



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-28

Public Hearing Dates:

PC: 5-7-19

BOC: 5-21-19

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**SITE BACKGROUND**

Applicant: Ellenwood MCRE, LP

Phone: 214-717-6116

Email: [kmurchison@murchisoncommercial.com](mailto:kmurchison@murchisoncommercial.com)

Representative Contact: Lauren M. Hansford

Phone: 404-408-6600

Email: [lauren@glawgp.com](mailto:lauren@glawgp.com)

Titleholder: Ellenwood MCRE, LP

Property location and address: Located on the southwest side of Mableton Parkway, south of Lynne Circle (6116 Mableton Parkway)

Access to Property: Mableton Parkway

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**QUICK FACTS**

Commission District: 4-Cupid

Current Zoning: PSC (Planned Shopping Center)

Current use of property: Retail Center

Proposed zoning: CRC (Community Retail Commercial)

Proposed use: Allow an assembly hall for special events

Future Land Use Designation: CAC (Community Activity Center)

Site Acreage: 1.789 acres

District: 18

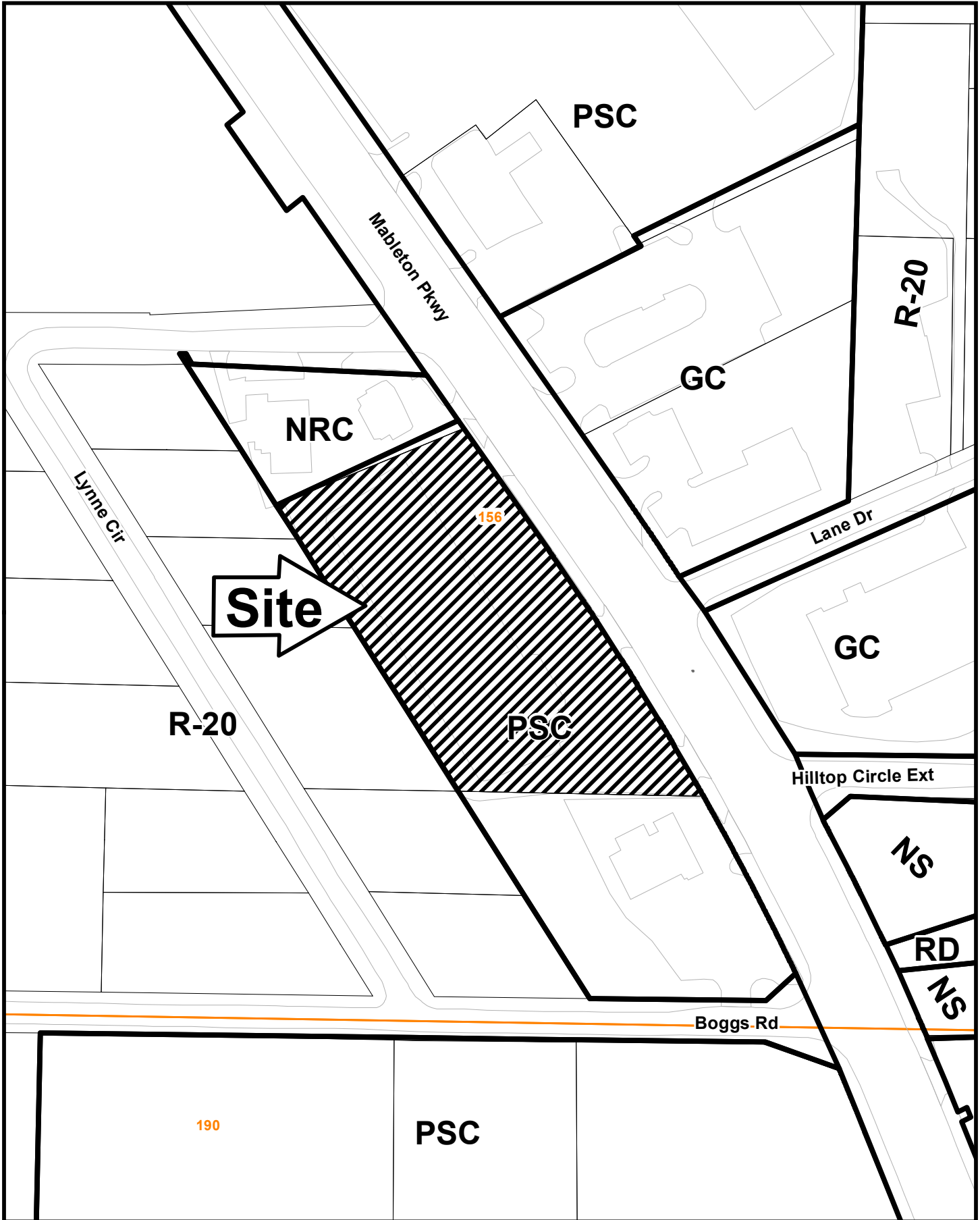
Land Lot: 156

Parcel #'s: 18015600270

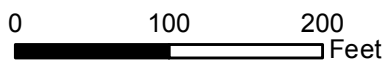
Taxes Paid: Yes



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# Z-28 2019-GIS



This map is provided for display and planning purposes only. It is not meant to be a legal description.



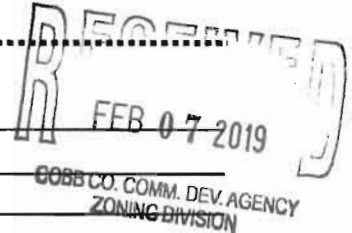
-  Zoning Boundary
-  City Boundary



Application No. Z-28

May 2019

## Summary of Intent for Rezoning



.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Shopping center (existing - no proposed alteration or development of existing shopping center)
- b) Proposed building architecture: To remain the same
- c) Proposed hours/days of operation: To remain the same
- d) List all requested variances: None requested.

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

Please see attached Letter of Intent.  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

**(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).**

\_\_\_\_\_  
\_\_\_\_\_

**REZONING APPLICATION  
COBB COUNTY, GEORGIA  
LETTER OF INTENT AND IMPACT ANALYSIS**

FEB 07 2019  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

The Applicant, Ellenwood MCRE, LP, is the owner of the property located at 6116 Mableton Parkway in Mableton, Cobb County, Georgia (the “Property”). The Property consists of 1.789 acres, which is currently zoned PSC (Planned Shopping Center) and contains an existing retail strip shopping center (“the Center”). The Applicant seeks a rezoning of the Property from Planned Shopping Center (“PSC”) to Community Retail Commercial (“CRC”) to allow for the continued use of space by one of the Center’s long-standing tenants, Mableton Banquet Hall, a successful special events facility.

The Mableton Banquet Hall has been operating its business on the Property for eighteen (18) years, and the County has issued the necessary permits and business licenses to the owner of Mableton Banquet Hall during that time. See attached Exhibit “A.” However, in December 2018, the Applicant received a Notice of Violation from the Cobb County Code Enforcement Division because “the property is not zoned to allow a Banquet Hall.” See attached Exhibit “B.”

After contacting the Zoning Division, the Applicant was informed that the Mableton Banquet Hall is considered an “assembly hall<sup>1</sup>” under the Cobb County Code, and that assembly halls are not permitted in the PSC zoning district. Therefore, in order for the Mableton Banquet Hall to continue operating, the Applicant must rezone the Property to a zoning district that does allow assembly hall uses and is also compatible with the Property’s Community Activity Center (“CAC”) future land use map designation. Additionally, because the Property contains an

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<sup>1</sup> The Cobb County Code defines the term “assembly hall” as “a facility and/or grounds where scheduled events and gatherings take place that are normally one-time events for organizations or people including, weddings, birthday parties, graduation parties, religious milestone celebrations, holiday parties, private parties, corporate meetings and the like. Assembly halls may have large open rooms or banquet halls, which may have live or recorded music or entertainment, and which may have freshly prepared or catered food and beverage.” Cobb County Code Section 134.1.

existing shopping center with other tenants, the Applicant had to find an appropriate zoning designation that would also allow the other existing tenants to continue to operate. The CRC zoning classification is the only zoning district that allows assembly halls as well as the uses of the other existing tenants and is compatible with the CAC future land use designation. Therefore, the Applicant seeks to rezone the Property to CRC to allow all of its tenants to continue to operate their businesses.

With regard to the impact analysis required as part of the Rezoning Application, the Applicant answers each question as follows:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Yes, the zoning proposal is compatible with the surrounding and nearby property. The proposal will allow all of the existing shopping center tenants to continue to operate their businesses as they have been.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

No, the Applicant's zoning proposal will not adversely impact any adjacent or nearby property because the Applicant does not seek to alter the existing shopping center in any way. The Applicant's proposal is solely to allow an existing use on the Property to continue under the appropriate zoning classification.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The Property has a reasonable economic use as currently zoned. However, the current zoning does not allow for one of the Applicant's longstanding tenants to operate its successful business.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

No, the zoning proposal will not create a burden on existing streets, transportation facilities, utilities, or schools. The request is to change the zoning on the Property to allow the existing uses on the Property to continue. There will be no modification or additional development of the existing shopping center.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

Yes, the Future Land Use Map designates this property as appropriate for Community Activity Centers. The requested CRC zoning classification is compatible with the CAC designation.

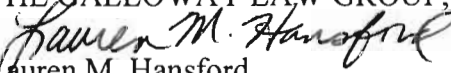
6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

As noted above, the Applicant's tenant, The Mableton Banquet Hall, has been operating successfully on this Property for eighteen (18) years with Cobb County issuing the appropriate permits and business licenses during this time. The Applicant recently learned that the zoning on the Property does not allow for this use, and the Applicant now seeks to rectify that and rezone the Property to the CRC zoning district to allow all of its tenants to continue operating.

Accordingly, the Applicant respectfully requests that the Board approve the Applicant's request to rezone the Property to CRC to allow all of its tenants to continue to operate their businesses 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

Cobb County Commercial Permit Application Form

All applicable items in this box must be completed before submittal to the Fire Marshal's Office.

\*\*\*\*Put date next to appropriate job type\*\*\*\*

Site \_\_\_\_\_ Shell \_\_\_\_\_ New Bldg \_\_\_\_\_ New Tenant \_\_\_\_\_ Add (Int / New) \_\_\_\_\_ Remodel 6/19/07

Other \_\_\_\_\_ Apt \_\_\_\_\_ F/S Townhouse \_\_\_\_\_ Condo \_\_\_\_\_ Fire Damage (R/C) \_\_\_\_\_

New Bldg. Outside Dimensions \_\_\_\_\_ District \_\_\_\_\_ Land Lot (s) \_\_\_\_\_

Job / Tenant Name JCA Vett Cipriano Market Street Hall

Address 6114 Masketon P.W. Suite \_\_\_\_\_

City Mableton City Limits  Acworth  Kennesaw  Powder Springs Zip 30126

Complex Name Market Street Place

Building # \_\_\_\_\_ Stories in Building \_\_\_\_\_ Number of Buildings \_\_\_\_\_ Basement  Yes  No

New Bldg. Sq. Ft. \_\_\_\_\_ New Tenant Sq. Ft. \_\_\_\_\_ Addition Sq. Ft. \_\_\_\_\_ Remodel Sq. Ft. 400

Occupancy Type per NFPA 101 Assembly O/Load per NFPA 101 N/A LSC Year 2000

Construction Type per Building Code VB Serving alcohol  Yes  No State tenant  Yes  No

Space Completely Sprinklered:  Yes  No Type \_\_\_\_\_ Req. by Code  Yes  No

(List code section)

Building Completely Sprinklered:  Yes  No Type \_\_\_\_\_ Req. by Code  Yes  No

Supervised System  Yes  No Req. by Code Section \_\_\_\_\_ (List code section)

Other fire protection system(s) \_\_\_\_\_ Construction Cost \$ \_\_\_\_\_

Please check if building/job will have any of the following new work performed:

Heating/Air  Yes  No Electrical  Yes  No Plumbing  Yes  No

Fire Sprinklers  Yes  No Hood System  Yes  No Fire Alarm  Yes  No

Arch/Designer \_\_\_\_\_ Phone \_\_\_\_\_

Person Responsible for Plans \_\_\_\_\_ Phone \_\_\_\_\_ Fax \_\_\_\_\_

24 Hour Contact Person Jeanette Lyana Phone (678) 613-3860

General Contractor \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Property Owner's Name \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Signature \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_

Title/Relation \_\_\_\_\_

\*\*\*\* Official Use Only - DO NOT WRITE BELOW THIS LINE \*\*\*\*

Building Department Comments \_\_\_\_\_ Cobb #: \_\_\_\_\_

Reviewed By: \_\_\_\_\_ Date \_\_\_\_\_

Fire Marshal's Office Comments Moved Stage & Dance Floor

Reviewed By: M. Valle Date 6/19/07

Certificate of Occupancy Required	<input type="checkbox"/>	FMO	<input type="checkbox"/>	Bldg.	<input type="checkbox"/>
Letter of Completion Required	<input checked="" type="checkbox"/>				
Special Inspections Required	<input type="checkbox"/>				

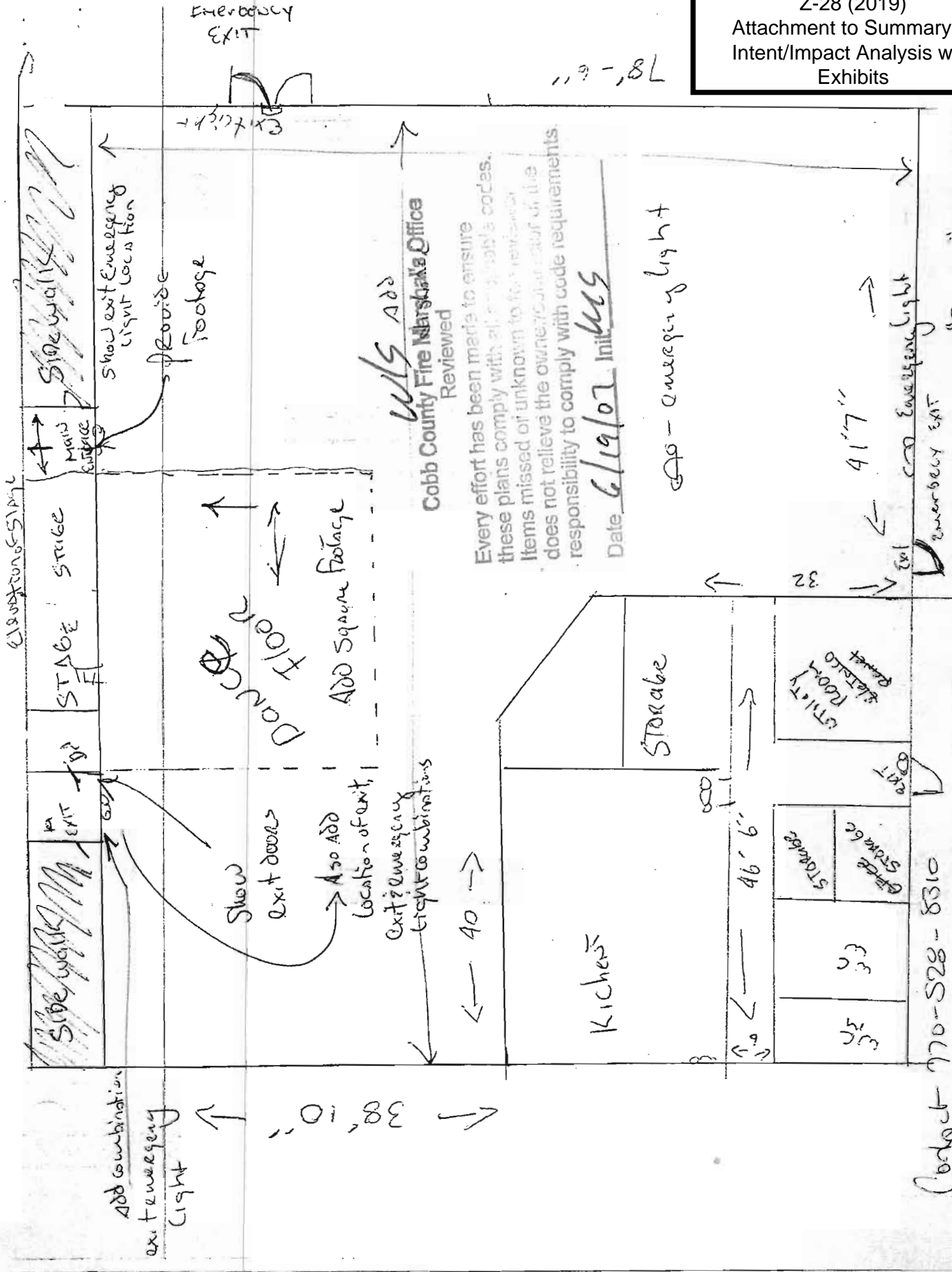
PERMIT # \_\_\_\_\_

EXHIBIT "A"





78-11



WLS Add  
Cobb County Fire Marshal's Office  
Reviewed

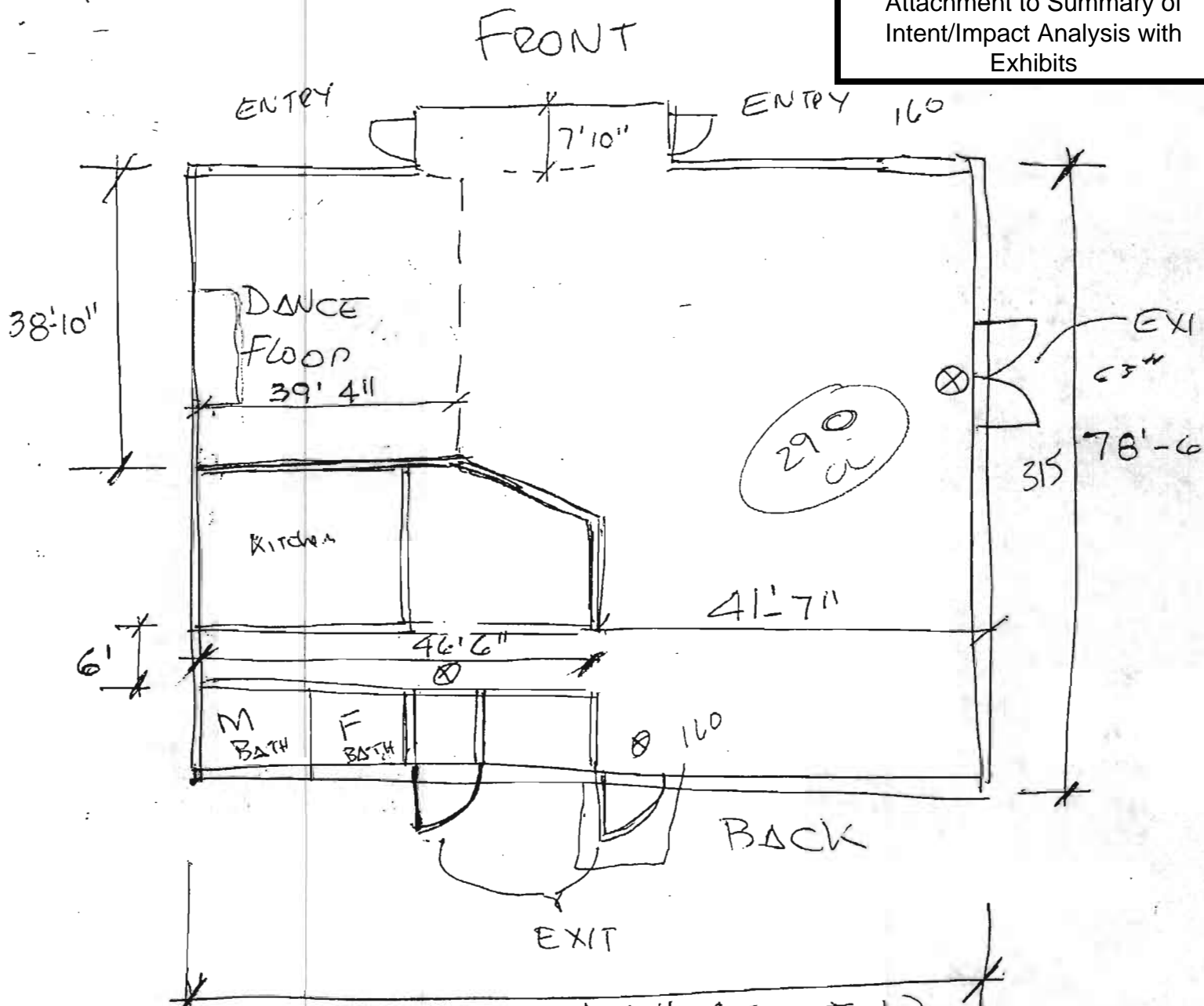
Every effort has been made to ensure these plans comply with all applicable codes. Items missed or unknown to the reviewer does not relieve the owner/contractor of the responsibility to comply with code requirements.

Date 6/19/07 Initials

40 - emergency light

41'7"  
EXIT Emergency light  
Emergency EXIT

Contact 770-528-8310  
setup a Priori Review Appointment. Once Plans are Approved you may need a Release inspection.



Cobb County Community Development  
Structural Plan Review

Reviewed By: *[Signature]* Date: *7/14/03*

*[Signature]* 2-8-05

A \* GAL GREASE TRAP  
20 GPM AIRD, Big Dipper or Lowe  
Required For This Product  
or equal, based in inability to isolate  
plumbing from Shopping Ctr

COBB COUNTY FIRE MARSHAL'S OFFICE

APPROVED

DATE *7/30/03* INIT. *[Signature]*

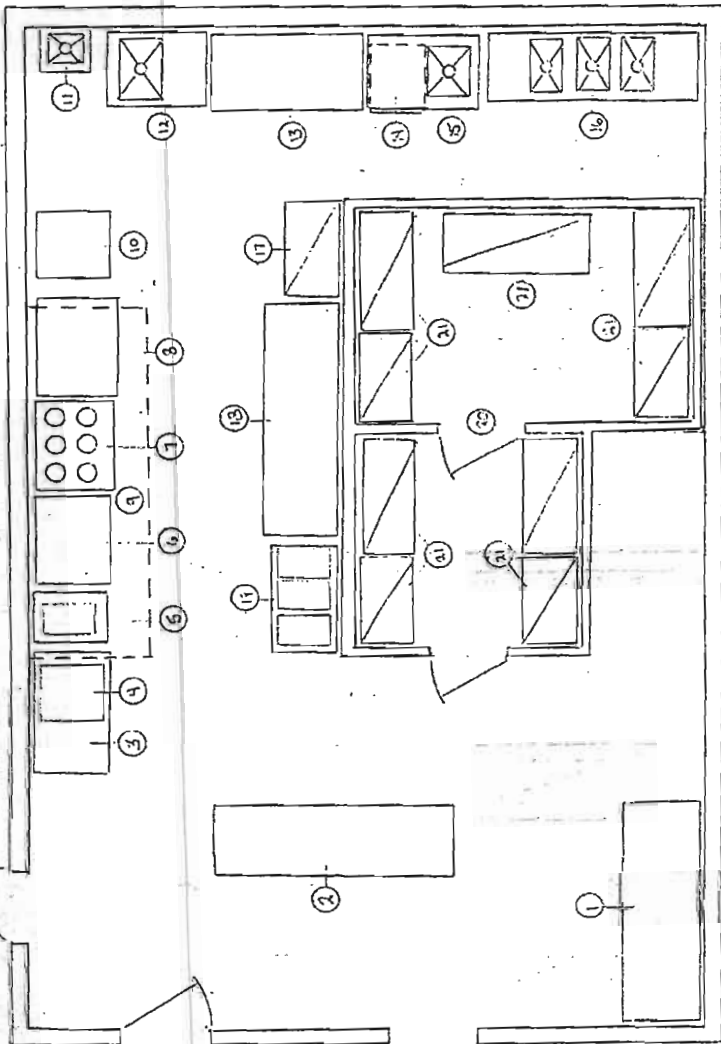
ANY VARIATION FROM THIS PLAN  
SHALL REQUIRE REVISED DRAWINGS  
AND RESUBMITTED FOR APPROVAL

Signature

Date

*[Signature]* 7/30/03  
CCOCS

# MABLETON BANQUET HALL



EQUIPMENT SCHEDULE	
1	8' WORKTABLE - EXISTING
2	6' WORKTABLE
3	48" WORKTABLE - EXISTING
4	COUNTER TOP STEAMER
5	FRYER - EXISTING
6	36" FLAT GRIDDLE / STAND
7	6 BURNER RANGE
8	CONVECTION OVEN
9	HOOD - EXISTING
10	HEATED MOBILE CABINET
11	HAND SINK
12	VEGETABLE PREP. SINK
13	60" WORKTABLE
14	UNDERCOUNTER DISHWASHER
15	DISHTABLE
16	POT AND PAN SINK
17	DRY STORAGE SHELVING
18	8' WORKTABLE - EXISTING
19	HOT FOOD TABLE
20	WALK-IN COOLER / FREEZER - EXISTING
21	WALK-IN SHELVING

COBB COUNTY BUS. LICENSE  
1150 POWDER SPRINGS ST #40  
MARIETTA, GA 30064

12/04/2018 12:43:01  
DEBIT CARD  
DEBIT SALE

Card # XXXXXXXXXXXX9020  
Network: NYCE  
Chip Card: Debit  
AID: A0000000042203  
ATC: 0011  
ARQC: 65FBB12CDF7EC9D3  
SEQ #: 3  
Batch #: 694  
INVOICE 3  
Approval Code: 482665  
Entry Method: Chip Read  
Mode: Issuer - PIN Verified

**COBB COUNTY  
COMMUNITY DEVELOPMENT AGENCY**

**Business License Division**      **Sandra S. Richardson**  
1150 Powder Springs St., Suite 400      Business License Division Manager  
Marietta, Georgia 30064 Phone:  
(770) 528 8410  
Email: BLRenewal@cobbcounty.org

SALE AMOUNT      \$112.00

Occupation Tax Certificate: 76112  
Renewal Year: 2019

CUSTOMER COPY

Business License Division has received your occupation tax certificate/business license payment. However, financial support for the total annual or fiscal year gross revenue within the State of Georgia is needed before your occupation tax certificate/business license can be issued. Please provide some form of financial back-up for the State of Georgia gross receipts, e.g. **Georgia Sales Tax Return** for each location, **IRS Tax Return** for the prior year, **in-house sales reports**, **Profit & Loss Statement** for the prior year, or an **affidavit from your accountant**.

Please mail or email ([blrenewal@cobbcounty.org](mailto:blrenewal@cobbcounty.org)) this information to the Business License Division immediately. Please include your Cobb County occupation tax certificate/business license number on any correspondence.

If you have any questions, feel free to contact us at (770)528-8410 or you may email us at [blrenewal@cobbcounty.org](mailto:blrenewal@cobbcounty.org).

Thank you for your prompt attention.

Cobb County Business License Division/ Hand delivered by LR

**COBB COUNTY  
OCCUPATION TAX CERTIFICATE**

P.O. BOX 649 MARIETTA, GEORGIA 30061-0649  
(770) 528-8410



BUSINESS LOCATION  
6114 MABLETON PKWY  
DATE ISSUED  
01-01-2018

D/B/A MABLETON BANQUET HALL INC  
ATTN: JEANNETTE CIPRIANO  
MABLETON BANQUET HALL INC  
6114 MABLETON PKWY  
MABLETON, GA 30126

CERTIFICATE NUMBER  
76112  
FOR YEAR  
2018  
CERTIFICATE EXPIRES  
12-31-2018

TYPE GENERAL



CERTIFICATE MUST BE DISPLAYED  
THIS CERTIFICATE IS NOT VALID IF OWNERSHIP OR BUSINESS LOCATION CHANGES  
PROFESSIONALS & ATTORNEYS AT LAW ARE NOT REQUIRED TO DISPLAY

CLASSIFICATION CODE	BUSINESS DESCRIPTION	CLASSIFICATION NAME	AMOUNT
738925	ENTERTAINMENT, MEETING, & SPECIAL EVENT ORGANIZER		192.00

						PAYMENT DATE	12-18-2017		
4332	192.00	4312	0.00	4314	0.00	4316	0.00	4318	0.00
							SUB TOTAL	\$	192.00
							PENALTY	\$	0.00
							INTEREST	\$	0.00
							TOTAL	\$	192.00

CD - Bus License Certificate.76112.2018.MABLETON BANQUET HALL INC

*Sandra S. Richardson*

BUSINESS LICENSE DIVISION MANAGER

*JK*

AUTHORIZED INITIALS

**IMPORTANT NOTICE**

1. Interest as provided by law will be imposed for failure to renew certificate prior to expiration date.
2. Please document to Cobb County Business License Office when business goes out of business.
3. Please provide written notification of any change in address or ownership change. A fee of \$10 will be charged to reprint certificate.
4. Please contact the business license office if you have not received a renewal notice two weeks prior to expiration of certificate.
5. Interest can not be waived despite failure to receive renewal notice. Contact the business license office for fee information.

151121

**COBB COUNTY  
OCCUPATION TAX CERTIFICATE**

P.O. BOX 649 MARIETTA, GEORGIA 30061-0649  
(770) 528-8410

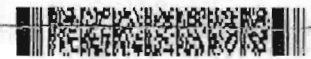


BUSINESS LOCATION  
6114 MABLETON PKWY  
DATE ISSUED  
01-01-2016

CERTIFICATE NUMBER  
76112  
FOR YEAR  
2016  
CERTIFICATE EXPIRES  
12-31-2016

D/B/A MABLETON BANQUET HALL INC  
MABLETON BANQUET HALL INC  
6114 MABLETON PKWY  
MABLETON, GA 30126

TYPE GENERAL



CERTIFICATE MUST BE DISPLAYED  
THIS CERTIFICATE IS NOT VALID IF OWNERSHIP OR BUSINESS LOCATION CHANGES  
PROFESSIONALS & ATTORNEYS AT LAW ARE NOT REQUIRED TO DISPLAY

BUSINESS DESCRIPTION

CLASSIFICATION CODE	CLASSIFICATION NAME	AMOUNT
738925	ENTERTAINMENT, MEETING, & SPECIAL EVENT ORGANIZER	102.00

						PAYMENT DATE	12-09-2015						
4332	102.00	4312	0.00	4314	0.00	4316	0.00	4318	0.00	SUB TOTAL	\$	102.00	
											PENALTY	\$	0.00
											INTEREST	\$	0.00
											TOTAL	\$	102.00

CD - Bus License Certificate.76112.2016.MABLETON BANQUET HALL INC

*Sandra L. Richardson*

BUSINESS LICENSE DIVISION MANAGER

*WLD*

AUTHORIZED INITIALS

IMPORTANT NOTICE

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158058



Cobb County... Expect the Best

**COBB COUNTY - COMMUNITY DEVELOPMENT AGENCY**  
**Code Enforcement Division**

Mailing Address  
P.O. Box 649  
Marietta, Ga. 30061

Physical Address  
1150 Powder Springs Rd.  
Suite 400  
Marietta, Ga. 30064

Fax: (770) 528-2092

**Notice of Violation**

Violation Number: CODE-2018-09048

Date: 12/4/2018

The Cobb County Code Enforcement Division has grounds to believe the property located at:

<u>6116 MABLETON PKWY SW</u>	<u>GA</u>	<u>18</u>	<u>0156</u>	<u>027</u>	<u>PSC</u>
(Address)	(City/State/Zip)	(Dist)	(Land Lot)	(Par)	(Zoning)

and/or ELLENWOOD MCRE LP (4311 W LOVERS LN DALLAS, TX 75209)

may be in violation of the Official Code of Cobb County, Georgia. You have 10 days to bring the violation(s) into compliance. An inspection will be made on or about 10 days from December 4, 2018. Failure to comply could result in a citation being issued for you to appear in the Cobb County Magistrate Court, and you may be subject to a fine, imprisonment or both.

<u>Violation</u>	<u>Code Section</u>	<u>Requirement for Compliance</u>
PROHIBITED SIGNS/ FLASHING SIGNS	134-313 (p) (7)	Flashing signs are prohibited.
GENERAL REGULATIONS/ STRING LIGHTS	134-313 (c)	String lights are to be included in the wall signs permit. String lights are an addition to the signage that was permitted and must be removed.
PERMITTED USES/ BANQUET HALL	134-225 (3)	The property is not zoned to allow a Banquet Hall.

**Jonathan Clark (jonathan.clark@cobbcounty.org)**

**678-581-5420 / prefer email**

Officer

Telephone

Contact the Officer listed above by telephone or email for further information. Officer availability 8:00-9:00 a.m. and 3:30-4:30 p.m. Monday through Friday. You may leave voice mail or send email at any time.

A COMPLETE COPY OF THE COBB COUNTY ORDINANCE MAY BE VIEWED AT WWW.COBBCOUNTY.ORG

EXHIBIT "B"