

08-7

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 2/18/2020

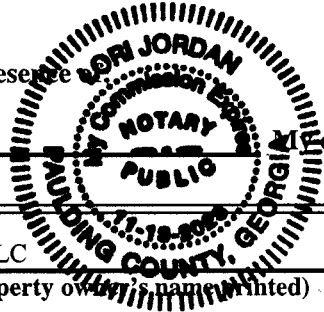
**Applicant:** Amber-Shea, LLC **Phone #:** (770) 383-0132  
(applicant's name printed)

**Address:** P.O. Box 87; Acworth, GA 30101 **E-Mail:** ccridermai@gmail.com  
SAMS, LARKIN & HUFF, LLP

Parks F. Huff, Attorney for Applicant **Address:** 376 Powder Springs Street; Marietta, GA 30064  
(representative's name, printed)

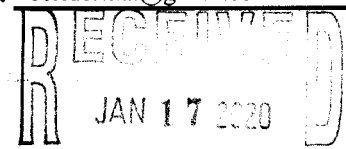
[Signature] **Phone #:** (770) 422-7016 **E-Mail:** phuff@samslarkinhuff.com  
(representative's signature)

Signed, sealed and delivered in presence of [Signature] **My commission expires:** 11/13/2023  
Notary Public



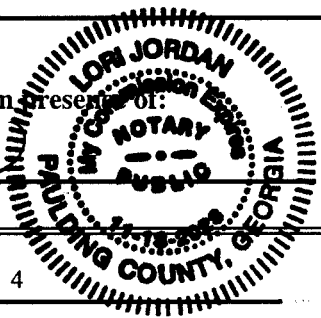
**Titleholder(s):** Amber-Shea, LLC **Phone #:** (770) 383-0132  
(property owner's name, printed)

**Address:** P.O. Box 87; Acworth, GA 30101 **E-Mail:** ccridermai@gmail.com  
[Signature]  
(Property owner's signature)



COBB COUNTY ZONING AGENCY  
ZONING DIVISION

Signed, sealed and delivered in presence of [Signature] **My commission expires:** 11/13/2023  
Notary Public



**Commission District:** 4 **Zoning Case:** Z-13 of 2019

**Size of property in acres:** 0.736 **Original Date of Hearing:** May 21, 2019

**Location:** South side of Veterans Memorial Hwy.; north of Old Powder Springs Rd. (1311 Veterans Memorial Hwy.)  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 1298 **District(s):** 19th

**State specifically the need or reason(s) for Other Business:** Eliminate Item 13 and 14 which detail specific parking improvements because the applicant has a parking easement that addresses parking needs.

(List or attach additional information if needed)

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 21, 2019  
PAGE 7

CONSENT AGENDA

MOTION: Motion by Boyce, second by Birrell, to **approve** the following cases on the Consent Agenda, *as revised*:

Z-13 AMBER-SHEA, LLC (Amber-Shea, LLC, owner) requesting rezoning from PSC to CRC for the purpose of an assembly hall in land lot 1298 of the 19<sup>th</sup> district. Located on the south side of Veterans Memorial Highway and on the north side of Old Powder Springs Road (1311 Veterans Memorial Highway). (*Previously continued by Staff until the April 2, 2019, Planning Commission (PC) hearing; continued by Staff until the May 7, 2019, PC hearing*)

To **delete** Z-13 to the NRC zoning district, subject to:

1. Site plan received by the Zoning Division on December 6, 2018, (attached and made a part of these minutes) with the following changes:
  - A. ~~The drive thru teller attached to the eastern building be removed, including canopy and raised concrete and be replaced with paving~~ NOTE: This stipulation has been removed based on the May 20, 2019, stipulation letter (listed in #3 below), Item No. 1, which states the canopy will be used.
  - B. The existing driveway for the drive-thru teller be converted to one-way traffic entering from Old Powder Springs Road and exiting onto Veterans Memorial Highway; at least six parallel parking spaces be added to the eastern side of the driveway; additional paving may be added if necessary to meet county ordinance requirements
  - C. If a dumpster is used, a dumpster enclosure is to be added adjacent to the rear of the eastern building which is on the Old Powder Springs Road side; the enclosure to meet County standards and have steel doors; the exterior shall be brick or architectural block that is complimentary to the building exterior and shall not be standard concrete block; **NOTE:** if a trash receptacle is used and is smaller than a dumpster, then the May 20, 2019, stipulation letter (listed in #3 below), Item No. 1 supersedes.
2. Letter of agreeable conditions from Mr. Parks Huff dated May 1, 2019 (attached and made a part of these minutes), *not otherwise in conflict*, with the following changes:
  - A. Item No. 4 – modify to read: “*The hours of operation for the event facility will be limited to Monday thru Thursday, 9:00 a.m. to 10:00 p.m.; Friday and Saturday, 9:00 a.m. to 12:00 a.m.; and Sunday, noon to 10:00 p.m.*”

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 21, 2019  
PAGE 8

CONSENT AGENDA (CONT.)

Z-13 AMBER-SHEA, LLC (CONT.)

3. Letter of agreeable conditions from Mr. Parks Huff dated May 20, 2019 (attached and made a part of these minutes), with the following changes:
  - A. Item No. 1 – last sentence, revise to read: “...*receptacles must be smaller and shall be shielded...*”. **NOTE:** If a dumpster is used, then #1(C) above will supersede. Otherwise, if the trash receptacle is smaller than a dumpster, then the May 20, 2019, letter, Item No. 1 supersedes.
4. Additional use of the Assembly Hall subject to the parking easement as detailed in the letter from Mr. Parks Huff as stipulated in #2 above, with the neighboring property to the east being in full force and having excess parking capacity necessary to meet the parking needs of the subject property
5. Applicant to provide a copy of the parking easement to the Zoning Division
6. Should the parking easement cease or be reduced, all uses on the property to fully comply with the ordinance parking requirements
7. Letter of agreeable conditions from Ms. Robin Meyer of the Mableton Improvement Coalition dated April 30, 2019, (attached and made a part of these minutes) *not otherwise in conflict*, with the following change:
  - A. Delete bullet #6 as the parking easement is already addressed
8. No events to be held in the Assembly Hall during the times of church worship services because there is not enough parking to accommodate both
9. Renovations and landscaping to meet *Veterans Memorial Highway Design Guidelines*
10. Maximum capacity of the Assembly Hall use to be 140 people, including both indoor and outdoor areas; maximum capacity for the church use to be 204 people
11. All paint to be removed from the exterior brick
12. Exterior trim to be painted with the same color or neutral color unless otherwise approved by the District Commissioner or Architectural Review Committee
13. There is to be a minimum of 32 striped parking spaces added to the property immediately to the east of the subject property, which is 1301 Veterans Memorial Highway (car wash); striping of spaces is to be maintained
14. There is to be a minimum of 10 striped parking spaces added to the rear of 1289 Veterans Memorial Highway (the building next to the car wash); striping of spaces is to be maintained

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 21, 2019  
PAGE 9

CONSENT AGENDA (CONT.)

Z-13 AMBER-SHEA, LLC (CONT.)

15. All signs to meet current County ordinance; no signs are to be grandfathered
16. County Sound Ordinance shall apply
17. No doors are to be kept open during events
18. Staff comments and recommendations, *not otherwise in conflict*
19. The District Commissioner may approve minor modifications, *except* for those that:
  - A. increase the overall building square footage
  - B. reduces on-site or off-site parking
  - C. change that conflicts with an expressed stipulation or condition of zoning
  - D. requires a variance or violates Cobb County Ordinance

Z-20 ASHLEY CARMAN (Teresa Ball and Debbie Mumah, owners) requesting rezoning from R-30 to R-20 for the purpose of three single-family houses in land lot 434 of the 19<sup>th</sup> district. Located on the north side of Macland Road, east of Bullard Road (4920, 4924, and 4930 Macland Road). (*Held by the Planning Commission (PC) until the May 7, 2019, PC hearing*)

To approve Z-20 to the R-20 zoning district, subject to:

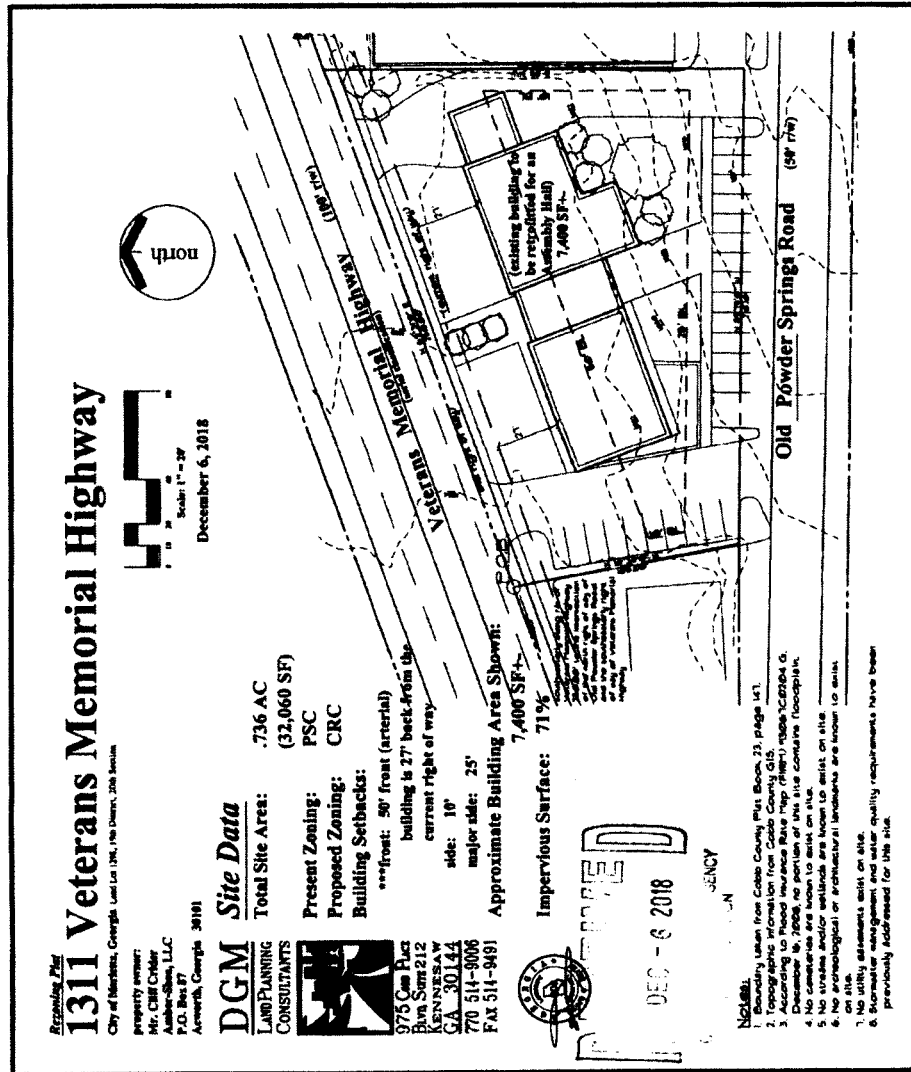
1. Applicant to provide evidence of a boundary line and easement agreement (attached and made a part of these minutes) entered into by all three property owners (Marvin & Marlene Janssen, Debbie Mumah, and Teresa Ball) whereby the property owners abide by the boundaries shown on the attached *revised* site plan received by the Zoning Division on March 15, 2019 (attached and made a part of these minutes); and whereby the property owners will utilize the easements on each of the three lots as set forth in the boundary line and easement agreement
2. Staff comments and recommendations

Z-27 CARMAX AUTO SUPERSTORES, INC. (CM LITHIA SPRINGS DST LLC, owner) requesting rezoning from GC to LI for the purpose of an expansion of an existing CarMax (Auto Sales) in land lots 421 and 482 of the 18<sup>th</sup> district. Located west of Oak Ridge Parkway, access by Thornton Road in Douglas County (1977 Thornton Road).

Z-13  
2019

Min. Bk. 87 Petition No. Z-13  
Doc. Type sik plan

Meeting Date 5-21-2019



Min. Bk. 87 Petition No. 2-13  
Doc. Type Letter of agreeable  
conditions dated 5-1-2019  
Meeting Date 5-21-2019

## SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

May 1, 2019

### VIA EMAIL AND HAND-DELIVERY

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of Amber-Shea LLC to Rezone a .0736 Acre Tract from PSC to CRC; Land Lot 1298, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (Z-13)

Dear John:

The property known as 1311 Veterans Memorial Parkway is a former bank that is actually two buildings joined by a breezeway. The property is currently zoned PSC because it was developed as part of the large shopping center that is located to the east. Because PSC is an older zoning category and the property is in a Neighborhood Activity Center (NAC) the property must be rezoned to a conforming category. The eastern portion of the building has been used as a church for many years and the western portion of the building has remained vacant for several years. The proposed tenant for the western portion of the building is West Nest Event Facility. Latara Castleberry started West Nest event planning several years ago and she has determined that her business needs to be able to offer event space for its customers which are planning, birthday parties, bridal showers, wedding receptions and similar events. Ms. Castleberry determined a need for such a facility as she planned events for her clients in the area. The subject property is an open and attractive building with a beautiful breezeway that will create a memorable atmosphere for her customers.

Amber-Shea has been working to resolve the parking issues related to the property. The property was previously a bank and it was developed in conjunction with the adjacent shopping center. The vesting deed found at Cobb County Deed Book 889 Page 560 provides that the "Grantor herein, its successors and assigns, a nonexclusive easement over, in and to Grantor's adjacent parking lot on the east side of property described herein-above for Grantee's customer and employee parking. This easement shall remain in full force and effect until Grantor or its successors or assigns ceases to use its property as a shopping center and parking area, at which time the easement conveyed in this paragraph shall thereupon apply only to the fifty (50) foot strip adjacent to the property hereinabove conveyed," said 50 feet is strip of property fifty feet wide from the south side of Veterans Memorial Parkway to Old Powder Springs Road directly east of the subject property. This parking easement allows the subject property to use the

**SAMS, LARKIN, HUFF & BALLI**  
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-13  
Meeting Date 5-21-2019  
Continued

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
May 1, 2019  
Page 2

shopping center parking as a shared parking arrangement. The applicant and the property owner has also been in contact with the Mableton Improvement Coalition to answer their questions regarding the proposed use. Below is a list of stipulations that the applicant requests be added as a condition on the grant of the rezoning case.

1. The property is rezoned to NRC with the additional use of an event facility being added as permitted use.
2. The zoning is subject with the site plan prepared by DGM Land Planning Consultants with the variances as shown on the plat including reducing the front setback for the existing building to 27 feet.
3. The additional use as an event facility shall include a parking variance to allow the event facility with the parking easement described above.
4. The hours of operation for the event facility will be limited to Mon-Thursday 9:00 am to 10:00 pm, Friday and Saturday 9:00 am to 12:00 pm and Sunday noon to 10:00 pm.
5. The applicant shall improve the parking on the fifty-foot strip directly east of the subject property by lining the spaces.
6. The exterior of the building will be repaired with any rotten wood being replaced and new paint added where needed.
7. There shall not be any outside storage and any existing outside debris will be removed.

With the above described conditions, the proposed event facility will be a great addition to the Mableton community. Please let me know if you need any additional information.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Parks F. Huff  
[phuff@slhb-law.com](mailto:phuff@slhb-law.com)

PFH/lkj

Recipients listed on following page.

**SAMS, LARKIN, HUFF & BALLI**

A LIMITED LIABILITY PARTNERSHIP

Petition No. 7-13  
Meeting Date 5-21-2019  
Continued

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
May 1, 2019  
Page 3

---

- cc: Members, Cobb County Board of Commissioners (via email)  
Mr. Robert L. Hosack, Jr., AICP, County Manager (via email)  
Board of Commissioners' Assistants (via email)  
Mr. Michael Hughes, AICP, Interim Director (via email)  
Mr. Lee McClead, Deputy Director (via email)  
Mr. Jason S. Gaines, AICP, Planning Manager (via email)  
Mr. Jason Campbell, Planner III (via email)  
Mr. Terry Martin, Planner III (via email)  
Mr. Phillip Westbrook, Planner III (via email)  
Mr. Donald Wells, Planner I (via email)  
Ms. Tannessa Bates, Planner I (via email)  
Ms. Pamela Mabry, County Clerk (via email)  
Ms. Robin Stone, Deputy County Clerk (via email)  
Ms. Leila Washington, Deputy County Clerk (via email)  
Captain Bob Bennett (via email)  
Mr. David Breaden, P.E. (via email)  
Ms. Amy Diaz, P.E. (via email)  
Ms. Ashley White, P.E. (via email)  
Mr. Tim Davidson (via email)  
Ms. Robin Meyer, Mableton Improvement Coalition (via email)  
Mr. Cliff Crider (via email)



11a. 87 Petition No. 7-13  
Doc. Type letter of agreeable  
Conditions dated 5-20-2019  
Meeting Date 5-21-2019

## SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

May 20, 2019

### VIA EMAIL ONLY

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of Amber-Shea LLC to Rezone a .0736 Acre Tract from PSC to  
CRC; Land Lot 1298, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (Z-13)

Dear John:

The property known as 1311 Veterans Memorial Parkway is a former bank that is actually two buildings joined by a breezeway. The property is currently zoned PSC because it was developed as part of the large shopping center that is located to the east. Because PSC is an older zoning category and the property is in a Neighborhood Activity Center (NAC) the property must be rezoned to a conforming category. The eastern portion of the building has been used as a church for many years and the western portion of the building has remained vacant for several years. The proposed tenant for the western portion of the building is West Nest Event Facility. Latara Castleberry started West Nest event planning several years ago and she has determined that her business needs to be able to offer event space for its customers which are planning, birthday parties, bridal showers, wedding receptions and similar events. Ms. Castleberry determined a need for such a facility as she planned events for her clients in the area. The subject property is an open and attractive building with a beautiful breezeway that will create a memorable atmosphere for her customers.

Amber-Shea has been working to resolve the parking issues related to the property. The property was previously a bank and it was developed in conjunction with the adjacent shopping center. The vesting deed found at Cobb County Deed Book 889 Page 560 provides that the "Grantor herein, its successors and assigns, a nonexclusive easement over, in and to Grantor's adjacent parking lot on the east side of property described herein-above for Grantee's customer and employee parking. This easement shall remain in full force and effect until Grantor or its successors or assigns ceases to use its property as a shopping center and parking area, at which time the easement conveyed in this paragraph shall thereupon apply only to the fifty (50) foot strip adjacent to the property hereinabove conveyed," said 50 feet is strip of property fifty feet wide from the south side of Veterans Memorial Parkway to Old Powder Springs Road directly east of the subject property. This parking easement allows the subject property to use the shopping center parking as a shared parking arrangement. The applicant and the property owner

**SAMS, LARKIN, HUFF & BALLI**

A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-13  
Meeting Date 5-21-2019  
Continued

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
May 20, 2019  
Page 2

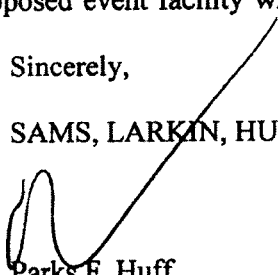
have also been in contact with the Mableton Improvement Coalition to answer their questions regarding the proposed use. On May 7, 2019 the Planning Commission recommended approval of the application. Below are minor modifications to the Planning Commission recommendations that the applicant requests as part of the approval of the application.

1. The approval is subject to the site plan received by the Zoning Division on December 6, 2018. The drive-thru canopy will not be removed as requested by the recommendation because it is anticipated that it will be converted to a covered entrance at a latter date. The dumpster enclosure is only required if the applicant uses a dumpster for trash service. Any other trash receptacles shall be shielded from view from the adjacent roadways.
2. Item 9 is clarified that the applicant will voluntarily limit the capacity to 140 people with a recognition that this does not change the capacity dictated by the fire code.
3. Item 10 is clarified to state that graffiti shall be removed from the brick exterior. The property owner may choose to paint the existing brick or lime wash it with approval as outlined in these stipulations.
4. Item 12 and 13 is revised as follows: The applicant shall demonstrate parking is available per the parking easement on the adjacent property to the east. The parking lot directly adjacent to the subject property will be stripped yielding approximately 14 spaces. The other parking will be provided per the easement agreement.
5. Item 16 is eliminated because air locks would require significant interior remodeling and noise from the highway is greater than noise from the event facility. The doors will however remain closed and not propped open during events.

With the revised conditions, the proposed event facility will be a successful addition to the community.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

  
Parks F. Huff  
[phuff@slhb-law.com](mailto:phuff@slhb-law.com)

PFH/dvm

cc: Cobb County Board of Commissioners  
Ms. Robin Meyer, Mableton Improvement Coalition (via email)  
Mr. Cliff Crider (via email)

No. 87 Petition No. Z-13  
Doc. Type letter of agreeable  
conditions  
Meeting Date 5-21-2019



April 30, 2019

Cobb County Planning Commission  
100 Cherokee Street  
Marietta, GA 30090

Re: Z-13, Amber-Shea, 1311 Veterans Memorial Highway

Dear Ms. Chairman and Commissioners:

I am writing on behalf of the Mableton Improvement Coalition Board to ask that you recommend approval of this application. We are encouraged by the applicant's willingness to upgrade the property in order to accommodate a new tenant. We do, however, ask that your recommendation for approval be accompanied by significant conditions. We believe that many of these conditions will be acceptable to the applicant, but we are stating all of them here because we do not yet have a stipulations letter. The conditions are:

- If any exterior renovations are to be made to the building, creation of an Architectural Review Committee made up of the property owner or their designee, MIC and the appropriate staff member from the Community Development Department. The District Commissioner would have final approval of the architecture.
- Creation of a Landscape Review Committee made up of the property owner or their designee, MIC and the appropriate staff member from the Community Development Department. The District Commissioner would have final approval. This Committee's purview would also include fencing. The goal of the landscaping review committee is to ensure improvement is made in the appearance of the building from Veterans Memorial Highway.
- All landscaping must be maintained and kept free of invasive weeds and vines, and any dead/damaged plantings be replaced within 90 days of discovery. Grass must meet the county ordinance of less than 12" in height.
- Events must end by 10pm Sunday through Thursday and by midnight on Friday and Saturday.
- Dumpster must have rubber lids, be enclosed and the location specified on the site plan.
- Submission of documentation of sufficient parking on adjacent parcels, so that no parking variances are required.

Petition No. 2-13  
Meeting Date 5-21-2019  
Continued

- Removal of the old bank drive through roof and repaving of that area to accommodate additional parking.
- Removal of the chain link fence.
- No outside storage.
- Signs must be monument-style, matching the design, color and materials of the structure.
- Advertising banners and grand opening signs are limited to 30 days.
- Compliance with the Mableton Parkway/Veterans Memorial design guidelines.
- Improvements must be completed prior to Certificate of Occupancy.
- These uses to be prohibited:
  - a. Liquor stores;
  - b. Adult entertainment;
  - c. Sales of sexually explicit or drug-related paraphernalia;
  - d. Pawn shops and title pawn shops;
  - e. Gold or precious metal dealers;
  - f. Nightclubs;
  - g. Video arcades as a primary use;
  - h. Check cashing;
  - i. Discount sales;
  - j. Drive through windows;
  - k. Auto sales, auto parts, auto service, and used tire sales;
  - l. Taxi dispatching services;
  - m. Wholesale only sales establishments;
  - n. Gun, knife or weapons sales;
  - o. Shooting ranges;
  - p. Firewood sales; and
  - q. Thrift stores, second hand stores, or flea markets.

As always, thank you for the opportunity to be a part of this public comment process. If you have any questions, please feel free to contact me at 770 948-5394.

Sincerely,

Robin Meyer  
Zoning Committee Chair

cc: Cobb County Board of Commissioners  
John Pederson, Cobb County Zoning Division Manager  
Robin Presley, Deputy County Clerk  
Parks Huff  
MIC Board of Directors and Zoning Committee