

APPLICANT: M & R Used Auto Parts, Inc.
770-579-2070

REPRESENTATIVE: Garvis L. Sams, Jr. 770-422-7016
Sams, Larkin & Huff, LLP

TITLEHOLDER: Branch Banking and Trust Company

PROPERTY LOCATION: South side of Huddleston Drive

ACCESS TO PROPERTY: Huddleston Drive

PHYSICAL CHARACTERISTICS TO SITE: Graded

FUTURE LAND USE MAP: Industrial Compatible

PETITION NO: SLUP-7

HEARING DATE (PC): 09-08-2011

HEARING DATE (BOC): 09-20-2011

PRESENT ZONING: HI

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Salvage Facility And
Sale Of Vehicular Parts

SIZE OF TRACT: 3.49 acres

DISTRICT: 19

LAND LOT(S): 806, 823, 824

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** City of Powder Springs/ AT&T service truck parking, GRTA Park and Ride lot
- SOUTH:** HI, R-80/ wooded
- EAST:** HI/ Leeman Architectural Woodworking
- WEST:** HI/ wooded

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

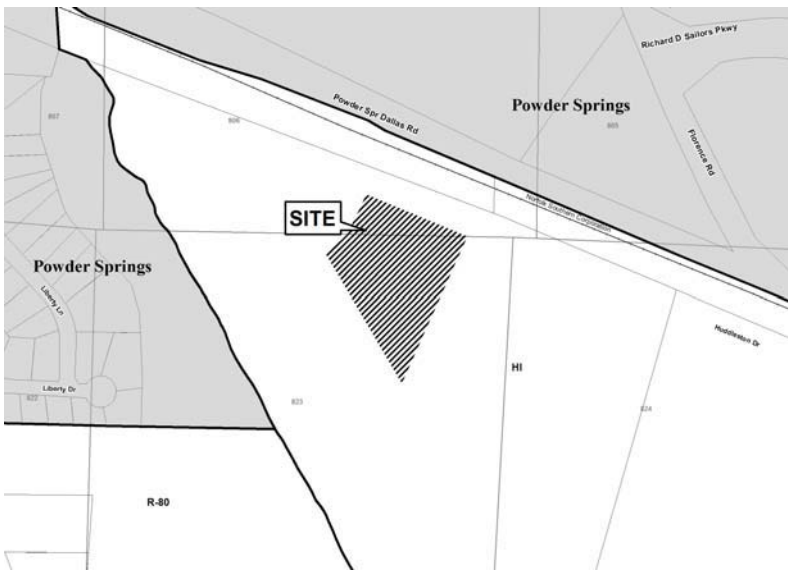
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

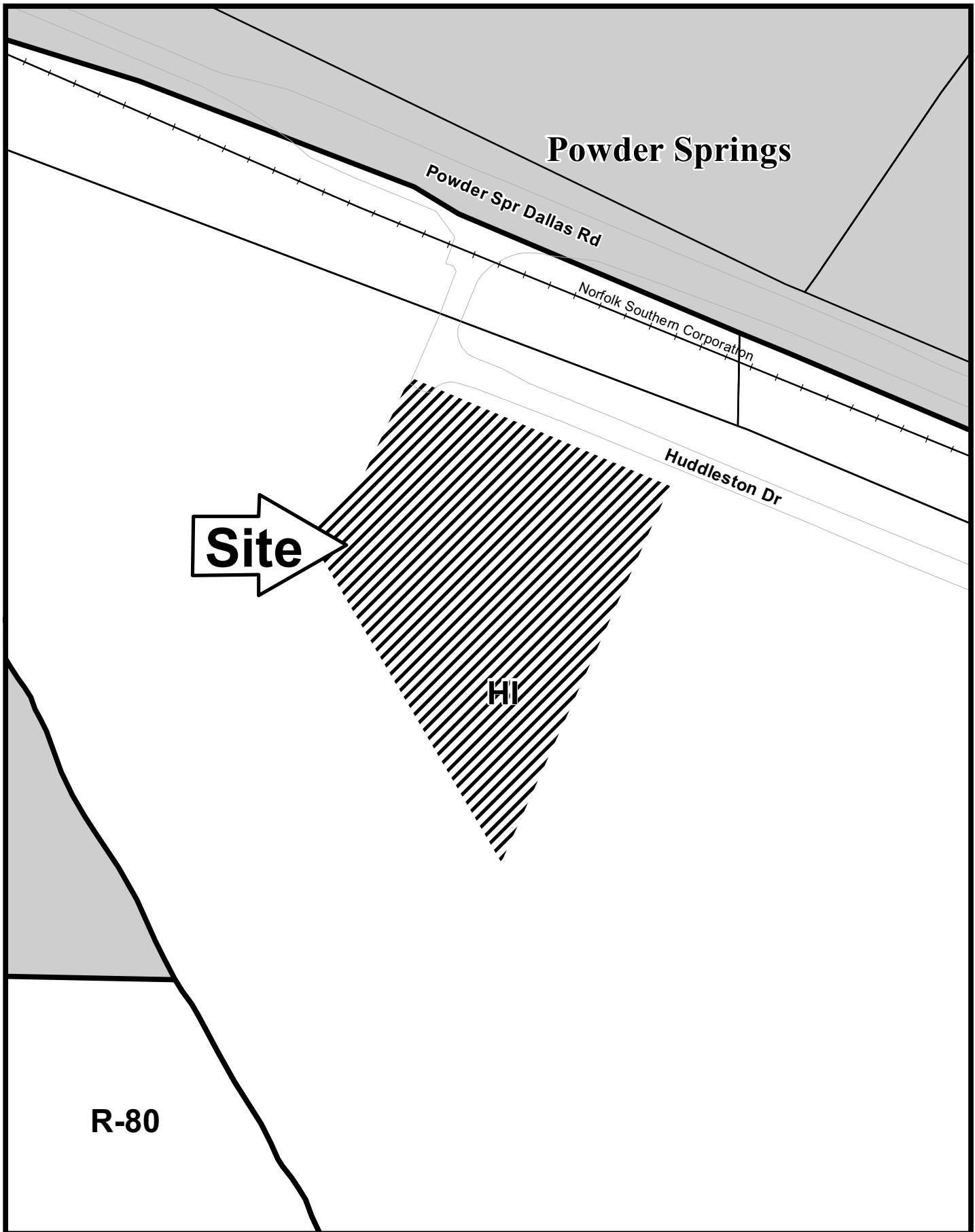
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

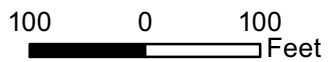
STIPULATIONS:





SLUP-7



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



-  City Boundary
-  Zoning Boundary

APPLICANT: M & R Used Auto Parts, Inc.

PETITION NO.: SLUP-7

PRESENT ZONING: HI

PETITION FOR: SLUP

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Special Land Use Permit for the purpose of developing a salvage facility and sale of vehicular parts. The proposed use is to be located on a 3.49-acre portion of an overall total of 37.25 acres, all currently zoned Heavy Industrial. The proposed use includes an approximate 20,000 square foot building that will be approximately 35 feet in height. The hours of operation will be Monday through Saturday from 8:30 a.m. until 6 p.m., with no business operations on Sunday. Applicant has indicated that there will five-six employees on site during the hours of operation and on-site security including video surveillance will be provided. While the proposed site for the business sits within the larger portion of the property and no landscape buffers are required abutting same zonings, applicant is proposing to construct a six-foot privacy fence around the perimeter of the subject property with said area being fenced having controlled ingress/egress by way of automated gates on both sides of the proposed building. In keeping with the requirements for this particular use, applicant has indicated that the proposed business will be located 750 feet from the nearest residential development, crossing a conservation easement parcel, including 100-year floodplain. The requirement is that this activity would not be allowed within 100 feet of any property line or 200 feet of any property zoned or used for residential purposes.

This application seeks the following contemporaneous variances:

1. Automobile salvage facility and sale of vehicular parts in an Industrial Compatible land use category, instead of the required Industrial category;
2. A six-foot privacy fence, instead of the eight-foot fence requirement for this special exception use as it is permitted within the Industrial land use category.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

City of Powder Springs Water and Sewer service area.

TRAFFIC COMMENTS:

Huddleston Drive is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

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 Huddleston Drive, a minimum of 30' from the roadway centerline.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

APPLICANT: M & R Used Auto Parts, Inc.

PETITION NO.: SLUP-7

PRESENT ZONING: HI

PETITION FOR: SLUP

FIRE COMMENTS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8" supply lines to all hydrants.

GATE: Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access (Knox Switch). Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office. (Cobb County Development Standards 401.08.02.1)

APPLICANT: M & R Used Auto Parts, Inc.

PETITION NO.: SLUP-7

PRESENT ZONING: HI

PETITION FOR: SLUP

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Powder Springs Creek** FLOOD HAZARD INFO:

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', **100'** or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving stream (Powder Springs Creek).

APPLICANT: M & R Used Auto Parts, Inc.

PETITION NO.: SLUP-7

PRESENT ZONING: HI

PETITION FOR: SLUP

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. A Notice of Intent must be filed with the Georgia Environmental Protection Division for coverage under the NPDES General Permit to discharge stormwater associated with industrial activities. This facility will be classified under the Standard Industrial Classification (SIC) Code 5015 for salvage yards and automobile recycling operations. Any requirements associated with this permit must be addressed including the development of a written stormwater pollution prevention plan (SWPPP) for the site.
2. In addition to other best management practices (BMPs) that may be required for this site during Plan Review, the detention pond outlet control structure design should include a “snout type” device for any low flow orifices.

STAFF RECOMMENDATIONS

SLUP-7 M & R USED AUTO PARTS, INC.

While the proposed automobile salvage and vehicular parts sales is allowed under the Heavy Industrial zoning category, only as a special exception in the Industrial Compatible land use category, Staff believes there is reason to support the current application. The proposed business will be situated on a smaller 3.49-acre piece of an overall 37.25-acre tract. The applicant has indicated the intent to fence in the rear portion of the business site. The subject property was originally approved as part of LDP-050407 as part of the Pointe West Business Center. This portion, however, was not developed. The property immediately abutting the proposed 3.49-acre portion is a continuation of the HI zoning of the overall 37.25 acres and is there is no development adjacent to the residentially zoned properties to the south and west. In keeping with the requirements for this particular use, applicant has indicated that the proposed business will be located 750 feet from the nearest residential development, crossing a conservation easement parcel, including 100-year floodplain.

Staff recommends APPROVAL subject to the following:

- General conformance with the site plan received by the Zoning Division on July 7, 2011, with the District Commissioner approving minor modifications;
- Allowing this use in the Industrial Compatible land use category;
- Privacy fence along the rear portion of the property to be eight feet in height as required by the Zoning Ordinance for this proposed use, instead of the six-foot proposed by the applicant, with the remaining HI portion of the overall tract abutting residentially zoned properties to remain undeveloped;
- Applicant's letter of agreeable stipulations received by the Zoning Division on August 2, 2011, not otherwise in conflict with the Board of Commissioners' decision and department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- 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.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

SLUP-7
(2011)

SAMS, LARKIN & HUFF
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

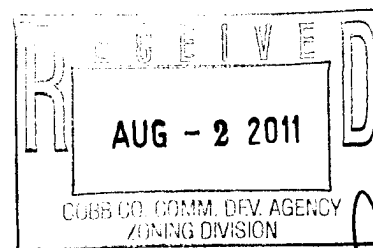
MELISSA P. HAISTEN
JUSTIN H. MEEKS

August 2, 2011

SAMSLARKINHUFF.COM

VIA E-MAIL and
HAND DELIVERY

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



Re: Special Land Use Permit Application of M & R Used Auto Parts, Inc.
(No. SLUP-7)

Dear Jason:

This firm represents M & R Used Auto Parts, Inc. ("M & R") concerning the above-captioned Application for a Special Land Use Permit ("SLUP"). The Application is scheduled to be heard and considered by the Cobb County Planning Commission on September 8, 2011 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on September 20, 2011.

With respect to the foregoing, the SLUP proposal has precipitated a dialogue which has been established with the County's Professional Staff during the pendency of the Application. Following is list of agreements and stipulations which are a result of that dialogue and which M & R agrees to becoming conditions and a part of the grant of the SLUP request and binding upon the subject property thereafter:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned SLUP Application.

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 2

2. The SLUP Application includes a 3.49 acre tract of land which is zoned Heavy Industrial (HI) with reference to that certain site plan prepared by Frontline Surveying & Mapping, Inc. which was filed contemporaneously with the SLUP Application and the development shall be in substantial conformity thereto.¹
3. The property which constitutes the subject matter of this Application (3.49 acres) shall be developed under the HI classification as a salvage facility which will include the sale of vehicular parts and include the construction of an approximately 20,000 sq. ft. building which will be approximately thirty-five feet (35') in height.
4. All signage shall be ground-based, monument style signage with finish, materials and colors being in substantial conformity to the architectural style and composition of the building. There shall be no billboard signs, no roof signs and no exterior temporary signs excepting on grand opening signage and signage indicating the coming development.
5. Lighting within the proposed industrial development shall be chosen by the developer, shall be environmentally sensitive and appropriately spaced for safe lighting and security purposes throughout the site.
6. Efforts shall be undertaken to ensure that all lighting is as unobtrusive as possible.²
7. The hours of operation shall be from 8:30 a.m. until 6:00 p.m. Monday through Saturday. There will be no business operations on Sundays.
8. There will be a total number of 5 – 6 employees on-site during the hours of operation and on-site security including video surveillance will be provided.

¹ The Applicant is purchasing a total of 37.25 acres (which includes the 3.49 acres) now or formerly known as Pointe West Business Center which has proceeded through the Plan Review process (LDP No. 050407).

² The nearest residential development (Liberty Oaks Subdivision) is located approximately 750' from the subject property across a Conservation Easement Parcel (including 100 year flood plain).

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 3

9. There are no requirements for landscaping and buffers because all contiguous properties are zoned HI. However, M & R will agree to construct a six foot (6') privacy fence around the perimeter of the subject property with said area being fenced having controlled ingress/egress by way of automated gates on both sides of the proposed building.
10. All setback areas may be penetrated for purposes of detention, utilities and stormwater management as long as such encroachments satisfy Cobb County regulations.
11. An agreement to comply with Cobb County Development Standards and Ordinances related to project improvements except as approved by the Board of Commissioners, the Cobb County Department of Transportation or the Cobb County Community Development Agency, as their respective authority may allow.
12. Compliance with written recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of water quality and on-site detention (if any). Additionally, an agreement to the following:
 - a. To design and adhere to the Best Management Practices in the construction of detention and water quality areas on-site or the utilization of existing off-site detention with such design installation based upon Cobb County Development Standards.
 - b. Any on-site above ground detention areas shall be landscaped and/or fenced in accordance with Cobb County Development Standards.
 - c. Any field placement within flood plain must be compensated by an equal volume of cut which must be field verified and as-built certification provided.
13. Compliance with the recommendations of the City of Powder Springs with respect to the availability and acquisition of water and sewer to service the subject property.³

³ The Applicant is in possession of a letter from the City of Powder Springs' Water/Sewer Supervisor Travis Pearson, dated July 27, 2011, which verifies that water and sewer service are available to the site.

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 4

14. Compliance with Cobb County Parking Ratio Requirements with respect to customer and employee parking. The balance of the site (behind the gates and within the area which will be fenced) shall be a hardened surface consisting of a mixture of a tar and gravel mix acceptable to and consistent with Cobb County Development Standards and Ordinances.
15. With respect to the proposed development, the developer seeks to have the SLUP approved to a conceptual site plan and seeks a contemporaneous variance to the regulations of the Cobb County Zoning Ordinance which includes allowing an industrial business which requires a SLUP within an industrial compatible (IC) area.
16. There shall be no vehicles of any type permanently parked in front of the proposed development containing identification signage or advertising signage. Additionally, the following uses under the HI classification shall be prohibited:
 - a. Bio-medical waste disposal facility;
 - b. Landfills;
 - c. Manufacturing;
 - d. Mining;
 - e. Ambulance services;
 - f. Animal hospitals;
 - g. Aviation airports;
 - h. Breeding and boarding kennels;
 - i. Bus stations;
 - j. Carwashes;

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 5

- k. Churches;
- l. Dry cleaning plants;
- m. Electrical supply stores;
- n. Farm equipment stores;
- o. Full service gasoline stations;
- p. Group homes;
- q. Helicopter landing areas;
- r. In-home daycare;
- s. Laundry and dry cleaning establishments;
- t. Linen and diaper services;
- u. Livestock;
- v. Railroad car classification yards;
- w. Railroad stations for freight;
- x. Homeless shelters;
- y. Taxi stands and dispatching agencies;
- z. Transportation equipment storage and maintenance facilities;
- aa. Truck terminals;
- bb. Vocational Schools.

VIA E-MAIL and
HAND DELIVERY

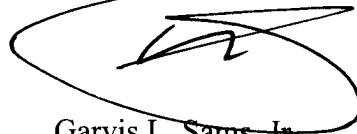
Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 6

17. Compliance with recommendations from the Cobb County Department of Transportation⁴ (“DOT”) with respect to traffic and infrastructure issues.
18. Compliance with recommendations from the Cobb County Fire Department as contained in the Zoning Analysis.
19. An agreement to comply with the at-grade crossing agreement between the Applicant’s predecessor in title and CSX Railroad.
20. Minor modifications to the stipulations/conditions, lighting, landscaping, architectural features and the like may be approved by the District Commissioner as needed or necessary.

Please do not hesitate to call should you or the staff require any additional information or documentation prior to the formulation of your Zoning Analysis and Recommendations to the Planning Commission and Board of Commissioners. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLSjr/brl

cc: Shown next page.

⁴ The DOT is not requiring the donation of additional right-of-way or infrastructure in the form of sidewalk, curbing or gutters.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 7

cc: Members, Cobb County Board of Commissioners – VIA E-Mail and Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail and Hand Delivery
Ms. Jane Stricklin, P.E. – VIA E-Mail
Mr. David Breaden, P.E. – VIA E-Mail
Ms. Karen King, Assistant County Clerk – VIA E-Mail
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail
Mr. Milton Dortch – VIA E-Mail
M & R Used Auto Parts, Inc. – VIA E-Mail