

(2010) Z-7

TITLE: BOUNDARY SURVEY
PROJECT: Inga Body Shop & Leader Road
 Marietta, Georgia

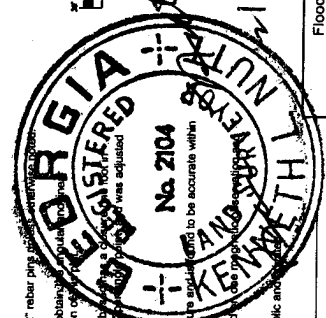
Land Use Permit Plat for:
Inga Body Shop & Auto Sales
 Land Lot 211,212, 221 & 222, 17th Dist., 2nd Sect.
 Cobb County, Georgia

Date: 12-24-2009
 Sheet 1 of 1
 Computed by: RSN/ut
 Drawn by: RSN/ut
 Checked by: KLN/ut
 Party Checked: N/ut
 Date Surveyed: 12/11/2009
 Job #: 011306

Flood Note

According to F.I.R.M. Community Panel # 13067031463
 this property is located in an area having special flood
 hazard potential. Flood Elevation: 14.00ft.

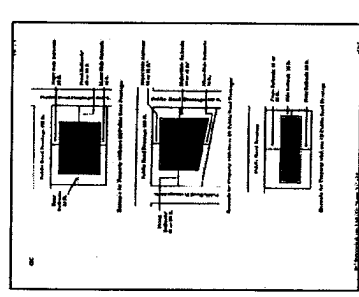
Kenneth L. Nutt, RLS #2104



SURVEYOR'S NOTES

All lot corners will be marked with 1/2" rebar pins. The
 A Topcon Total Station was used to obtain all measurements used in the preparation of this plat.
 The field data upon which this plat is based is based on 25,000+ feet and an angular error of 3" per 100,000 feet using a Compass Rule.
 Date of field survey: 12/11/2009
 This plat has been calculated for cobble and rounded to be accurate within one foot in 100,000+ feet.
 Bearings shown on this plat are based on true north and angles turned.

- LEGEND**
- Hog Wire
 - SS — Sanitary Sewer
 - Power Pole
 - Power Pole
 - OP — Iron Pin Found
 - OP — Iron Pin Found
 - DLP — Light Pole
 - EP — Edge Pavement
 - CP — Point of Beginning
 - BC — Back of Curb
 - CL — Centerline
 - SSM — Chain Line Fence
 - SS — Sanitary Sewer Easement
 - JB — Junction Box
 - PL — Drop Iron Line
 - CP — Compacted Metal Pipe
 - RC — Reinforced Concrete
 - WM — Water Meter
 - WM — Water Meter
 - R/W — Right of Way
 - Calculated Corner

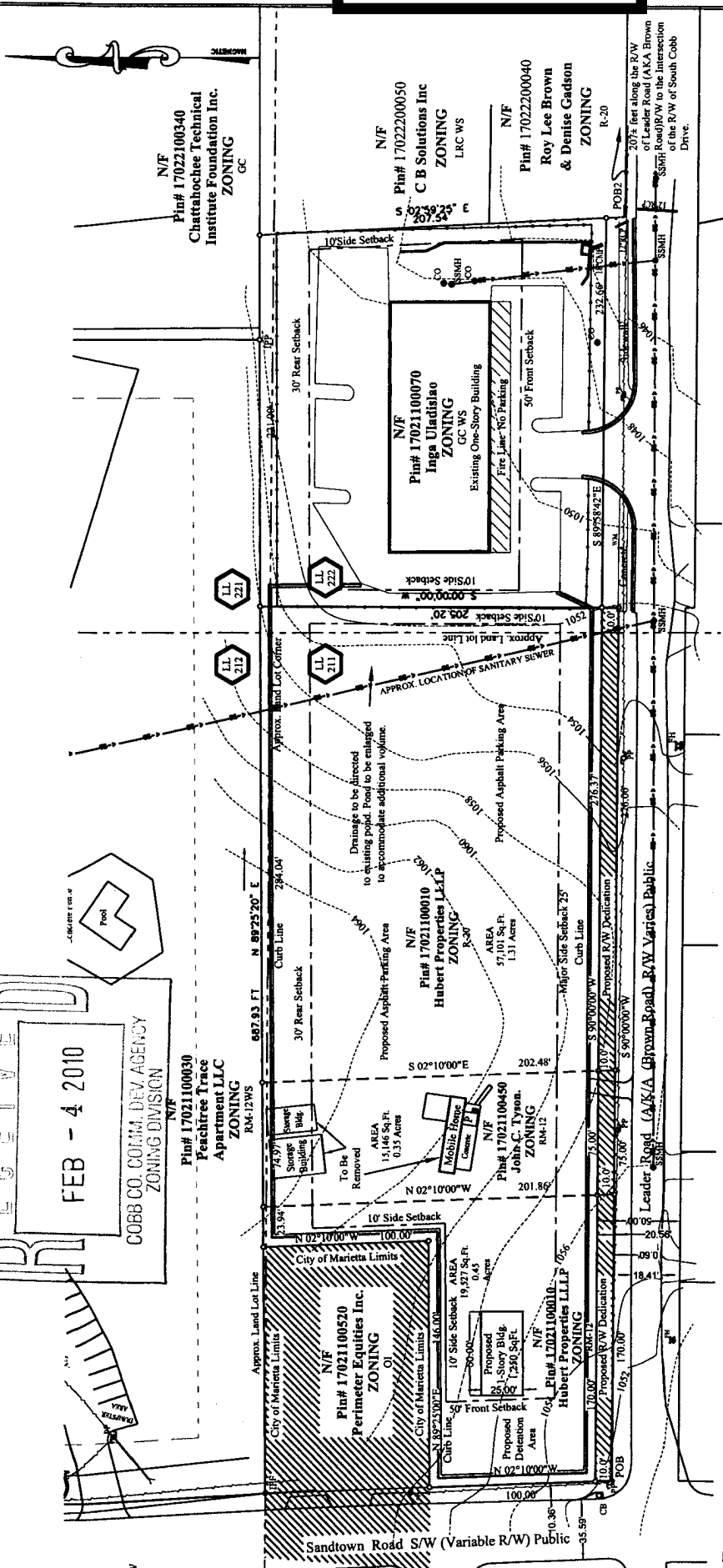


Proposed Zoning GC
 Minimum Lot Size: 20,000 SqFt
 Minimum Lot Width at front setback: 60'

TOTAL SITE AREA:
 91,774 SqFt.
 2.11 Acres

Note: All Existing Structures on Parcel # 17021100450 to be removed.

Area of R/W Dedication
 5242 SqFt.
 0.12 Acres



RECEIVED
 FEB - 4 2010
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

N/F
 Pin# 17022100340
 Chaatrahocchee Technical
 Institute Foundation Inc.
 ZONING
 GC

N/F
 Pin# 17022200050
 C B Solutions Inc
 ZONING
 LRC WS

N/F
 Pin# 17022200040
 Roy Lee Brown
 & Denise Gadsden
 ZONING
 R-20

N/F
 Pin# 17021100070
 Inga Uladislo
 ZONING
 GC WS
 Existing One-Story Building
 Fire Lane, NG Parking

N/F
 Pin# 17021100010
 Hubert Properties LLLP
 ZONING
 LLLP
 AREA
 57,101 Sq. Ft.
 1.31 Acres

N/F
 Pin# 17021100450
 John C. Tyson
 ZONING
 RM-12
 AREA
 19,873 Sq. Ft.
 0.45 Acres

N/F
 Pin# 17021100520
 Perimeter Equities Inc.
 ZONING
 OI
 AREA
 19,873 Sq. Ft.
 0.45 Acres

N/F
 Pin# 17021100030
 Perchtree Trace
 Apartment LLC
 ZONING
 RM-12WS

N/F
 Pin# 17021100018
 Hubert Properties LLLP
 ZONING
 LLLP
 AREA
 19,873 Sq. Ft.
 0.45 Acres

APPLICANT: Inga Auto Sales

770-794-1717

REPRESENTATIVE: Sams, Larkin & Huff, LLP

Parks F. Huff 770-422-7016

TITLEHOLDER: Hubert Properties, LLLP, John Charles Tyson

PROPERTY LOCATION: Located at the northeast intersection of
Sandtown Road and Leader Road.

ACCESS TO PROPERTY: Leader Road

PHYSICAL CHARACTERISTICS TO SITE: Wooded with a few
older buildings

PETITION NO: Z-7

HEARING DATE (PC): 03-02-10

HEARING DATE (BOC): 03-23-10

PRESENT ZONING: R-20, RM-12

PROPOSED ZONING: GC

PROPOSED USE: Auto Sales

SIZE OF TRACT: 2.11 acres

DISTRICT: 17

LAND LOT(S): 211, 212, 221, 222

PARCEL(S): 1, 45

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RM-12/ Georgian Arms subdivision

SOUTH: GC, R-20/ Abundant Life Church of Pentecost, Single-family houses

EAST: GC/ Palmer's Transmission Service

WEST: GC/ Inga Auto Repair

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

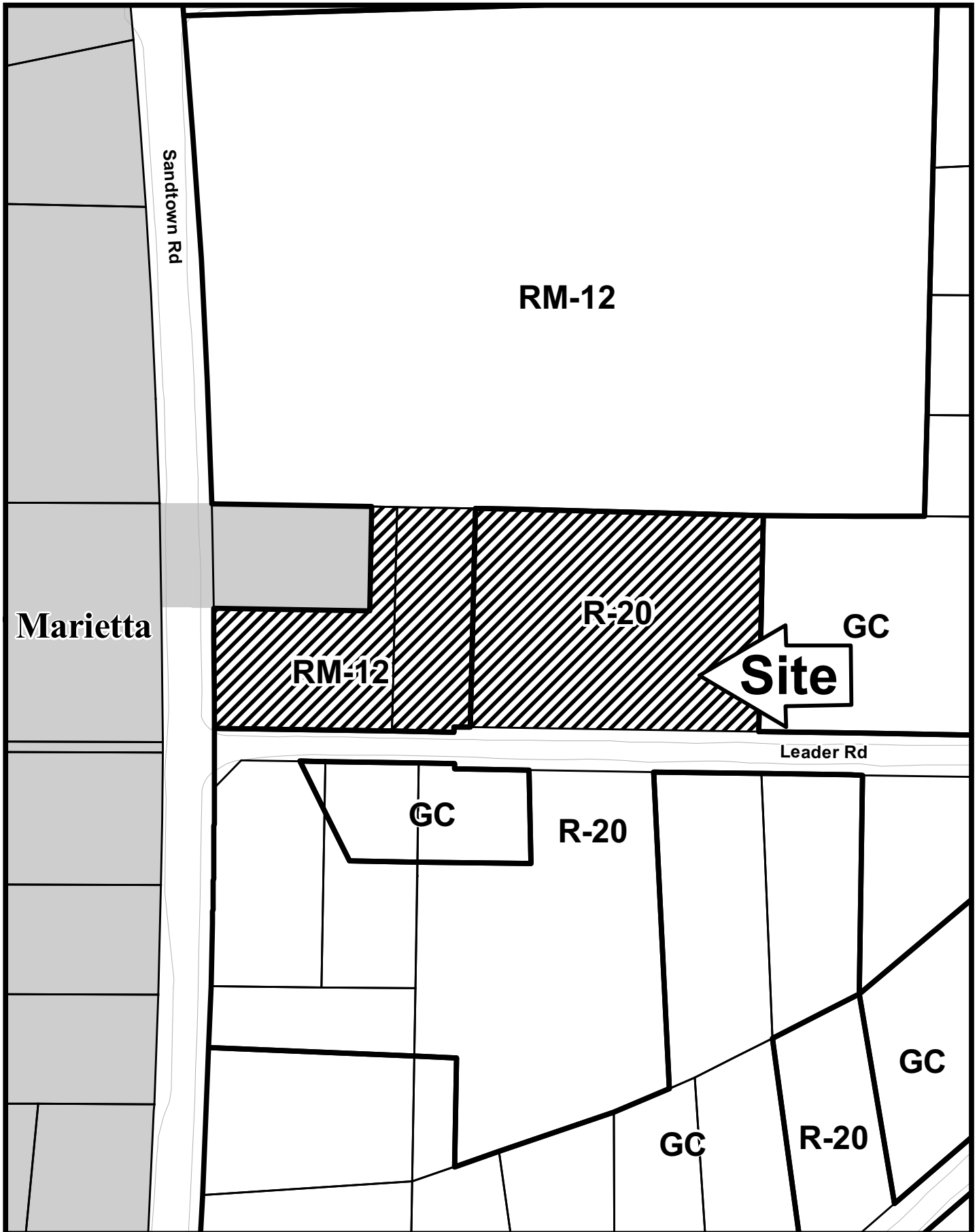
APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

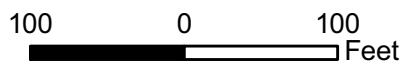
HELD _____ **CARRIED** _____



STIPULATIONS:





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



-  City Boundary
-  Zoning Boundary

APPLICANT: Inga Auto Sales

PETITION NO.: Z-7

PRESENT ZONING: R-20, RM-12

PETITION FOR: GC

PLANNING COMMENTS: **Staff Member Responsible:** John P. Pederson, AICP

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 1,250

F.A.R.: 0.01 **Square Footage/Acre:** 592

Parking Spaces Required: 5 **Parking Spaces Provided:** 20

The applicant is requesting rezoning to the GC zoning district to develop a used car lot. All the existing structures will be demolished and a one-story masonry building will be constructed for the used car sales office. The business will be open Monday through Friday with business hours of 9:00 am to 5:00 pm. The applicant owns the auto repair shop next door, where cars will be serviced. The applicant’s proposal would have the required one-acre of paved parking. The applicant has submitted a Zoning Impact Statement (see Exhibit “A”).

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.

Cemetery Preservation: No comment.

FIRE COMMENTS:

Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal’s Office.

Fire Hydrant-Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT Inga Auto Sales

PETITION NO. Z-007

PRESENT ZONING R-20, RM-12

PETITION FOR GC

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 6" DI / S side Leader Rd

Additional Comments: Records show #40 Leader Rd Connected

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:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: In Leader Rd

Estimated Waste Generation (in G.P.D.): **A D F** 125 **Peak** 300

Treatment Plant: S Cobb

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- Flow Test Required? 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Records show #40 Leader Rd Connected

Notes FYI:

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 off site easements, dedication of on and/or off site 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: Inga Auto Sales

PETITION NO.: Z-7

PRESENT ZONING: R-20, RM-12

PETITION FOR: GC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Olley 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 CONDITION

- 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 existing downstream receiving system.

APPLICANT: Inga Auto Sales

PETITION NO.: Z-7

PRESENT ZONING: R-20, RM-12

PETITION FOR: GC

DRAINAGE 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 site is situated on a natural ridgeline such that approximately half of the site drains to the east to the existing Inga Auto facility. The remainder of the site drains to the southwest corner toward the intersection of Sandtown and Leader Roads. The proposed site plan proposes to expand the existing detention pond located at the southeast corner of the current Inga Auto site to accommodate the new development. Based on site observation, there may not be adequate area available to expand the existing pond to meet current requirements. An additional stormwater management facility may be required which will need to be addressed at Plan Review. The new proposed detention pond to be located at the southwest corner of the site must be tied directly into the existing junction box located at the intersection of Sandtown and Leader Roads.

APPLICANT: Inga Auto Sales

PETITION NO.: Z-7

PRESENT ZONING: R-20, RM-12

PETITION FOR: GC

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
Sandtown Road	12200	Major Collector	35 mph	Cobb County	80'
Leader Road	800	Local – Nonresidential	25 mph	Cobb County	60'

*Based on 2006 traffic counting data taken by Cobb County DOT (Sandtown Road)
Based on 1993 traffic counting data taken by Cobb County DOT (Leader Road)*

COMMENTS AND OBSERVATIONS

Sandtown Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Leader Road 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.

Proposed driveway shall be built to Cobb County commercial standards.

Install curb, gutter, and sidewalk along Leader Road frontage.

Install sidewalk along Sandtown Road frontage.

RECOMMENDATIONS

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 east side of Sandtown Road, a minimum of 40' from the roadway centerline.

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 north side of Leader Road, a minimum of 30' from the roadway centerline.

Recommend one driveway on Leader Road.

Recommend building the proposed driveway to comply with Cobb County commercial standards.

Recommend installing curb, gutter, and sidewalk along the Leader Road frontage.

Recommend installing sidewalk along the Sandtown Road frontage.

Recommend no access to Sandtown Road.

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

STAFF RECOMMENDATIONS

Z-7 INGA AUTO SALES

The applicant's proposal is located in an area that has commercial activity, in a Community Activity Center. The applicant's proposal meets the required one-acre minimum paved area for a used car lot. The area does have many types of commercial uses, including retail, restaurants, offices, automotive uses and institutional uses. It is Staff's opinion the applicant's proposal meets the zoning requirements for a used car lot. However, Staff notes that the existing used car lots in the County seem to go out-of-business on a regular basis and remain vacant for a period of time. This scenario does not help the aesthetics of the area, and Staff would be reluctant to recommend approval of the applicant's request, without many stipulations controlling the use of the property. Staff would suggest deleting the application to CRC, which allows used car sales, but would exclude other heavier uses if the property ever redevelops. Based on the above analysis, Staff recommends DELETION to CRC subject to:

- Site plan received by the Zoning Division February 4, 2010, with the District Commissioner approving minor modifications to site layout;
- used vehicle sales and repair for the applicant only (any other user to be approved by the Board of Commissioners);
- Parking lot trees and 35-foot landscape buffer adjacent to the apartment property to the north be installed per County standards, and approved by the County Arborist at Plan Review;
- No junk or inoperative vehicles kept on site;
- No repossessed vehicles kept on site;
- No outdoor storage (except for used vehicles);
- No parking or unloading vehicles in the Right-of-way;
- All vehicle repairs be done inside of building;
- All exterior lighting be designed to eliminate any stray light onto adjacent properties;
- No outdoor speakers or pagers;
- Fire Department comments;
- Stormwater Management comments and recommendations; and
- DOT 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.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF INGA AUTO SALES**


COMES NOW, INGA AUTO SALES, and pursuant to Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this its Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property that is suitable in the context of the development and existing zonings of properties located between Sandtown Road and South Cobb Drive. The subject property is at the intersection of Sandtown Road and Leader Road, and the predominant zoning in the area between Sandtown Road and South Cobb Drive is General Commercial (GC).
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties. The surrounding properties are a mixture of commercial and high-density residential uses and the proposed use of the property as a car sales lot will not have a negative impact on the adjacent properties. In fact, the proposed use is an expansion of the Applicant's existing auto body shop that is located at 50 Leader Road.

- C. The subject property has no reasonable economic use as currently zoned especially considering the fact that it is a mixture of RM-12 and R-20. Additionally, the fair market value of the subject property falls below the range of values of similarly zoned and situated properties with equivalent utility.
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, the existing streets, transportation facilities, utilities or schools. The proposed use as a car lot adjacent to the traffic corridors of South Cobb Drive and Sandtown Road will not overly burden the streets.
- E. The zoning proposal is consistent with the property's designation as a Community Activity Center (CAC) as defined by the Cobb County's Comprehensive Land Use Plan and Future Land Use Map. Additionally, the current zoning categories of RM-12 and R-20 are inconsistent with the Community Activity Center (CAC) designation.
- F. There is no substantial relationship between the existing zoning classifications of RM-12 and R-20 in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of the development within this Community Activity Center (CAC) there is no established land use principle or political consideration which would vitiate the zoning proposal.

Respectfully submitted, this 29 day of January, 2010.

SAMS, LARKIN & HUFF, LLP

By:  _____

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