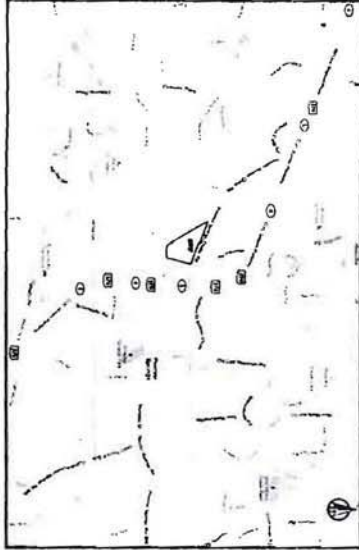


**SLUP-2
(2012)**

AERIAL IMAGE



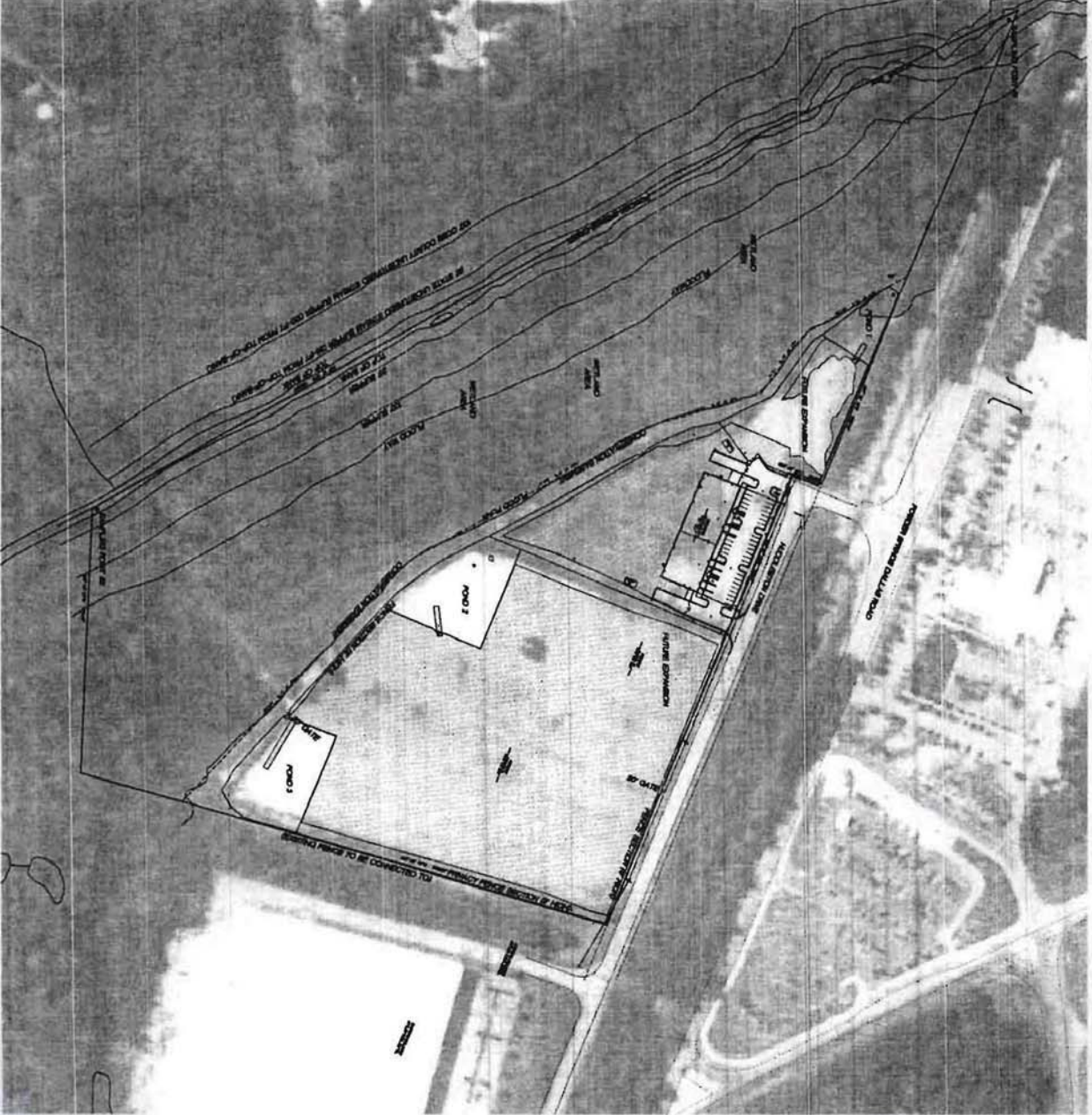
VICINITY MAP



RECEIVED

APR - 4 2012

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



EX1	OVERALL PLAN <small>PROJECT NUMBER: 110012 DATE: APR 03, 2012</small>	VOUKLAN <small>REVISED</small>	<small>VOUKLAN 2004 N. COMMERCE DR. STE 100 ATLANTA, GA 30249 PHONE: 478.278.9201 WWW.VOUKLAN.COM Copyright © 2012</small>		M & R USED AUTO PARTS, INC. POINT WEST BUSINESS CENTER <small>4995 POWDER SPRINGS DALLAS ROAD POWDER SPRINGS, GA 30127</small> <small>PKP 1/20/2012 COB COUNTY JURISDICTION</small>
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APPLICANT: SELMA, LLC

(404) 936-0252

REPRESENTATIVE: Mohammed "Ike" Taher

(404) 936-0252

TITLEHOLDER: SELMA, LLC

PROPERTY LOCATION: Southwest side of Huddleston Drive,

southwest of Powder Springs Dallas Road

(4995 Powder Springs Dallas Road).

ACCESS TO PROPERTY: Huddleston Drive

PHYSICAL CHARACTERISTICS TO SITE: Graded

PETITION NO: SLUP-2

HEARING DATE (PC): 06-05-12

HEARING DATE (BOC): 06-19-12

PRESENT ZONING: HI

PROPOSED ZONING: Special Land

Use Permit

PROPOSED USE: Salvage and Recycling

and Sale of Auto Parts

SIZE OF TRACT: 17.5 acres

DISTRICT: 19

LAND LOT(S): 824

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: City of Powder Springs/AT&T service truck parking, GRTA Park and Ride lot

SOUTH: HI, R-80/Wooded

EAST: HI/Leeman Architectural Woodworking

WEST: HI/Applicant's property graded abutting wooded area

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

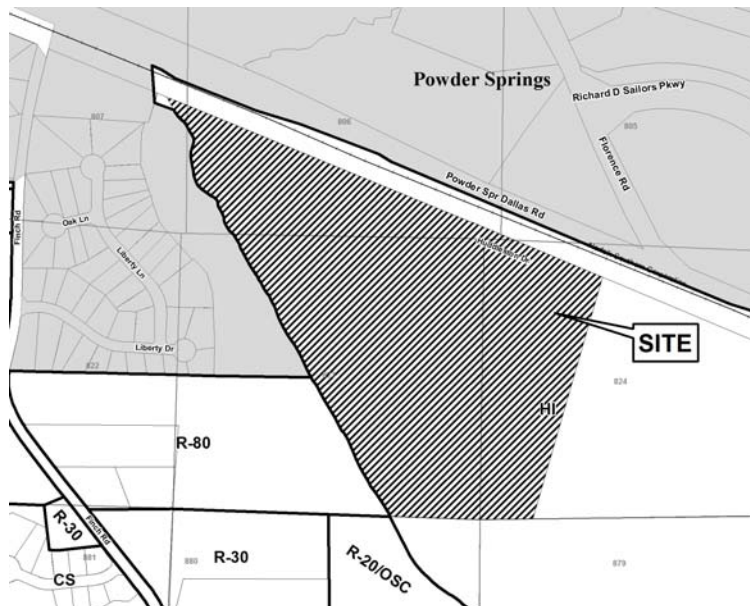
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

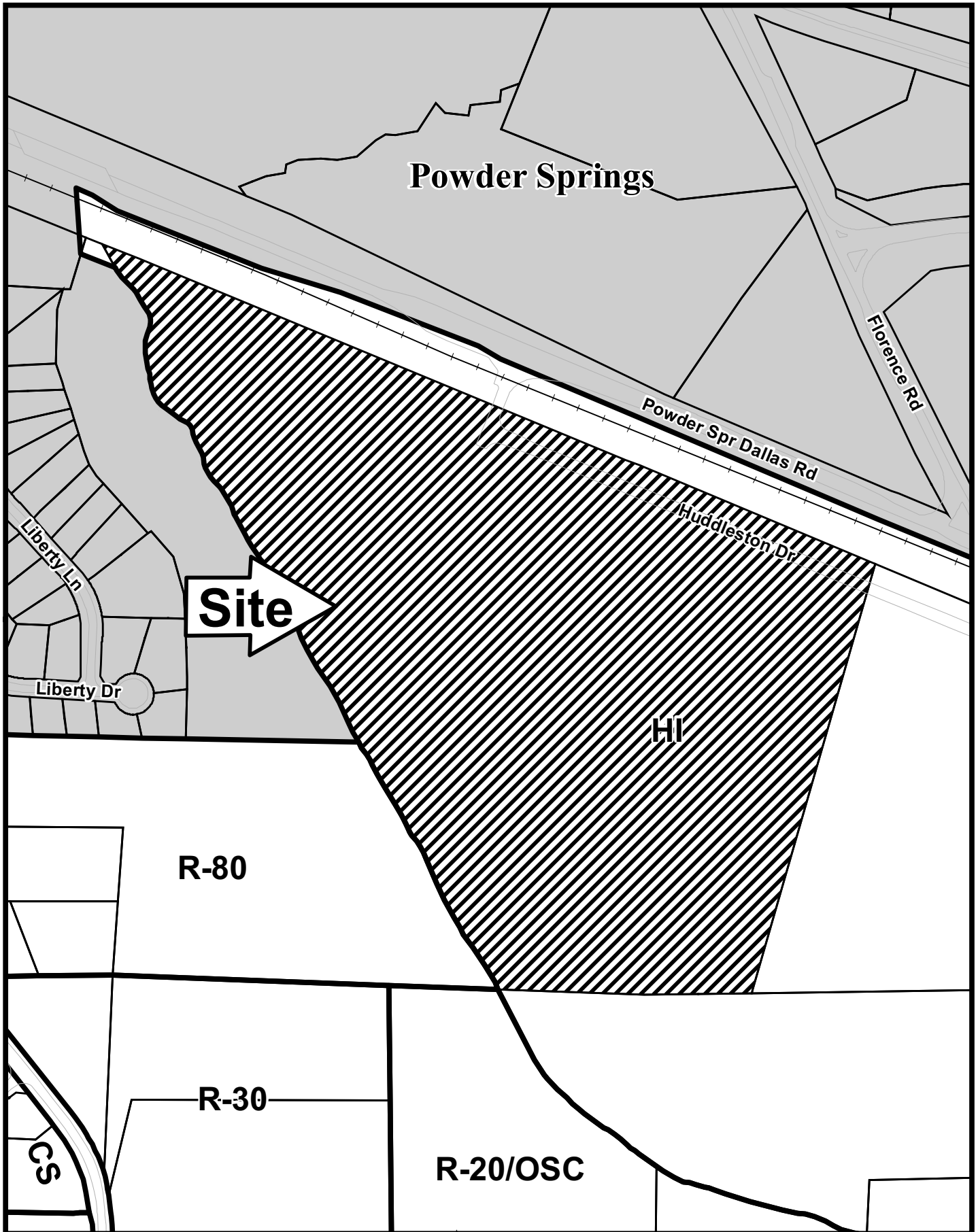
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

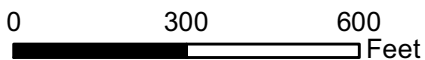
STIPULATIONS:





SLUP-2



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



-  City Boundary
-  Zoning Boundary

APPLICANT: SELMA, LLC

PETITION NO.: SLUP-2

PRESENT ZONING: HI

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Special Land Use Permit for the purpose of developing a salvage facility and sale of vehicular parts. The proposed use is to be located on applicant’s tract immediately southeast of its property that was the subject of SLUP-7 of 2011 (minutes attached as exhibit). The hours of operation will be Monday through Saturday from 8:30 a.m. until 6 p.m., with no business operations on Sunday. Applicant has indicated that there will five-six employees on site during the hours of operation and on-site security including video surveillance will be provided. While the proposed site for the business sits within the larger portion of the property and no landscape buffers are required abutting same zonings, applicant is proposing to construct an eight-foot privacy fence around the front and sides of the subject property with said area being fenced having controlled ingress/egress by way of automated gates on both sides of the proposed building. The business will utilize a small portable crusher once a month. The proposed use area will be gravel/crush and run. The proposed application includes metal recycling in addition to automobiles. Containers will be used for the metal.

This application seeks the following contemporaneous variance:

Automobile/metal salvage facility and sale of vehicular parts in an Industrial Compatible land use category, instead of the required Industrial category.

Historic Preservation: No comment

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments (Powder Springs Water and Sewer Area).

TRAFFIC COMMENTS:

Huddleston 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. 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 Huddleston Drive, a minimum of 30’ from the roadway centerline. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

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: SELMA LLC

PETITION NO.: SLUP-2

PRESENT ZONING: HI

PETITION FOR: SLUP

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Powder Springs Creek FLOOD HAZARD INFO:

- 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 receiving stream (Powder Springs Creek).

APPLICANT: SELMA LLC

PETITION NO.: SLUP-2

PRESENT ZONING: HI

PETITION FOR: SLUP

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. A Notice of Intent must be filed with the Georgia Environmental Protection Division for this site for coverage under the NPDES General Permit to discharge stormwater associated with industrial activities. This facility will be classified under the Standard Industrial Classification (SIC) Code 5015 for salvage yards and automobile recycling operations. Any requirements associated with this permit must be addressed including the development of a written stormwater pollution prevention plan (SWPPP) for the site.
2. The current approved LDP must be revised to cover the expanded site. The current hydrology study must be revised to reflect that on-site detention will be provided. No material storage will be allowed in the floodplain and the 100-foot stream buffer must be placed in a Conservation Easement.

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STAFF RECOMMENDATIONS

SLUP- 2 SELMA, LLC

While the proposed automobile salvage and vehicular parts sales is allowed under the Heavy Industrial zoning category, only as a special exception in the Industrial Compatible land use category, Staff believes there is reason to support the current application and include metal recycling. The proposed businesses will be situated on the smaller section, outlined on the site plan, of the overall 37.25-acre tract. The applicant has indicated the intent to fence in the rear portion of the business site. The subject property was originally approved as part of LDP-050407 as part of the Pointe West Business Center. This portion, however, was not developed. The property is a continuation of the HI zoning of the overall 37.25 acres and is there is no development adjacent to the residentially zoned properties to the south and west. In keeping with the requirements for this particular use, applicant has indicated that the proposed business will be located 750 feet from the nearest residential development, crossing a conservation easement parcel, including 100-year floodplain.

Staff recommends APPROVAL subject to the following:

- General conformance with the site plan received by the Zoning Division on April 4, 2012, with the District Commissioner approving minor modifications;
- Allowing this use in the Industrial Compatible land use category, with the addition of metal recycling;
- Privacy fence along the rear portion of the property to be eight feet in height as required by the Zoning Ordinance for this proposed use; remaining HI portion of the overall tract abutting residentially zoned properties to remain undeveloped;
- Minutes of SLUP-7 of 2011 not in conflict;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement 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.



April 04, 2012

Mr. Ike Taher
3310 Chastain Ridge Drive
Marietta, GA 30066

Re: Point West Business Center - SLUP Engineer's Letter
Volkland Proj #: 11-0123



Mr. Taher,

We are providing this Letter outlining the intent of the SLUP application for the Point West Business Center located at 4995 Powder Springs Dallas Road, Powder Springs, GA 30127. Furthermore, the property had a Special Land Use Permit (SLUP-7) approved on it in late 2011. This development has already obtained its Land Disturbance Permit, known as SPR201100257.

The current SLUP application has two main alterations to the previously approved SLUP-7.

- 1) We request that the currently approved SLUP-7, previously approved for a 3.5-acre development, be extended across the entire 17.5-acre developable area. All current approved stipulations outlined in SLUP-7 will govern as the approved stipulations for the entire developable area of the property, with exceptions as outlined in our second and third requests.
- 2) Extend the approval from just a 'Salvage Facility And Sale Of Vehicular Parts', which has been construed by staff to define salvage and recycling associated with automobile facilities, to a fully encompassing 'Salvage Facility And Sale Of Recycled Parts'. Simply removing the Vehicular restriction from the property.

Auto Recycling (MRF)

The 3.5-acres currently approved in SLUP-7 has obtained a Land Disturbance Permit SPR201100257. The remainder of the developable property approved for the Special Use under the attached SLUP application will be graded and prepared with stone for future development. All stormwater management facilities will be installed in full to provide stormwater management compliant with the stipulations of SLUP-7 for the entire developable property. Future building construction and site layouts will be permitted as normal through the Cobb County Site Development and Building Departments. Specific landscaping requirements would be addressed at that time by each new building development being implemented.

The property is connected to Powder Springs public sewer utilities, and will not be services with any septic tanks.

Please feel free to contact us with any questions or concerns.

Thank you,

Ron T. Crump, PE,
CPESC, CPSWQ, LEED AP
Principal



Amendment # 2

Mr. Gary Leeman.

Leeman Architectural Woodwork.



As per our last meeting we have on January 18th 2012. We had agreed that

1 The front of our metal building will have *Awning or Canopy to cover the doors.*

(Also we will see how it looks on the windows).

2 We will have Grass in the front of fence on Huddleston Dr. from new building to your curbs & will be maintain all the time.

3 Ike and/or his family may start a Metal Recycling Business on the other portion of the Land. The business equipment will consist of an electronic small scale (non ferrous), large scale (ferrous), front end loader, bobcat, and a Crusher. All these items are to remind behind the fence.

Gary Leeman.

Date:- 2-21-2012

M I Taher

Date:- 2/21/12

ORIGINAL DATE OF APPLICATION: 09-20-11APPLICANTS NAME: M & R USED AUTO PARTS, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 09-20-11 ZONING HEARING:**

M & R USED AUTO PARTS, INC. (Branch Banking and Trust Company, owner) requesting a **Special Land Use Permit** for the purpose of a Salvage Facility And Sale Of Vehicular Parts in Land Lots 806, 823 and 824 of the 19th District. Located on the south side of Huddleston Drive.

The public hearing was opened and Mr. Garvis L. Sams, Jr. addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Ott, to approve Special Land Use Permit subject to:

- **general conformance with site plan received by the Zoning Division on July 7, 2011, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **letters of agreeable conditions from Mr. Garvis L. Sams, Jr. dated August 2, 2011 and September 7, 2011 (attached and made a part of these minutes)**
- **allow this use in Industrial Compatible land use category**
- **regarding this 3.49 acre tract, there will be no outside storage except as related to the general use of a salvage yard**
- **car crushing will be limited to once a month and within the hours of 8 a.m. and 5 p.m., Monday through Friday**
- **there will be no fluids of any kind in the vehicles when they arrive on the property**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED 4-0**

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

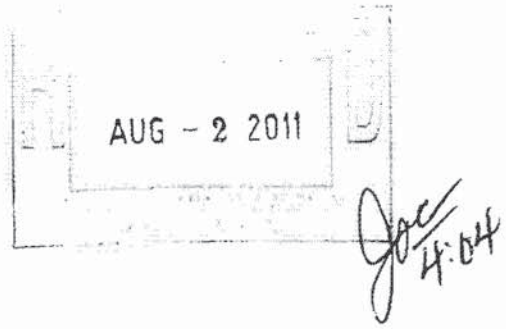
MELISSA P. HAISTEN
JUSTIN H. MEEKS

August 2, 2011

SAMSLARKINHUFF.COM

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
1150 Powder Springs Road
Suite 400
Marietta, GA 30064



Re: Special Land Use Permit Application of M & R Used Auto Parts, Inc.
(No. SLUP-7)

Dear Jason:

This firm represents M & R Used Auto Parts, Inc. ("M & R") concerning the above-captioned Application for a Special Land Use Permit ("SLUP"). The Application is scheduled to be heard and considered by the Cobb County Planning Commission on September 8, 2011 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on September 20, 2011.

With respect to the foregoing, the SLUP proposal has precipitated a dialogue which has been established with the County's Professional Staff during the pendency of the Application. Following is list of agreements and stipulations which are a result of that dialogue and which M & R agrees to becoming conditions and a part of the grant of the SLUP request and binding upon the subject property thereafter:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned SLUP Application.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Meeting Date 9-20-2011

PAGE 6 OF

**VIA E-MAIL and
HAND DELIVERY**

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 2

2. The SLUP Application includes a 3.49 acre tract of land which is zoned Heavy Industrial (HI) with reference to that certain site plan prepared by Frontline Surveying & Mapping, Inc. which was filed contemporaneously with the SLUP Application and the development shall be in substantial conformity thereto. ¹
3. The property which constitutes the subject matter of this Application (3.49 acres) shall be developed under the HI classification as a salvage facility which will include the sale of vehicular parts and include the construction of an approximately 20,000 sq. ft. building which will be approximately thirty-five feet (35') in height.
4. All signage shall be ground-based, monument style signage with finish, materials and colors being in substantial conformity to the architectural style and composition of the building. There shall be no billboard signs, no roof signs and no exterior temporary signs excepting on grand opening signage and signage indicating the coming development.
5. Lighting within the proposed industrial development shall be chosen by the developer, shall be environmentally sensitive and appropriately spaced for safe lighting and security purposes throughout the site.
6. Efforts shall be undertaken to ensure that all lighting is as unobtrusive as possible. ²
7. The hours of operation shall be from 8:30 a.m. until 6:00 p.m. Monday through Saturday. There will be no business operations on Sundays.
8. There will be a total number of 5 – 6 employees on-site during the hours of operation and on-site security including video surveillance will be provided.

¹ The Applicant is purchasing a total of 37.25 acres (which includes the 3.49 acres) now or formerly known as Pointe West Business Center which has proceeded through the Plan Review process (LDP No. 050407).

² The nearest residential development (Liberty Oaks Subdivision) is located approximately 750' from the subject property across a Conservation Easement Parcel (including 100 year flood plain).

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 3

9. There are no requirements for landscaping and buffers because all contiguous properties are zoned HI. However, M & R will agree to construct a six foot (6') privacy fence around the perimeter of the subject property with said area being fenced having controlled ingress/egress by way of automated gates on both sides of the proposed building.
10. All setback areas may be penetrated for purposes of detention, utilities and stormwater management as long as such encroachments satisfy Cobb County regulations.
11. An agreement to comply with Cobb County Development Standards and Ordinances related to project improvements except as approved by the Board of Commissioners, the Cobb County Department of Transportation or the Cobb County Community Development Agency, as their respective authority may allow.
12. Compliance with written recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of water quality and on-site detention (if any). Additionally, an agreement to the following:
 - a. To design and adhere to the Best Management Practices in the construction of detention and water quality areas on-site or the utilization of existing off-site detention with such design installation based upon Cobb County Development Standards.
 - b. Any on-site above ground detention areas shall be landscaped and/or fenced in accordance with Cobb County Development Standards.
 - c. Any field placement within flood plain must be compensated by an equal volume of cut which must be field verified and as-built certification provided.
13. Compliance with the recommendations of the City of Powder Springs with respect to the availability and acquisition of water and sewer to service the subject property.³

³ The Applicant is in possession of a letter from the City of Powder Springs' Water/Sewer Supervisor Travis Pearson, dated July 27, 2011, which verifies that water and sewer service are available to the site.

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 4

14. Compliance with Cobb County Parking Ratio Requirements with respect to customer and employee parking. The balance of the site (behind the gates and within the area which will be fenced) shall be a hardened surface consisting of a mixture of a tar and gravel mix acceptable to and consistent with Cobb County Development Standards and Ordinances.
15. With respect to the proposed development, the developer seeks to have the SLUP approved to a conceptual site plan and seeks a contemporaneous variance to the regulations of the Cobb County Zoning Ordinance which includes allowing an industrial business which requires a SLUP within an industrial compatible (IC) area.
16. There shall be no vehicles of any type permanently parked in front of the proposed development containing identification signage or advertising signage. Additionally, the following uses under the HI classification shall be prohibited:
 - a. Bio-medical waste disposal facility;
 - b. Landfills;
 - c. Manufacturing;
 - d. Mining;
 - e. Ambulance services;
 - f. Animal hospitals;
 - g. Aviation airports;
 - h. Breeding and boarding kennels;
 - i. Bus stations;
 - j. Carwashes;

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. _____
Meeting Date 9-20-2011
Continued

PAGE 9 OF _____

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 5

- k. Churches;
- l. Dry cleaning plants;
- m. Electrical supply stores;
- n. Farm equipment stores;
- o. Full service gasoline stations;
- p. Group homes;
- q. Helicopter landing areas;
- r. In-home daycare;
- s. Laundry and dry cleaning establishments;
- t. Linen and diaper services;
- u. Livestock;
- v. Railroad car classification yards;
- w. Railroad stations for freight;
- x. Homeless shelters;
- y. Taxi stands and dispatching agencies;
- z. Transportation equipment storage and maintenance facilities;
- aa. Truck terminals;
- bb. Vocational Schools.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. 5
Meeting Date 9-20-2011
Continued

10

**VIA E-MAIL and
HAND DELIVERY**

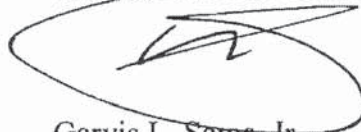
Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 6

17. Compliance with recommendations from the Cobb County Department of Transportation ("DOT") with respect to traffic and infrastructure issues.⁴
18. Compliance with recommendations from the Cobb County Fire Department as contained in the Zoning Analysis.
19. An agreement to comply with the at-grade crossing agreement between the Applicant's predecessor in title and CSX Railroad.
20. Minor modifications to the stipulations/conditions, lighting, landscaping, architectural features and the like may be approved by the District Commissioner as needed or necessary.

Please do not hesitate to call should you or the staff require any additional information or documentation prior to the formulation of your Zoning Analysis and Recommendations to the Planning Commission and Board of Commissioners. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/brl
cc: Shown next page.

⁴ The DOT is not requiring the donation of additional right-of-way or infrastructure in the form of sidewalk, curbing or gutters.

11/11/11

**VIA E-MAIL and
HAND DELIVERY**

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 7

- cc: Members, Cobb County Board of Commissioners – VIA E-Mail and Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail and Hand Delivery
Ms. Jane Stricklin, P.E. – VIA E-Mail
Mr. David Breaden, P.E. – VIA E-Mail
Ms. Karen King, Assistant County Clerk – VIA E-Mail
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail
Mr. Milton Dortch – VIA E-Mail
M & R Used Auto Parts, Inc. – VIA E-Mail

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

MELISSA P. HAISTEN
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

September 7, 2011

FILE 12 OF

VIA E-MAIL

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
1150 Powder Springs Road
Suite 400
Marietta, GA 30064

SEP - 7 2011

Jac
10-5-7

Re: Special Land Use Permit Application of M & R Used Auto Parts, Inc.
(No. SLUP-7)

Dear Jason:

As you know, this firm represents the Applicant and property owner concerning the above-captioned Application for Special Land Use Permit ("SLUP"). The Application is scheduled to be heard and considered tomorrow by the Cobb County Planning Commission and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on September 20, 2011.

Previously, on August 2, 2011, we submitted a letter of agreeable stipulations/conditions. However, yesterday we met with Gary Leeman, the CEO/President of Leeman Architectural Woodwork and the owner of the adjacent 350,000 square foot industrial building. The dialogue established with Mr. Leeman was productive and has resulted in my client's agreement to the following additional stipulations which shall, in addition to the August 2, 2011 stipulations, become conditions and a part of the grant of the Special Land Use Permit request and binding upon the subject property thereafter:

1. The stipulations and conditions set forth herein shall be in addition to and in some instances supersede or modify stipulations/conditions contained in the August 2, 2011 stipulation letter.
2. An agreement to construct an eight foot (8') privacy fence around the subject property including a controlled ingress/egress by way of automated gates on both sides of the proposed building. Said fence shall be a chain link fence with green slats inserted thereon. The upkeep and maintenance of the fence shall be the sole responsibility of the Applicant.

VIA E-MAIL

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
September 7, 2011
Page 2

3. The building which shall be constructed on the site (approximately 20,000 square feet in size) shall be a metal building with brick veneer accents on the front of said building.
4. There shall be an architectural and landscape committee comprised of Mr. Gary Leeman, Mr. Ike Taher and the Community Development Agency Director with respect to determining final architectural and landscaping plans to ensure that said plans comply with the terms and conditions of the stipulations which have been agreed upon. Modifications to the landscaping and/or architecture will be approved by the committee prior to presentation to the District Commissioner for final approval. Once construction of the building is complete, a Certificate of Occupancy has been issued and the landscaping has been installed, the committee shall cease to exist.
5. The Applicant agrees that, in addition to the 3.49 acre tract which is the subject matter of this Application, there will be no outside storage of construction equipment on any part of the 37.25 acre tract which will be purchased by the Applicant.
6. If the subject property is determined to be undevelopable for the purposes sought by the Applicant or, if for any reason, the building, fencing and landscaping is not complete within twenty-four (24) months from the date of a successful grant of Special Land Use Permit, then, and in such an event(s), the Special Land Use Permit shall cease to exist without further action being necessary on the part of Cobb County.

Please do not hesitate to call should you or the staff require any additional information or documentation regarding this Application. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/brl
cc: Shown next page.

Petition No. SLUP-11
Meeting Date 9-20-2011
Continued

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VIA E-MAIL

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
September 7, 2011
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cc: Members, Cobb County Board of Commissioners – VIA E-Mail
Members, Cobb County Planning Commission – VIA E-Mail
Mr. John Pederson, AICP, Manager – VIA E-Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail
Ms. Jane Stricklin, P.E. – VIA E-Mail
Mr. David Breaden, P.E. – VIA E-Mail
Ms. Karen King, Assistant County Clerk – VIA E-Mail
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail
Mr. Gary Leeman – VIA E-Mail
Michael Sullivan, Esq. – VIA E-Mail
Mr. Milton Dortch – VIA E-Mail
M & R Used Auto Parts, Inc. – VIA E-Mail

APPLICANT: M & R Used Auto Parts, Inc.

PETITION NO.: SLUP 7

PRESENT ZONING: HI

PETITION FOR: SLUP

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Special Land Use Permit for the purpose of developing a salvage facility and sale of vehicular parts. The proposed use is to be located on a 3.49-acre portion of an overall total of 37.25 acres, all currently zoned Heavy Industrial. The proposed use includes an approximate 20,000 square foot building that will be approximately 35 feet in height. The hours of operation will be Monday through Saturday from 8:30 a.m. until 6 p.m., with no business operations on Sunday. Applicant has indicated that there will five-six employees on site during the hours of operation and on-site security including video surveillance will be provided. While the proposed site for the business sits within the larger portion of the property and no landscape buffers are required abutting same zonings, applicant is proposing to construct a six-foot privacy fence around the perimeter of the subject property with said area being fenced having controlled ingress/egress by way of automated gates on both sides of the proposed building. In keeping with the requirements for this particular use, applicant has indicated that the proposed business will be located 750 feet from the nearest residential development, crossing a conservation easement parcel, including 100-year floodplain. The requirement is that this activity would not be allowed within 100 feet of any property line or 200 feet of any property zoned or used for residential purposes.

This application seeks the following contemporaneous variances:

1. Automobile salvage facility and sale of vehicular parts in an Industrial Compatible land use category, instead of the required Industrial category;
2. A six-foot privacy fence, instead of the eight-foot fence requirement for this special exception use as it is permitted within the Industrial land use category.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

City of Powder Springs Water and Sewer service area.

TRAFFIC COMMENTS:

Huddleston 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.

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 Huddleston Drive, a minimum of 30' from the roadway centerline.

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

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DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Powder Springs Creek FLOOD HAZARD INFO:

- 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 receiving stream (Powder Springs Creek).

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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. A Notice of Intent must be filed with the Georgia Environmental Protection Division for coverage under the NPDES General Permit to discharge stormwater associated with industrial activities. This facility will be classified under the Standard Industrial Classification (SIC) Code 5015 for salvage yards and automobile recycling operations. Any requirements associated with this permit must be addressed including the development of a written stormwater pollution prevention plan (SWPPP) for the site.
2. In addition to other best management practices (BMPs) that may be required for this site during Plan Review, the detention pond outlet control structure design should include a "snout type" device for any low flow orifices.