

APPLICANT: Gene Childers

770-941-9283

REPRESENTATIVE: Parks F. Huff 770-422-7016

Sams Larkin & Huff, LLP

TITLEHOLDER: National Locators, Inc.

PROPERTY LOCATION: At the southwest intersection of Mableton

Parkway and Glore Circle

(5648 Mableton Parkway).

ACCESS TO PROPERTY: Mableton Parkway

PHYSICAL CHARACTERISTICS TO SITE: Existing automobile

repossession business

PETITION NO: SLUP-4

HEARING DATE (PC): 08-07-12

HEARING DATE (BOC): 08-21-12

PRESENT ZONING: GC

PROPOSED ZONING: Special Land

Use Permit

PROPOSED USE: Automobile Storage Yard

SIZE OF TRACT: 1.091 acres

DISTRICT: 17

LAND LOT(S): 37

PARCEL(S): 38

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS/Tire Store

SOUTH: R-20/Fire Station

EAST: GC/Undeveloped

WEST: NS/Single-family house with commercial zoning

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

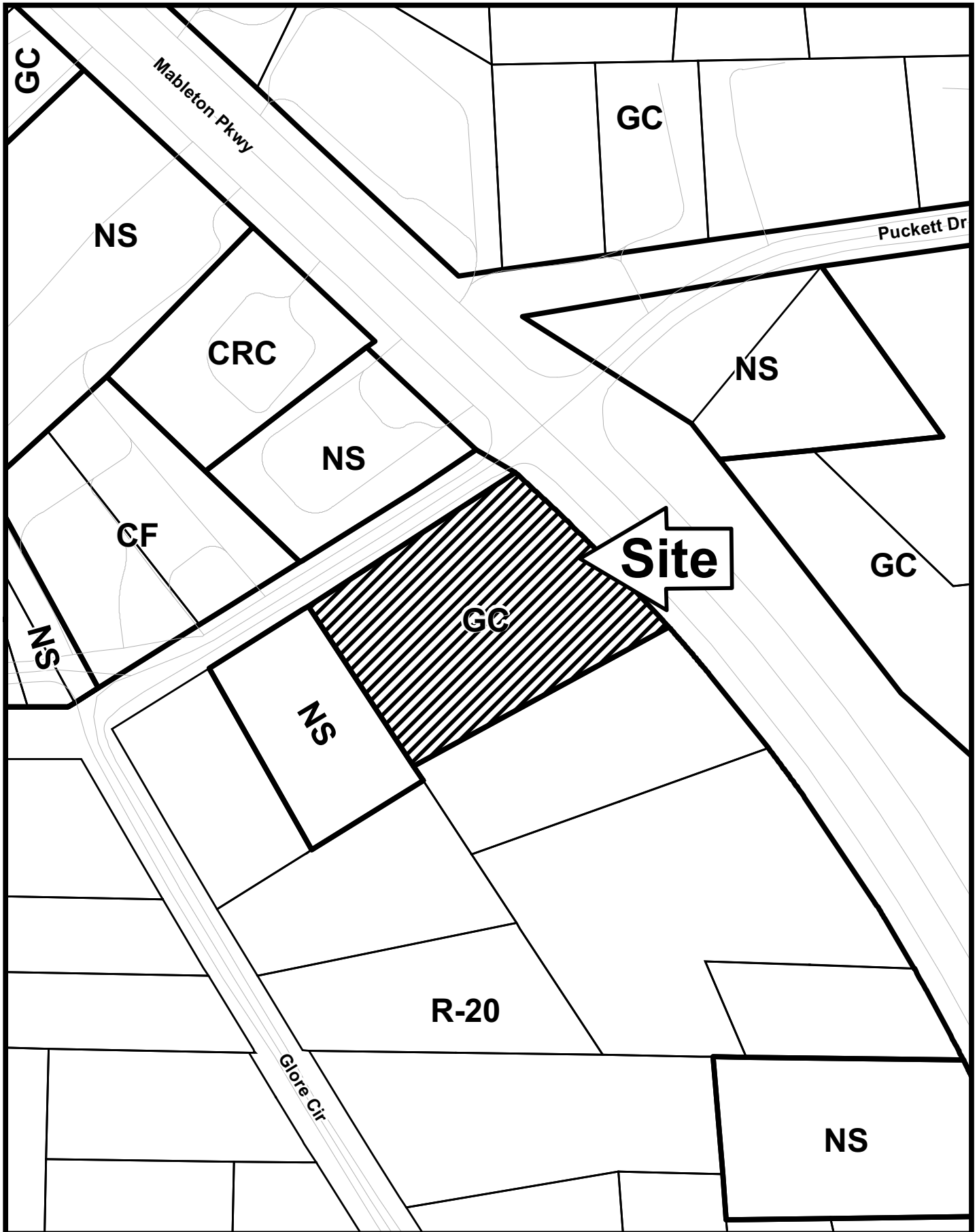
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



SLUP-4



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

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: Gene Childers

PETITION NO.: SLUP-4

PRESENT ZONING: GC

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Special Land Use Permit for the purpose of continuing to operate an automobile repossession business. The applicant has operated the business from this location since 1986. The business is for the storage of repossessed automobiles and does not include storage of damaged or junk vehicles in a state of disrepair. In addition, there is no auto repair work done on the subject property.

Applicant is also requesting contemporaneous variances that include: the use of a gravel surface parking; allowing the existing accessory carport to remain 1.7 feet from the southern property line adjacent to the Cobb County Fire Station; and allowing the existing accessory structure to remain in front of the primary structure.

Historic Preservation: No comment.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

WATER & SEWER COMMENTS:

No comments.

TRAFFIC COMMENTS:

Recommend relocating Glore Circle driveway a minimum of 100 feet tangent from the Mableton Parkway intersection. Recommend closing one driveway on Mableton Parkway. Recommend GDOT permits for all work that encroaches upon State right-of-way. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements

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)

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PRESENT ZONING: GC

PETITION FOR: SLUP

DRAINAGE COMMENTS

The applicant intends to use the site as-is with no improvements. Any proposed site improvements must meet current stormwater management requirements.

STAFF RECOMMENDATIONS

SLUP- 4 GENE CHILDERS

This application is the result of a proactive Code Enforcement sweep in which staff noticed nonconforming accessory structures on the property. The same business has operated at the property since 1986, and has continued to operate in a well-maintained, neat manner with fencing around the storage area. Based upon the above analysis and the continued use without incident, staff recommends APPROVAL subject to the following:

- Site plan received by the Zoning Division on June 7, 2012 , with the District Commissioner approving minor modifications;
- Property to meet development requirements upon any redevelopment;
- Stormwater Management Division comments and recommendations; and
- DOT comments and recommendations.

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.

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SAMS, LARKIN & HUFF
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GARVIS L. SAMS, JR.
JOEL L. LARKIN
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FACSIMILE

MELISSA P. HAISTEN
JUSTIN H. MEEKS

July 23, 2012

SAMSLARKINHUFF.COM

**VIA EMAIL: Jason.Campbell@cobbcounty.org
AND REGULAR MAIL**

Mr. Jason Campbell, Planner
Cobb County Community Development Agency
Zoning Division
P.O. Box 649
Marietta, GA 30061



Re: Application of Gene Childers for Special Land Use Permit; Land Lot 37, 17th District, 2nd Section, Cobb County, Georgia being 1.091 acres known as 5648 Mableton Parkway.

Dear Jason:

I represent Gene Childers in relation to the above-described Special Land Use Permit application for property known as 5648 Mableton Parkway. The case is scheduled to be heard by the Planning Commission on August 7, 2012 and thereafter by the Board of Commissioners on August 21, 2012.

Mr. Childers' company National Locators, Inc. acquired the subject property in 1986 and has operated its automobile repossession business thereon since that date. Mr. Childers seeks the Special Land Use Permit to continue the business in the manner it has been operating for the last twenty-five years without incident or complaint. The following is a list of conditions and stipulations that the applicant requests be placed as a condition on the approval of the Special Land Use Permit.

1. The operation of the automobile storage yard will be for the storage of reposed vehicles and shall not include the storage of damaged or junked vehicles in a state of disrepair.
2. There shall be no automobile repair work performed on the subject property.
3. Because the vehicles are only stored for the lender for a short period of time, the parking of such vehicles will be allowed on a properly prepared gravel surface. Upon redevelopment of the property or change of use, a hardened surface will be utilized for the parking of motor vehicles.

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**VIA EMAIL: Jason.Campbell@cobbcounty.org
AND REGULAR MAIL**

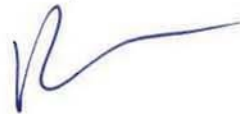
Mr. Jason Campbell, Planner
Cobb County Community Development Agency
Zoning Division
July 23, 2012
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4. Contemporaneous with the approval of the Special Land Use Permit, the applicant seeks a variance to allow the existing car port to remain 1.7' from the southern property line adjacent to the Cobb County Fire Station. Additionally, the applicant requests a variance to allow the accessory structure to remain in front of the primary structure again, along the southern property line.
 5. Upon redevelopment of the subject property, the applicant will comply with the requests of the Cobb County Department of Transportation including, but not limited to the relocation of existing driveway on Glore Circle away from its intersection with Mableton Parkway.
 6. Presently, the property is served by an existing septic system. Upon redevelopment of the property when the existing system fails, the applicant will connect to the Cobb County Sewer System.

The applicant seeks approval of the Special Land Use Permit consistent with the conditions outlines above. The subject property is zoned General Commercial and is in the middle of very large community activity center centered at the intersection of Veterans Memorial Highway and Mableton Parkway. The existing business that has been in operation for twenty-five years is consistent with existing uses in the area. After posting the property, there might not have been any questions raised by the community at large. Please contact me if you have any additional questions or concerns regarding this application.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
phuff@samslarkinhuff.com

PFH/dvm

cc: Members, Cobb County Board of Commissioners (via email and regular mail)
Members, Cobb County Planning Commission (via email)

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VIA EMAIL: Jason.Campbell@cobbcounty.org
AND REGULAR MAIL

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Mr. Tim Davidson, Cobb County Water System (via email and regular mail)
Ms. Jane Stricklin, P.E. (via email)
Mr. David Breaden, P.E. (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Presnell, Deputy County Clerk (via email)
Ms. Robin Meyer, MIC (via email)
Mr. Gene Childers (via regular mail)