

APPLICANT: ALM Kennesaw, LLC

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REPRESENTATIVE: Garvis L. Sams, Jr.

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TITLEHOLDER: Tidwell Barrett Lakes, LLC

PROPERTY LOCATION: West side of Barrett Lakes Boulevard

south of Cobb Place Boulevard

(2255 Barrett Lakes Boulevard)

ACCESS TO PROPERTY: Barrett Lakes Boulevard

PHYSICAL CHARACTERISTICS TO SITE: Automobile

dealership

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** HI/Automobile Dealership
- SOUTH:** GC/Automobile Dealership
- EAST:** GC/Automobile Dealership
- WEST:** HI/Office-Warehouse Developments

PETITION NO: SLUP-10

HEARING DATE (PC): 11-03-14

HEARING DATE (BOC): 11-17-14

PRESENT ZONING: GC

PROPOSED ZONING: Special Land

Use Permit

PROPOSED USE: Previously Owned Car Sales

SIZE OF TRACT: 3.965 acres

DISTRICT: 20

LAND LOT(S): 172

PARCEL(S): 27

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

Adjacent Future Land Use

- North - Regional Activity Center (RAC);
- East - RAC
- South - RAC
- West - RAC & Priority Industrial Area (PIA)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

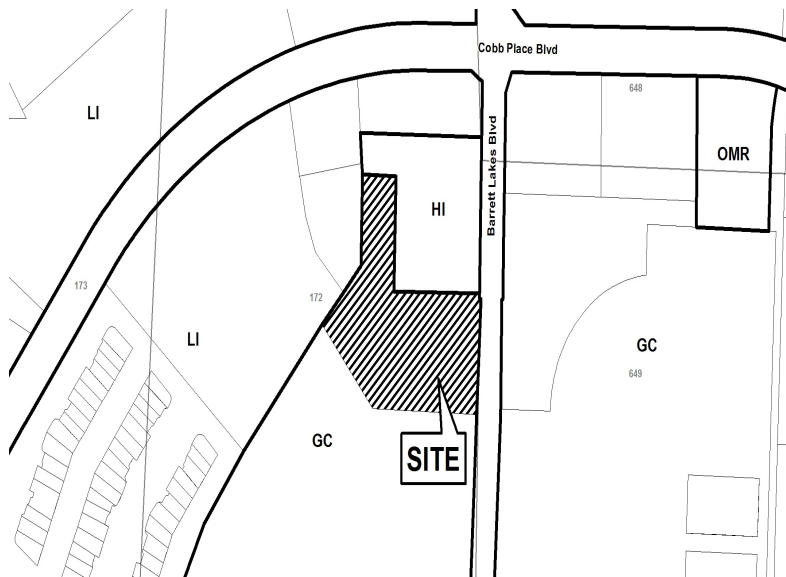
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

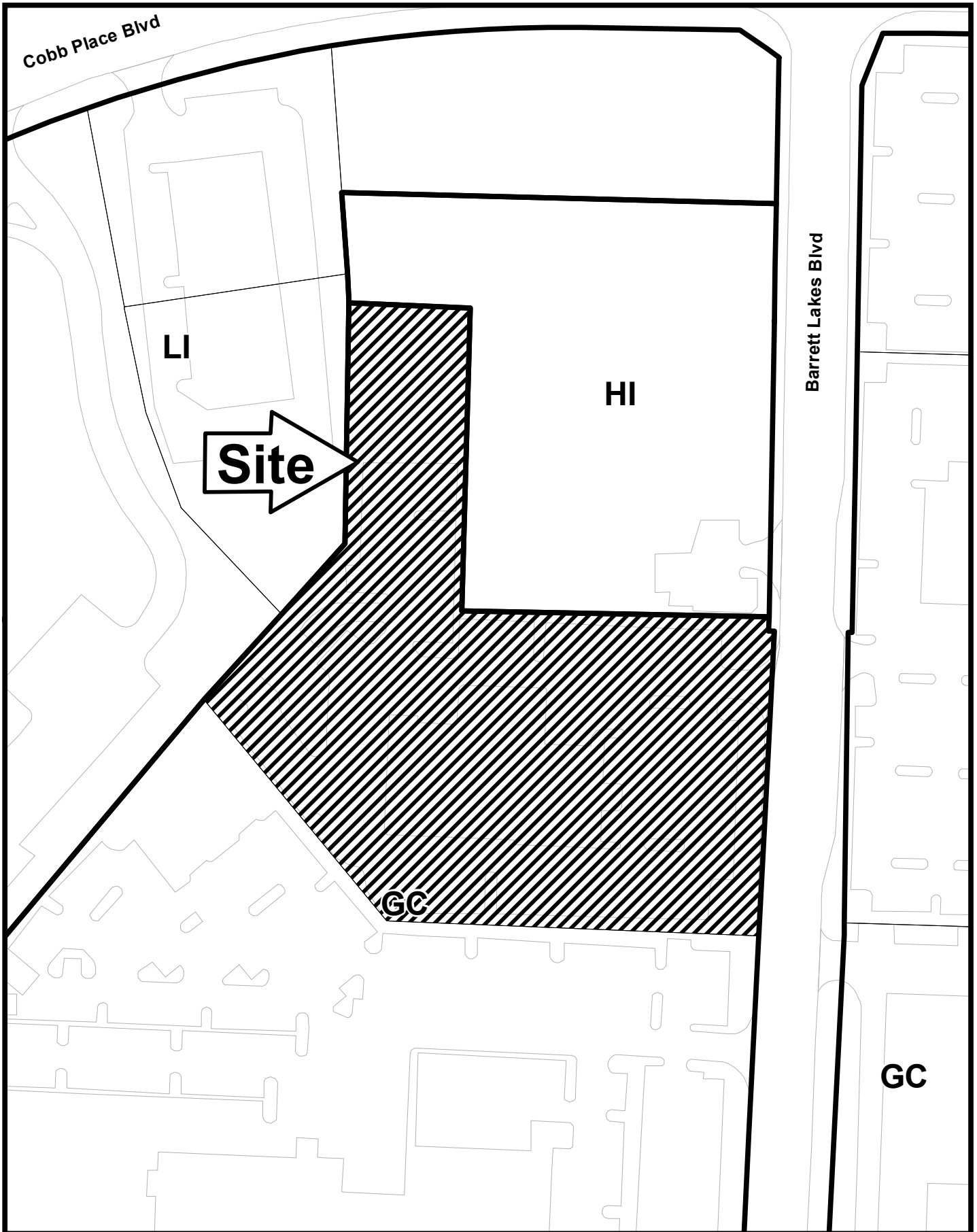
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

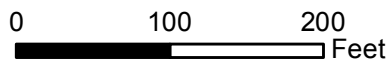
STIPULATIONS:





SLUP-10



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



-  City Boundary
-  Zoning Boundary

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PRESENT ZONING: GC

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Special Land Use Permit (SLUP) for the purpose of operating a previously-owned automobile dealership. The property has been utilized for the purpose of a new automobile dealership and that use is going to a new location. The subject property will now be utilized exclusively for the selling of previously-owned vehicles. The subject property has been utilized for auto sales for many years and was recorded as part of the plat for the Barrett Center Auto Park.

Historic Preservation:

No comment.

Cemetery Preservation:

No comment.

WATER & SEWER COMMENTS:

No comment.

TRAFFIC COMMENTS:

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

FIRE COMMENTS:

No comment. After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

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PETITION FOR: SLUP

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek FLOOD HAZARD INFO: Zone X

- 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 CONDITIONS

- 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 _____.

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PETITION FOR: SLUP

STORMWATER MANAGEMENT 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. This site is served by an existing stormwater management facility located at the northern end of the parcel. Although no substantial site improvements are proposed, the existing detention pond is heavily overgrown and needs to be cleared and cleaned to maintain proper function.

STAFF RECOMMENDATIONS

SLUP-10 ALM KENNESAW, LLC

There are fifteen criteria that must be considered for a Special Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

(1) *Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.*

The proposed use will be different only from the standpoint that the automobiles will now be previously-owned.

(2) *Whether or not the use is otherwise compatible with the neighborhood.*

The proposed use is compatible with the surrounding business area. The subject property is bordered to the north and south by automobile dealerships.

(3) *Whether or not the use proposed will result in a nuisance as defined under state law.*

The proposed use will not be a nuisance, as this property has been platted for many years as part of the Barrett Center Auto Park.

(4) *Whether or not quiet enjoyment of surrounding property will be adversely affected.*

The quiet enjoyment of surrounding property will not be adversely affected. The property will continue to operate similar in the fashion it has for a number of years.

(5) *Whether or not property values of surrounding property will be adversely affected.*

The surrounding property will not be adversely affected because the only change is use is that the automobiles will be previously-owned.

(6) *Whether or not adequate provisions are made for parking and traffic considerations.*

Adequate parking is available and the access to and from the property will remain on Barrett Lakes Boulevard.

(7) *Whether or not the site or intensity of the use is appropriate.*

The intensity of the proposed use is appropriate for the area. As previously mentioned, the subject property has been platted and used as part of the Barrett Center Auto Park for many years and automobile sales (new and previously-owned) are found in many parts of the surrounding area.

(8) *Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.*

This is not a residential area.

(9) *Whether or not adequate provisions are made regarding hours of operation.*

The hours of operation will be comparable with the other automobile dealerships in the area.

STAFF RECOMMENDATIONS

SLUP-10 ALM KENNESAW, LLC (Continued)

- (10) *Whether or not adequate controls and limits are placed on commercial and business deliveries.*
Commercial and business deliveries will be similar to others in the area.
- (11) *Whether or not adequate landscape plans are incorporated to ensure appropriate transition.*
The site plan submitted indicates a 20-foot landscape buffer abutting the LI properties to the northwest.
- (12) *Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.*
There is no residential neighborhood surrounding the property.
- (13) *Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses.*
The application meets the requirements for a Special Land Use Permit. The property has an acre paved for the inventory and the use is allowed under the current GC zoning.
- (14) *Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.*
The applicant has provided a site plan that provides information needed for the proposed use.
- (15) *In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the county fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the county.*
The property is properly zoned and meets the other requirements for the proposed use.

Based on the above analysis, Staff recommends APPROVAL subject to the following:

- Site plan received by the Zoning Division on September 3, 2015, with the District Commissioner approving minor modifications;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation 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.