

APPLICANT: Qua	ality Cars, Inc.	PETITION NO:	Z-46
770-733-3336		HEARING DATE (PC):	08-06-13
REPRESENTATIV	E: Garvis L. Sams, Jr. 770-422-7016	HEARING DATE (BOC)	:08-20-13
	Sams, Larkin & Huff, LLP	PRESENT ZONING:	GC, LI
TITLEHOLDER: _	Dennis Brophy, David L. Kuniansky, Amy		
Kuniansky Clark, D	ouglas S. Kuniansky	PROPOSED ZONING:	LI
•	ATION: Northwest intersection of US Highway 41	_	
a/k/a Cobb Parkway,	and Kennestone Circle .	PROPOSED USE: Pre	eviously Owned
		Automol	bile Sales Facility
ACCESS TO PROPERTY: Cobb Parkway		SIZE OF TRACT:	2.37acres
		DISTRICT:	16
PHYSICAL CHAR	ACTERISTICS TO SITE: Buildings converted	LAND LOT(S):	931, 942
for appliance sale and repair		PARCEL(S):	18, 2
		TAXES: PAID X	DUE
CONTIGUOUS ZO	NING/DEVELOPMENT	COMMISSION DISTRIC	CT: _3
NORTH:	GC/ Commercial/Industrial Use		
SOUTH:	GC/ Cobb EMC		
EAST:	LI/ Industrial Office Park		
WEST:	GC/ Commercial		

OPPOSITION: NO. OPPOSED___PETITION NO:___SPOKESMAN ____

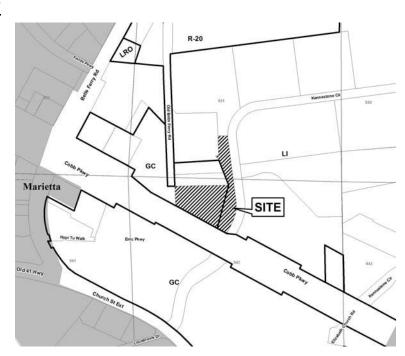
PLANNING COMMISSION RECOMMENDATION

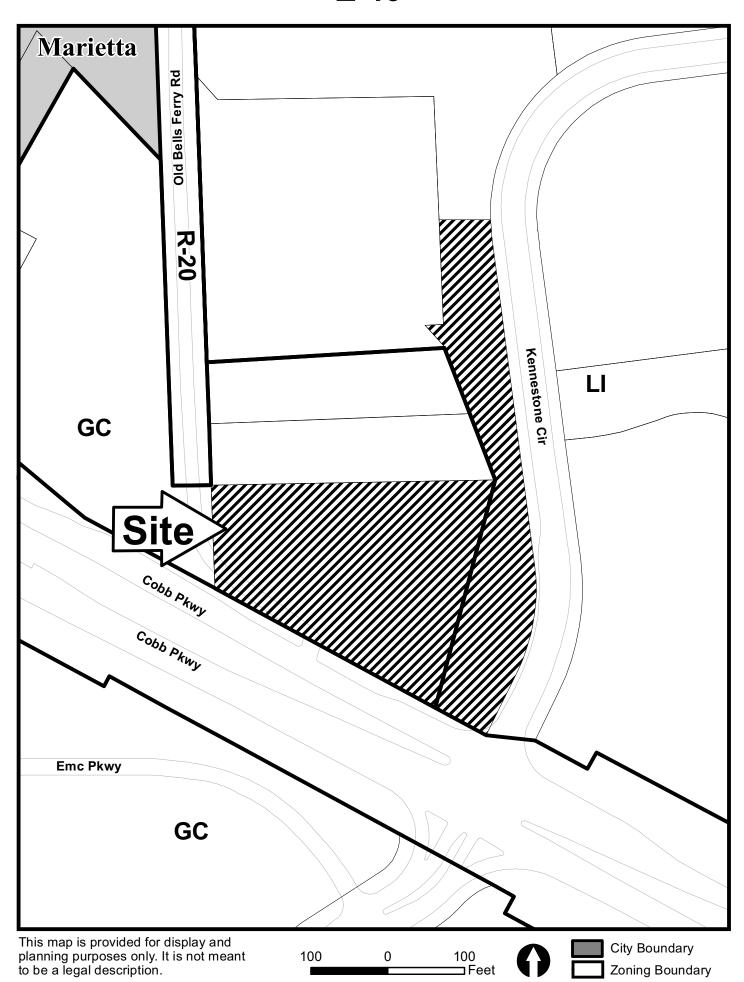
APPROVED MOTION BY REJECTED SECONDED CARRIED

BOARD OF COMMISSIONERS DECISION

APPROVED____MOTION BY____ REJECTED___SECONDED____ HELD___CARRIED____

STIPULATIONS:





APPLICANT	Quality Cars, Inc.	PETITION NO.:	Z-46
PRESENT ZONI	ING: GC, LI	PETITION FOR:	LI
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ZONING COMM	MENTS: Staff Member Responsib	le: Terry Martin, MPA	
Land Use Plan R	ecommendation: Industrial Compatible	le	
Proposed Number	er of Buildings: 1 Total Square	Footage of Development: 3	3,400 sq. ft.
F.A.R.: 0.3	Square Footage/Acre: 1,434.6	<u>ó sq</u> . ft.	
Parking Spaces F	Required: 17 + cars parked for salePark	ing Spaces Provided: 158	
sales." Currently site and build new upgrade of the site etc. The applicant employees and fiv following variance setback from the r Permit for used au	nt industrial district designations to LI for used as an appliance repair and sales estate a 3,400 sq. ft. office and adjoining lot. The to allow for adequate parking/storage of that stated that the proposed hours of opere (5) commissioned sales personnel on stress: the front setback along Cobb Parkway required 40 ft. to 30 ft. The applicant has to sales under application SLUP-7. Vation: No comment.	blishment, the applicant inter The proposed site plan indical Cars for sale as well as appro- eration are 9 a.m. to 7 p.m. de aff. As presented, the site plan from the required 75 ft. to 4 also submitted for the required	nds to fully raze the ites a complete opriate landscaping, aily with seven (7) lan represents the 0 ft. and the rear red Special Land Use
* * * * * * * * * * *	*******	* * * * * * * * * * * * * * * *	* * * * * * * * *
FIRE COMME	NTS:		

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.

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PLANNING CO	OMME	NTS:			
* *		ng a rezoning from GC n the northwest intersection		* *	•
Comprehensive P	<u>lan</u>				
designations. The light industrial, of	purpos	Industrial Compatible te of Industrial Compatible warehouse, and distribution center	ble (IC) categorution uses. T	ory is to provide for a	reas that can support
Master Plan/Corr	idor St	<u>udy</u>			
Not applicable.					
<u>Historic Preservat</u>	<u>tion</u>				
trench location ma	aps, sta	county historic resources ff finds that no known somment. No action by a	significant hist	oric resources appear t	
Design Guidelines	<u>s</u>				
If yes, design guid	lelines a	th Design Guidelines? area comply with the design	☐ Yes	■ No	
Does the current s.	ic piali	comply with the design	requirements!		

APPLICANT Quality Cars, Inc

PRESENT ZONING GC, LI

Additional Comments:

PETITION NO. Z-046 PETITION FOR LI

WATER COMMENTS: | NOTE: Comments reflect only what facilities were in existence at the time of this review. No Available at Development: Yes Fire Flow Test Required: Yes No Size / Location of Existing Water Main(s): 8" CI / N side of Cobb Parkway Additional Comments: existing water customer 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: 100' E across Kennesaw Circle Estimated Waste Generation (in G.P.D.): 160 **Peak**= 400 A D F Treatment Plant: Noonday **✓** Available ☐ Not Available Plant Capacity: Line Capacity: ✓ Available ☐ Not Available \checkmark 0 - 5 years Projected Plant Availability: 5 - 10 years over 10 years ✓ No Dry Sewers Required: Yes *If off-site easements are required, Developer Off-site Easements Required: Yes* □ No must submit easements to CCWS for review/approval as to form and stipulations Flow Test Required: Yes ✓ No prior to the execution of easements by the property owners. All easement acquisitions Letter of Allocation issued: Yes ✓ No are the responsibility of the Developer Septic Tank Recommended by this Department: Yes ✓ No ✓ No Subject to Health Department Approval: Yes

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.

Sewer also 360' W with easements if elevations allow

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STORMWATER MANAGEMENT COMMENTS	5
FLOOD HAZARD: YES NO POSSIB	LY, NOT VERIFIED
DRAINAGE BASIN: Noonday Creek Trib #3 FEMA Designated 100 year Floodplain Flood. Flood Damage Prevention Ordinance DESIGNATE Project subject to the Cobb County Flood Damage Dam Breach zone from (upstream) (onsite) lake - no	ED FLOOD HAZARD. Prevention Ordinance Requirements.
WETLANDS: ☐ YES ☐ NO ☐ POSSIBLY, I	NOT VERIFIED
Location:	
☐ The Owner/Developer is responsible for obtaining of Engineer.	any required wetland permits from the U.S. Army Corps
STREAMBANK BUFFER ZONE: YES X NO	POSSIBLY, NOT VERIFIED
 Metropolitan River Protection Area (within 2000' buffer each side of waterway). Chattahoochee River Corridor Tributary Area - Couxing Georgia Erosion-Sediment Control Law and Country Georgia DNR Variance may be required to work in County Buffer Ordinance: 50', 75', 100' or 200' each 	y Ordinance - County Review/State Review. 25 foot streambank buffers.
DOWNSTREAM CONDITION	
drainage system. Minimize runoff into public roads. Minimize the effect of concentrated stormwater disc Developer must secure any R.O.W required to rece Existing Lake Downstream Additional BMP's for erosion sediment controls wil Lake Study needed to document sediment levels. Stormwater discharges through an established resid	exceed the capacity available in the downstream storm charges onto adjacent properties. ive concentrated discharges where none exist naturally ll be required.
on existing downstream receiving system.	,

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STORMWATER MANAGEMENT COMM	MENTS – Continued
SPECIAL SITE CONDITIONS	
 engineer (PE). Existing facility. Project must comply with the Water Quality requ Water Quality Ordinance. 	by a qualified geotechnical engineer (PE). direction of a qualified registered Georgia geotechnical uirements of the CWA-NPDES-NPS Permit and County sting lake/pond on site must be continued as baseline
INSUFFICIENT INFORMATION	
 □ No Stormwater controls shown □ Copy of survey is not current – Additional comme exposed. □ No site improvements showing on exhibit. 	ents may be forthcoming when current site conditions are
ADDITIONAL COMMENTS	
1. This site is located at the northwest intersection	n of Cohb Barkway (US Hyay 41) and Vannagtona Cirala

- 1. This site is located at the northwest intersection of Cobb Parkway (US Hwy 41) and Kennestone Circle. The entire site drains to the existing stormwater system in the Kennestone Circle right-of-way and receives runoff from the Cobb Parkway right-of-way as well. The proposed underground management facility must accommodate the offsite flow and tie directly to the existing downstream system.
- 2. The site plan provided appears to exceed the 70% maximum allowable impervious area allowed for LI zoned property. This will need to be addressed at Plan Review and my require site plan modification.

APPLICANT: Quality Cars, Inc.	PETITION NO.: <u>Z-46</u>
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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
Cobb Parkway	38,020	Arterial	45 mph	Georgia DOT	100'
Kennestone Circle	N/A	Local	25 mph	Cobb County	60'

Based on 2012 traffic counting data taken by Cobb DOT (Cobb Parkway)

COMMENTS AND OBSERVATIONS

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

Kennestone Circle 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 relocating the Cobb Parkway driveway a minimum of 100 feet away from the signalized intersection.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend curb and gutter along the Kennestone Circle frontage.

Recommend aligning the Kennestone Circle driveway with the driveway across the roadway.

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

STAFF RECOMMENDATIONS

Z-46 QUALITY CARS, INC.

- 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. Representing an improvement to the site, it will be similar in nature to those adjacent commercial and industrial uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposal represents upgrades to the site including access and parking which are lacking at the site presently. It also will provide adequate and Code required landscaping to enhance the proposed new building.
- 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*. The *Plan* categorizes this site as IC industrial compatible. It anticipates similar uses such as industrial office warehouses and distribution centers. The requested LI light industrial district is supported by the IC category.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. It represents a request that is supported by the *Cobb County Comprehensive Plan*. It also will bring improvements to the site which will result in the site's conformity with Cobb County Code relative to landscaping, access, parking, etc.

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

- Site plan received by the Zoning Division on June 6, 2013 with District Commissioner approving minor modifications;
- Letter of agreeable stipulations from Mr. Garvis L. Sams, Jr. dated July 1, 2013;
- Planning Division comments and recommendations;
- Fire Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer 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.

Application No. 2-46

Aug. 2013

Summary of Intent for Rezoning*

art 1. Resi	dential Rezoning Information (attach additional information if needed)
a)	dential Rezoning Information (attach additional information if needed) Proposed unit square-footage(s): N/A Proposed building architecture: Proposed selling prices(s):
b)	Proposed building architecture:
c)	Proposed selling prices(s):
d)	List all requested variances: 27 27
	27
	Proposed selling prices(s): List all requested variances: 9. 27
	-residential Rezoning Information (attach additional information if needed)
a)	Proposed use(s): Previously owned car sales facility
<u>b)</u>	Proposed building architecture: I land the land to the
,	Proposed building architecture: In substantial compliance to the architectural renderings/
	vations being filed contemporaneously herewith (building will be approximately 3,200 sq. ft.)
c)	Proposed hours/days of operation: 9:00 am - 7:00 pm Sunday - Saturday
<u>d)</u>	List all requested variances:
u)	List all requested variances: None at this time.
_	
Part 3. O	ther Pertinent Information (List or attach additional information if needed)
Th	ne subject property is located in an area under Cobb County's Future Land Use Map
wl	hich is denominated as Industrial Compatible which contemplates the use proposed.
	men is denominated as industrial companies when contemplates the use proposed.
Port A Te	any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
	ease list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attac
	t clearly showing where these properties are located).
pia:	t clearly showing where these properties are located).
N	/A
	nt reserves the right to amend the Summary of Intent for Rezoning and the preliminary information

provided therein at any time during the rezoning process.

FILEZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF QUALITY CARS, INC.

2013 JUN -6 AM 9: 27

¢099 COUNTY ZONING DIVISION

COMES NOW, QUALITY CARS, INC., and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the US Hwy 41 (Cobb Parkway) Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties, the preponderance of which are designated for General Commercial (GC) and Light Industrial (LI) utilization and located within an Industrial Compatible ("IC") are on Cobb County's Future Land Use Map.
- C. The subject property to be affected by the zoning proposal has limited economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility.

 Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present zoning classification of General Commercial (GC).

SAMS, LARKIN & HUFF ALMITED LARILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIE ITA, GA 30064 770, 422, 7016

Z-46 (2013) Impact Analysis

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- The zoning proposal is consistent with those uses and purposes contemplated E. under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being within an existing Industrial Compatible ("IC") area.
- There is no substantial relationship between the existing zoning classification of F. General Commercial (GC) and Light Industrial (LI) which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the US Hwy 41 (Cobb Parkway) Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the band day of June , 2013.

SAMS, LARKIN & HUFF, LLP

By:

Garvis L. Sams, Jr. Attorney for Applicant

Ga. Bar No. 623950

SAMS, LARKIN & HUFF A LIMITED LIABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA, GA 30064 ~70.422.7016

Z-46 & SLUP-7 (2013) Applicant's Letter and Exhibits

SAMS, LARKIN & HUFF

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

JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

June 20, 2013

VIA EMAIL

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



Re:

Application of Quality Cars, Inc. to Rezone a 2.37 ± Acre Tract from GC & LI to LI; Land Lots 931 & 942, 16th District, 2nd Section, Cobb County, Georgia (Z-46)

Application of Quality Cars, Inc. for Special Land Use Permit -Land Lots 931 & 942, 16th District, 2nd Section, Cobb County, Georgia (SLUP-7)

Dear Jason:

As promised, attached is a pdf of the Preliminary Site Utilities Plan which reflects an underground detention pond located in the parking area which runs roughly parallel to Kennestone Circle. Also attached are separate pdfs reflecting the architectural style and composition of the building, including one which is in color. By copy of this letter I am providing the same information to David Breaden of the Stormwater Management Division.

With kind regards, I am

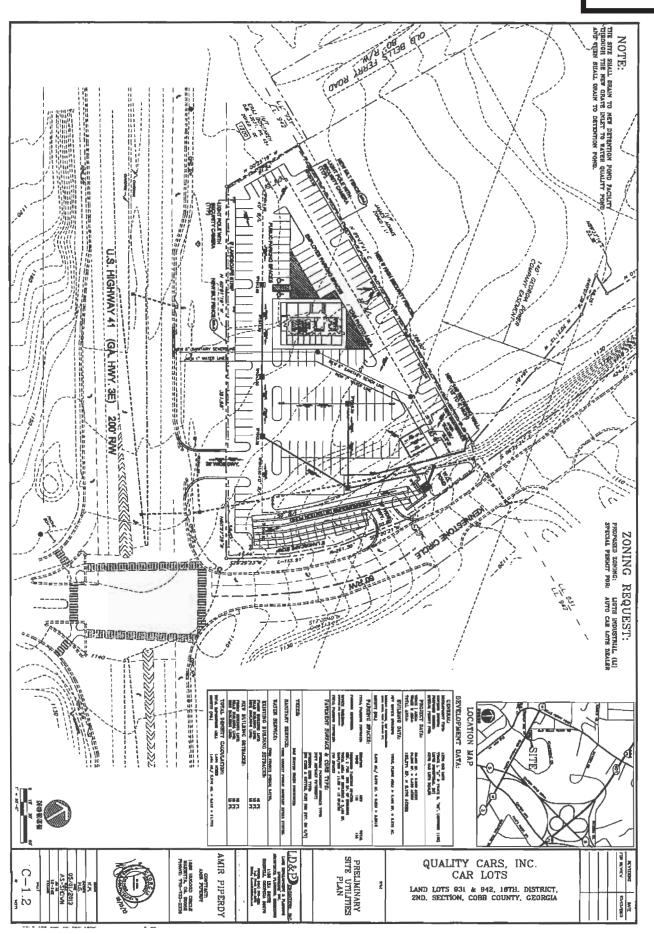
Very truly yours,

SAMS, LARKIN & HUFF, LLP

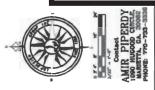
Garvis L. Sams, Jr. gsams@samslarkinhuff.com

GLS/dsj Attachments

cc: Mr. David Breaden, Cobb County Stormwater Management (via email w/attachments)

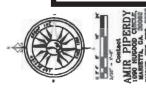


Z-46 & SLUP-7 (2013)
Applicant's Letter and Exhibits

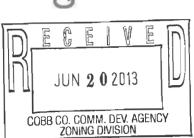


QUALITY CARS, INC.

CAR LOTS
Land Lots 931, & 942, 18th. District, 2nd. Sections,
Cobb County, Georgia

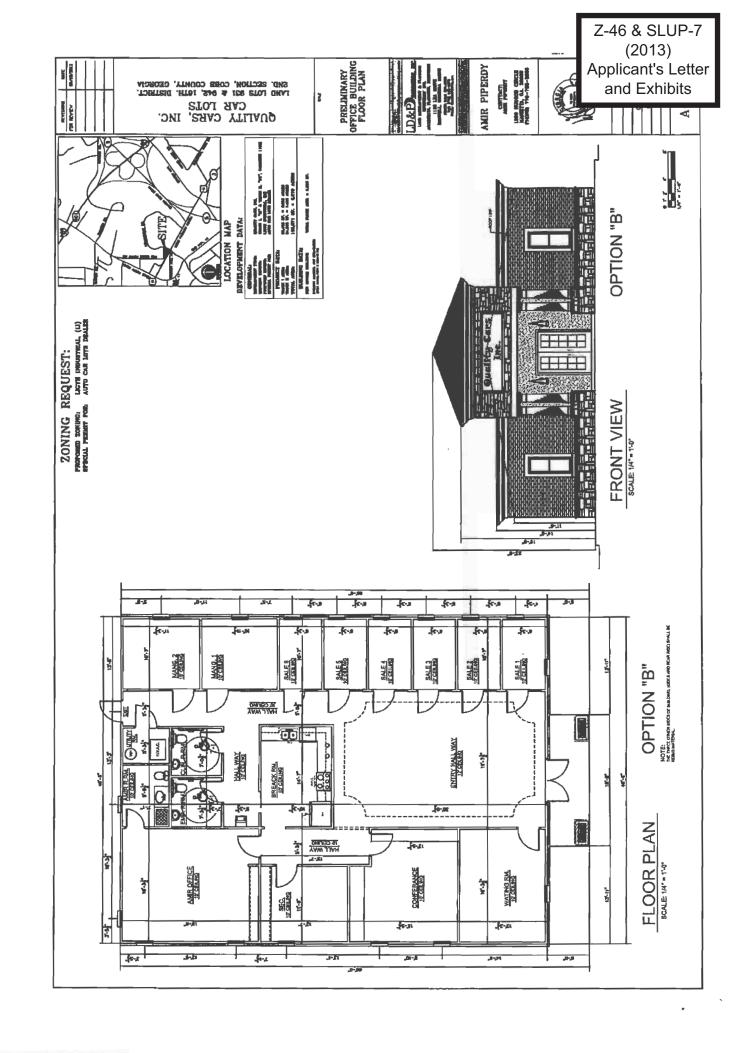


QUALITY CARS FRONT VIEW ELEVATION OPTION "B"

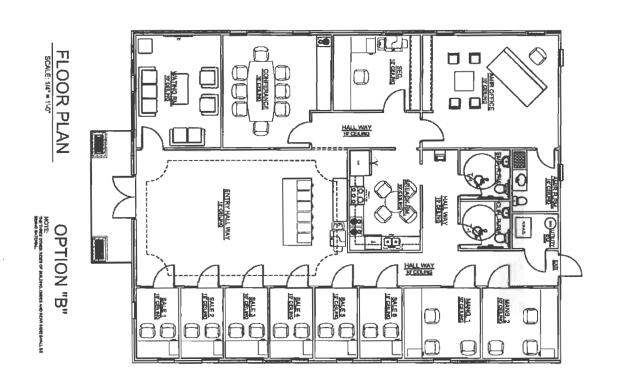


COBB CO. COMM. DEV. AGENCY ZONING DIVISION

LDP Design Group Land Development Planner Architect, Planner & Engineers



Z-46 & SLUP-7 (2013) Applicant's Letter and Exhibits



ZONING REQUEST:
PROPOSED ZONING. LIGHT INVOITEMAL, (U)
SPECIAL PERMIT FOR AUTO CAR LIGHT DEALER

