

TRACT AREA = 0.374 ACRES

CURVE	RAJUS	ASC	CHORD BEARING
CI	554.37	102.59	84° 53' 44" E
LINE NO.	BEARING	DISTANCE	
1	N 72° 28' 24" E	28.07	
2	N 89° 20' 01" E	32.31	



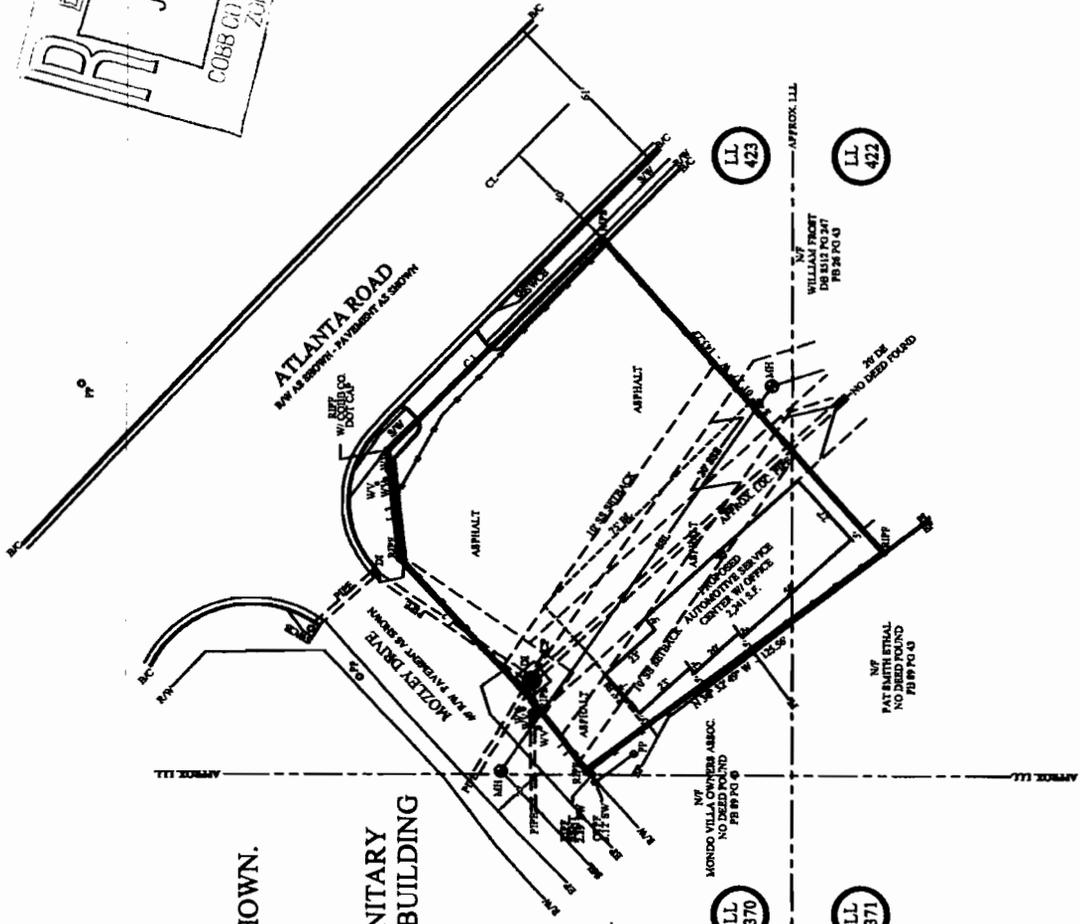
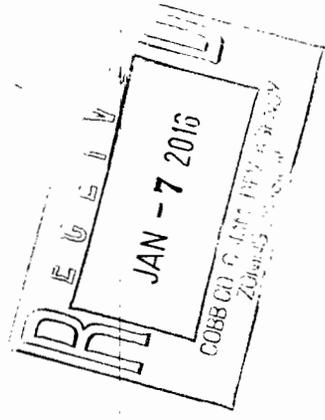
ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF UNLESS OTHERWISE NOTED.
GEOGRAPHIC NORTH IS 0° 00' 00" WEST OF TRUE NORTH.

GENERAL NOTES:

1. **PROPERTY ZONED GC**
2. **PROPOSED ZONING LI**
3. **REQUIRED SETBACKS:**
FRONT - 75'
SIDE - 25' (ROADSIDE PL)
20' (NON ROADSIDE PL)
REAR - 30'
4. **PROPOSED VARIANCES TO REDUCE NON ROADSIDE SIDE TO 5' AS SHOWN. REDUCE REAR TO 5' AS SHOWN.**
5. **PROPOSED VARIANCE TO ALLOW COVERAGE TO REMAIN AT 98%.**
6. **PROPOSED VARIANCE TO REDUCE 10' SANITARY SEWER SETBACK TO ZERO FEET ON THE BUILDING SIDE OF THE SEWER LINE.**
7. **PROPOSED DISTURBANCE TO BE LESS THAN 5000 S.F. NO DETENTION REQUIRED.**
8. **EXISTING DRIVES TO REMAIN.**

SITE ADDRESS:
1800 ATLANTA ROAD SE
SMYRNA, GA. 30082
TAX ID # 17042300270
DB 15256 PG 3036

- LEGEND**
- APPROX. - APPROXIMATE
 - CONC. - CONCRETE
 - CL - CENTERLINE OF R/W
 - CP - CONCRETE PAD
 - DE - DRIVEWAY EASEMENT
 - DR - DRIVE PAVT
 - DR - DRIVE UNPAV
 - FW - DOUBLE WING CATCH BASIN
 - FL - FIRE HYDRANT
 - LL - LAND LOT
 - LL - LAND LOT LINE
 - LA - LOT AREA
 - LA - LOT WIDE
 - NP - NOT ON PLAN
 - OTF - OPEN TOP FN FOUND
 - FB - FILL
 - PO - POLE
 - PA - PAVT
 - PIP - IRON PIPE FOUND
 - SP - SPREADER FOUND
 - SW - SHORT OF WALL
 - SE - SANITARY SEWER EASEMENT
 - SL - SANITARY SEWER LINE
 - SE - SEWER
 - SW - SINGLE WING CATCH BASIN
 - WM - WATER METER
 - WV - WATER VALVE
 - W - WALL



THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH MIGHT AFFECT THIS PROPERTY. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR EASEMENTS. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR EASEMENTS. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES OR EASEMENTS.



IN MY OPINION THIS SURVEY WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF GEORGIA. I AM NOT PROVIDING THIS SURVEY FOR ANY OTHER PURPOSES AND I AM NOT PROVIDING THIS SURVEY FOR ANY OTHER PURPOSES AND I AM NOT PROVIDING THIS SURVEY FOR ANY OTHER PURPOSES.



REZONING PLAN FOR

N & S AUTOMOBILE SERVICES, LLC

LAND LOT: 422 & 423 - 17TH DISTRICT - 2ND SECTION
COBB COUNTY, GEORGIA
DATE: 01-4-16

PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.
PLANNING - ENGINEERING - LAND SURVEYING
1982 AUSTELL-POWDER SPRINGS ROAD - POWDER SPRINGS, GEORGIA 30127
PH: (770) 433-2176
EMAIL: paul.lee@plcae.com

COMP. 2015061RP
JOB. 2015061RP

APPLICANT: N & S Automobile Services, LLC

PETITION NO: Z-20

PHONE#: 770-906-2799 **EMAIL:** globalcarconnectionllc@gmail.com

HEARING DATE (PC): 03-01-16

REPRESENTATIVE: Garvis L. Sams

HEARING DATE (BOC): 03-15-16

PHONE#: 770-422-7016 **EMAIL:** gsams@slhb-law.com

PRESENT ZONING: GC

TITLEHOLDER: Lombardo Management INC.

PROPOSED ZONING: LI

PROPERTY LOCATION: Southwest intersection of Atlanta Road and

Mozley Drive

PROPOSED USE: Light Automotive

(1800 Atlanta Road).

Repair

ACCESS TO PROPERTY: Mozley Drive

SIZE OF TRACT: 0.374 acre

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Vacant Land

LAND LOT(S): 422, 423

PARCEL(S): 27

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** HI/ Automotive Repair Shop
- SOUTH:** CRC/ Condominiums
- EAST:** GC/ Undeveloped Land
- WEST:** TS/ Automotive Body Repair Shop

Adjacent Future Land Use:
 Northeast: Industrial Compatible (IC)
 Southeast: Industrial Compatible (IC)
 Southwest: Community Activity Center (CAC)
 Northwest: Industrial Compatible (IC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

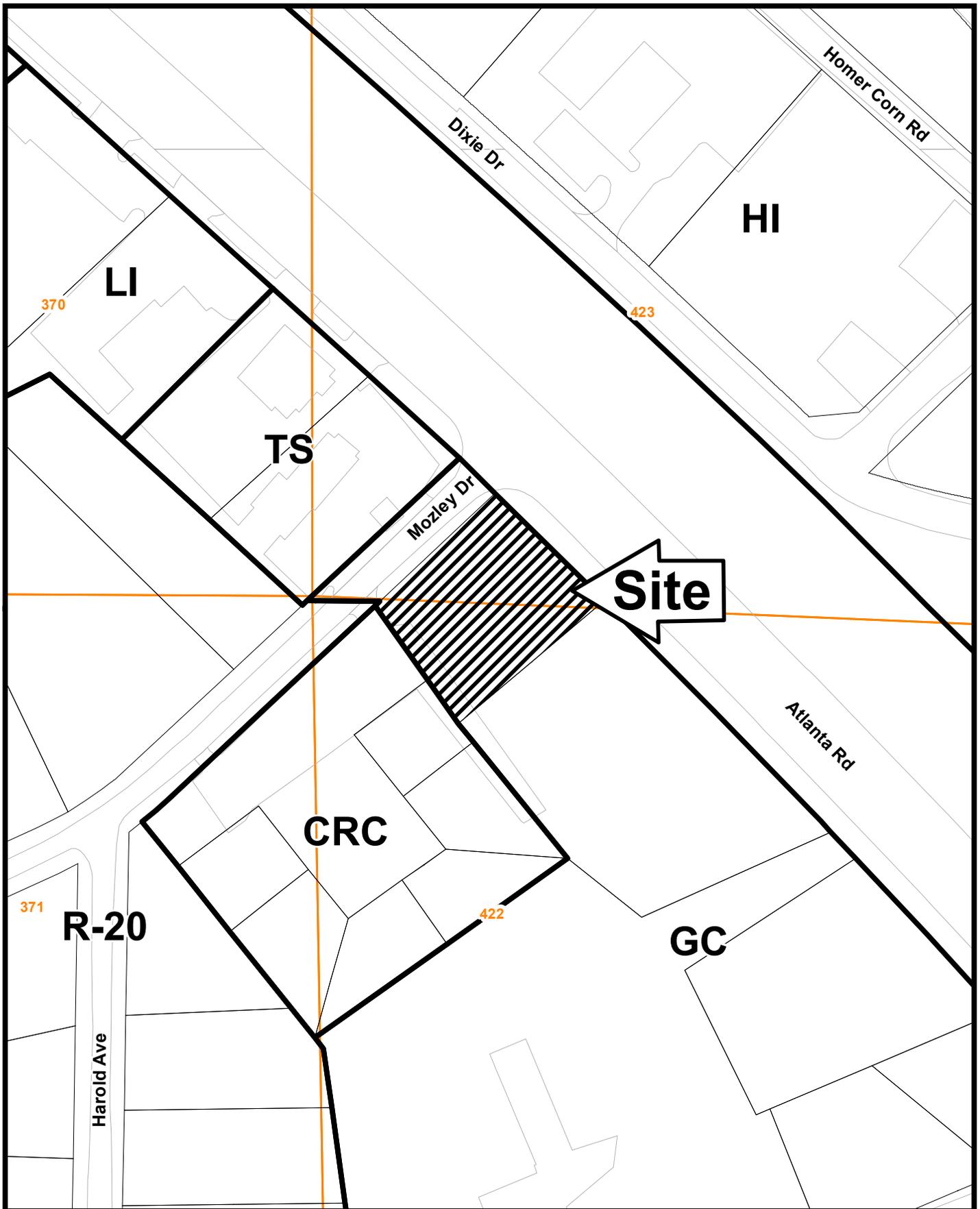
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

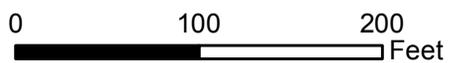
STIPULATIONS:



Z-20



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



- City Boundary
- Zoning Boundary

APPLICANT: N & S Automobile Services, LLC

PETITION NO.: Z-20

PRESENT ZONING: GC

PETITION FOR: LI

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 2241

F.A.R.: .14 **Square Footage/Acre:** 5992

Parking Spaces Required: 12 minimum **Parking Spaces Estimated:** 12

Applicant is requesting the Light Industrial (LI) zoning category for the purpose of a light automotive repair shop. The applicant intends to build a new 2,241 square foot automotive repair center with offices. Applicant intends to operate Monday through Saturday between the hours of 7:00 am until 6:00 pm. The property has not had a building for at least the past 16 years and has been zoned General Commercial (GC) since the adoption of the Zoning Code. The property is located outside of a community activity center or regional activity center therefor it must be rezoned in order to allow any development.

The request will also require the following contemporaneous variances:

- Waive the minimum lot size from 40,000 square feet to 16,291.44 square feet;
- Waive the side setback (southwestern property line) from 20 feet to 5 feet;
- Waive the rear setback (southeastern property line) from 30 feet to 5 feet and;
- Waive the maximum impervious from 70 % to 98%.

Cemetery Preservation: No comment.

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: N & S Automobile Services, LLC

PETITION NO.: Z-20

PRESENT ZONING: GC

PETITION FOR: LI

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to LI for the purpose of light automotive repair. The 0.374 acre site is located in the southwest corner of the intersection of Atlanta Road and Mozley Drive.

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 Smyrna been notified? Yes No / N/A

Comprehensive Plan

The parcel is within an Industrial Compatible (IC) future land use category, with GC zoning designation. The purpose of the Industrial Compatible (IC) category is to provide for areas that can support light industrial, office/warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

Northeast: Industrial Compatible (IC)
Southeast: Industrial Compatible (IC)
Southwest: Community Activity Center (CAC)
Northwest: Industrial Compatible (IC)

Master Plan/Corridor Study

The property is located within the boundary of the Atlanta Road 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.

Continued on next page

APPLICANT: N & S Automobile Services, LLC

PETITION NO.: Z-20

PRESENT ZONING: GC

PETITION FOR: LI

PLANNING COMMENTS: (Continued)

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.

Is the property within an Enterprise Zone? Yes No

The Smyrna-Osborne 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)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT N&S Automobile Service

PETITION NO. Z-020

PRESENT ZONING GC

PETITION FOR LI

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): 8" DI / E side of Mozley Dr.

Additional Comments:

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: On site

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

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 Comments: Code 122-123 allows Water System Director to grant a variance from required easement setback, provided that the applicant can demonstrate that the structure will not impede future installation and maintenance within the easement. Add'l site info required.

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.

APPLICANT: N & S Automotive Services, LLC

PETITION NO.: Z-20

PRESENT ZONING: GC

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Theater Branch 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 downstream receiving system.

APPLICANT: N & S Automotive Services, LLC

PETITION NO.: Z-20

PRESENT ZONING: GC

PETITION FOR: LI

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 parcel is located at the southeast corner of Atlanta Road and Mozley Drive. Almost the entire site is paved and there is an existing 30-inch storm line that traverses the parcel.
2. Since the existing site is approximately 98% impervious it is unlikely that the proposed land disturbance will meet the threshold to require stormwater management be provided. However, the depth of the existing pipe will likely require that the proposed building be relocated to allow for adequate access to that line. A minimum offset of 25 feet from the pipe will be required.
3. All automotive repairs will be required to be performed inside the building. A Stormwater Pollution Prevention Plan will be required to be submitted to the Stormwater Management Division prior to permitting.

APPLICANT: N&S Automobile Services, LLC

PETITION NO.: Z-20

PRESENT ZONING: GC

PETITION FOR: LI

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
Atlanta Road	19,500	Arterial	45 mph	Cobb County	100'
Mozley Drive	N/A	Local	25 mph	Cobb County	50'

Based on 2007 traffic counting data taken by Cobb County DOT for Atlanta Road.

COMMENTS AND OBSERVATIONS

Atlanta Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Mozley Drive is classified as a local and according to the available information the existing right-of-way does not 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 applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Mozley Drive, a minimum of 25' from the roadway centerline.

Recommend curb and gutter along the Mozley Drive frontage.

Recommend relocating the driveways on both Atlanta Road and Mozley Drive a minimum of 100 feet from the intersection of Atlanta Road and Mozley Drive.

Recommend one commercial driveway on Mozley Drive to be installed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards.

STAFF RECOMMENDATIONS

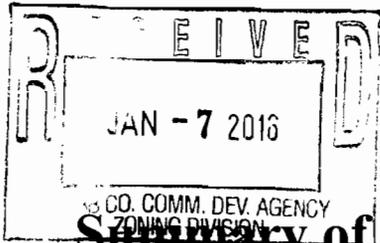
Z-20 N & S AUTOMOBILE SERVICES, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The adjacent properties are currently used as automotive related uses. The proposal will in fact, allow the owner to develop and use the property instead of it remaining a blight in the community.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposal will complement the existing automotive uses at the intersection. It will also encourage upkeep of the landscaping and the property in general.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Industrial Compatible land use category.
- 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 to the TS zoning district. The property is located outside of a community activity center or regional activity center therefor it must be rezoned in order to allow any development. Light automotive repair is consistent with nearby uses.

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

1. District Commissioner to approve final site plan;
2. District Commissioner approve building architecture and color;
3. No outdoor storage or outdoor display of merchandise;
4. Site must meet all parking standards;
5. Variances as listed in the zoning comments;
6. Fire Department comments and recommendations;
7. Sewer and Water Division comments and recommendations;
8. Stormwater Management Division comments and recommendations;
9. Department of Transportation comments and recommendations; and
10. Owner/developer to enter into a Development Agreement for pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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.



Application No. Z-20
PC: 3-1-2016
BOC: 3-15-2016

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): Minor Automotive Repair.
- b) Proposed building architecture: To be submitted under separate cover.
- c) Proposed hours/days of operation: Monday - Saturday, from 7:00 a.m. until 6:00 p.m.
- d) List all requested variances: 1) Waiver of the required lot size under the LI Zoning District;
2) Reduce the side (southwestern) setback to 5 feet; 3) Reduce rear setback to 5 feet; 4) Allow impervious
surface amount of 98% (existing); 5) Reduce the setback adjacent to sanitary sewer easement to 0 feet.

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

The subject property is within an area on Cobb County's Future Land Use Map which is designated for
Industrial Compatible ("IC") utilization and is directly contiguous to other properties in that same category
or properties designated as Community Activity Center ("CAC").

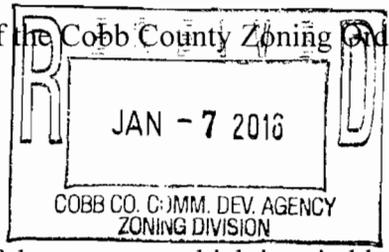
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Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(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). N/A

* 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.

**ZONING IMPACT STATEMENT FOR THE
REZONING APPLICATION OF
N & S AUTOMOBILE SERVICES, LLC**

COMES NOW, N & S AUTOMOBILE SERVICES, LLC, A GEORGIA COMPANY, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:



- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Atlanta Road Corridor.

- 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 within an area designated as Industrial Compatible (“IC”) under Cobb County’s Future Land Use Map. The property is adjacent to a multiplicity of industrial, commercial and retail uses, including the Dobbins Air Reserve Base across Atlanta Road which is zoned HI.

- 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 subject property formerly enjoyed a non-conforming “grandfathered” exemption; however, after the statutory period of time, the subject property lost its present entitlement to be used under the GC classification.

- 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 an Industrial Compatible (“IC”) Future Land Use Category and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of General Commercial (“GC”) 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 Atlanta Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 7th day of January, 2016.

SAMS, LARKIN HUFF AND BALLI, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950