

**FEBRUARY 16, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM OB-057

PURPOSE

To consider amending the stipulations for Elite Auto Collision & Sales regarding rezoning application Z-175 of 1999 (Furniture World, Inc.), for property located on the south side of Veterans Memorial Highway, in Land Lots 46 and 71 of the 18th District. *(Previously held by the Board of Commissioners from the December 15, 2015 hearing)*

BACKGROUND

The subject property was rezoned to Light Industrial (LI) for a Retail furniture store and warehouse in 1999. One of the zoning conditions limited the use of the property for the “existing furniture business use only”. The furniture store use has now ceased operations. The applicant would like to amend the zoning stipulations to allow their use on the property, which is an auto body repair shop. All repairs would be done inside the building. The applicant plans on renovating the inside of the building to suit their needs. It should be noted the applicant’s use is a permitted use in LI, but they would need a contemporaneous variance to allow this use adjacent to a residential district. If amended, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Stormwater Management Comments: Subject to all previous Stormwater Management comments to remain in effect and all auto repair work to be performed inside the building.

Cobb DOT: Recommend GDOT permits for all work that encroaches upon State right-of-way.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

06-057-2015

Cobb County, Georgia

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

NOV 10 2015

BOE Hearing Date Requested: 12-15-15

Applicant: Elite Auto Collision & Sales (applicant's name printed) Phone #: 404-969-9382

Address: 380 Veterans Memorial Hwy SE Mableton GA 30126 E-Mail: Kevinelite@gmail.com

Brooklaw LLC
Chaunda F. Brock Esq. Address: 50 Hurt Plaza SE #1410 Atlanta GA 30303
(representative's name, printed)

Chaunda F. Brock Phone #: 6789350977 E-Mail: cbrock@brooklawllc.com
(representative's signature)

LAKINGYA SINGLETON
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires February 18, 2019

Signed, sealed and delivered in presence of:
[Signature] My commission expires: 2/16/19
Notary Public

Titleholder(s): JK Consulting Group LLC (property owner's name printed) Phone #: 404-969-9382

Address: 791 Veterans Memorial Hwy Mableton GA 30126 E-Mail: Kevinelite1@gmail.com

[Signature] (Property owner's signature)

LAKINGYA SINGLETON
NOTARY PUBLIC
Fulton County
State of Georgia
My Comm. Expires February 18, 2019

Signed, sealed and delivered in presence of: ED EED
[Signature] My commission expires: 2/16/19
Notary Public

Commission District: 4 Zoning Case: Z-175 of 99

Date of Zoning Decision: 12-21-99 Original Date of Hearing: 12-21-1999

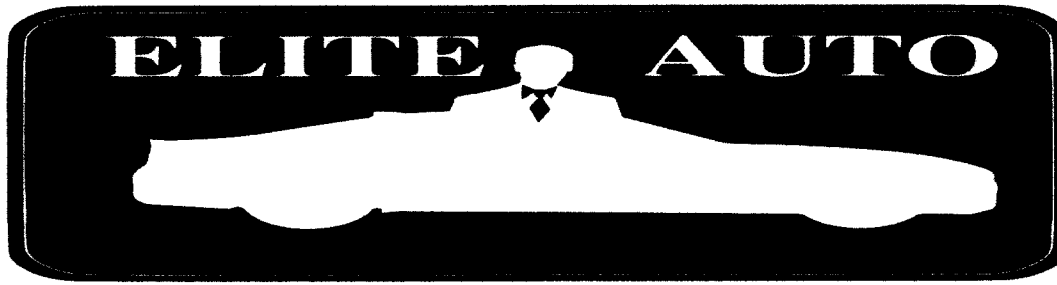
Location: 380 Veterans Mem Hwy SE
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): _____ District(s): _____

State specifically the need or reason(s) for Other Business: Change use to
restricted LI subject to existing furniture business
operation to regular LI to allow for use as
an auto body collision/repair shop and
sales

(List or attach additional information if needed)

OB-037-205
Scope of work



Collision Mechanical

"We Turn Cars Into Stars"

NOV 10 2015

NOV 1, 2015

SCOPE OF WORK:

FUTURE IMPROVEMENTS

- (2) 36X84 DOOR FRAMES WILL BE CONSTRUCTED IN BUILDING A.
- (1) ALLOW ACCESS TO EXIT OUTSIDE OF AREA "A" ON RT SIDE BY DRIVEWAY
- (2) ALLOW ACCESS TO AREA "A" AND AREA "B"

SCOPE OF OPERATIONS:

AREA "A" COLLISION SHOP PERFORM LIGHT-MEDIUM BODY WORK AND STORE PARTS
AREA "B" COLLISION SHOP HAS COMPRESSOR AND TOOLS
AREA "C" VEHICLE STORAGE
CURRENTLY NO LIFTS OR PAINT BOOTH

MAX # EMPLOYEES: 20

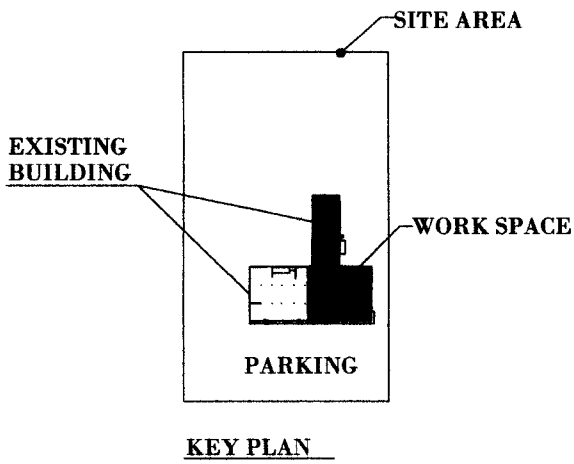
791 Veterans Memorial Hwy SE Mableton, GA 30126

(P) 678-945-0100 (F) 678-945-0171

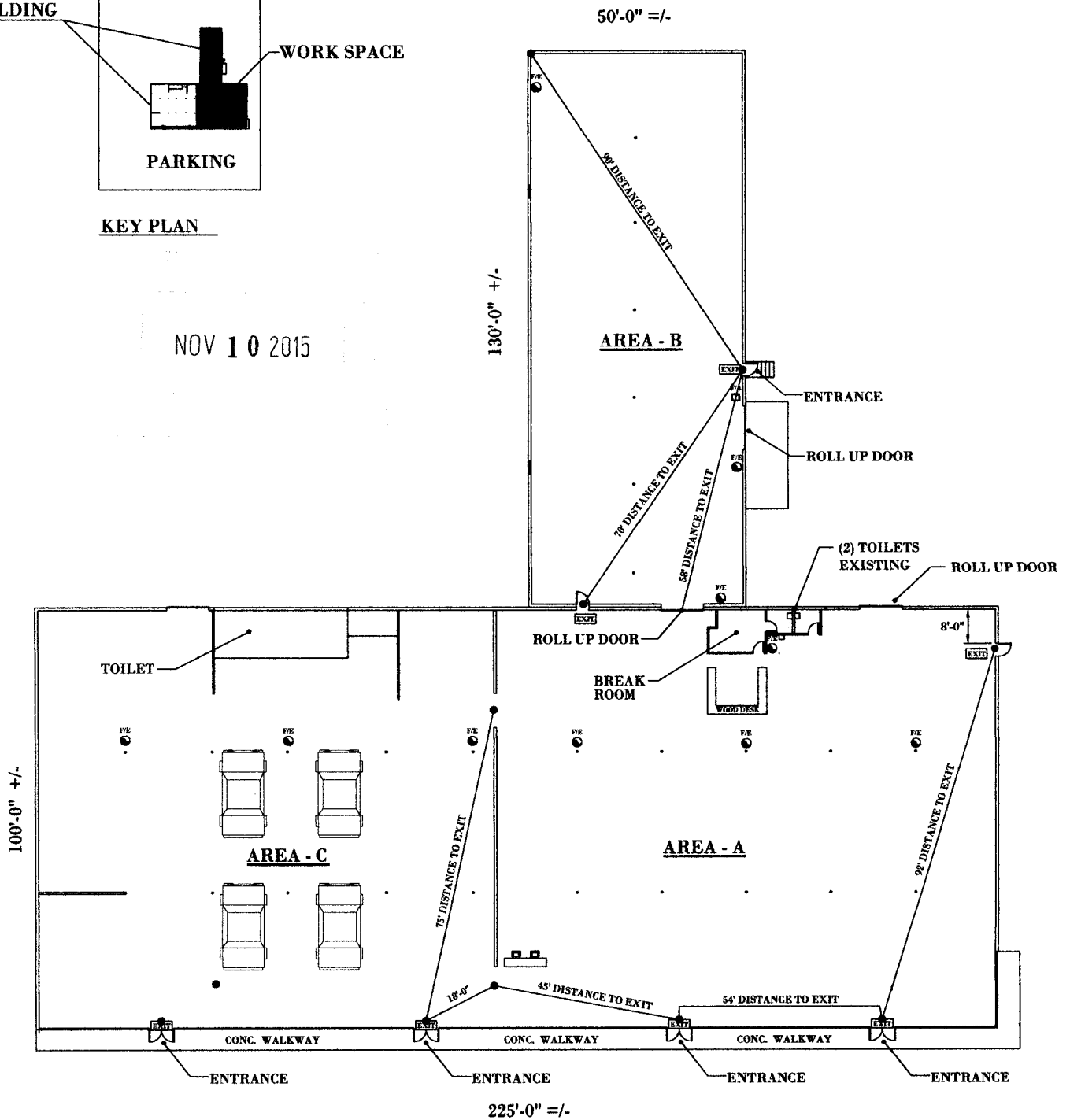
ELITEAUTOSMYRNA.COM

Collision Mechanical *Motion Picture Vehicles* Concierge Service*

OB-057-2a5
Interior Plan



NOV 10 2015



EXISTING CONC. PAVED PARKING

ELITE AUTO COLLISION
380 VETERANS MEMORIAL HIGHWAY
SCALE: 1/16" = 1'-0"

LEGEND

- EXIT EXIT LIGHT ABOVE DOOR
- F/E FIRE EXTINGUISHER

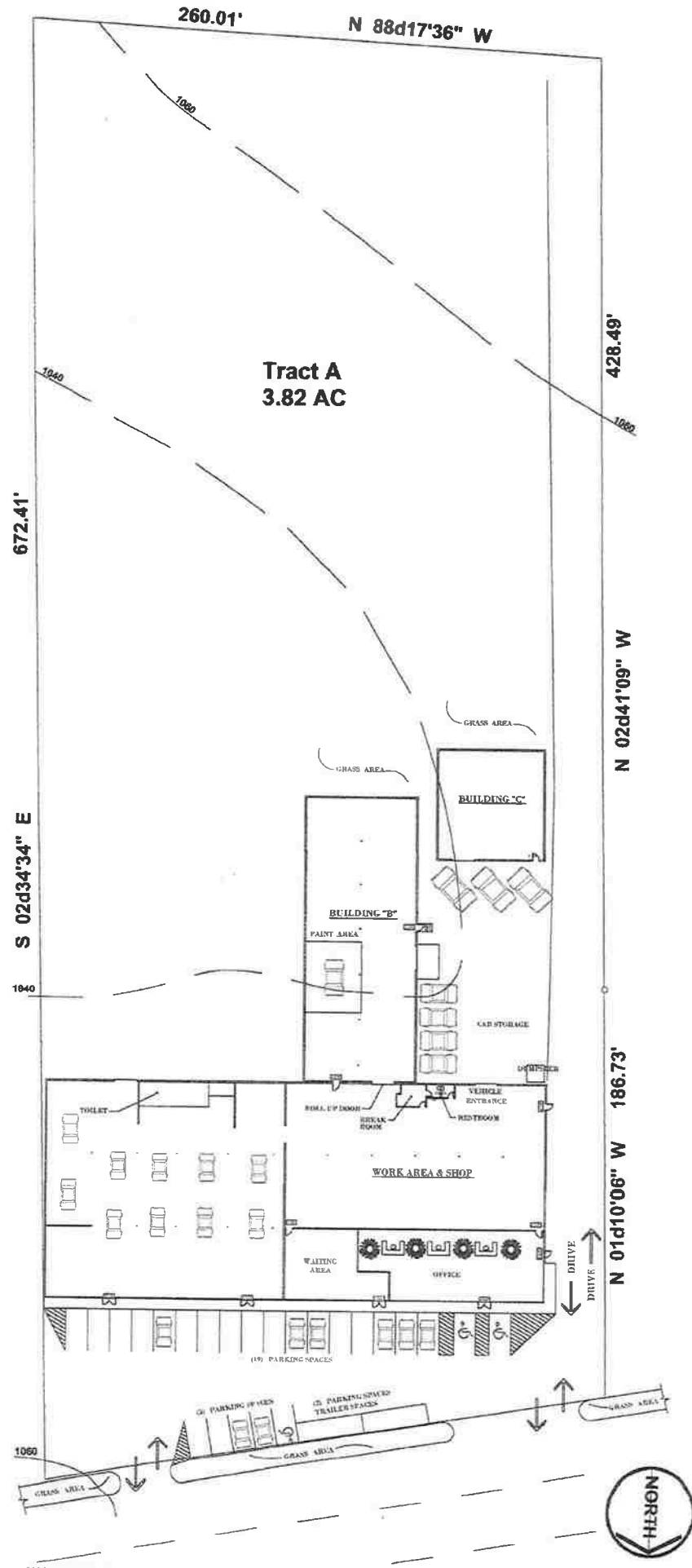


Exhibit "A"
LEGAL DESCRIPTION

All that Tract or parcel of land lying and being in Land Lot 46 of the 18th District, 2nd Section, Cobb County, Georgia, being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the southwest end of the miter line connecting the eastern right of way line of Lakeshore Drive (having a 40 foot right of way) and the southerly right of way line of Veterans Memorial Highway (a.k.a Bankhead Highway, having a 90 foot right of way); running thence northeasterly along said miter line, 21.27 feet to a right of way monument found on the southerly right of way line of Veterans Memorial Highway; thence running northeasterly along said right of way line 62.92 feet to a right of way monument found; thence continuing northeasterly along said right of way line 83.45 feet to a broken right of way monument found and THE TRUE POINT OF BEGINNING; from said True Point of Beginning as this established, thence continuing along said right of way line the following courses and distances; along the arc of a curve having a radius of 1,513.78, 101.56 feet (said arc being subtended by a chord having a bearing of north 79 degrees 13 minutes 22 seconds east, a distance of 101.54 feet); north 77 degrees 40 minutes 40 seconds east 97.26 feet; and north 77 degrees 21 minutes 21 seconds east, 59.51 feet to an iron pin set; thence leaving said right of way line and running, south 03 degrees 31 minutes 22 seconds east, a distance of 675.44 feet to an iron pin found; thence running north 89 degrees 30 minutes 02 seconds west a distance of 259.95 feet to a one inch rebar; thence running north 03 degrees 10 minutes 44 seconds west, a distance of 620.09 feet to a broken right of way monument found on the southerly right of way monument found on the southerly right of way line of Veterans Memorial Highway and the True Point of Beginning; containing 3.8210 acres and being shown as Tract I on ALTA/ACSM Survey for Gordon D. Garrett,; Georgia State Bank and Lawyer's Title Insurance Corp., made by CC Land Surveyors Incorporated, bearing the seals of Cathy Bishop Costarides, GA R.E.S, No. 2568, and Anastasia Cosarides, GA R.L.S. No. 2448 dated January 22, 2000, revised February 18, 2000, further revised April 13, 2000, further revised April 20, 2000.

Cobb County

Application No. 2-175
PC Hearing: 12-7-99
BOC Hearing: 12-21-99

Applicant Furniture World, Inc. Business Phone 770/948-8121 Home Phone _____
SAMS & LARKIN, LLP - 376 Powder Springs Street, Suite 100
Garvis L. Sams, Jr. Address Marietta, Georgia 30064
(representative's name, printed)

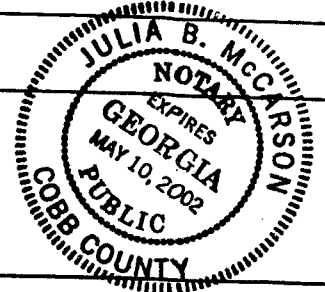
[Signature] Business Phone 770/422-7016
(representative's signature)

Signed, sealed and delivered in presence of:

NOV 10 2015

Julia B. McCarson
Notary Public

My commission expires: _____



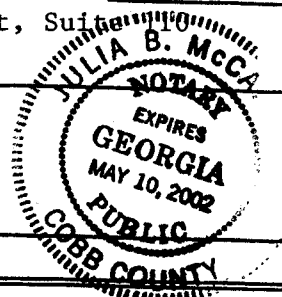
Titleholder Estate of Horace M. Bolton Business Phone 770/429-0696 Home Phone _____

Signature By: [Signature] Address 376 Powder Springs Street, Suite 100, Marietta, Georgia 30064

C. FRED REEVES,
Temporary Administrator
Signed, sealed and delivered in presence of:

Julia B. McCarson
Notary Public

My commission expires: _____



Zoning Request From PSC & R-20 to Light Industrial (L1)

For the Purpose of Existing furniture retail center and proposed warehouse (present zoning) and Size of Tract 9.85 (proposed zoning) Acre(s)
(subdivision, restaurant, warehouse, apt., etc.)

Location South side of Veterans Memorial Highway, east of Lakeshore Drive

Land Lot(s) 46 & 71 (street address, if applicable; nearest intersection, etc.) District 18th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there ~~are~~^{are no} such assets. If any, they are as follows:

FURNITURE WORLD, INC.
By: [Signature]
GORDON D. GARRETT (applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there ~~is~~^{is not} such a cemetery. If any, they are as follows:

FURNITURE WORLD, INC.
By: [Signature]
GORDON D. GARRETT (applicant's signature)

ORIGINAL DATE OF APPLICATION: 12-21-99APPLICANTS NAME: FURNITURE WORLD, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 12-21-99 ZONING HEARING:

FURNITURE WORLD, INC. (Estate of Horace M. Bolton, owner) for Rezoning from **PSC** and **R-20** to **LI** for the purpose of a Retail Center and Warehouse in Land Lots 46 and 71 of the 18th District. Located on the south side of Veterans Memorial Highway, east of Lakeshore Drive. The Board of Commissioners, as part of the Consent Agenda, approved Rezoning to the **LI zoning district subject to: 1) letter of agreeable conditions submitted by applicant's representative dated November 8, 1999 (attached and made a part of these minutes); 2) 50 foot undisturbed buffer along the west and south property lines; 3) existing furniture business use only; 4) project subject to Cobb DOT comments and recommendations; 5) project subject to Stormwater Management Division comments and recommendations; 6) 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. Motion by Olens, carried 5-0.**

SAMS & LARKIN
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
M. KYLE GREENE
DAVID Y. KWON

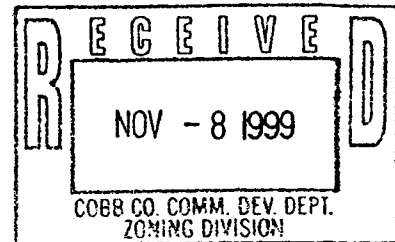
OF COUNSEL
DAVID P. HARTIN

November 8, 1999

(770) 422-7016
TELEPHONE
(770) 426-6583
FACSIMILE
SAMSLARKIN@AOL.COM
E-MAIL

VIA HAND DELIVERY

Mr. Edwin L. Thomas, Jr., Principal Planner
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



Re: Application of Furniture World, Inc. to Rezone a 9.85 Acre Tract from
PSC & R-20 to LI (No. Z-175)

Dear Ed:

This firm has been engaged by and represents the applicant and property owner concerning the above-captioned application for rezoning. The application is scheduled to be considered by the Cobb County Planning Commission on December 7, 1999 and, thereafter, by the Cobb County Board of Commissioners on December 21, 1999.

As a result of our discussions during the pendency of the application, this letter will serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the rezoning and which shall be binding upon the subject property thereafter:

1. Rezoning of the subject property to the LI classification subject to the continuation of the existing furniture business use only.¹

¹Title to the subject property is presently vested in the Estate of Horace M. Bolton. Mr. Bolton's son-in-law, Gordon D. Garrett (Furniture World, Inc.), is purchasing the existing furniture business (Bolton Furniture) and the balance of the contiguous property owned by the Estate in order to continue and expand the furniture business.

VIA HAND DELIVERY

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Cobb County Zoning Department
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November 8, 1999

2. Compliance with all Development & Inspection Department requirements and recommendations with respect to stormwater management, hydrology and down stream considerations.
3. Compliance with all Cobb County Development Standards and Ordinances related to project improvements, except as otherwise approved by the Cobb County Board of Commissioners.
4. All refuse containers and HVAC systems will be shielded from view.
5. External lighting added to the subject property, in parking areas or on buildings, will be low intensity, environmental type with illumination being directed away from contiguous properties.
6. The submission of a landscape plan during the Plan Review process subject to staff review and approval with particular emphasis being placed upon the 50 foot planted landscape buffers surrounding Tract B (6.03 acres).
7. Subject to recommendations of the Cobb County Department of Transportation, including the following:
 - a. The voluntary dedication and conveyance of right-of-way so that the County can insure that it has 50 feet from the centerline on Veterans Memorial Highway.
 - b. Verifying minimum sight distance of 475 feet with respect to both entrance points on Veterans Memorial Highway.
 - c. Subject to Georgia Department of Transportation approval with respect to issues related to Veterans Memorial Highway.
 - d. Providing intra-parcel access between the existing tracts.

VIA HAND DELIVERY

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As you know, the entirety of the subject property is located in an area in which Cobb County's Comprehensive Land Use Plan and Future Land Use Map designate as an Industrial Compatible (IC) zone, a category which permits continuation of the uses in which my clients have been engaged for years. Please do not hesitate to call should you or your staff require any further information or documentation concerning this application for rezoning prior to the formulation of your recommendation to the Planning Commission and Board of Commissioners.

Very truly yours,

SAMS & LARKIN, LLP



Garvis L. Sams, Jr.

GLSjr/jbmc

cc: Members, Cobb County Board of Commissioners
Members, Cobb County Planning Commission
Ms. Karen King, Deputy Clerk
Mr. Gordon D. Garrett

Preliminary Plan

Veterans Memorial Highway Tract

Cobb County, Georgia Land Lots 46 & 71, 18nd District, 2nd Section

prepared for:

D. Garrett



NOV 10 2015 October 1, 1999

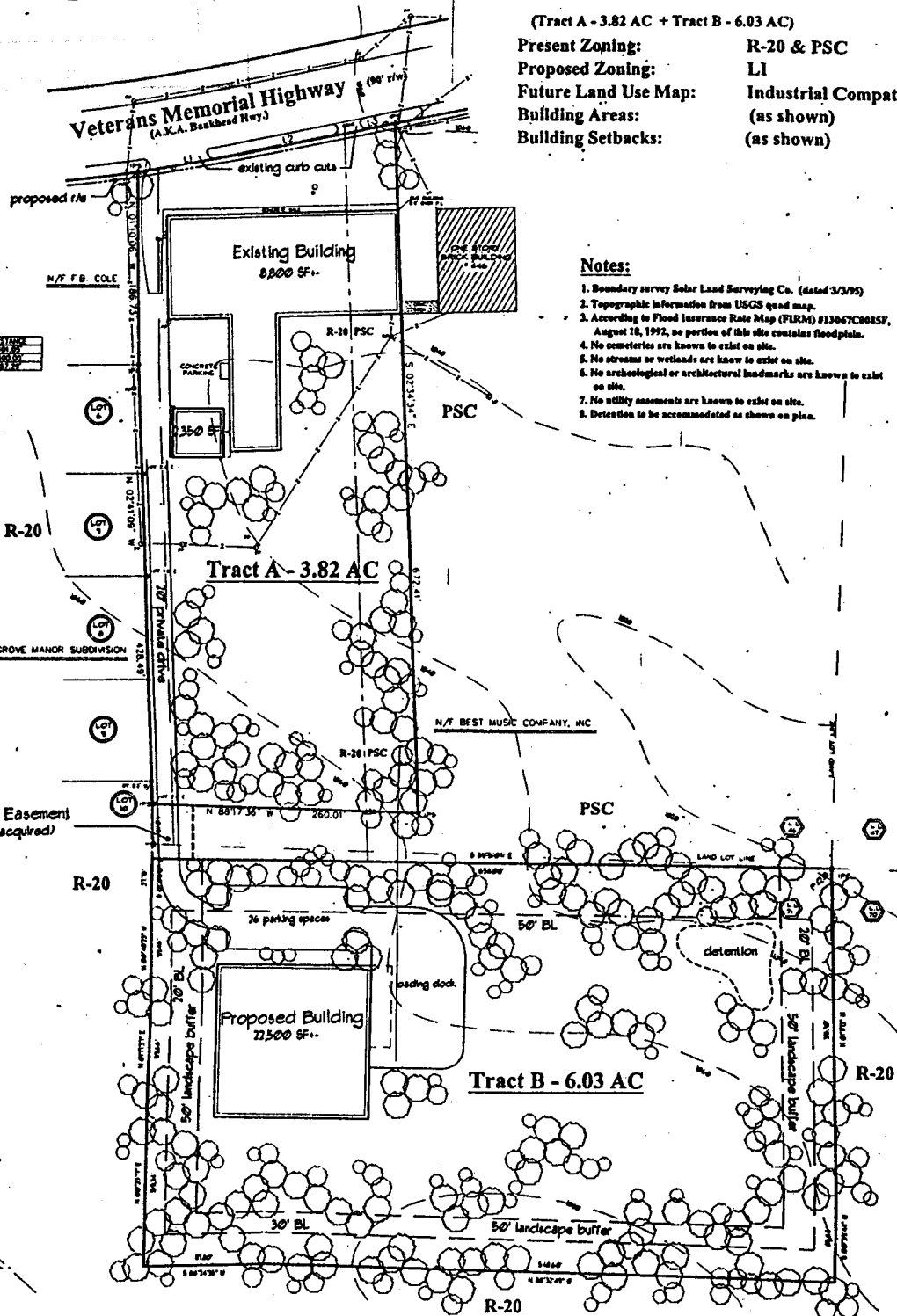
DGM
LAND PLANNING
CONSULTANTS
P.O. Box 4475
MARIETTA
GA 30061
770 514-9006
Fax 514-9191



NO.	DESCRIPTION	DATE
1	PRELIMINARY PLAN	10/1/99
2	REVISED PLAN	11/10/15

Site Data

Total Site Area: 9.85 AC
(Tract A - 3.82 AC + Tract B - 6.03 AC)
Present Zoning: R-20 & PSC
Proposed Zoning: LI
Future Land Use Map: Industrial Compatible (IC)
Building Areas: (as shown)
Building Setbacks: (as shown)



Notes:

1. Boundary survey Solar Land Surveying Co. (dated 3/3/95)
2. Topographic information from USGS quad map.
3. According to Flood Insurance Rate Map (FIRM) #13067C0085F, August 18, 1997, no portion of this site contains floodplain.
4. No cemeteries are known to exist on site.
5. No streams or wetlands are known to exist on site.
6. No archeological or architectural landmarks are known to exist on site.
7. No utility assessments are known to exist on site.
8. Detention to be accommodated as shown on plan.