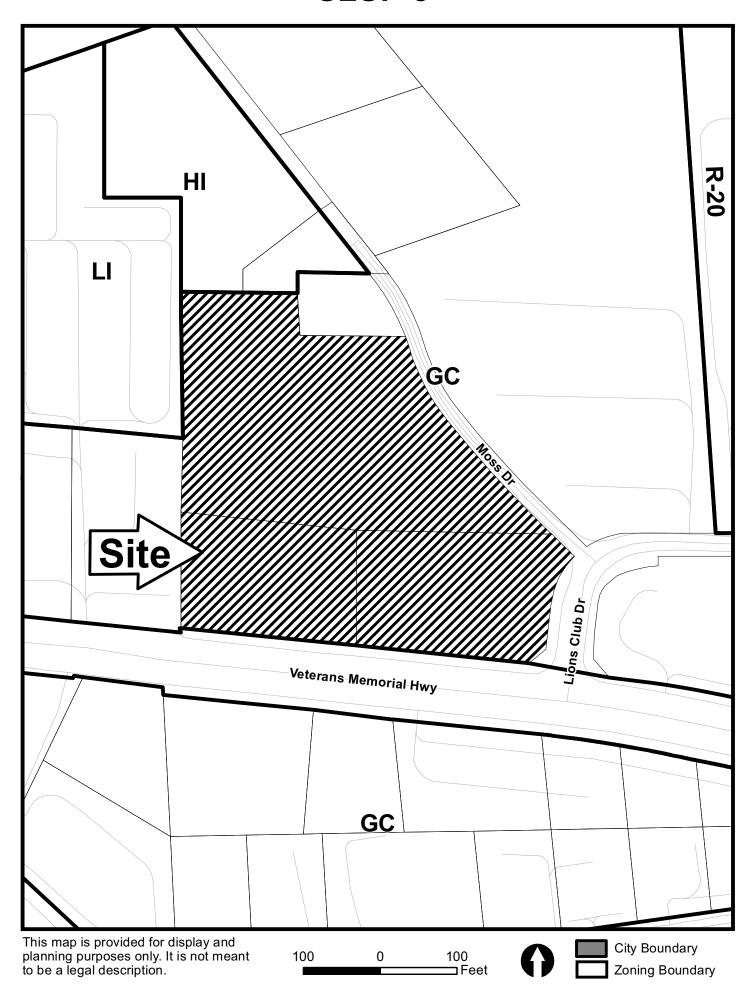


APPLICANT: Bri	lliant Automotive, Inc.		PETITION NO:	SLUP-8
770	)-944-8616		HEARING DATE (PC):	08-06-13
REPRESENTATIV	E: Nicolle Baisas		HEARING DATE (BOC):	08-20-13
	678-697-9001		PRESENT ZONING:	GC
TITLEHOLDER:	Sam's Used Parts, Inc.			
			_ PROPOSED ZONING:	Special Land
PROPERTY LOCA	TION: Northwest intersection of	of Veterans	_	Use Permit
Memorial Highway a	and Lion's Club Drive, and the so	uthwesterly	PROPOSED USE: Auto Ro	epair/Auto Broker
			<u> </u>	
(700 Veterans Memo	rıal Hıghway). <b>PERTY:</b> Veterans Memorial H	ighway		2 07 paras
ACCESS TO TROI	erii. Veteralis Memoriai II	igiiway		
	ACTERISTICS TO SITE: E	S:		
			_	
used as an auto body	shop			
			_ TAXES: PAID X D	
CONTIGUOUS ZO	NING/DEVELOPMENT		COMMISSION DISTRICT	Γ:4
EAST: WEST:	GC/ Carwash, Auto repair GC, LI/ Advance Auto Parts,  O. OPPOSED PETITION N	•		
orrosition.	.OITOSEDIEITHONN	OSI OKE	SWAN	
PLANNING COMM	MISSION RECOMMENDATION	<u>ON</u>		
APPROVED	MOTION BY	R-20	LRO	
REJECTED	_SECONDED	2	Northin Boarden Company	
HELD	_CARRIED	35		R-20 107
		1	LI THI	
<b>BOARD OF COMM</b>	MISSIONERS DECISION		SITE	
APPROVED	_MOTION BY	GC GC		
REJECTED	SECONDED			Cions Ciub Of
HELD	_CARRIED	T	Veterans Memorial Hwy	41 1
			GC 31	1
STIPULATIONS:		GC	All Property of the Property o	#
APPLICANT: B	rilliant Automotive, Inc.	NS NS	REVITION NO.: SLUP-8	
		CF	NS JULY	

## **SLUP-8**



PRESENT ZONING: GC		PETITION FOR:	SLUP
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * *	* * * * * * * * * * *
ZONING COMMENTS:	Staff Member Responsible: Dona	ald Wells	
11 1 0	a Special Land Use Permit for the pured and the site plan indicates the properties.	1 1	
Historic Preservation: No co	omments.		
	ere is no significant impact on the sion's Inventory Listing which is locat	-	•
******	* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * *	****
WATER & SEWER COMM	ENTS:		
No comments.			
******	*****	* * * * * * * * * *	****
TRAFFIC COMMENTS:			
Recommend GDOT permits for	all work that encroaches upon State	right-of-way.	
Recommend close eastern drive	way on Veterans Memorial Highway		
Recommend applicant be requiproject improvements.	red to meet all Cobb County Develop	oment Standards and	Ordinances related to
* * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * *	* * * * * * * * * *
FIRE COMMENTS:			

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of

Occupancy process.

APPLICANT:	<b>Brilliant Automotive, Inc.</b>	PETITION NO.:	<b>SLUP-8</b>	3
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#### STORMWATER MANAGEMENT COMMENTS

All auto repairs to be performed inside the enclosed garage areas only.

#### **STAFF RECOMMENDATIONS**

#### SLUP-8 BRILLIANT AUTOMOTIVE, INC.

The applicant's proposal is located on an arterial road, in a Community Activity Center. The applicant's proposal meets the required one-acre minimum paved area for a used car lot. Veterans Memorial Highway does have many types of commercial uses, including retail, restaurants, offices and industrial. Additionally, Veterans Memorial Highway does have existing used car lots. It is Staff's opinion the applicant's proposal meets the zoning requirements for a used car lot. The applicant's letter dated May 30, 2013 states that all stipulation requirements from previous SLUP were meet. There have been four (4) Code Enforcement complaints received by the Code Enforcement Division since 2004, 3 of which were for displaying banners with no permit. There was a complaint received, and a notice was issued for parking standards, the violation was immediately resolved. There has not been an active business license issued to the property address since 2010, that license was issued to Five Star Auto Collision. Staff would be reluctant to recommend approval of the applicant's request, without many stipulations controlling the use of the property. Staff would suggest allowing the applicant to operate the used car lot at this location as long as the applicant can adhere to the stipulations listed below. Based on the above analysis, Staff recommends **APPROVAL** of SLUP-8 of 2013 subject to the following:

- Site plan submitted June 6, 2013, with District Commissioner approving minor modifications to site layout;
- Used vehicle sales and light automotive repair for the applicant only (any other use or user to be approved by the Board of Commissioners);
- All automobiles must be parked in a legal parking space;
- No junk or inoperative vehicles kept on site;
- No outdoor storage (except for used vehicles);
- No parking or unloading vehicles in right-of-way;
- All vehicle repairs be done inside building;
- No outdoor speakers or pagers;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Cobb 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.

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## **Brilliant Automotive Incorporated** 700 Veterans Memorial Hwy Mableton GA 30126 (770-944-8616)

#### VIA HAND DELIVERY

May 30, 2013

Zoning Division Cobb County Community Development Agency 1150 Powder Springs Street Ste 400 Marietta GA 30064

SIAIG BRIROZ ALVINGO EBOC Re: Brilliant Automotive Inc dba Central Collision & Brilliant Autos Special Land Use Permit Application for property located at 700 Veterans Memorial Hwy, Mableton, Ga 30126. Request to amend current zoning of GC to Include Used Car Sales.

Dear Sirs;

I am submitting for Cobb County's review and consideration this Special Land Use Permit Application to include under the current General Commercial zoning, used Car & Truck sales for the business located on the property at 700 Veterans Memorial Hwy, Mableton GA 30126. The addition to allow vehicle sales on site was approved for our previous company "Five Star Collision" owned by my Father Frank Balsas in October of 2004. He is retiring and turning the business over to myself now and we have formed a new corporation. The property ownership has changed hands and now is owned by Sam's Used Parts Inc; however our business remains at this location as we have established a 2 year lease with the property Owner.

Applicant, Central Collision and Brilliant Autos, representing by company Secretary, Nicolle Balsas are applying for a Special Land Use Permit pursuant to the requirements of Section 134-273 of the Cobb County Code of Ordinance. We are requesting in additional to the current zoning of General Commercial that a special land use to include Used Car Sales and Rebuilding on premises as a permitted use. A traditional retail car lot, with the display of vehicles for sale, with no changes to the structures or the current property. The surrounding area and customers welcome this type of business and the property complies with the County Code ordinance in regard to this type of business operation.

Subject property for the Special Land Use Permit has a total tract of 3.971 Acres and is located at the northwest intersection of Veterans Memorial Hwy and Lions Club Drive, and the southwest side of Moss Drive, Land Lots 37 and 38, 17th District, Cobb County, Georgia.

- \* Notarized Authorization by Property owner.
- \* Application for Special Land Use Permit
- \* Property Survey
- \* Legal Description of property
- \* A copy of the Warrant Deed
- \* A Copy of the paid tax receipt for 2012
- \* Petition of for Consent
- \* A copy of our 2 year lease agreement.
- \* Copy of previous Special Use Permit Approval from 2004.
- \* A Check in the amount of \$1000.00

A Special Land Use Permit was granted at the October 2004 Board Meeting; copies of approval are included in the application package. At that time the Applicant was Frank Balsas and Miquel Recalde, owners of said property. They did not renew the permit in 2006. Although, the property has been sold to current owner "Sam's Used Parts Inc., they are leasing the property back to Applicants, Central Collision & Brilliant Autos, owned and operated by CEO, Nicolle Balsas. Copy of the Lease is included in the application package. This is the same business type and ownership as the previous owner, Frank Balsas. Frank Balsas has retired and his Daughter Nicolle Balsas has just changed the name of the business.

The approval issued to Frank Balsas back in October 2004 was for a 24 month period with stipulations. These stipulations were addressed as follows:

- \* Billboard located on property was removed.
- \* An abandoned trailer on the property was removed.
- \* No new building has taken place.
- \* Wooden fence on the south and east side was extended to the chain link across the front.
- \* Chain link fence was painted black and broken and/or bent poles were repaired
- \* Parking area in the front extending to entrance to the west side of property was professionally Resurfaced.
- \* Applicants have service contracts in place that provide for:
  - a) Weekly trash pick up
  - b) Weekly lawn service
- \* Lawn area has been landscaped.
- \* No junk or inoperative vehicles are kept on site
- \* There is no outdoor storage
- \* There is no parking or unloading of vehicles in right-of-way
- \* All vehicle repairs are done inside building
- \* All exterior lights are appropriately designed to eliminate stray light on adjacent properties
- \*There are no outdoor speakers or pagers

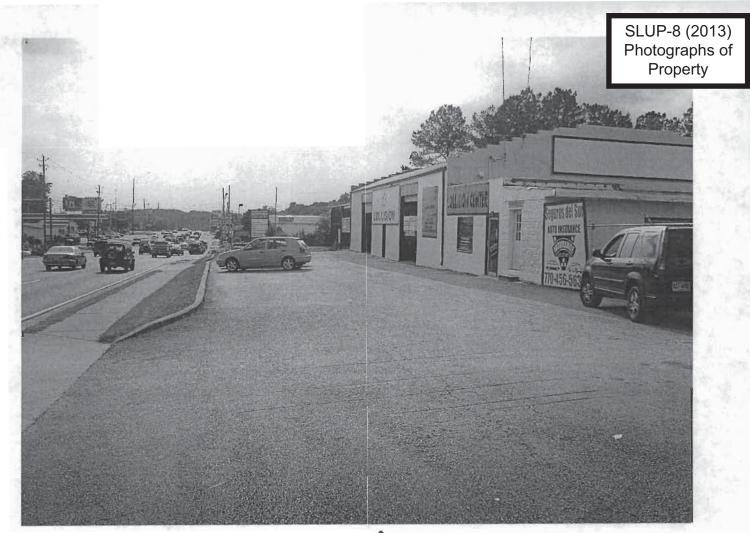
There have been no changes to any structures since the survey done back in 2004.

We strongly believe that the requested Special Land Permit, along with the compliance stipulations contained in the 2004 approval would give us the equal appropriate use of the Subject property while taking in the consideration of similar use of the properties surrounding our development. We had no community objection as we discussed our request with our surrounding businesses. Most had thought that we were already allowed the use of "Auto Sales" as there are many other used car dealers/rebuilders to the right and left of our subject property.

I appreciate your thoughtful consideration of this request. I encourage you to contact me should you have any questions or require any additional information, and I look forward to working with you on this important matter.

Very truly yours,

Micolle Balsas, Sec, Brilliant Automotive Inc



entire Bldg

COBB COUNTY GEORGIA.

ZO13 JUN -6 PM 3: 05

COBB COUNTY ZOWING DIVISION



front of Bidg

SLUP-8 (2013) Photographs of Property



Prear of Bldg



Office



Right Front Lot



to Right side Lot



to Right across Street



to left across street



directly across the Street

SLUP-21

SLUP-8 (2013) Previous Minutes

ORIGINAL DATE OF APPLICATION: \_\_\_\_\_

10-19-04

APPLICANTS NAME:

FIVE STAR AUTO COLLISION

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

#### **BOC DECISION OF 10-19-04 ZONING HEARING:**

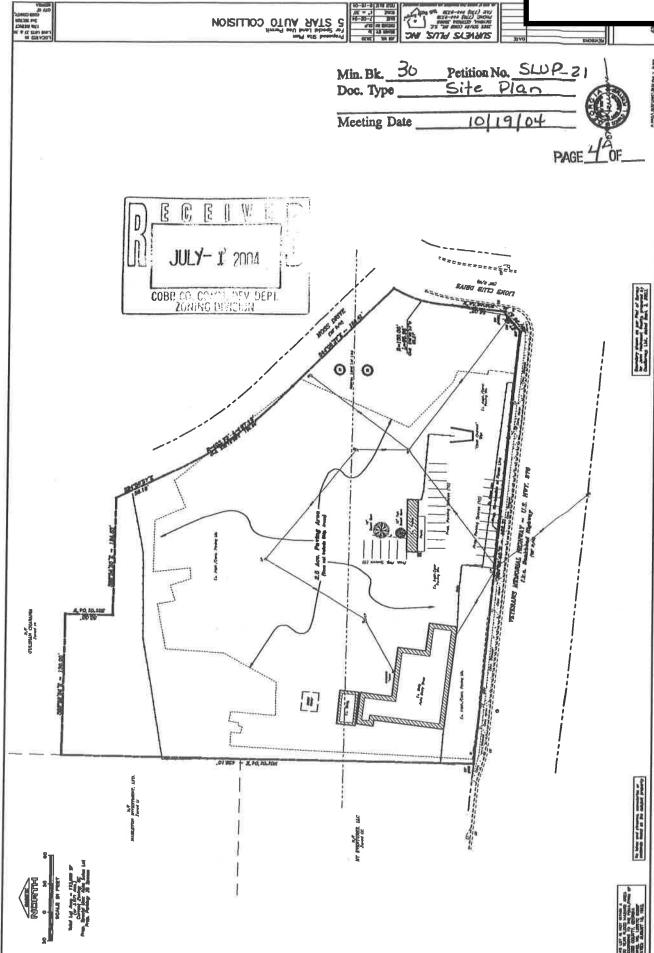
FIVE STAR AUTO COLLISION (Francisco O. Balsas and Miguel Recalde, owners) for a Special Land Use Permit for the purpose of a Used Car Lot in Land Lots 37 and 38 of the 17th District. Located at the northwest intersection of Veterans Memorial Highway and Lions Club Drive and the southwest side of Moss Drive.

MOTION: Motion by W. Thompson, second by Lee, to <u>approve</u> Special Land Use Permit for twenty-four (24) months subject to:

- site plan submitted July 1, 2004 with District Commissioner approving minor modifications to site layout (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. John Moore dated October 5, 2004, not otherwise in conflict (copy attached and made a part of these minutes)
- after initial twenty-four (24) month period, application to be approved contingent upon review and approval by the District Commissioner
- District Commissioner to approve use for any additional business located on the property
- used vehicle sales and repair for the Applicant only (any other use or user to be approved by the Board of Commissioners
- no junk or inoperative vehicles kept on site
- no outdoor storage (except for used vehicles)
- no parking or unloading vehicles in right-of-way
- all vehicle repairs be done inside building
- all exterior lighting be designed to eliminate any stray light onto adjacent properties
- no outdoor speakers or pagers
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE:

**ADOPTED** unanimously



## MOORE INGRAM JOHNSON & STEELE

A LIMITED LIMBILITY PARTNERSHIP 192 ANDERSON STREET

JOHN H. MOORE STEPHEN C. STEELE WILLIAM R. JOHNSON \* ROBERT D. INGRAM <sup>†</sup> J. BRIAN O'NEIL G. PHILLIP BEGGS ELDONI BASHAM MATTHEW J. HOWARD JERE C. SMITH CLAYTON O. CARMACK KEVIN B. CARLOCK \* ALEXANDER T. GALLOWAYIII J. KEVIN MOORE RODNEY R. McCOLLOCH SUSAN S. STUART

DANIEL A LANDIS\*\*\*

BRIAN D. SMITH HARRY R. TEAR III W. TROY HART JEFFREY A. DAXE MELISSA W. GILBERT TIMOTHY W. BAILEY JOYCE W. HARPER AMY K. WEBER COURTNEY H, MOORE KIM A. ROPER TARA C. RIDDLE JOSHUA M. BOOTH <sup>4</sup> KELLI L. CROSS C LEE DAVIS TANYA L. CROSSE \* ROBERT W. BROWN II

#### MARIETTA, GEORGIA 30060

WWW.MIJS.COM

MAIN OFFICE

**TENNESSEE OFFICE** 

POST OFFICE BOX 3305 MARIETTA, GEORGIA 30061

CEDAR RIDGE OFFICE PARK **SUITE 463** 408 N. CEDAR BLUFF ROAD KNOXVILLE, TENNESSEE 37923

TELEPHONE (770) 429-1499 TELECOPIER (770) A29-0631 er 5,

TELEPHONE (865) 692-9039 TELECOPIER (865) 692-9071

VICTOR P. VALMUS JEFFERY L. DICKERSON T. SHANE MAYES DALLAS R. IVEY F. MICHAEL VISCUSE" ANGELA H. SMITH OPHELIA W. CHAN STACEY L. STEWART MEREDITH M. MILBY DOUGLAS B. ROHAN DAVID M: VAN SANT DARRELL L SUTTON KASI R. WHITAKER AUTUMN L. VEAZEY NICHOLAS J. PETERSON

JEFFREY K. STINSON

BENJAMIN A WALDEN DAVID A. COX ELIZABETH A. GUERRANT JAMES D. WALKER III CHRISTOPHER D. GUNNELS\*

OF COUNSEL: MICHELLE S. DAVENPORT JOHN L. SKELTON, JR.

ALSO ADMITTED IN TH ALSO ADMITTED IN FI

" ALSO ADMITTED IN NO

ADMITTED ONLY IN TH

WRITER'S DIRECT

Mr. Jason A. Campbell Zoning Analyst Zoning Division Cobb County Community Development Agency Suite 300 191 Lawrence Street Marietta, Georgia 30060-1661

Min. Bk. 30 Petition No. SLUP-24 Doc. Type letter or agreeable stipulations Meeting Date

Hand Delivered

Application for Special Land Use Permit

Application No.:

Property Own<u>ers</u>:

SLUP-21 (2004)

Applicant:

Five Star Collision Francisco O. Balsas and

Miguel Recalde

FILED WITH COUNTY CLERK THIS Mroperty: MADER

COUNTY CLERK/ASST. COUNTY CLERK

3.971 acres located at the northwest intersection of Veterans Memorial Highway and Lions Club Drive, and the southwest side of Moss Drive,

Land Lots 37 and 38, 17th District, 2nd Section

Cobb County, Georgia

Dear Jason:

COBB COUNTY GEORGIA

The undersigned and this firm have been retained to represent Five the Applicant (hereinafter "Applicant"), Star Collision, Francisco O. Balsas and Miquel Recalde, the Property Owners (hereinafter referred to as "Owners"), in their Application for Special Land Use Permit with regard to a total tract of 3.971 acres located at the northwest intersection of Veterans Memorial Highway and Lions Club Drive, and the southwest side of Moss Drive, Land Lots 37 and 38, 17th District, Cobb County, Georgia (hereinafter the "Subject Property" or, alternatively, the "Property"). meetings with planning and zoning staff and various departmental representatives, discussions with area homeowner representatives, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this letter of agreeable stipulations and

#### MOORE INGRAM JOHNSON & STEELE

Petition No. SLU
Meeting Date 1019
Continued

Mr. Jason A. Campbell Zoning Analyst Zoning Division Cobb County Community Development Agency Page Two October 5, 2004

conditions which, if the Application for Special Land Use Permit is approved, as submitted, shall become a part of the grant of the requested permit and shall be binding upon the Subject Property for the duration of the permit. The referenced stipulations are as follows:

- (1) Applicant agrees the Special Land Use Permit shall extend for two (2) years from the date of final approval; and, prior to expiration, Applicant shall be allowed to apply for a renewal of the Special Land Use Permit.
- (2) Applicant agrees that, if permissible under current contract, the billboard located on the Subject Property shall be removed within six (6) months of the date of final approval.
- (3) Within four (4) months from the date of final approval, Applicant agrees the abandoned trailer structure on the Subject Property shall be removed.
- (4) In the event Applicant constructs new building(s) on the Subject Property, such building(s) shall be three-sided brick office structure(s) (that complies with all Cobb County Code requirements, including sewage and water). The brick for the proposed structure shall match local standards of "old-towne style," or dark brick (not industrial orange).
- (5) The wooden fence on the south and east side of the Subject Property shall be extended immediately to the chain link fence across the front.
- (6) The chain link fence shall be immediately painted dark green or black to blend with the surroundings and all broken or bent poles or segments of the fence shall be repaired.
- (7) The parking area in front of the trailer and extending to the entrance to the west side of the Subject Property shall be professionally resurfaced within nine (9) months.

#### MOORE INGRAM JOHNSON & STEELE

Meeting Date \_ Mr. Jason A. Campbell Zoning Analyst Zoning Division Cobb County Community Development Agency Page Three October 5, 2004

- (8) Applicant shall obtain service contracts with licensed business owners providing the following:
  - Bi-weekly trash pick-up along the front and east side of the Subject Property, including outside the fenced area;

Petition No. =

Continued

- Bi-weekly lawn service to maintain the lawn along (b) the frontage, including outside the fenced area.
- Applicant shall have the lawn outside the fenced area (9) (including both sides of the sidewalk) professionally landscaped, including replanting grass where none currently exists and low shrubs planted the entire length of the fence line.

We believe the requested Special Land Use Permit, specific to the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the changing conditions of the area and the properties and owners thereof surrounding the proposed development. Thank you for your consideration in this request.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

Kevin Moore

JKM:cc

Cobb County Board of Commissioners: Samuel S. Olens, Chairman George Woody Thompson, Jr. Helen C. Goreham Joe L. Thompson

Tim Lee

### MOORE INGRAM JOHNSON & STEELE

determina

Petition No. SLUPMeeting Date 1011 104
Continued

Mr. Jason A. Campbell
Zoning Analyst
Zoning Division
Cobb County Community Development Agency
Page Four
October 5, 2004

c: Cobb County Planning Commission: Murray Homan, Chairman Judy Williams Bob Hovey Christi S. Trombetti Bob Ott

> Mr. James Cavedo, President Mableton Improvement Coalition

Five Star Collision

* <sub>8</sub>	SLUP-8 (2013)
APPLICANT: Five Star Auto Collision	PETITION NO.: SLU Previous Minutes
PRESENT ZONING: GC	PETITION FOR: SLUP
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
PLANNING COMMENTS: Staff Member Respons	sible: Jason A. Campbell
Applicant is requesting a Special Land Use Permi property is properly zoned and the site plan indicated requirement for used car lots.	it for the purpose of operating a used car lot. The ates the property also meets the one-acre pavement
a	
	plication does not appear to have the capability to es that may or may not lie in or near the project area.
Cemetery Preservation: There is no significant Cemetery Preservation Commission's Inventory Li	impact on the cemetery site listed in the Cobb County isting which is located in this, or adjacent land lot.
**************************************	*********
Water and sewer available.	
* * * * * * * * * * * * * * * * * * * *	*******
TRAFFIC COMMENTS:	Đ
Recommend applicant be required to meet all Corelated to project improvements.	obb County Development Standards and Ordinances
*******	********
FIRE COMMENTS:	

APPLICANT: Five Star Auto Collision

PETITION NO.: SLUI

PRESENT ZONING: GC	PETITION FOR: SLUP	
* * ** * * * * * * * * * * * * * * * * *	************	
DRAINAGE COMMENTS		
FLQOD HAZARD: ☐ YES ☒ NO	☐ POSSIBLY, NOT VERIFIED	
	n Flood.	
WETLANDS: ☐ YES ☐ NO ☐	POSSIBLY, NOT VERIFIED	
Location:		
The Owner/Developer is responsible Corps of Engineer.	for obtaining any required wetland permits from the U.S. Army	
STREAMBANK BUFFER ZONE:	YES NO possibly, not verified	
buffer each side of waterway).  Chattahoochee River Corridor Tributat Georgia Erosion-Sediment Control Lav	vithin 2000' of Chattahoochee River) ARC (review 35' undisturbed ry Area - County review (undisturbed buffer each side). w and County Ordinance - County Review/State Review. ed to work in 25 foot streambank buffers. 00' or 200' each side of creek channel.	
DOWNSTREAM CONDITION		
Stormwater discharges must be control drainage system.  Minimize runoff into public roads.  Minimize the effect of concentrated stormwater discharges any R.O.W recommend Lake Downstream  Additional BMP's for erosion sediment Lake Study needed to document sediment Stormwater discharges through an estate draining system.	ent levels.  blished residential neighborhood downstream.  mpact of increased volume of runoff generated by the proposed	

APPLICANT: Five Star Auto Collision PETITION NO.: SI PRESENT ZONING: GC 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 must be addressed at Plan Review. Copy of survey is not current - Additional comments may be forthcoming when current site conditions are

## ADDITIONAL COMMENTS/SUGGESTIONS

No site improvements showing on exhibit.

exposed.

- 1) Tract has been reworked to provide auto lot service, which now must comply with development regulations.
- 2) Recommend no auto maintenance on site unless approved by Stormwater Management to insure compliance with the United States-Clean Water Act and minimize potential for pollution loss.