

APPLICANT: Unique International Auto, LLC

PHONE#: _____ **EMAIL:** _____

REPRESENTATIVE: Parks F. Huff

PHONE#: (770) 422-7016 **EMAIL:** phuff@slhb-law.com

TITLEHOLDER: Unique International Auto, LLC

PROPERTY LOCATION: East side of Powell Drive, south of

Veterans Memorial Highway

(5835 Powell Drive).

ACCESS TO PROPERTY: Powell Drive

PHYSICAL CHARACTERISTICS TO SITE: One story metal

building

PETITION NO: Z-4

HEARING DATE (PC): 02-02-16

HEARING DATE (BOC): 02-16-16

PRESENT ZONING R-20

PROPOSED ZONING: HI

PROPOSED USE: Used Auto Sales, Auto

Storage Yard and Professional Office

SIZE OF TRACT: 0.458 acre

DISTRICT: 18

LAND LOT(S): 34

PARCEL(S): 17

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Vacant Industrial Building (Subject of Z-7, February 2016)

SOUTH: GC/ Automotive Repair and Paint and Body

EAST: LI/ Wooded, Undeveloped

WEST: GC, R-20/ Automotive Repair

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

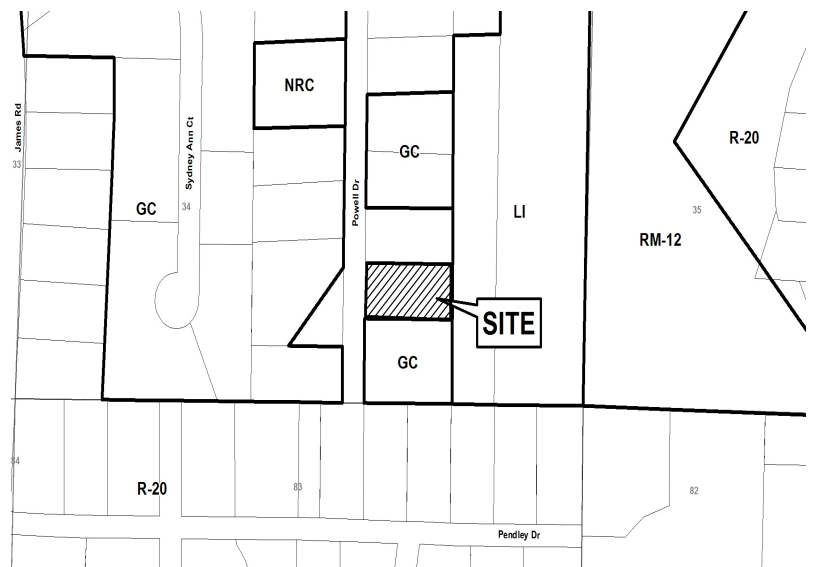
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

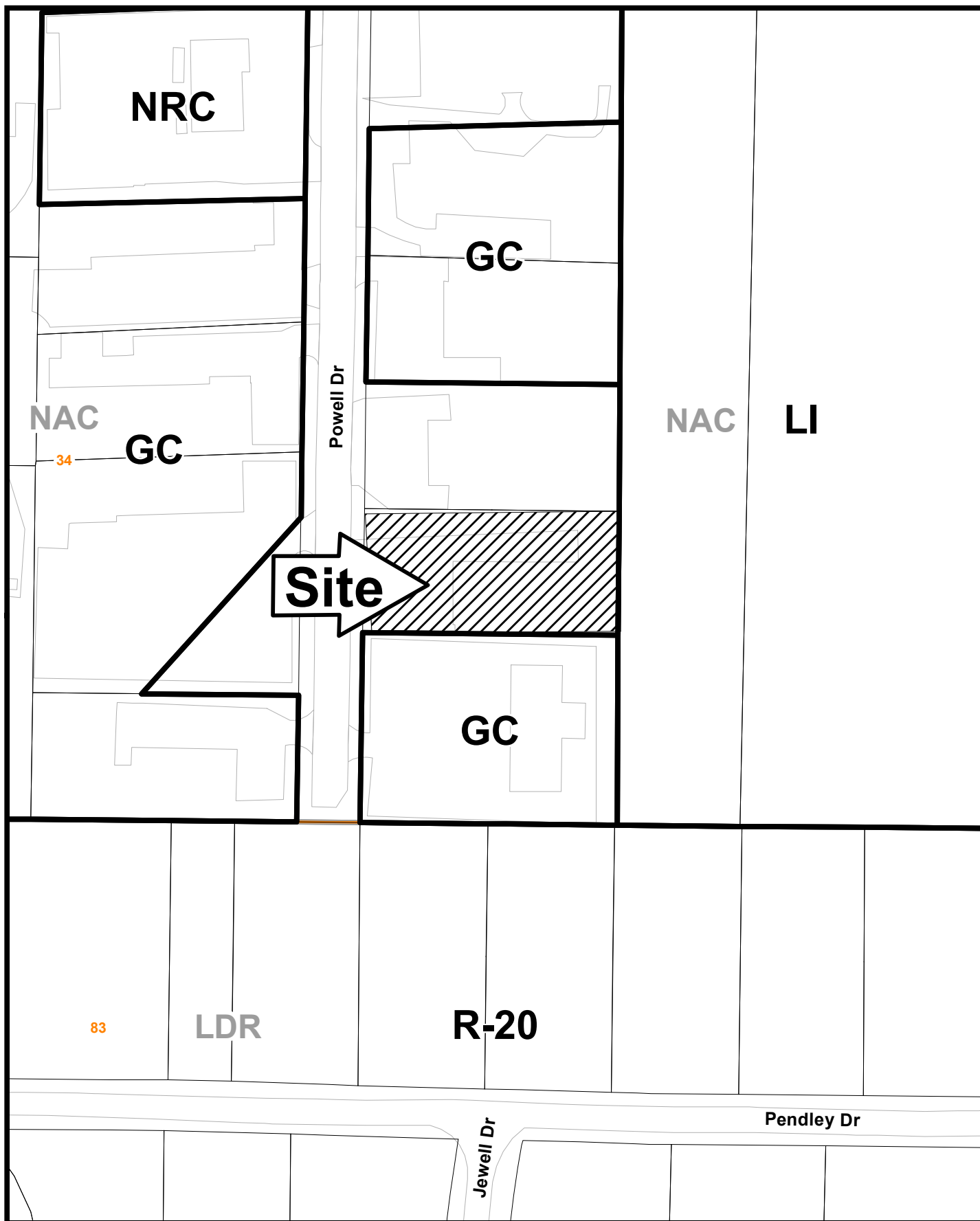
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

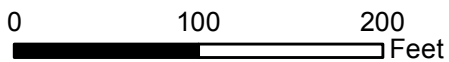
STIPULATIONS:





Z-4



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Unique International Auto, LLC

PETITION NO.: Z-4

PRESENT ZONING: R-20

PETITION FOR: HI

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 5,041 sq. ft.

F.A.R.: 0.25 **Square Footage/Acre:** 10,958 sq. ft.

Parking Spaces Required: 6 **Parking Spaces Provided:** 6

The applicant is requesting a rezoning of the subject property from the current R-20 single-family residential district to the HI heavy industrial district in order to operate a used auto sales lot, auto storage yard, and professional offices. The companion case SLUP-1 has been filed for the used auto sales and auto storage yard. The existing industrial building will be utilized and proposed hours are Monday through Saturday 7:00 a.m. to 8:00 p.m.

The applicant's request would result in several needed variances if approved as requested. These include:

1. Waive the minimum lot size from the required 40,000 sq. ft. to 19,932 sq. ft.;
2. Waive the minimum lot width at the front setback line from the required 150 ft. to 100 ft.;
3. Waive the rear setback from the required 40 ft. to 24 ft.;
4. Waive the side setback from the required 20 ft. to 10 ft. adjacent to the southern property line;
5. Waive the 50 ft. landscaped screening buffer adjacent to residentially zoned property to zero feet adjacent to the northern property line (adjacent property filed under current case Z-7);
6. Allow the special exception use of an automobile storage yard to be on HI zoned property not within an area delineated as industrial future land use;
7. Allow the special exception use of a used automobile sales facility to be on HI zoned property not within an area delineated as industrial future land use; and
8. Waive the minimum of one (1) acre of paved surface for parking of used autos for sale.

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.

FIRE COMMENTS:

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: Unique International Auto, LLC

PETITION NO.: Z-4

PRESENT ZONING: R-20

PETITION FOR: HI

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 with stipulations to HI for the purpose of used auto sales, auto storage yard and professional office. The .458 acre site is located on the east side of Powell Drive, south of Veterans Memorial Highway.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of _____ been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with R-20 zoning designation. The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC)
East: Neighborhood Activity Center (NAC)
South: Neighborhood Activity Center (NAC)
West: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No
If yes, design guidelines area _____
Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? Yes No
The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

APPLICANT: Unique International Auto, LLC

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PRESENT ZONING: R-20

PETITION FOR: HI

PLANNING COMMENTS: (Continued)

Is the property within an Enterprise Zone? Yes No

The South Cobb Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

Is this property within the Six Flags Special Service District?

Yes No

Is the property within the Dobbins Airfield Safety Zone?

Yes No

If so, which particular safety zone is this property within?

CZ (Clear Zone) APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

APPLICANT Unique International Auto LLC

PETITION NO. Z-004

PRESENT ZONING R-20

PETITION FOR HI

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 6" DI / W side of Powell Drive

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: 400' W at Sydney Ann Court

Estimated Waste Generation (in G.P.D.): A D F= 200 Peak= 500

Treatment Plant: South Cobb

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Health Dept approval required for continued use of existing septic system. No site changes
Comments: proposed.

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

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PETITION FOR: HI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Pine 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 any proposed site improvements on downstream receiving system.

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PETITION FOR: HI

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. The existing site must be cleared of all storage on unimproved surfaces.
2. Any parking lot expansion must not exceed 70% total impervious coverage for parcel. Any increase in impervious coverage of more than 5000 square feet will require stormwater management to be provided.

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TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Powell Drive	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Powell Drive is classified as a local and according to the available information the existing right-of-way may meet the minimum requirements for this classification.

RECOMMENDATIONS

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

Recommend sidewalk along the Powell Drive frontage.

Recommend no parking on the right-of-way.

STAFF RECOMMENDATIONS

Z-4 UNIQUE INTERNATIONAL AUTO, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. Recent rezonings in the Powell Drive area have followed the NAC future land use designation and resulted in a shift to less intense uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The numerous variances needed to accommodate the applicant's proposed uses are evidence of this.
- C. It is Staff's opinion that the applicant's rezoning proposal may not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The property is located in an area delineated as NAC neighborhood activity center which seeks to encourage small offices, limited retail and similar stores that serve neighborhood residents and businesses. The applicant's proposed uses of auto storage yard and used auto sales is not in keeping with the NAC designation.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for deleting the applicant's rezoning proposal. Just as recent rezonings in the area have evidenced, a rezoning to a less intense retail commercial category is more appropriate for the property. Rather than the intensive uses of auto storage and used auto sales, retail (including light automotive repair), would better fit the limitations of the developed property and be in keeping with the NAC designation.

Based on the above analysis, Staff recommends **DELETION TO NRC** subject to the following conditions:

1. Site plan received by the zoning division on November 25, 2015 recognizing the existing lot size and building encroachments into the NRC setbacks;
2. No outside storage allowed;
3. No outside repair of automobiles allowed;
4. No storage or sale of automobiles from site;
5. Fire Department comments and recommendations;
6. Department of Transportation comments and recommendations;
7. Water and Sewer Division comments and recommendations;
8. Stormwater Management Division comments and recommendations;
9. Light auto repair only.

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.

NOV 25 2015

Application No. z-4

PC: Feb. 2, 2016

BOC: Feb. 16, 2016

Summary of Intent for Rezoning *

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): N/A
 - b) Proposed building architecture: _____
 - c) Proposed selling prices(s): _____
 - d) List all requested variances: _____
- _____
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Auto Storage Yard and Professional Office for internet and international auto sales.
 - b) Proposed building architecture: Existing industrial building.
 - c) Proposed hours/days of operation: Monday - Saturday; 7 a.m. until 8:00 p.m.
 - d) List all requested variances: Lot size reduction for 19,000 square feet existing lot.
- _____
- _____
- _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

None at this time.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time.

* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

NOV 25 2015

ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF UNIQUE INTERNATIONAL AUTO, LLC

COMES NOW, UNIQUE INTERNATIONAL AUTO, LLC, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

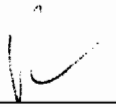
- A. Unique International Auto, LLC proposes to use the subject property for a professional office for accounting and to use the parking area for the parking of cars that are being sold via the internet or sold internationally. The cars are only being stored temporarily waiting for transport or sale. The proposed use is suitable in relation to development along the Powell Drive Corridor. Although the subject property is zoned Residential R-20 it is located within an area designated as Neighborhood Activity Center (“NAC”) under Cobb County’s Future Land Use Map. Additionally, this site has been used commercially for years and is adjacent to existing GC and LI zoned properties and multiple locations used for vehicle repair and/or storage along with other similar uses.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is adjacent to various industrial, commercial, and automobile uses.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. The property is developed for commercial use and has been used commercially for over thirty (30) years. It cannot be used residentially.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

- E. The zoning proposal is located within a Neighborhood Activity Center (“NAC”) Future Land Use Category but is adjacent to predominantly GC and LI zoned properties.

- F. There is no substantial relationship between the existing zoning classification of R-20 which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this area of the Powell Drive, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 25 day of November 2015.
SAMS, LARKIN, HUFF & BALLI, LLP

By: 
PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010