

# Application for "Other Business"

## Cobb County, Georgia

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

BOC Hearing Date Requested: \_\_\_\_\_

10/17/2023

OB-45

**Applicant:** ALAN BARAN **Phone #:** SEE REP  
(applicant's name printed)

**Address:** 248 ROSWELL STREET, MARIETTA 30060 **E-Mail:** ajrozen@rozenandrozen.com

ROZEN, ROZEN, & REILLY, LLP **Address:** 248 ROSWELL STREET, MARIETTA, GA 30060  
(representative's name, printed)

[Signature] **Phone #:** 770-427-7004 **E-Mail:** ajrozen@rozenandrozen.com  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

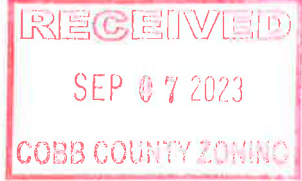


10/4/24

**Titleholder(s):** SEE ATTACHED  
(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 **Zoning Case:** No. Z-38 (2012), OB 1 (2013), OB 80 of 2018

**Size of property in acres:** 2.43 **Original Date of Hearing:** SEE ENCLOSED

**Location:** 320, 350, 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 to revise location of proposed detention, to approve location and architecture of building.

(List or attach additional information if needed)

OB-45-2023  
proposed  
Site plan

RECEIVED  
SEP 07 2023  
COLE COUNTY ZONING



SITE PLAN





RECEIVED  
SEP 07 2023  
COBB COUNTY ZONING

OB-45-2023  
Proposed  
Elevation

PERSPECTIVE RENDERING

MFS OFFICE AND TRUCK TERMINAL  
Mableton, GA

MILLENNIUM FREIGHT SOLUTIONS

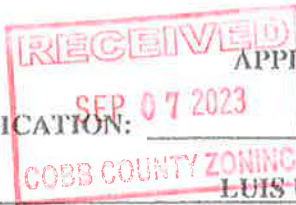
05/24/2023

22232



ROBERTSON LOIA ROOF  
ARCHITECTS & ENGINEERS  
5055 NORTH KENNESAW AVENUE, SUITE 200  
MABLETON, GA 30128

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APPLICATION NO. Z-38

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:**

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 18<sup>th</sup> 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

Z-38 continued on next page

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APPLICATION NO. Z-38

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)**

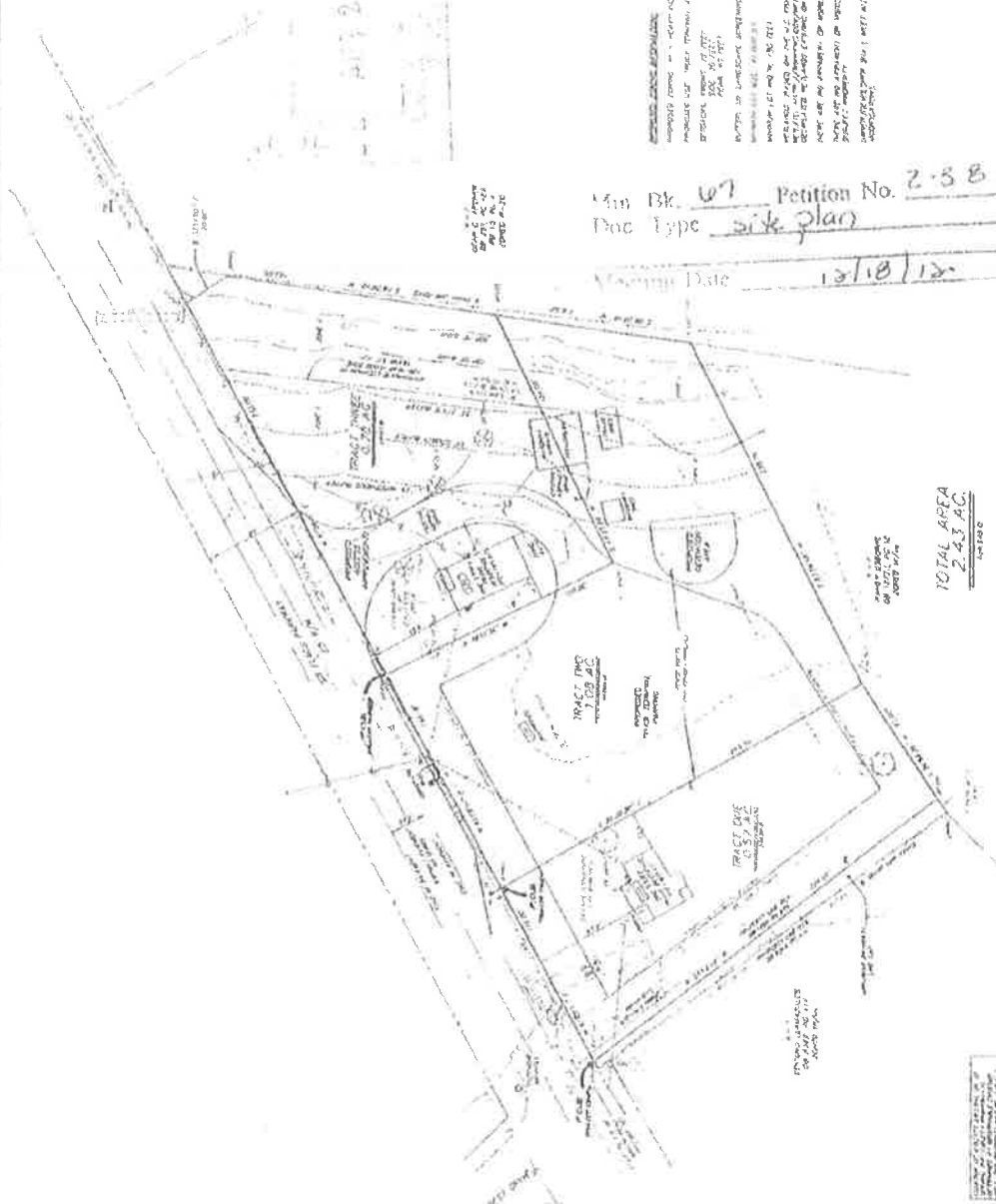
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. § 36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: **ADOPTED** 4-1, Commissioner Ott opposed

YOU DO NOT  
SAIL OR FISH  
IN THIS AREA  
UNLESS YOU  
ARE A MEMBER  
OF THE  
CLUB



**REVISED**



Map No. W7 Petition No. 2-3 B  
Doc Type site plan  
Map Date 12/10/12

TOTAL AREA  
2.83 AC.

GLASKINS SURVEYING  
1000 N. 11th St.  
Tulsa, Oklahoma 74103  
Phone: 918.438.1111  
Fax: 918.438.1112  
www.glaskins.com



PAGE 1 OF 1



FOR THE COUNTY OF TULSA, OKLAHOMA, I, the undersigned, do hereby certify that the above described land is the property of the applicant and that the same is being offered for sale to the public in accordance with the provisions of the Oklahoma Statutes, Chapter 10, Section 10-101, et seq.

| TRACT NO.    | ACRES       | FRAC.      |
|--------------|-------------|------------|
| TRACT 1      | 1.00        | 1/4        |
| TRACT 2      | 1.00        | 1/4        |
| TRACT 3      | 0.83        | 1/4        |
| <b>TOTAL</b> | <b>2.83</b> | <b>3/4</b> |

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 2013 07/30/2013

**Applicant:** Luis Urizar Phone #: (404) 328-5452  
(applicant's name printed)

**Address:** 275 Silver Arrow Circle, Austell, GA 30168 E-Mail: urizarl@bellsouth.net

Moore Ingram Johnson & Steele, LLP  
John H. Moore Address: Emerson Overlook, 326 Roswell Street  
(representative's name, printed) Marietta, Georgia 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jmoore@mjs.com  
(representative's signature) Georgia Bar No. 519800 w7@mjs.com

Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2015  
Notary Public



**Titleholder(s):** Luis Urizar Phone #: (404) 328-5452  
(property owner's name printed)

**Address:** 275 Silver Arrow Circle, Austell, GA 30168 E-Mail: urizarl@bellsouth.net

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2015  
Notary Public



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

**Date of Zoning Decision:** 12/18/2012 **Original Date of Hearing:** 09/18/2012

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

**Land Lot(s):** 505 **District(s):** 18th

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_

See Exhibit "A" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

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APPLICATION NO. Z-38

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 07-16-13 ZONING HEARING:**

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

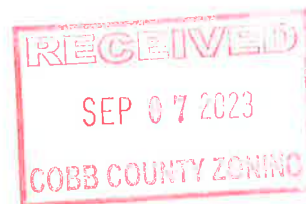
To consider amending the zoning stipulations relating to Z-38 of 2012 (Luis Urizar), for property located on the south side of Six Flags Parkway, east of Bishop Road in Land Lot 505 of the 18<sup>th</sup> District.

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 18<sup>th</sup> 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





**EXHIBIT 'A' - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"  
(STIPULATION AMENDMENT)**

Application No.: Z-38 (2012)  
Original Hearing Date: September 18, 2012  
Date of Zoning Decision: December 18, 2012  
Current Hearing Date: July 16, 2013

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant/Property Owner: Luis Urizar**

The property which is the subject of this Application for "Other Business" is approximately 2.514 acres, more or less, and is located at 320, 350, and 370 Six Flags Parkway, Land Lot 505, 18<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Property was rezoned to the Light Industrial ("LI") zoning classification by the Cobb County Board of Commissioners on December 18, 2012, to allow its use as Applicant's truck terminal and truck repair facility.

With the filing of this Application for "Other Business," Applicant seeks the removal of stipulation no. 10, set forth in the letters of agreeable stipulations and conditions dated October 30, 2012, and November 28, 2012, which reads as follows:

- (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 [sic] (180) days from the final zoning approval of the rezoning by the Cobb County Board of Commissioners.

In lieu thereof, Applicant requests the substitution of the following:

- (10) Stipulations relating to demolition of structures, erection of fencing, and landscaping, as more particularly set forth in paragraphs (4), (5), (7), (8), and (9), shall be completed prior to permitting.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes of the Cobb County Board of Commissioners Zoning Hearing held on December 18, 2012, and attachments thereto, as to Application No. Z-38 (2012) are unaltered by this request for stipulation amendment.

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MARCH 19, 2019  
PAGE 16**

*Chairman Boyce called for a brief recess from 10:35 a.m. until 10:46 a.m.*

**OTHER BUSINESS**

**O.B. 80<sup>18</sup>** To consider a site plan and stipulation amendment for Alan Baran regarding case Z-38 of 2012. The property is located on the south side of Six Flags Parkway, east of Bishop Road, in land lot 505 of the 18<sup>th</sup> district (320, 350 & 370 Six Flags Parkway). *(Previously continued by Staff from the December 18, 2018, and February 19, 2019, Board of Commissioners' (BOC) hearings until the March 19, 2019, BOC Zoning hearing)*

Mr. Pederson presented the Applicant's request for site plan and stipulation amendment regarding Z-38 of 2012. The public hearing was opened, and Mr. Adam Rozen, Mr. Denny Wilson, and Ms. Robin Meyer addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Gambrill, to **approve** O.B. 80<sup>18</sup>, subject to:

- 1. Site plan received by the Zoning Division on March 8, 2019 (attached and made a part of these minutes), with final site plan to be approved by the District Commissioner**
- 2. The building to come back as Other Business when it is proposed**
- 3. Relocate the detention pond from the rear of the property to the front of the property**
- 4. Amend the landscape plan to place more landscaping along the road and throughout the site**
- 5. Stormwater Management comments contained in the Other Business packet (attached and made a part of these minutes)**
- 6. Cobb DOT comments contained in the Other Business packet (attached and made a part of these minutes)**
- 7. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** 3-2, Boyce and Ott opposed

IF YOU DIG GEORGIA...  
CALL US FIRST!  
770-823-4344  
770-823-4344  
METRO ATLANTA (GA) 7  
UNIVERSITY CITY CENTER



Min. Bk. 87 Petition No. 08-80 '18  
Doc. Type site plan

Meeting Date 3-19-2019

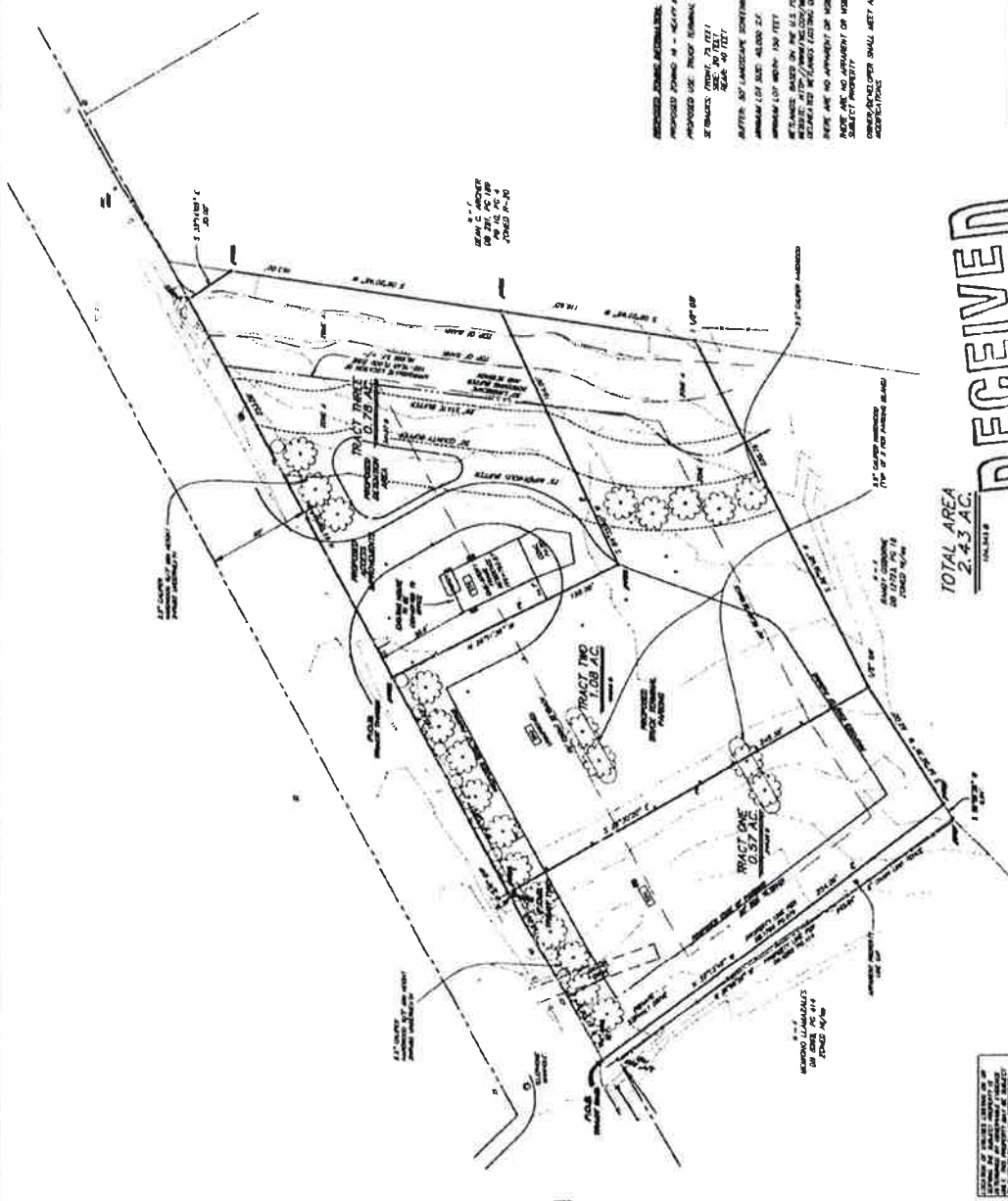
**PROPOSED ZONING:** R-10  
**PROPOSED USE:** TRUCK TERMINAL AND TRUCK REPAIR  
**SETBACKS:** FRONT 75 FEET  
 REAR 50 FEET  
**ADDITIONAL ZONING REQUIREMENTS:**  
 AFTER 50' LANDSCAPE BUFFERING BUFFER ADJACENT TO ADJACENT PROPERTY  
 MINIMUM LOT SIZE: 40,000 S.F.  
 MINIMUM LOT WIDTH: 150 FEET  
**REMARKS:** BASED ON THE U.S. TOP AND BUILT UPON AN EXISTING INDUSTRIAL PROPERTY.  
 THE PROPOSED TRUCK TERMINAL AND TRUCK REPAIR USE IS COMPATIBLE WITH THE  
 CHARACTER OF THE NEIGHBORHOOD AND THE SUBJECT PROPERTY.  
 THERE ARE NO COMMENTS OR OTHER CONCERNS OF NEIGHBORS IN THE  
 SUBJECT PROPERTY.  
 COMMENTS/REMARKS SHALL MEET ALL STATE AND COUNTY REQUIREMENTS FROM TO ANY SIZE  
 ACCEPTATIONS



ZONING SITE PLAN FOR  
**URBAN TRACKING**

**Gaskins**  
 Planning & Zoning  
 1000 Peachtree Street, N.E.  
 Atlanta, Georgia 30309  
 Phone: 404.525.1234  
 Fax: 404.525.1235  
 Website: www.gaskinsplanning.com

LOCATED IN L.L. 504  
 1984 DISTRICT 2ND SECTION  
 COBB COUNTY, GA



**RECEIVED**  
 MAR - 8 2019  
 CORP CO COMM DEV AGENCY  
 PLANNING DIVISION

TOTAL AREA  
**2.43 AC.**



**GENERAL COMMENTS:**  
 1. ALL DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE OF COBB COUNTY, GEORGIA.  
 2. ALL DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE OF COBB COUNTY, GEORGIA.  
 3. ALL DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE OF COBB COUNTY, GEORGIA.  
 4. ALL DISTRICTS ARE SUBJECT TO THE ZONING ORDINANCE OF COBB COUNTY, GEORGIA.

| NO. | DESCRIPTION |
|-----|-------------|
| 1   | EXISTING    |
| 2   | NEW         |
| 3   | REMOVED     |
| 4   | ADDED       |
| 5   | CHANGED     |
| 6   | DELETED     |
| 7   | REMOVED     |
| 8   | ADDED       |
| 9   | CHANGED     |
| 10  | DELETED     |
| 11  | REMOVED     |
| 12  | ADDED       |
| 13  | CHANGED     |
| 14  | DELETED     |
| 15  | REMOVED     |
| 16  | ADDED       |
| 17  | CHANGED     |
| 18  | DELETED     |
| 19  | REMOVED     |
| 20  | ADDED       |
| 21  | CHANGED     |
| 22  | DELETED     |
| 23  | REMOVED     |
| 24  | ADDED       |
| 25  | CHANGED     |
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| 44  | ADDED       |
| 45  | CHANGED     |
| 46  | DELETED     |
| 47  | REMOVED     |
| 48  | ADDED       |
| 49  | CHANGED     |
| 50  | DELETED     |

DATE: 03/08/2019  
 TIME: 10:00 AM  
 BY: J. J. JENNINGS

DATE: 03/08/2019  
 TIME: 10:00 AM  
 BY: J. J. JENNINGS

**DECEMBER 18, 2018 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICT 4**

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**ITEM OB-80**

**PURPOSE**

To consider a site plan and stipulation amendment for Alan Baran regarding case Z-38 of 2012. The property is located on the south side of Six Flags Parkway, east of Bishop Road, in Land Lot 505 of the 18<sup>th</sup> District (320, 350 & 370 Six Flags Parkway).

**BACKGROUND**

The property was rezoned to Light Industrial in 2012 for a truck terminal and truck repair facility. The applicant purchased the property from the original applicant in 2017 is in the process of developing their plan for the property. The applicants plan call for some modifications which include:

1. Relocate the detention pond from the rear of the property to the front of the property;
2. Amending the landscape plan to place more landscaping along the road and throughout the site;
3. Amending the surface parking standards to allow the parking on a non-hardened surface (gravel); and
4. Amend the DOT recommendation from the 2012 rezoning case to delete the deceleration lane, sidewalk, curb & gutter.

If approved, all previous stipulations not in conflict with this amendment would remain in effect.

**STAFF COMMENTS**

**Stormwater Management:** Subject to Plan Review comments all previous Stormwater Management Zoning comments to remain in effect.

DECEMBER 18, 2018 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICT 4  
PAGE 2

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ITEM OB-80 (Continued)

**Cobb DOT:** 1) Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Six Flags Parkway, a minimum of 40' from the roadway centerline; 2) Recommend one access to Six Flags Parkway; 3) Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement; 4) Recommend curb, gutter, and sidewalk along Six Flags Parkway frontage; 5) Recommend a deceleration lane on Six Flags Parkway for the entrance. 6) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application and zoning stipulations.