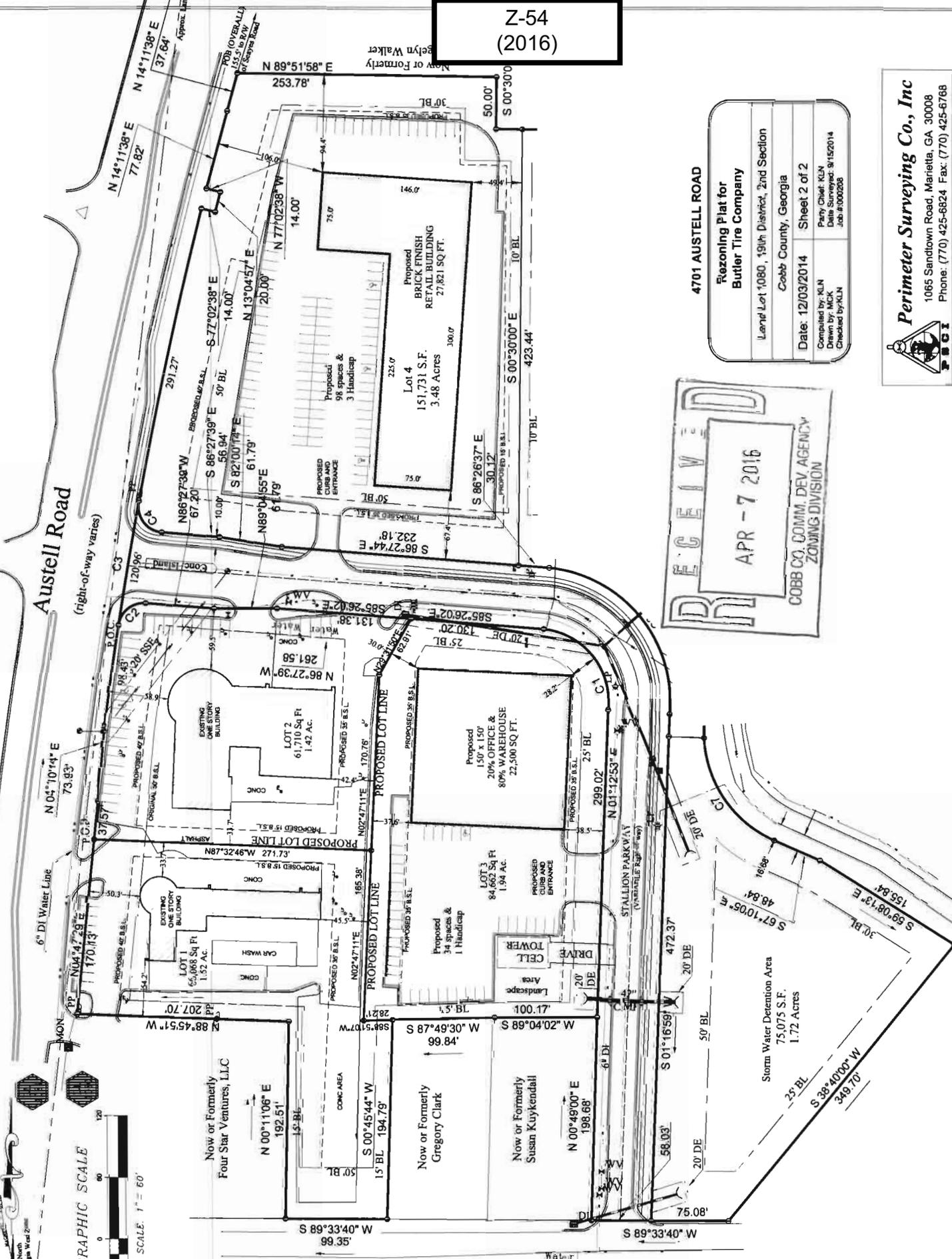


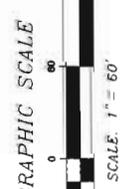
Z-54
(2016)



Austell Road
(right-of-way varies)

6" DI Water Line

6" DI Water Line



Now or Formerly
Four Star Ventures, LLC

Now or Formerly
Gregory Clark

Now or Formerly
Susan Kuykendall

Roberta Street Extension
(50' Right-of-way)

Rezoning Plat for Butler Tire Company	
Land Lot 1080, 19th District, 2nd Section	Cobb County, Georgia
Date: 12/03/2014	Sheet 2 of 2
Compiled by: KLN	Party Chief: KLN
Drawn by: MCK	Date Surveyed: 9/15/2014
Checked by: KLN	Job #: 000208

RECEIVED
APR - 7 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Perimeter Surveying Co., Inc
1065 Sandtown Road, Marietta, GA 30008
Phone: (770) 425-6824 Fax: (770) 425-6768

APPLICANT: Butler Brothers Tire Company

PETITION NO: Z-54

PHONE#: 770-973-8622 **EMAIL:** alan@butlertire.com

HEARING DATE (PC): 06-07-16

REPRESENTATIVE: J. Kevin Moore

HEARING DATE (BOC): 06-21-16

PHONE#: 770-429-1499 **EMAIL:** jkm@mijs.com

PRESENT ZONING GC

TITLEHOLDER: M.A.T. Investments, LLC

PROPOSED ZONING: NRC

PROPERTY LOCATION: East side of Austell Road, north side of Roberta Circle Extension; Westerly side of Roberta Circle; North, south east, and west sides of Stallion Parkway

PROPOSED USE: Automotive and related retail uses

ACCESS TO PROPERTY: Austell Road

SIZE OF TRACT: 10.09 acres

DISTRICT: 19

PHYSICAL CHARACTERISTICS TO SITE: Existing tire and emissions, carwash businesses and vacant acreage

LAND LOT(S): 1080

PARCEL(S): 47,54,56

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Single-family houses

SOUTH: NRC/Church; R-20 Single-family houses & South Cobb High School

EAST: GC/Office; R-15/Bennett Subdivision; R-20/Undeveloped

WEST: PSC/Commercial developments, dental office, emissions station

Adjacent Future Land Use:
North: Neighborhood Activity Center (NAC)
East: Neighborhood Activity Center (NAC)
South: Public Institution (PI)
West: Neighborhood Activity

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

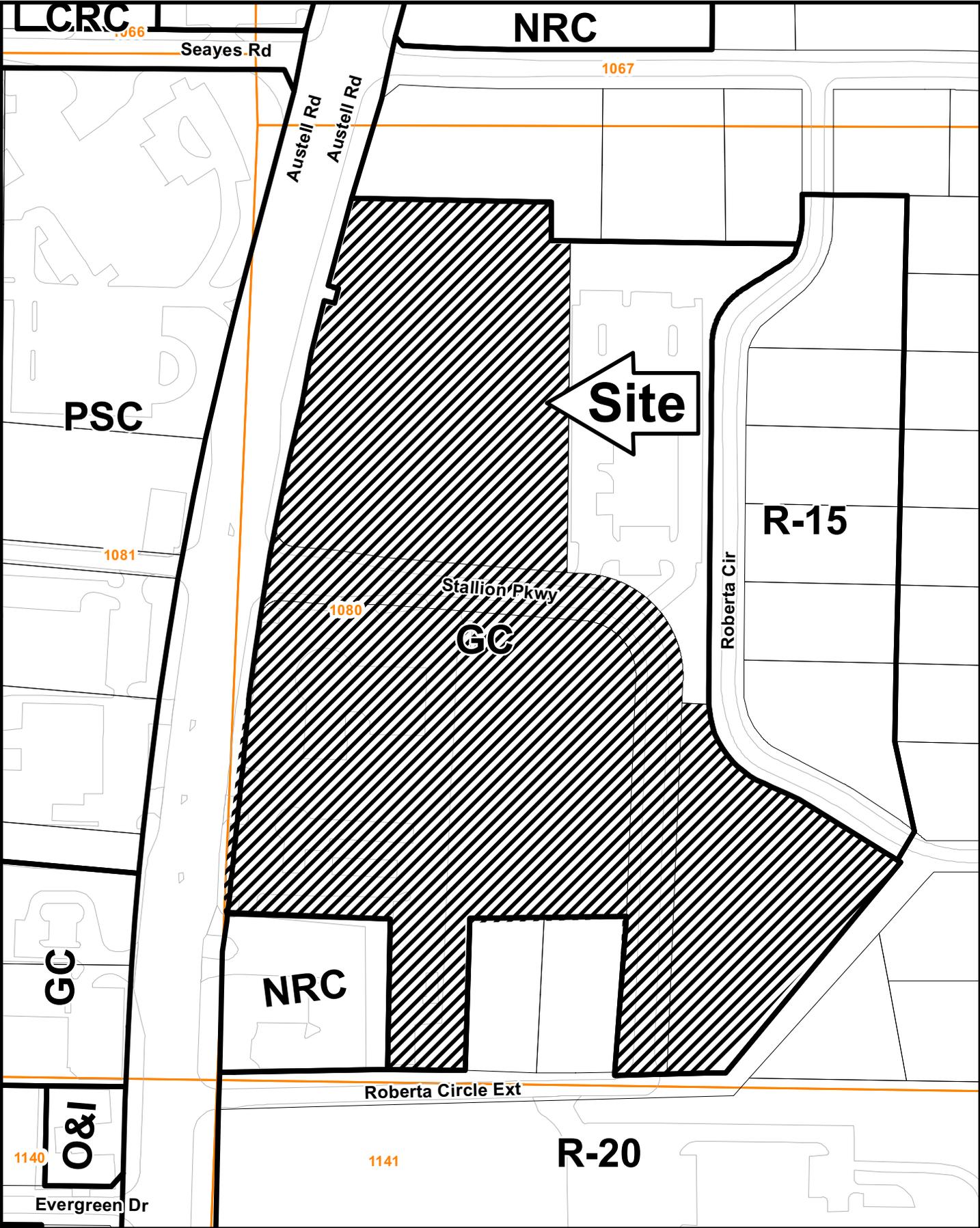
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

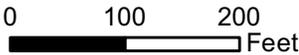
STIPULATIONS:



Z-54-2016 GIS



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Butler Brothers Tire Company

PETITION NO: Z-54

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 4(2 Existing) **Total Square Footage of Development:** 65,033

F.A.R.: 0.147 **Square Footage/Acre:** 6,445.29

Parking Spaces Required: 325 **Parking Spaces Provided:** 175

Applicant is requesting the Neighborhood Retail Commercial zoning district for the purpose of automotive and related retail uses (no used auto sales). The hours of operation will be Monday through Friday, 7:30 a.m. until 5:30 p.m., and Saturday from 7:30 a.m. until 1:00 p.m. The architecture will be concrete block, comparable with existing structures.

The proposed site plan indicates a 22,500 square-foot office/warehouse use. The proposed building will be 20% office and 80% warehouse. This use is not a permitted use under the NRC zoning district.

The proposal will require a contemporaneous variance to waive the number of required parking spaces from 325 to 175.

Cemetery Preservation: No comment.

FIRE COMMENTS:

NO 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: Butler Brother Tire Company

PETITION NO.: Z-54

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to NRC for the purpose of automotive and related retail uses. The 10.09 acre site is located on the east side of Austell Road, north side of Roberta Circle Extension; westerly side of Roberta Circle; north, south, east, and west sides of Stallion Parkway.

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 in a Neighborhood Activity Center (NAC) future land use category, with GC 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: Public Institution (PI)
West: Neighborhood Activity Center (NAC) and Public Institution (PI)

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: Butler Brother Tire Company

PETITION NO.: Z-54

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS: continued

Is the property within an Enterprise Zone? Yes No

The South Cob 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 Butler Brothers Tire Company

PETITION NO. Z-054

PRESENT ZONING GC

PETITION FOR NRC

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 / E side of Austell Road

Additional Comments: Existing buildings currently served by water

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= 1,653 Peak= 4,132

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

Dry 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: Existing buildings currently served by sewer

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: Butler Brothers Tire Company

PETITION NO.: Z-54

PRESENT ZONING: GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

This site is served by an existing stormwater detention facility. Proposed site plans must comply with approved master hydrology study for overall development.

APPLICANT: Butler Brothers Tire Company

PETITION NO.: Z-54

PRESENT ZONING: GC

PETITION FOR: NRC

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
Austell Road	34,500	Arterial	45 mph	Georgia DOT	100'
Roberta Circle Extension	N/A	Local	25 mph	Cobb County	50'
Stallion Parkway	N/A	Local	25 mph	Cobb County	50'

Based on 2013 traffic counting data taken by Cobb County DOT for Austell Road.

COMMENTS AND OBSERVATIONS

Austell 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.

Roberta Circle Extension is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Stallion Parkway is classified as a local and according to the available information the existing right-of-way does 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 GDOT permits for all work that encroaches upon State right-of-way.

STAFF RECOMMENDATIONS

Z-54 BUTLER BROTHERS TIRE COMPANY

- 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 property has existed for many years with automotive related retail uses and is located in a commercial area on Austell Road.
- 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 property will expand to include more automotive and retail uses in an area that is already developed as commercial. Used auto sales is not proposed as part of this request.
- 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 in the Neighborhood Activity Center (NAC) land use category. The requested NRC zoning district is compatible with the NAC land use. However, the additional use of an office/warehouse is not a permitted use under NRC.
- 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 approving the applicant's rezoning proposal. The existing automotive uses have been on the property for a number of years and this request is to further develop those uses.

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

1. Site plan received by the Zoning Division on April 7, 2016, with the District Commissioner approving minor modifications;
2. No used auto dealerships;
3. No outdoor storage or displays of merchandise;
4. No warehouse use;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. Department of Transportation comments and recommendations;
8. Applicant to install required landscape buffer adjacent to residentially zoned property;
9. No access to Roberta Circle; and
10. New building architecture to be approved by the District Commissioner.

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.

PC Hearing: April 7, 2016
BOC Hearing: April 21, 2016

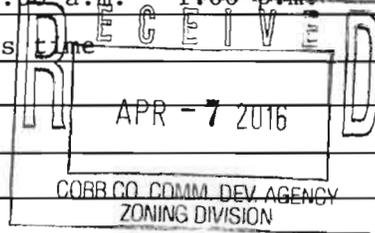
Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Not Applicable
 - b) Proposed building architecture: Not Applicable
 - c) Proposed selling prices(s): Not Applicable
 - d) List all requested variances: Not Applicable
- _____
- _____
- _____

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

- a) Proposed use(s): Automotive and related uses
 - b) Proposed building architecture: Concrete block, comparable with existing structures
 - c) Proposed hours/days of operation: Monday-Friday - 7:30 a.m. - 5:30 p.m.
Saturday - 7:30 a.m. - 1:00 p.m.
 - d) List all requested variances: None known at this time
- _____
- _____
- _____



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

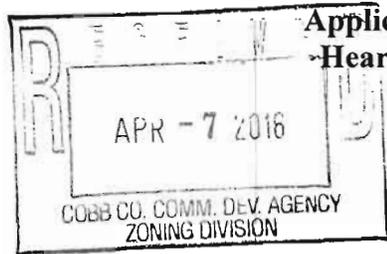
The current zoning is General Commercial ("GC"), and the same type uses are located on the Subject Property.

.....
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, to the best of our knowledge, information, and belief.

*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.

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT



Application No.:
Hearing Dates:

Z-54 (2016)
June 7, 2016 and
June 21, 2016

Applicant:
Titleholder:

Butler Brothers Tire Company
M.A.T. Investments, LLC

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The Application for Rezoning requests rezoning of property located on the easterly side of Austell Road; north of Roberta Circle Extension; and the westerly side of Roberta Circle; and on the north, south, east, and west sides of Stallion Parkway, Land Lot 1080, 19th District, 2nd Section, Cobb County, Georgia, and being 10.09 acres, more or less (hereinafter the “Property” or the “Subject Property”). The current zoning classification for the Subject Property is General Commercial (“GC”), and a portion located immediately adjacent to Austell Road is currently developed and being utilized for the use sought within the instant Application for Rezoning. Applicant seeks rezoning of the Subject Property from the grandfathered General Commercial zoning classification to the Neighborhood Retail Commercial (“NRC”) zoning classification. The proposed rezoning would allow Applicant to renovate and upgrade the existing structures; as well as construct the additional structures as proposed on the Rezoning Plat submitted with the Application for Rezoning. To accomplish this goal, it is necessary to rezone the Subject Property from the existing, grandfathered GC classification in order to perform the renovations and construct the buildings for the proposed uses.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The uses allowable under the proposed NRC zoning classification should have a minimal, if any, impact on surrounding properties. The rezoning should have a positive effect to allow for uses which would enhance the existing services offered. If approved and used according to the request, the adjacent and nearby property owners should benefit in higher land values. The county will benefit in increased revenue.
- (c) The property as zoned does not have a reasonable economic use. Approval of the requested rezoning will allow for a more reasonable, economic use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as well as the policy and intent of the Land Use Plan as evidenced by the existing zoning category of General Commercial.

- (f) The Subject Property was rezoned to the GC zoning classification and the current uses were grandfathered by Cobb County. To allow for additional development on the undeveloped portion of the Subject Property; as well as renovation and upgrades to the existing structures, and to better serve the surrounding community, the requested rezoning is necessary. These conditions make the zoning proposal consistent with current conditions affecting the Subject Property.

