATLANTA, GA 30339
 PHONE: 770.424.2700

LOCATED IN L.L. 505
 10th DISTRICT, 2nd SECTION
 COBB COUNTY, GA

OB-80
Proposed
Site
Plan

EXISTING ZONING INFORMATION:
 PER THE COBB COUNTY ZONING MAPS, THIS PROPERTY IS CURRENTLY ZONED M-20.
 ZONING: M-20
 SETBACK: 40 FEET
 AREA: 35 FEET
 MINIMUM LOT SIZE: 20,000 SF
 MINIMUM LOT WIDTH: 75 FEET
 MINIMUM LOT AREA: 15,000 SF
 MAXIMUM BUILDING COVERAGE: 35%
 MAXIMUM BUILDING HEIGHT: TWO STORIES OR 35 FEET

SURVEY REFERENCES
 1. SURVEY FOR BOY F AND LOUISE HARRISON, RECORDED IN PLAT BOOK 10, PAGE 4, PUBLIC RECORDS OF COBB COUNTY, GEORGIA.
 2. OB 796 PG.879
 OB 800 PG.414
 OB 831 PG.659

LEGEND

—	1" = 40' PLANNED AREA
—	2" = 1" PLANNED AREA
—	3" = 1" PLANNED AREA
—	4" = 1" PLANNED AREA
—	5" = 1" PLANNED AREA
—	6" = 1" PLANNED AREA
—	7" = 1" PLANNED AREA
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—	9" = 1" PLANNED AREA
—	10" = 1" PLANNED AREA
—	11" = 1" PLANNED AREA
—	12" = 1" PLANNED AREA
—	13" = 1" PLANNED AREA
—	14" = 1" PLANNED AREA
—	15" = 1" PLANNED AREA
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—	28" = 1" PLANNED AREA
—	29" = 1" PLANNED AREA
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—	31" = 1" PLANNED AREA
—	32" = 1" PLANNED AREA
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—	42" = 1" PLANNED AREA
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—	94" = 1" PLANNED AREA
—	95" = 1" PLANNED AREA
—	96" = 1" PLANNED AREA
—	97" = 1" PLANNED AREA
—	98" = 1" PLANNED AREA
—	99" = 1" PLANNED AREA
—	100" = 1" PLANNED AREA

A PORTION OF THIS LAND IS IN THE 100 YEAR FLOOD ZONE AS SHOWN ON THE 100 YEAR FLOOD ZONE MAP OF COBB COUNTY, GEORGIA, DATED DECEMBER 16, 2009.

BOUNDARIES OF UTILITIES EXISTING ON OR UNDER THE SUBJECT PROPERTY, INCLUDING BUT NOT LIMITED TO WATER, SEWER, GAS, AND TELEPHONE, ARE SHOWN ON THIS PLAN. THE LOCATION OF UTILITIES IS BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE LOCATION OF UTILITIES IS NOT GUARANTEED BY ANY PARTY.

IF YOU DO GEORGIA...
CALL US FIRST!
1-800-292-7411
202-251-3500
ATLANTA, GEORGIA
(METRO ATLANTA ONLY)
UTILITIES PROTECTION CENTER
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RECORDED
NOV 13 2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

PROPOSED ZONING INFORMATION

PROPOSED ZONING: M - HEAVY INDUSTRIAL
PROPOSED USE: TRUCK TERMINAL AND TRUCK REPAIR
SEWER/STORM: 24 FEET
SIDE: 20 FEET
REAR: 40 FEET

BUFFER: 50' LANDSCAPE SCREENING BUFFER ADJACENT TO RESIDENTIAL PROPERTY
MINIMUM LOT SIZE: 40,000 SF
MINIMUM LOT WIDTH: 150 FEET

WETLANDS: BASED ON THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY, WETLANDS, WPA//WPA/MS/COV/WETLANDS, LAST UPDATED ON APRIL 30, 2012, THERE ARE NO DELINEATED WETLANDS EXISTING ON THE SUBJECT PROPERTY.
THERE ARE NO APPARENT OR VISIBLE CENTERLINES OR BURNAL PLOTS ON THE SUBJECT PROPERTY. THERE ARE NO APPARENT OR VISIBLE ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS ON THE SUBJECT PROPERTY.
CONVICTION/RELEASED SHALL MEET ALL STATE AND COUNTY REQUIREMENTS PRIOR TO ANY SITE OCCUPANCY.

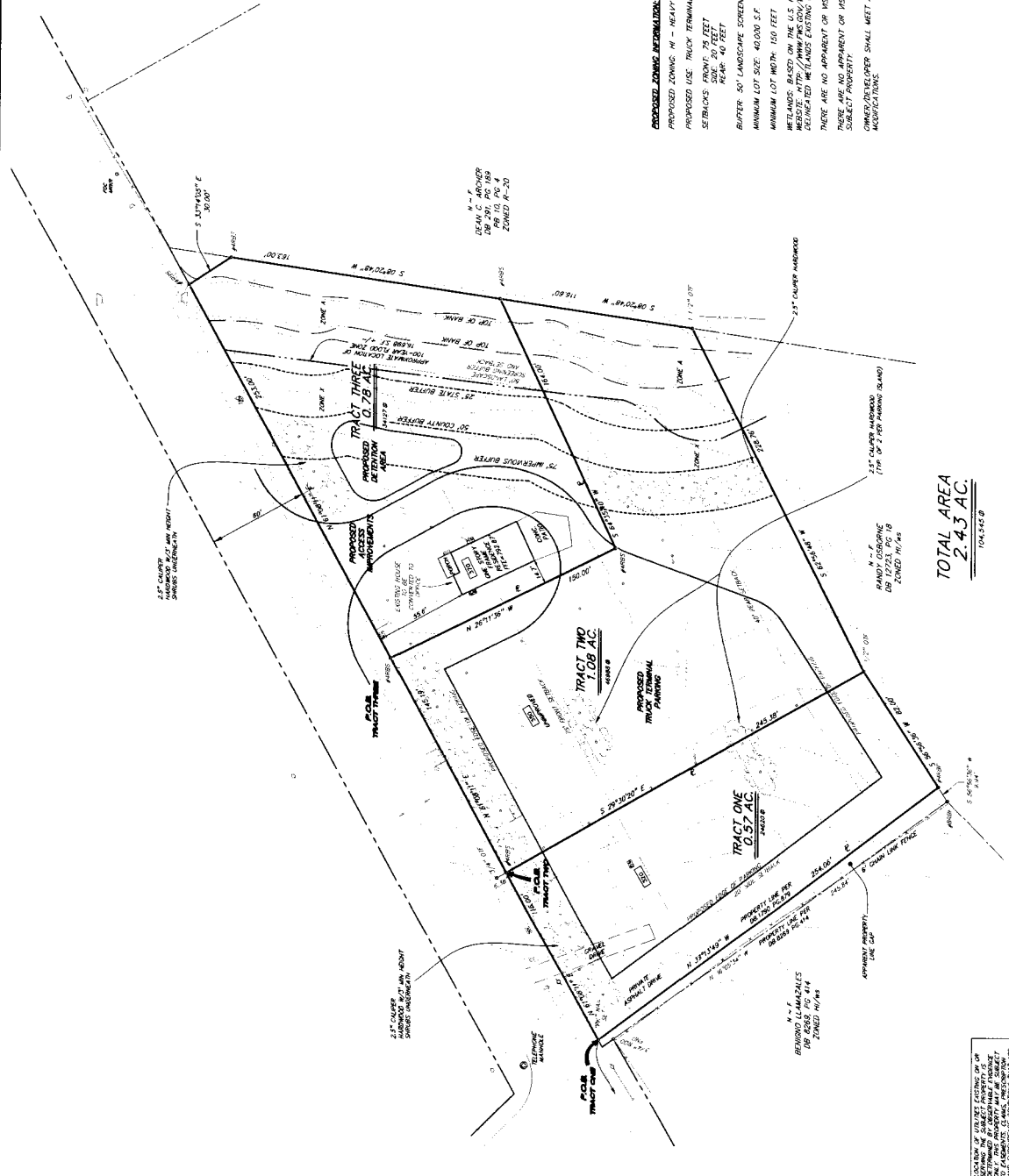


ZONING SITE PLAN FOR
URIZAR TRUCKING

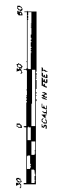
DATE: 01.15.18	ISSUING: 01.15.18 - REG. SITE PLAN
DESIGNED BY: JAZZ	APPROVED BY: JAZZ
FIELD BOOK: 000	

Gaskins
SURVEYING & ENGINEERING, LLC
1000 W. COBB CENTER
ATLANTA, GA 30341
404.292.2121

LOCATED IN L.L. 505
18th DISTRICT, 2nd SECTION
COBB COUNTY, GA



TOTAL AREA 2.43 AC.



EXISTING ZONING INFORMATION

PER COBB COUNTY ZONING MAPS, THIS PROPERTY IS CURRENTLY ZONED M-18.
SEWER/STORM: 24 FEET
SIDE: 20 FEET
REAR: 40 FEET
MINIMUM LOT SIZE: 20,000 SF
MINIMUM BUILDING COVERAGE: 35%
MINIMUM BUILDING HEIGHT: TWO STORIES OR 35 FEET

SURVEY REFERENCES

- 1. SURVEY FOR POLE AND LOUSE MARSHALL RECORDED IN PLAT BOOK TO SALES & PUBLIC RECORDS OF COBB COUNTY, GEORGIA
- 2. 200 2400 PG 479
- 3. 200 2400 PG 189

LEGEND

1	PROPERTY LINE
2	PROPERTY CORNER
3	PROPERTY EASEMENT
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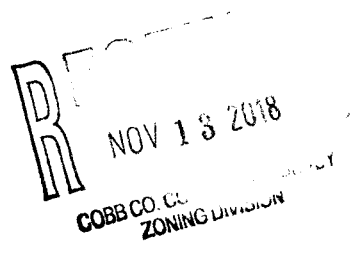
A PORTION OF THIS LAND IS IN THE 100 YEAR FLOOD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 12060C0210A, DATED DECEMBER 16, 2009.

OWNER'S NOTICE: THE SURVEYOR HAS CONDUCTED VISUAL AND ELECTROMAGNETIC SURVEYS TO IDENTIFY UTILITIES AND HAS IDENTIFIED UTILITIES AS SHOWN ON THIS SURVEY. THE SURVEYOR HAS NOT CONDUCTED A GROUND PENETRATING RADAR (GPR) SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A METEOROLOGICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A GEOTECHNICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A SEISMOLOGICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A HYDROLOGICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A BOTANICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A ZOOLOGICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A PALEONTOLOGICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A HISTORICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED AN ARCHEOLOGICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED AN ANTHROPOLOGICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A LINGUISTIC SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A SOCIOLOGICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A PSYCHOLOGICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A POLITICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A RELIGIOUS SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A PHILOSOPHICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A SCIENTIFIC SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A TECHNICAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED AN ARTS AND CULTURES SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A RECREATION SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A TOURISM SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A BUSINESS SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A HEALTH CARE SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A FINANCIAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A LEGAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A REAL ESTATE SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A CONSTRUCTION SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A TRANSPORTATION SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A COMMUNICATIONS SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A ENERGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A ENVIRONMENTAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A AGRICULTURE SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A FORESTRY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A FISH AND WILDLIFE SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A MARINE SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A COASTAL SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A OCEANOGRAPHY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A METEOROLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A CLIMATOLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A ASTROLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A COSMOLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A GEOPHYSICS SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A GEODESY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A GEOMORPHOLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A GEOLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A MINERALOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A METEOROLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A CLIMATOLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A ASTROLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A COSMOLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A GEOPHYSICS SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A GEODESY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A GEOMORPHOLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A GEOLOGY SURVEY TO IDENTIFY UTILITIES. THE SURVEYOR HAS NOT CONDUCTED A MINERALOGY SURVEY TO IDENTIFY UTILITIES.

ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB-80
BOC Hearing Date: 12-18-18

Applicant: ALAN BARAN
Titleholder(s): MILLENNIUM TRUCKING, INC.
PIN#: 18050500320
18050500440
18050500310



PROPERTY OWNER'S CERTIFICATION

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

Alan Baran 11-13-18
Signature of Owner Date

Title: President

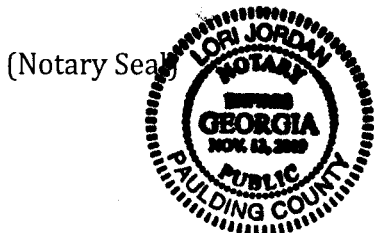
Printed Name: Alan Baran

Address: 370 Six Flaps Run
Hableton, GA 30126

Telephone No.: (770) 817 1790

Lori Jordan
Signature of Notary Public

Date 11-13-18



CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE
OTHER BUSINESS APPLICATION

RECEIVED
NOV 13 2018
COBB COUNTY DEV. AGENCY
ZONING DIVISION

1.
My name is Alan Baran. I am the officer who is delegated the responsibility for authenticating records of *Millennium Trucking, Inc*, a Domestic Profit Corporation (the Titleholder) 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 Applicants' 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 on behalf of the Applicants and Titleholder (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

- (a) That corporate seal or facsimile affixed to the Other Business Application is in fact the seal of the Titleholder Company or a true facsimile 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 on behalf of the Titleholder Company by the officer or other representative of the Applicants has been duly authorized by the Titleholder Company.

MILLENNIUM TRUCKING, INC.

By: Alan Baran (CORPORATE SEAL)

Print Name: Alan Baran

Its: President
Title

CAMPAIGN DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Has the applicant² made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Board of Commissioners or Planning Commission who will consider the application?

no.

If so, the applicant and the attorney representing the applicant must file a disclosure report with the Board of Commissioners of Cobb County within ten (10) days after this application is first filed.

Please apply the following information that will be considered as the required disclosure:

The name of the member(s) of the Board of Commissioners or Planning Commission to whom the campaign contribution or gift was made: _____

The dollar amount of each campaign contribution made by the applicant to the member(s) of the Board of Commissioners or Planning Commission during the two (2) years immediately preceding the filing of this application and the date of each such contribution: _____

An enumeration and description of each gift having a value of two hundred fifty dollars (\$250.00) or more made by the applicant to the member(s) of the Board of Commissioners or Planning Commission during the two (2) years immediately preceding the filing of this application: _____

I certify that the foregoing information is true and correct, this 13 day of Nov., 2018.


Applicant's Signature

¹If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners of Cobb County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

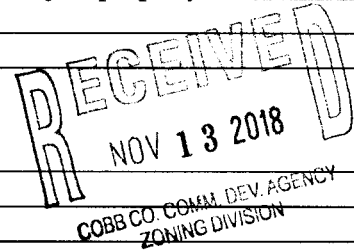
²Applicant means any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

PROPERTY/FINANCIAL DISCLOSURE REPORT¹ BY APPLICANT²

(A separate form must be completed by each applicant* - please see definition below)

Does any member of the Board of Commissioners or Planning Commission have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property? no.

If so, describe the nature and extent of such interest: _____



Does any member of the Board of Commissioners or Planning Commission have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property? no.

If so, describe the nature and extent of such interest: _____

Does any member of the Board of Commissioners or Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above? no.

If so, describe the relationship and the nature and extent of such interest: _____

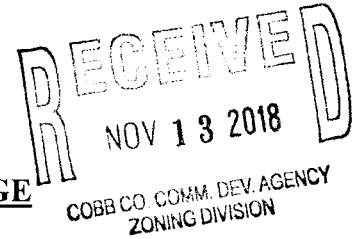
I certify that the foregoing information is true and correct, this _____ day of _____, 20____.


Applicant's Signature

¹If the answer to any of the above is "Yes," then the member of the Board of Commissioners or Planning Commission must immediately disclose the nature and extent of such interest, in writing, to the Board of Commissioners of Cobb County, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.

²Applicant means any person who applies for a rezoning action and any attorney, or other person representing or acting on behalf of a person who applies for a rezoning action.

TO THE COBB COUNTY BOARD OF COMMISSIONERS
COBB COUNTY, GEORGIA



CONSTITUTIONAL CHALLENGE

COMES NOW, ALAN BARAN, hereinafter referred to as the "Applicant", and for himself and/or acting on behalf of the Owners, asserts the following, to wit:

1.

By application to which this exhibit relates, Applicant has applied for an Other Business Item regarding certain real property lying and being in Cobb County, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Application.

2.

The Application seeks approval of an Other Business Application by the governing authority of Cobb County, Georgia to amend the stipulations pertaining to a Rezoning; Application No. Z-38 of 2012 (Luiz Urizar).

3.

The current zoning stipulations/conditions are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property rights without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

The zoning conditions/stipulations as they presently exist violate the Applicant's right to the unfettered use of the property in that the existing conditions and stipulations do not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said requirements are unconstitutional in that they are arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

RECEIVED
NOV 18 2018
COBB COUNTY COMM. DEV. AGENCY
ZONING DIVISION

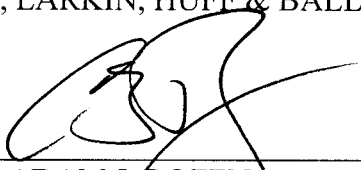
5.

The Cobb County Zoning Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with Other Business Applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law.

Respectfully submitted, this the 13th day of NOVEMBER, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

By: _____


ADAM J. ROZEN
Attorney for Applicant
Ga. Bar No. 161610

SAMS, LARKIN, HUFF
& BALLI, LLP
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS ST.
MARIETTA, GA 30064
770.422.7016

ORIGINAL DATE OF APPLICATION: 09-18-12APPLICANTS NAME: LUIS URIZARTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 12-18-12 ZONING HEARING:**

LUIS URIZAR (Estate of Elzie Elton Goodwin a/k/a E. E. Goodwin, owner) requesting Rezoning from **R-20** to **HI** for the purpose of a Truck Terminal and Truck Repair Facility in Land Lot 505 of the 18th District. Located on the south side of Six Flags Parkway, east of Bishop Road (320, 350 and 370 Six Flags Parkway). (*Previously continued by the Planning Commission from their September 6, 2012, October 2, 2012 and November 6, 2012 hearings*)

The public hearing was opened and Mr. John Moore, Mr. Kevin Ross, Ms. Lisa Cupid, Ms. Robin Meyer, and Ms. Courtney Edwards addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Birrell, to **delete** Rezoning to the **LI** zoning district **subject to:**

- Site plan received by the Zoning Division August 22, 2012, with District Commissioner approving minor modifications (attached and made a part of these minutes)
- Letter of agreeable conditions dated October 30, from Mr. John Moore *not otherwise in conflict* (attached and made a part of these minutes)
- Letter of agreeable conditions from Mr. John Moore dated November 28, 2012 (attached and made a part of these minutes) with the following changes:
 - Item No. 6 – add to end: “, using brick or masonry materials.”
 - Item No. 9 – add to end: “Maintenance period for White Pines to be for five years with oversight by the County Arborist.”
 - Item No. 12 – add to end: “Remodel to be completed within 120 days from final approval by the Board of Commissioners.”
 - Item No. 19 – delete in its entirety
- For this use *only*
- Wooden fence, eight feet in height, to be installed along the eastern property line
- Maximum of 20 vehicles on the property
- All truck repair to be inside building
- No outside storage
- Truck terminal/repair facility *only* and any changes in use must be approved by the Board of Commissioners
- District Commissioner may approve minor modifications
- Oil/water separation device to be installed
- Building and bay doors of new building to face rear of property adjacent to Heavy Industrial zoned property, facing Lee Industrial Drive

ORIGINAL DATE OF APPLICATION: 09-18-12

APPLICANTS NAME: LUIS URIZAR

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 12-18-12 ZONING HEARING: (Continued)

- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **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, Commissioner Ott opposed**

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON
ROBERT D. INGRAM
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
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JEFF C. MORMAN

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10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465
NASHVILLE, TENNESSEE
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NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347
LOUISVILLE, KENTUCKY
9900 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
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4000 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
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JONATHAN J. SMITH
MONTOKA M. HO-SANG

TRISTAN B. MORRISON
WILLIAM B. WARIHAY
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN

OF COUNSEL:
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
*** ALSO ADMITTED IN CA
^ ALSO ADMITTED IN TX
^ ALSO ADMITTED IN AL
^ ALSO ADMITTED IN KY
^ ALSO ADMITTED IN NV
^ ALSO ADMITTED IN NY
^ ALSO ADMITTED IN SC
^ ALSO ADMITTED IN NC
^ ADMITTED ONLY IN TN
^ ADMITTED ONLY IN FL

Min. Bk. 107 Petition No. Z-38
Doc. Type letter of agreeable
conditions
Meeting Date 12/11/12

November 28, 2012

Hand Delivered

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

COBB COUNTY GEORGIA
FILED IN OFFICE
2012 NOV 28 PM 12:32
COBB COUNTY ZONING DIVISION

RE: Application for Rezoning - Application No. Z-38 (2012)
Applicant: Luis Urizar
Property Owner: The Estate of Elzie Elton Goodwin (a/k/a E. E. Goodwin)
Property: 2.514± acres located at 320, 350, and 370 Six Flags Parkway, Land Lot 505, 18th District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Mr. Luis Urizar, the Applicant (hereinafter referred to as "Applicant"), and the Property Owner, the Estate of Elzie Elton Goodwin (hereinafter referred to as "Owner"), in his Application for Rezoning with respect to property located at 320, 350, and 370 Six Flags Parkway, Land Lot 505, 18th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meetings and discussions with planning and zoning staff and various Cobb County departmental representatives, discussions and meetings with area residents and representatives of the Mableton Improvement Coalition, reviewing the

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
November 28, 2012

Case No. 2-38
Filing Date 12/18/12
Title

staff comments and recommendations and the uses of surrounding properties, and following presentations to and continuances by the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the letters of agreeable stipulations and conditions dated and filed August 29, 2012, and October 30, 2012. The revised stipulations are as follows:

- (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 on the Subject Property; together with any and all Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Rezoning of the Subject Property shall be from the existing zoning category of R-20 to the proposed zoning category of Light Industrial ("LI") zoning category, with reference to the Zoning Site Plan prepared for Applicant by Gaskins Surveying Company, Inc.. dated July 18, 2012, and filed with the Zoning Office on August 22, 2012. A reduced copy of the revised Zoning Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) The total site area consists of 2.514 acres. Applicant proposes to use the Subject Property for a truck terminal and truck repair facility.
- (4) Applicant agrees to demolish the existing masonry garage, frame shed, and masonry shed located on the easterly portion of the Subject Property, and within the stream buffer area, as more particularly shown and reflected on the referenced Zoning Site Plan.
- (5) Additionally, the frame residence located on the westerly side of the Subject Property shall be demolished.
- (6) Entrance signage for the proposed development shall be ground based, monument style signage.

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
November 28, 2012

Petition No. 2-38
Meeting Date 12.8.12
Continued

- (7) Applicant agrees to the installation of a solid wooden fence, eight (8) feet in height, along the easterly property line of the Subject Property, said fence to be installed inside an existing chain link fence which is six (6) feet in height.
- (8) Applicant agrees to erect a black, vinyl-clad chain link fence, a minimum of six (6) feet in height, along the frontage of the Subject Property on Six Flags Parkway. Said fence shall begin at a point at the intersection of the southerly side of Six Flags Parkway with the seventy-five (75) foot impervious buffer line, and thence running westerly to the westerly boundary of the Subject Property.
- (9) Applicant agrees to the installation of landscaping, to include a staggered row of White Pines a minimum of six (6) feet in height, along, and in front of, the black, vinyl-clad chain link fence referenced in subparagraph (8), as approved by the Cobb County Arborist.
- (10) The foregoing paragraphs relating to demolition of structures, erection of fencing, and landscaping shall be accomplished on or before the expiration of one hundred eight (180) days from the final zoning approval of the rezoning by the Cobb County Board of Commissioners.
- (11) Applicant agrees that it shall not store on-site, or be involved in the transport of municipal solid waste materials or hazardous waste.
- (12) Applicant intends to utilize the remaining structure as its office. Applicant agrees to remodel and renovate the structure; including, but not limited to, a new roof, new windows, painting, and the like.
- (13) Any structure erected for repairs shall have no bay doors facing Six Flags Parkway, and shall be located on the westerly portion of the Subject Property, closer to the container yard facility located adjacent to the Subject Property. The hours of operation of any truck repairs shall be 8:00 a.m. to 6:00 p.m., Monday through Friday; 9:00 a.m. to 3:00 p.m. on Saturday; and no repair work shall be done on Sunday.
- (14) Minor modifications to the referenced Zoning Site Plan, including, but not limited to, stormwater control measures, may be approved by the District Commissioner, as needed or necessary.

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
November 28, 2012

Petition No. 2-38
Meeting Date 12.18.12
Continued

- (15) If the proposed detention area is required to be fenced, then such fencing shall be vinyl-clad chain link fencing.
- (16) All landscape and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (17) Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, hydrology, and downstream considerations, except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.
- (18) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (19) There shall be no sidewalk, curb, or gutter installed along the frontage of the Subject Property on Six Flags Parkway.

We believe the requested zoning, pursuant to the Zoning Site Plan and the revised stipulations set forth herein, is appropriate for the Subject Property. The Subject Property is located within an industrial area of Cobb County and is bordered by industrial compatible businesses located to the west and south, as well as across Six Flags Parkway, from the Subject Property. We very much appreciate your assistance, and the consideration of the Planning Commission and Board of Commissioners in this rezoning request.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
November 28, 2012

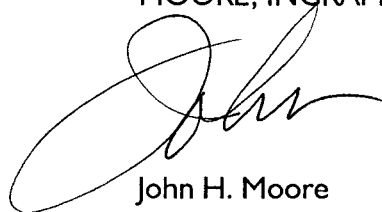
PAGE 18 OF

Petition No. 2-38
Filing Date 12/18/12
Commissioner

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachment

c: Cobb County Board of Commissioners:

Timothy D. Lee, Chairman
George W. "Woody" Thompson
Helen C. Goreham
Robert J. Ott
Joann Birrell
(With Copy of Attachment)

Cobb County Planning Commission:

Murray Homan, Chairman
Judy Williams
Robert Hovey
Christi S. Trombetti
Mike Terry
(With Copy of Attachment)

Lisa Cupid
District Commissioner-Elect
and Area Resident
(With Copy of Attachment)

Robin Meyer
Mableton Improvement Coalition
(With Copy of Attachment)

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
November 28, 2012

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2-38
12/18/12

c: Ms. Dean C. Archer
(With Copy of Attachment)

Luis Urizar
(With Copy of Attachment)

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A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

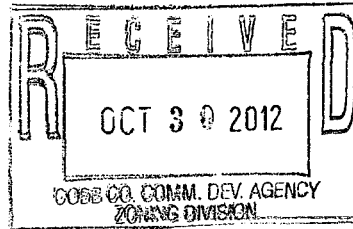
JOHN H. MOORE	WILLIAM R. WINDERS, JR.*	MARIETTA, GEORGIA	JEFF C. MORMAN*	JONATHAN J. SMITH
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ELDON L. BASHAM	CHARLES E. PIERCE*	KNOXVILLE, TENNESSEE	CARLY M. RECORD	OF COUNSEL:
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JERE C. SMITH	ASPEN S. RAINS*	SUITE 500	ERICA C. MITCHELL	
CLAYTON O. CARMACK	WILMA R. BUSH	KNOXVILLE, TENNESSEE 37923	BRAM L. SCHARF*	
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ALEXANDER T. GALLOWAY III†	VERONICA L. RICHARDSON	TELECOPIER (865) 692-9071	RYAN C. EDENS*	
J. KEVIN MOORE	TODD I. HEIRD*	JACKSONVILLE, FLORIDA	JULIE C. FULLER*	† ALSO ADMITTED IN TN
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SUSAN S. STUART	ALEXANDER B. MORRISON*	BUILDING 200, SUITE 250	ANASTACIA W. SHELTON*	*** ALSO ADMITTED IN NM
BRIAN D. SMITH	DOUGLAS W. BUTLER, JR.	JACKSONVILLE, FLORIDA 32256	AMY E. BROWN*	**** ALSO ADMITTED IN CA
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W. TROY HART†‡	CARLA C. WESTER*	TELECOPIER (904) 672-4236	TRAVIS R. JACKSON	‡ ALSO ADMITTED IN AL
JEFFREY A. DAXE	JAIME E. KNOEBEL*	NASHVILLE, TENNESSEE	DAVID A. HURTADO	‡ ALSO ADMITTED IN NV
KIM A. ROPER	ADON J. SOLOMON*	3200 WEST END AVENUE	J. MARSHALL WEHUNT	‡ ALSO ADMITTED IN NY
VICTOR P. VALMUS	AMY L. JETT*	SUITE 600	KENDRA A. BIRTSCH*	‡ ALSO ADMITTED IN SC
		NASHVILLE, TENNESSEE 37203		‡ ALSO ADMITTED IN NC
		TELEPHONE (615) 425-7347		‡ ADMITTED ONLY IN TN
		TELECOPIER (615) 783-1665		‡ ADMITTED ONLY IN FL
		LOUISVILLE, KENTUCKY		
		9900 CORPORATE CAMPUS DRIVE		
		SUITE 3000		
		LOUISVILLE, KENTUCKY 40223		
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		TELECOPIER (502) 410-6022		

October 30, 2012

PAGE 8 OF 10

Hand Delivered

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064



Min. Bk. 67 Petition No. 2-38
Doc. Type letter of agreeable
conditions
Meeting Date 12/8/12

RE: Application for Rezoning - Application No. Z-38 (2012)
Applicant: Luis Urizar
Property Owner: The Estate of Elzie Elton Goodwin
(a/k/a E. E. Goodwin)
Property: 2.514± acres located at 320, 350, and 370 Six
Flags Parkway, Land Lot 505, 18th District,
2nd Section, Cobb County, Georgia

Dear Jason:

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MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 5
October 30, 2012

Petition No. 2-38
Meeting Date 12/18/12
Continued

PAGE 9 OF

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MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 5
October 30, 2012

Petition No. 2-38
Meeting Date 10/18/12
Proposed

PAGE 10 OF

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MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 5
October 30, 2012

Partition No. 2-38
Issuing Date 12/18/12

PAGE 11 OF

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- (17) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (18) There shall be no sidewalk, curb, or gutter installed along the frontage of the Subject Property on Six Flags Parkway.

We believe the requested zoning, pursuant to the Zoning Site Plan and the revised stipulations set forth herein, is appropriate for the Subject Property. The Subject Property is located within an industrial area of Cobb County and is bordered by industrial compatible businesses located to the west and south, as well as across Six Flags Parkway, from the Subject Property. We very much appreciate your assistance, and the consideration of the Planning Commission and Board of Commissioners in this rezoning request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Attachment

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 5
October 30, 2012

Petition No. 238
Meeting Date 12/18/12
Continued
PAGE 12 OF

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
George W. "Woody" Thompson
Helen C. Goreham
Robert J. Ott
Joann Birrell
(With Copy of Attachment)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Robert Hovey
Christi S. Trombetti
Mike Terry
(With Copy of Attachment)

Lisa Cupid
District Commissioner-Elect
and Area Resident
(With Copy of Attachment)

Robin Meyer
Mableton Improvement Coalition
(With Copy of Attachment)

Ms. Dean C. Archer
(With Copy of Attachment)

Luis Urizar
(With Copy of Attachment)

COBB COUNTY GEORGIA
 FILED IN OFFICE

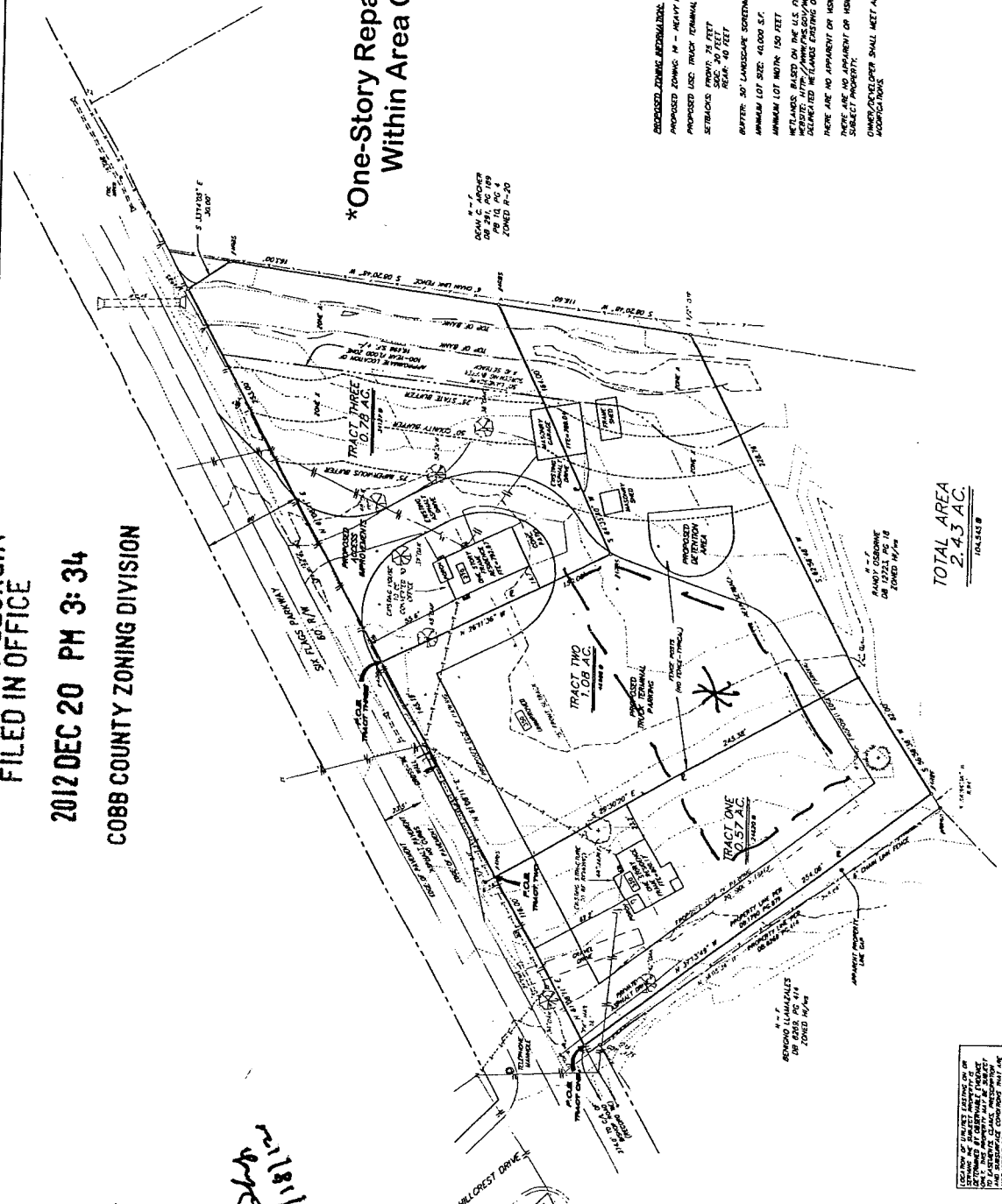
2012 DEC 20 PM 3:34

COBB COUNTY ZONING DIVISION

IF YOU DO NOT SEE THIS...
 CALL US FIRST!
 1-800-282-7411
 (770) 420-1111
 (770) 420-4344
 UNLESS YOU ARE THE OWNER
 OF THE PROPERTY.



***One-Story Repair Facility Located
 Within Area Outlined in Red**



TOTAL AREA
2.43 AC.
 (UNLESS OTHERWISE NOTED)



for M. [unclear] 12/18/2012

COBB COUNTY ZONING MAPS, INC.
 PROPERTY IS CURRENTLY ZONED **R-20**

REQUIREMENTS:
 SETBACKS: 30 FT. FRONT, 30 FT. REAR, 30 FT. SIDE
 MINIMUM LOT AREA: 10,000 S.F.
 MINIMUM FRONT YARD SETBACK: 20 FT.
 MINIMUM SIDE YARD SETBACK: 5 FT.
 MINIMUM REAR YARD SETBACK: 5 FT.
 MINIMUM HEIGHT: 12 FT.
 MAXIMUM HEIGHT: 35 FT.

SURVEY REFERENCES:

1. SURVEY FOR MONT E. AND LOUISE HARRISON
 RECORDED IN COBB COUNTY RECORDS
 2. SURVEY FOR MONT E. AND LOUISE HARRISON
 RECORDED IN COBB COUNTY RECORDS

LEGEND

1. P.F. = POWER POLE
2. F.P. = FIRE PLANT
3. F.P. = FIRE PLANT
4. S.L. = 15' SLOPE
5. S.L. = 15' SLOPE
6. S.L. = 15' SLOPE
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27. S.L. = 15' SLOPE
28. S.L. = 15' SLOPE
29. S.L. = 15' SLOPE
30. S.L. = 15' SLOPE

NOTICE OF PROPERTY OWNER'S RIGHTS:
 THE PROPERTY IS CURRENTLY ZONED **R-20**. IF YOU ARE THE OWNER OF THIS PROPERTY AND YOU WISH TO APPEAL THE ZONING MAPS, INC. SURVEY, YOU MUST FILE YOUR APPEAL WITH THE ZONING DIVISION WITHIN 30 DAYS OF THE DATE OF THIS NOTICE.

NOTICE OF THE PLAN:
 A PORTION OF THE LAND IS BEING USED FOR THE PURPOSES OF THE ZONING MAPS, INC. SURVEY. IF YOU ARE THE OWNER OF THIS PROPERTY AND YOU WISH TO APPEAL THE ZONING MAPS, INC. SURVEY, YOU MUST FILE YOUR APPEAL WITH THE ZONING DIVISION WITHIN 30 DAYS OF THE DATE OF THIS NOTICE.

COBB COUNTY GEORGIA
 FILED IN OFFICE
 2013 MAY 29 PM 4:07
 COBB COUNTY GEORGIA

PROPOSED ZONING REVISIONS:
 PROPOSED ZONING: **M - HEAVY INDUSTRIAL**
 PROPOSED USE: TRUCK TERMINAL AND TRUCK REPAIRS
 SETBACKS: FRONT: 35 FEET
 REAR: 40 FEET
 SIDE: 30 FEET
 MINIMUM LOT SIZE: 40,000 S.F.
 MINIMUM LOT WIDTH: 150 FEET
 MINIMUM FRONT YARD SETBACK: 20 FEET
 MINIMUM SIDE YARD SETBACK: 5 FEET
 MINIMUM REAR YARD SETBACK: 5 FEET
 MINIMUM HEIGHT: 12 FEET
 MAXIMUM HEIGHT: 35 FEET
 THERE ARE NO APPEARANT OR NOTICEABLE CONFLICTS OR INCOMPATIBILITIES WITH THE SURROUNDING PROPERTY.
 THE PROPOSED ZONING REVISIONS SHALL MEET ALL STATE AND COUNTY REQUIREMENTS PRIOR TO ANY SITE APPROVALS.

ZONING SITE PLAN FOR:

DATE:	12/20/12
SCALE:	AS SHOWN
CHECKED BY:	[unclear]
FIELD BOOK:	[unclear]
FIELD NOTES:	[unclear]



LOCATED IN L.L. 505
 10th DISTRICT, 2nd SECTION
 COBB COUNTY, GA.

ORIGINAL DATE OF APPLICATION: 09-18-12APPLICANTS NAME: LUIS URIZAR

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 07-16-13 ZONING HEARING:

**OTHER BUSINESS ITEM #1 - TO CONSIDER AMENDING THE ZONING
STIPULATIONS RELATING TO Z-38 OF 2012 (LUIS URIZAR)**

To consider amending the zoning stipulations relating to Z-38 of 2012 (Luis Urizar), for property located on the south side of Six Flags Parkway, east of Bishop Road in Land Lot 505 of the 18th District.

Mr. Pederson provided information regarding the stipulation amendment to remove stipulated time frames for development. The public hearing was opened and Mr. John Moore addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Ott, to **approve** Other Business Item No. 1 for stipulation amendments regarding Z-38 of 2012 (Luis Urizar), for property located on the south side of Six Flags Parkway, east of Bishop Road in Land Lot 505 of the 18th District **subject to:**

- **Extend stipulated deadlines for 30 days, and if deadline is not met, property will be brought in for rezoning by the Applicant and fees for rezoning application will be waived**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously