

SAM'S USED AUTO PARTS, INC., HOME  
 ALA/CSP LAND THE SURVEY  
 FOR  
 LOAN INVESTMENT BANK, FSB,  
 ISAQA/ATMA, THE U.S. SMALL BUSINESS  
 ADMINISTRATION AND FIRST AMERICAN  
 TITLE INSURANCE COMPANY  
 LAND LOTS 37 & 38 17TH DISTRICT 2ND SECTION COBB COUNTY GEORGIA

VA

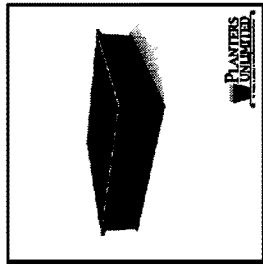
SLUP-11  
 (2015)

SCALE: 1" = 30'  
 DATE: 12/11/14  
 JOB NUMBER: 14-013  
 FILE NUMBER: 12-112  
 PLOTTED: 12/17/2015  
 ALA/CSP LAND THE SURVEY  
 SHEET 1 OF 1

**Dillon & Associates**

LANDSCAPE ARCHITECTS & LAND PLANNERS  
 40 POWDER SPRINGS ST. MARIETTA, GA 30064  
 PHONE 770-419-0006 FAX 770-419-3664

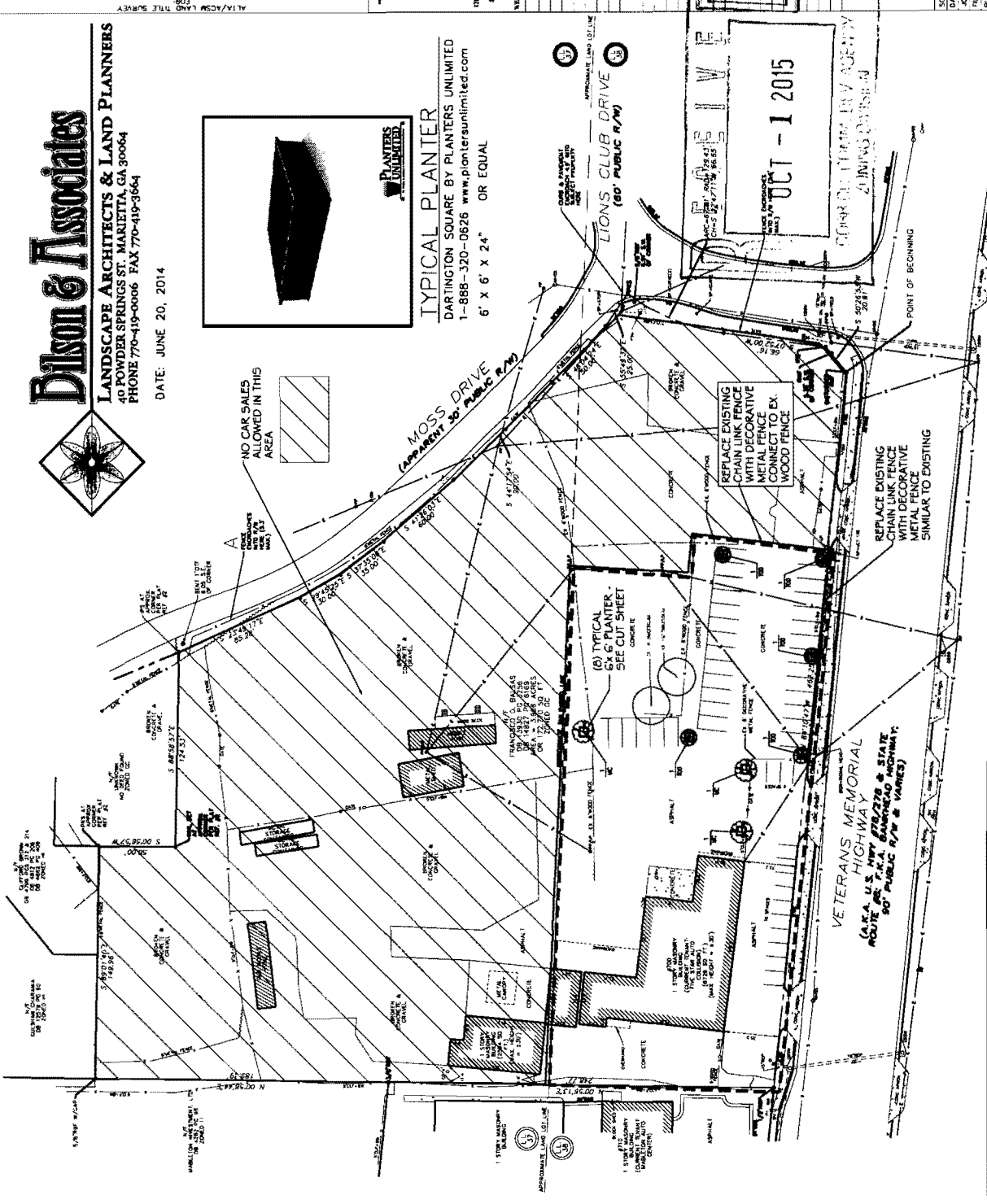
DATE: JUNE 20, 2014



**TYPICAL PLANTER**  
 DARTINGTON SQUARE BY PLANTERS UNLIMITED  
 1-888-320-0626 www.plantersunlimited.com  
 6' X 6' X 24" OR EQUAL

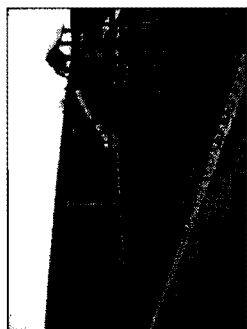


NO CAR SALES  
 ALLOWED IN THIS  
 AREA



**LANDSCAPE PLAN**  
 SCALE: 1" = 30'-0"

SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE / HT.	COMMENTS
MC	3	MYRTICA CERIFERA	WAX MYRTLE	15 GAL. 4-5' HT	TREE FORM
T00	5	THUJA OCCIDENTALIS	DEGROOT'S SPIRE	15 GAL. 4-5' HT	FULL AND WELL FORKED



**TYPICAL DECORATIVE METAL FENCE**

6' HIGH BLACK METAL FENCE WITH AMERISTAR - MONTAGE PLUS OR EQUAL  
 1-888-321-8724 www.omeristarfence.com



**TREE FORMED WAX MYRTLE**  
 ORNAMENTAL EVERGREEN TREE  
 10-15' HT X 10-15' WIDE



**DEGROOT'S SPRIE ARBORVITAE**  
 ORNAMENTAL EVERGREEN SHRUB  
 10-15' HT X 4-5' WIDE

**APPLICANT:** Brilliant Automotive

**PHONE#:** (770) 944-8616 **EMAIL:** nichollebalsas@hotmail.com

**REPRESENTATIVE:** Nicolle Balsas

**TITLEHOLDER:** Nicolle Balsas and Sabrina Balsas

**PROPERTY LOCATION:** Northwest intersection of Veterans Memorial Highway and Lion's; and the southwesterly intersection of Moss Drive and Lions Club Drive (700 Veterans Memorial Highway)

**ACCESS TO PROPERTY:** Veterans Memorial Highway

**PHYSICAL CHARACTERISTICS TO SITE:** Existing building used as an auto body shop

**PETITION NO:** SLUP-11

**HEARING DATE (PC):** 12-01-15

**HEARING DATE (BOC):** 12-15-15

**PRESENT ZONING:** GC

**PROPOSED ZONING:** Special Land Use Permit

**PROPOSED USE:** Used Car Dealer

**SIZE OF TRACT:** 3.97 acres

**DISTRICT:** 17

**LAND LOT(S):** 37,38

**PARCEL(S):** 3,4

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** HI/ Henson's Used Auto Parts
- SOUTH:** GC/ Super Tire Mart, Jordon's Auto Sales
- EAST:** GC/ Carwash, Auto repair
- WEST:** GC, LI/ Advance Auto Parts, Automotive Specialists, Mini-Storage

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

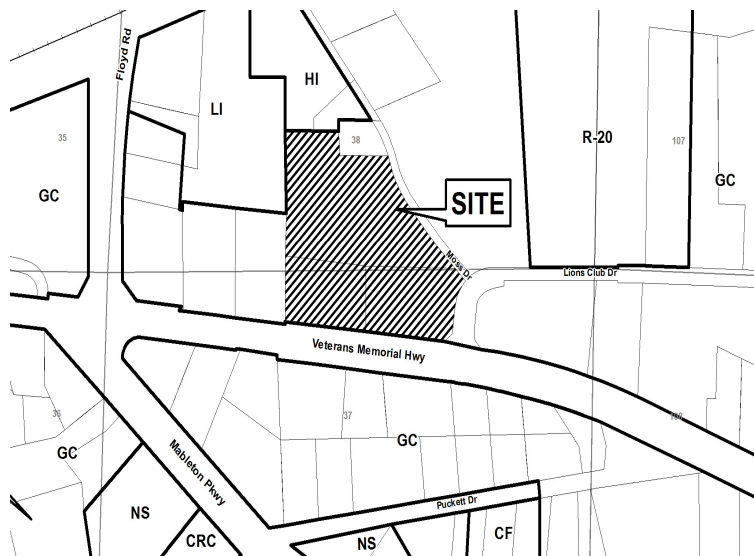
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

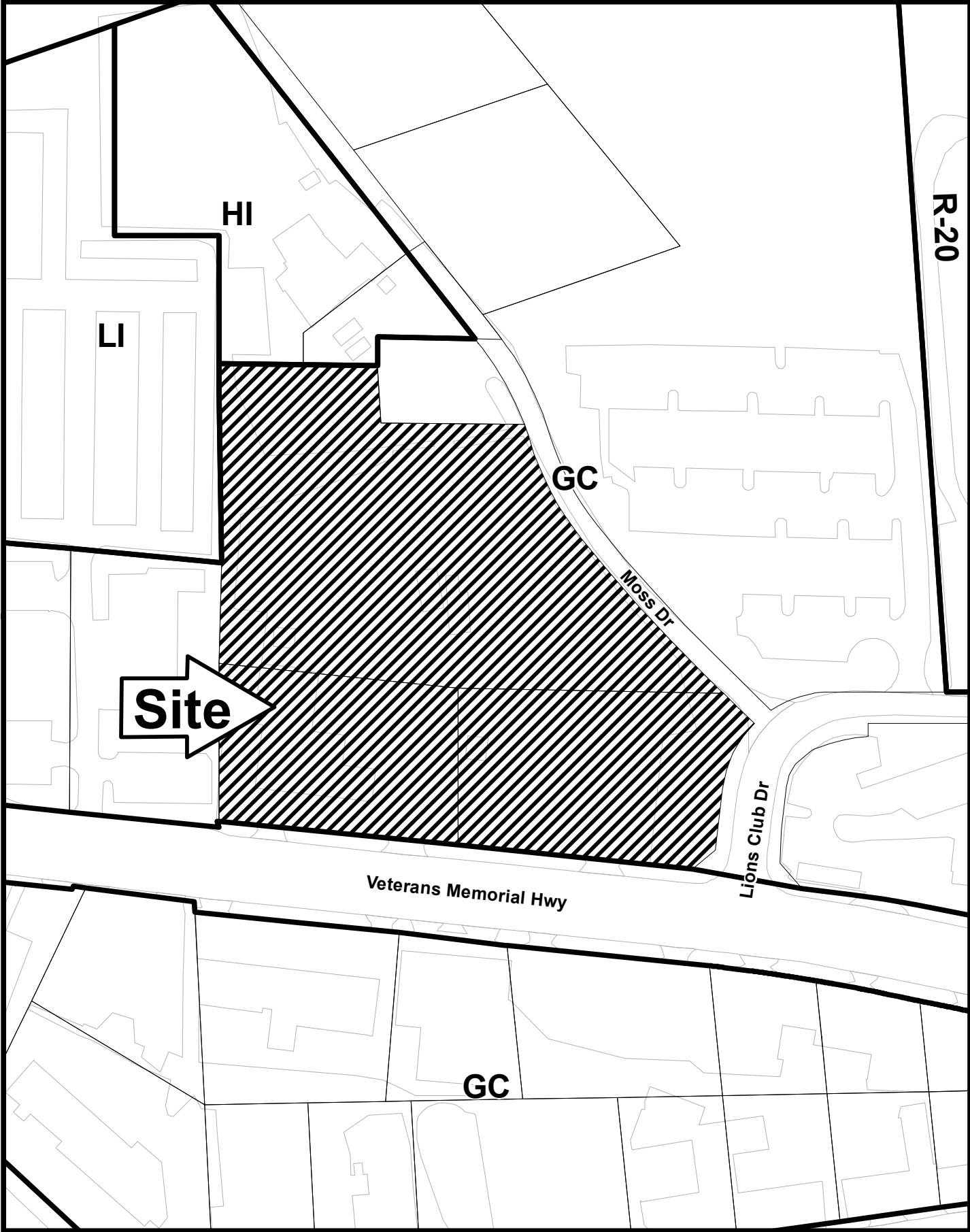
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

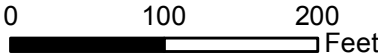
**STIPULATIONS:**





# SLUP-11



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Brilliant Automotive

**PETITION NO.:** SLUP-11

**PRESENT ZONING:** GC

**PETITION FOR:** SLUP

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**ZONING COMMENTS:** Staff Member Responsible: Donald Wells

Applicant is requesting to renew a Special Land Use Permit (SLUP) for the purpose of operating a used car lot. The property is properly zoned and the site plan indicates the property also meets the one-acre pavement requirement for used car lots. The property was granted a (SLUP) in 2013 subject to stipulations and conditions. Code enforcement has confirmed that all code violation and zoning conditions have completed and resolved.

**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.

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**WATER & SEWER COMMENTS:**

Property is not being billed for sewer service. Environmental Health Department approval needed for continued use of septic system. Sewer is available in Veterans Memorial Highway right-of-way.

\*\*\*\*\*

**TRAFFIC COMMENTS:**

Recommend no parking on the right-of-way.

Georgia DOT permits will be required for all work that encroaches upon State right-of-way.

Recommend closing the eastern driveway.

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

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**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

**APPLICANT: Brilliant Automotive**

**PETITION NO.: SLUP-11**

**PRESENT ZONING: GC**

**PETITION FOR: SLUP**

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<b>STORMWATER MANAGEMENT COMMENTS</b>
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No comments.

## STAFF RECOMMENDATIONS

### SLUP-11 BRILLIANT AUTOMOTIVE

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.*  
**It is Staff's opinion that the applicant's proposal will not have an adverse affect on the usability of adjacent or nearby properties. The property is surrounded with a mixture of commercial and industrial uses. The proposed use is a renewal that was approved in 2013.**
- (2) *Whether or not the use is otherwise compatible with the neighborhood.*  
**It is Staff's opinion that the applicant's proposal will permit a use that is suitable in view of the use and developments of adjacent nearby properties. The proposal is located in an area that has commercial activity with many types of automotive related uses.**
- (3) *Whether or not the use proposed will result in a nuisance as defined under state law.*  
**The use should not be a nuisance as defined by state law.**
- (4) *Whether or not quiet enjoyment of surrounding property will be adversely affected.*  
**The quiet enjoyment of surrounding properties will not be adversely affected due to the location of the applicant's proposal. The property abuts an existing salvage yard.**
- (5) *Whether or not property values of surrounding property will be adversely affected.*  
**This use should not adversely affect property values of surrounding property.**
- (6) *Whether or not adequate provisions are made for parking and traffic considerations.*  
**The applicant will provide adequate parking. The traffic generated will not have an impact on the surrounding properties.**
- (7) *Whether or not the site or intensity of the use is appropriate.*  
**The applicant's site is appropriate for this use with the surrounding mixture of commercial and industrial uses.**
- (8) *Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.*  
**There are not any special or unique conditions which would prohibit the use in this area. The site is adjacent to an industrial area. The applicant is attempting to renew a previously approved SLUP.**
- (9) *Whether or not adequate provisions are made regarding hours of operation.*  
**The business hours are Monday through Saturday 9 a.m. until 6 p.m. These are typical hours for an automotive repair shop and a used car lot.**
- (10) *Whether or not adequate controls and limits are placed on commercial and business deliveries.*  
**The applicant has indicated the hours of operation. Deliveries will be typical of similar business and not negatively impact adjacent properties. There will be no deliveries of automobiles via 18 wheeler.**

CONTINUED ON NEXT PAGE

**SLUP-11 BRILLIANT AUTOMOTIVE (Continued)**

*(11) Whether or not adequate landscape plans are incorporated to ensure appropriate transition.*

**The applicant has installed landscaped that was approved by county staff, and has been installed by the applicant.**

*(12) Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.*

**The use should not adversely affect the public health, safety, welfare, or moral concerns of the surrounding properties.**

*(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.*

**It is Staff's opinion that the applicant's proposal meets the minimum standards that shall apply to used or pre-owned automobile and truck sales lots separate from a new car dealership.**

*(14) Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.*

**The applicant has provided details necessary to review the request.**

*(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 applicant has provided sufficient information that demonstrates the proposal's compliance will all applicable requirements.**

Based on the above analysis, Staff recommends **APPROVAL** for **24 months** of SLUP-8 of 2013 subject to the following:

- Site plan submitted Oct, 1 2015, with District Commissioner approving minor modifications to site layout;
- Used vehicle sales and light automotive repair for the applicant only (any other use or user to be approved by the Board of Commissioners);
- All automobiles must be parked in a legal parking space;
- No junk or inoperative vehicles kept on site;
- No outdoor storage (except for used vehicles);
- No parking or unloading vehicles in right-of-way;
- All vehicle repairs be done inside building;
- No outdoor speakers or pagers;
- Applicant can renew or extend permit via "other business item";
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Cobb 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.**