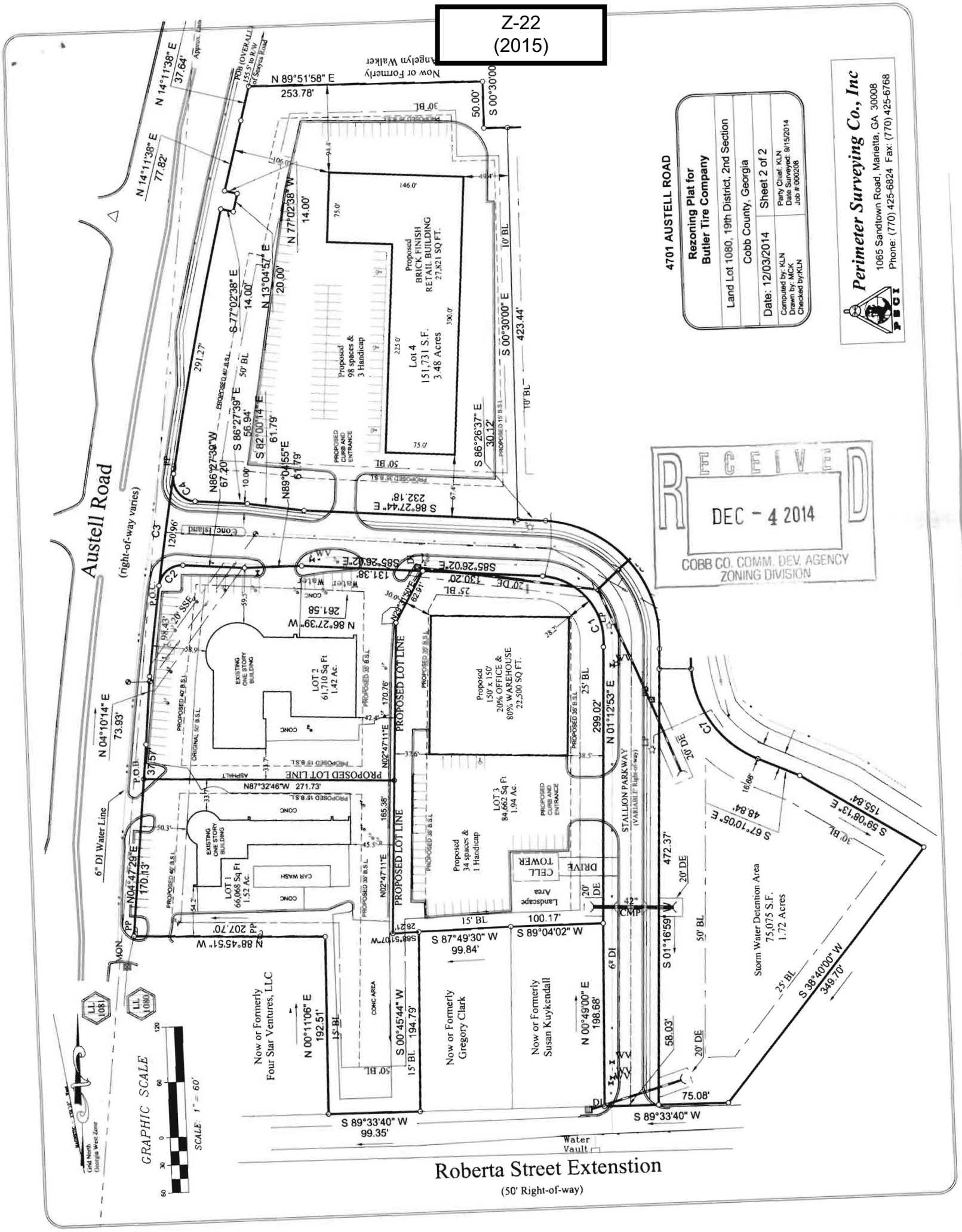
Z-22
(2015)



4701 AUSTELL ROAD
Rezoning Plat for
Butler Tire Company
Land Lot 1080, 19th District, 2nd Section
Cobb County, Georgia
Date: 12/03/2014
Sheet 2 of 2
Computed by: KLN
Drawn by: MCK
Checked by: KLN
Party Chief: KLN
Date Surveyed: 9/15/2014
Job #:000208
Perimeter Surveying Co., Inc
1065 Sandtown Road, Marietta, GA 30008
Phone: (770) 425-6824 Fax: (770) 425-6768
RECEIVED
DEC - 4 2014
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION
Austell Road
(right-of-way varies)
Roberta Street Extenstion
(50' Right-of-way)
Now or Formerly Angelyn Walker
Now or Formerly Four Star Ventures, LLC
Now or Formerly Gregory Clark
Now or Formerly Susan Kuykendall
Proposed BRICK FINISH RETAIL BUILDING 27,821 SQ FT.
Lot 4 151,731 S.F. 3.48 Acres
Proposed 98 spaces & 3 Handicap
Proposed 150' x 150' 20% OFFICE & 80% WAREHOUSE 22,500 SQ FT.
LOT 2 61,710 Sq Ft 1.42 Ac.
LOT 1 66,068 Sq Ft 1.52 Ac.
LOT 3 84,662 Sq Ft 1.94 Ac.
Proposed 34 spaces & 1 Handicap
Landscape Area
CELL TOWER
DRIVE
STALLION PARKWAY
Storm Water Detention Area 75,075 S.F. 1.72 Acres
PROPOSED LOT LINE
EXISTING ONE STORY BUILDING
CAR WASH
CONC AREA
Water Vault
GRAPHIC SCALE
SCALE: 1" = 60'
Grid North Georgia West Zone

ZONING INFORMATION

Property Zoned GC
General Commercial

The property contained in this plat is subject to all rezoning stipulations from cas Z-168 of 1988, on file with the Cobb County Zoning Division. The owner is responsible for compliance to all rezoning stipulations. Additionally, the property contained in this plat is subject to Land Disturbance Permit #080002, and other LDP's, on file with Cobb County Site Plan Review.

Setbacks:
Front - 50 Feet
Sides - 25 Feet Major Side
10 Feet Minor Side
Rear - 30 Feet

PROPOSED CRC ZONING

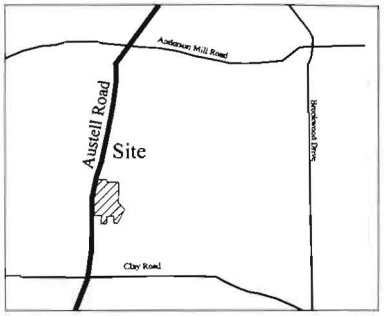
Bulk and Area Regulations.
Minimum Lot Size: 20,000 sq. ft.
Minimum Lot Width: 100 ft.
Maximum Building Height: 75 ft.
Maximum Floor Area Ratio: 0.50
Maximum Impervious Surface: 80%
Minimum landscaped area: 15%
Front Setback (arterial): 40 ft.
Front Setback (collector): 35 ft.
Front Setback (local): 35 ft.
Side Setback (major): 25 ft.
Side Setback (minor): 15 ft.
Rear Setback: 35 ft.

LEGEND

—x—x—	=Barbed Wire
SS	=Sanitary Sewer
FH	=Fire Hydrant
PP	=Power Pole
IPP	=Iron Pin Placed
IPF	=Iron Pin Found
MON	= Monument Found
LP	= Light Pole
EP	= Edge Pavement
POB	= Point of Beginning
CTP	= Crimp Top Pin Found
B/C	= Back of Curb
C/L	= Centerline
—o—o—	= Chain Link Fence
SSMH	= Sewer Manhole
SSE	= Sanitary Sewer Ease.
JB	= Junction Box
DI	= Drop Inlet
PL	= Property Line
CMP	= Corrugated Metal Pipe
RCP	= Reinforced Conc. Pipe
DE	= Drainage Easement
WV	= Water Valve
WM	= Water Meter
R/W	= Right of Way
—^—^—	= Power Line

OWNER/DEVELOPER

Butler Tire Company, Inc
Alan Dobrin
123 Powers Ferry Road
Marietta, GA 30067
770-973-8622



Vicinity Map:
(not to scale)

EXISTING

OVERALL TRACT
13.69 ACRES
1.49 ACRES STALLION PARKWAY
2.11 LESS AND EXCEPT

TOTAL TO BE REZONED 10.09 ACRES

PROPOSED TRACTS

LOT 1
66,068 Sq Ft
1.52 Ac.

LOT 2
61,710 Sq Ft
1.42 Ac.

LOT 3
84,662 Sq Ft
1.94 Ac.

LOT 4
151,731 S.F.
3.48 Acres

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ZONING DIVISION

Z-22
(2015)

SURVEYOR'S NOTES

All lot corners will be marked with 1/2" rebar pins unless otherwise noted

A Topcon Total Station was used to obtain the angular and linear measurements used in the preparation of this plat.

The field data upon which this plat is based has a closure one foot in 25,000+ feet an an angular error of 3" per angle point, and was adjusted using Compass Rule.

Date of field survey: 9/15/2014

This plat has been calculated for closure and is found to be accurate within one foot in 248,560 feet.

Bearings shown on this plat are based on one magnetic observation and angles turned.

This plat subject to all easements public and private.

Flood Note

According to F.I.R.M. Community Panel #13067C0203H, dated March 4, 2013 this property is not located in an area having special flood hazards.

NUMBER	ARC LENGTH	CHORD DIRECTION	RADIUS	CHORD LENGTH
C1	112.17	N 39°31'24" W	70.88	100.83
C2	37.46	S 50°37'01" W	25.00	34.05'
C3	510.66	N 09°43'30" E	4427.66	510.38
C4	41.67	S 38°29'28" E	25.00	37.01'
C5	26.65	S 28°58'56" W	26.16	25.51
C6	85.35	S 28°12'30" W	85.17	81.82
C7	127.67	S 35°16'34" E	115.00	121.21
C8	205.37	N 40°19'34" W	130.88	184.94

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

GEORGIA REGISTERED No 2104 12/03/14 LAND SURVEYOR KENNETH L. NEDDT

4701 AUSTELL ROAD

Rezoning Plat for
Butler Tire Company

Land Lot 1080, 19th District, 2nd Section
Cobb County, Georgia

Date: 12/03/2014	Sheet 1 of 2
Computed by: KLN Drawn by: MCK Checked by:KLN	Party Chief: KLN Date Surveyed: 9/15/2014 Job #:000208

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APPLICANT: Butler Brothers Tire Company

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

REPRESENTATIVE: J. Kevin Moore

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

TITLEHOLDER: M.A.T. Investments, LLC

PROPERTY LOCATION: Easterly side of Austell Road, north of Roberta Circle Extension, westerly side of Roberta Circle, north, south, east and west sides of Stallion Parkway (4071 Austell Road).

ACCESS TO PROPERTY: Austell Road and Stallion Parkway

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

PETITION NO: Z- 22

HEARING DATE (PC): 02-03-15

HEARING DATE (BOC): 02-17-15

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Automotive and Related Retail Uses and Used Auto Sales

SIZE OF TRACT: 10.09 acres

DISTRICT: 19

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 and GC/Office

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

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

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

OPPOSITION: NO. OPPOSED____PETITION NO:_____SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED_____MOTION BY_____

REJECTED_____SECONDED_____

HELD_____CARRIED_____

BOARD OF COMMISSIONERS DECISION

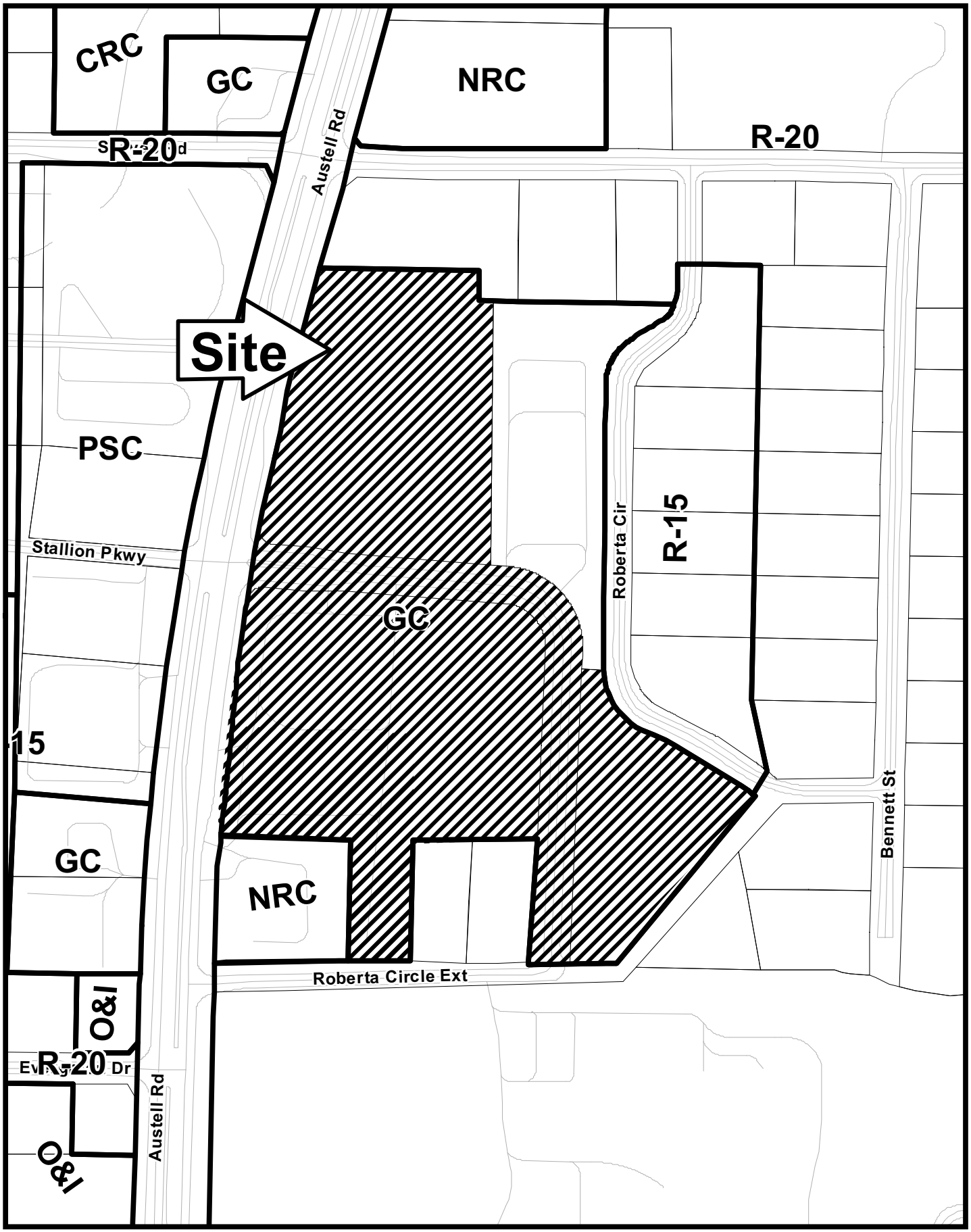
APPROVED_____MOTION BY_____

REJECTED_____SECONDED_____

HELD_____CARRIED_____

STIPULATIONS:

Z-22



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

0 200 400 Feet

City Boundary

Zoning Boundary

APPLICANT: Butler Brothers Tire Company **PETITION NO.:** Z-22

PRESENT ZONING: GC **PETITION FOR:** NRC

* *

ZONING COMMENTS: **Staff Member Responsible:** Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center

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: 230 **Parking Spaces Provided:** 175

Applicant is requesting the Neighborhood Retail Commercial zoning category for the purpose of automotive and related retail uses, including used auto sales in the existing building in the southwest corner of the property and an office/warehouse. The hours of operation will be Monday through Friday from 7:30 a.m. unto 5:30 p.m. The architecture will be concrete block, comparable with the existing buildings.

The NRC zoning category does not accommodate the used auto lot use, but the applicant has applied for a Special Land Use Permit concurrently with this rezoning application. In this regard the zoning request will require a contemporaneous variance to waive the requirement to have one acre paved for the parking of the cars for sale, in addition to the building on the property. The applicant is also requesting to be allowed to have the used auto dealer in NRC, when it would not otherwise be permitted in NRC. Used auto dealers are supposed to be located in CRC, GC, RRC, LI and HI, all as a special exception with a Special Land Use Permit. Also, the proposed site plan indicates a 22,500 square-foot office/warehouse. This use is not a permitted use under NRC.

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: Butler Brothers Tire Company **PETITION NO.:** Z-22

PRESENT ZONING: GC **PETITION FOR:** NRC

* *

PLANNING COMMENTS:

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

Comprehensive Plan

The parcel is within a Neighborhood Activity Center **(NAC)** future land use category, with GC zoning designation. The purpose of the (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.

Master Plan/Corridor Study

Not applicable.

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.

Is the property within an Enterprise Zone? ■ Yes ☐No
The 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.

APPLICANT: Butler Brothers Tire Company **PETITION NO.:** Z-22

PRESENT ZONING: GC **PETITION FOR:** NRC

* *

PLANNING COMMENTS: **(Continued)**

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

APPLICANT Butler Brothers Tire Company | PETITION NO. Z-022

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 / S and W side of Stallion Pkwy

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= +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	
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	

*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

Additional Comments:

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-22

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-22**

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	GDOT	100’
Stallion Parkway		Local	25	Cobb	60’

Based on [2013] traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Austell Road is classified as an arterial, a state route, 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-22 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.

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 category is compatible with the NAC land use. However, the additional use of a used auto dealer is not a permitted use under the NRC zoning category. The used auto dealer use is allowed in CRC, GC, RRC, LI and HI, as a special exception with a Special Land Use Permit.

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 excluding the used auto dealer use. The existing automotive uses have been on the property for a number of years.

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

- No used auto dealerships;
- No outdoor storage;
- No expansion of existing automotive businesses and no other light auto repair establishments to exceed 8,000 square feet in floor area;
- No warehouse use;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation 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.

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Application #: Z-22 (2015)
PC Hearing Date: 02/03/2015
BOC Hearing Date: 02/17/2015

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 known at this time.

Part 5. Is this application a result of a Code Enforcement action? No X ;Yes___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature: BY: _____ **Date:** December 4, 2014

J. Kevin Moore; Georgia Bar No. 519728

Applicant name (printed): Attorneys for Applicant and Property Owner

***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.**

Revised August 21, 2013

Z-22 (2015)
Impact Analysis

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Application No.: **Z-22 (2012)**
Hearing Dates: **February 7, 2012 and February 21, 2012**

Applicant: **Butler Brothers Tire Company**
Titleholder: **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, northerly of Roberta Circle extension located in 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.