

Z-62
(2014)

6981 MABLETON PKWY at HUNNICUT ROAD
HEAVY INDUSTRIAL DEVELOPMENT
MOON SERVICE CENTER
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NO.	DATE	BY	CHKD.	REVISION
1	8/1/2014	KW		Revised

MASTER SITE
REZONING PLAN
SCALE: 1" = 30'
DATE: JUNE 27, 2014
PROJECT: 14101.00

SEAL OF THE STATE OF GEORGIA
COUNTY OF COBB
PLANNING AND ZONING DEPARTMENT
JUNE 27, 2014
14101.00

Z-1
SHEET

REVISED
AUG - 7 2014

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

24 HOUR CONTACT:
ED MOON @ 404-597-1013

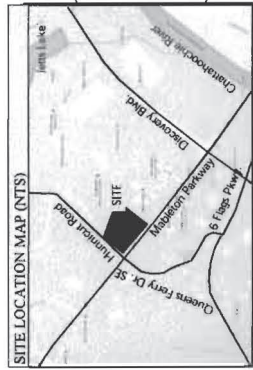
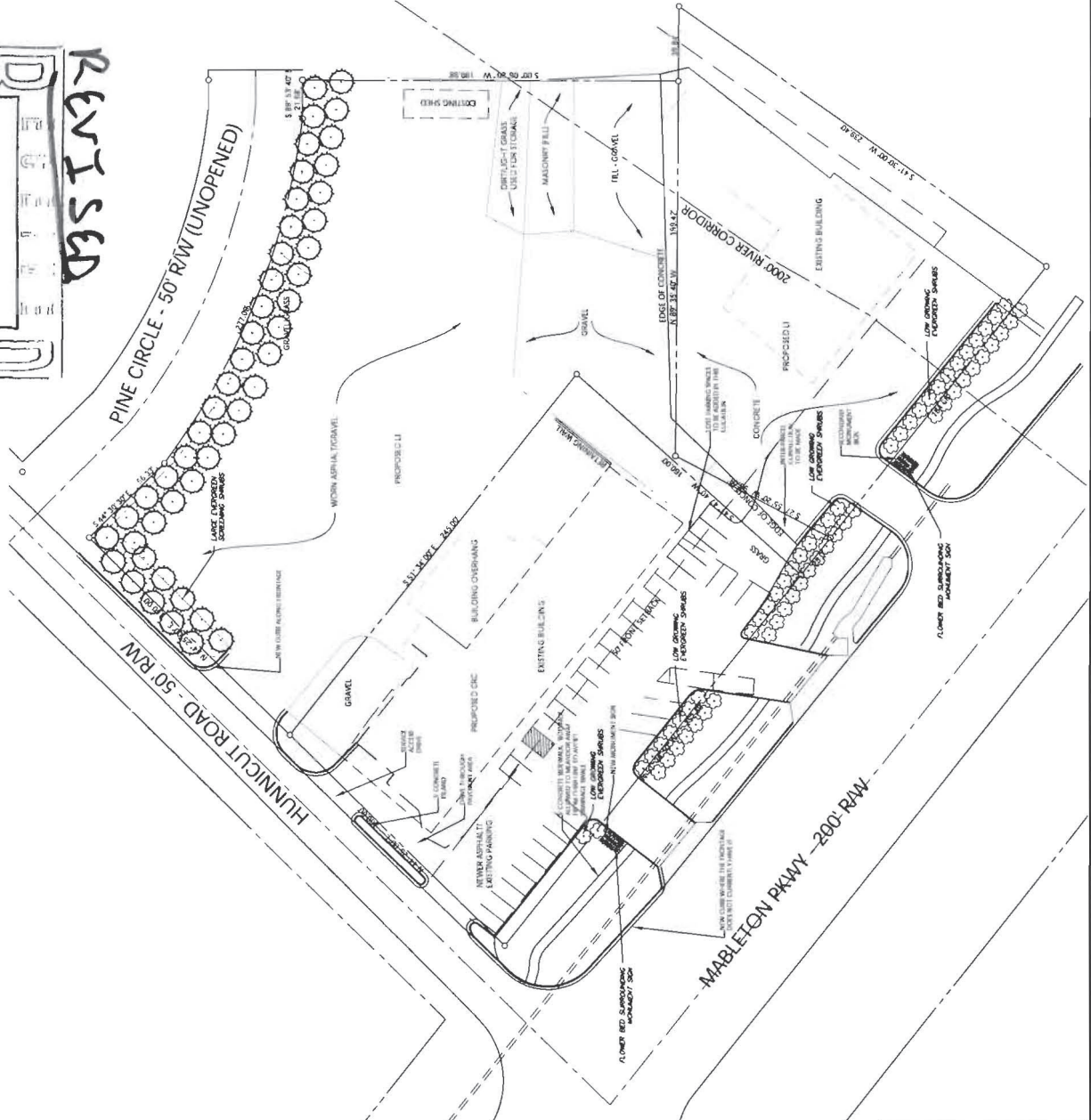
SITE DATA:

TOTAL SITE AREA: 2.99 ACRES

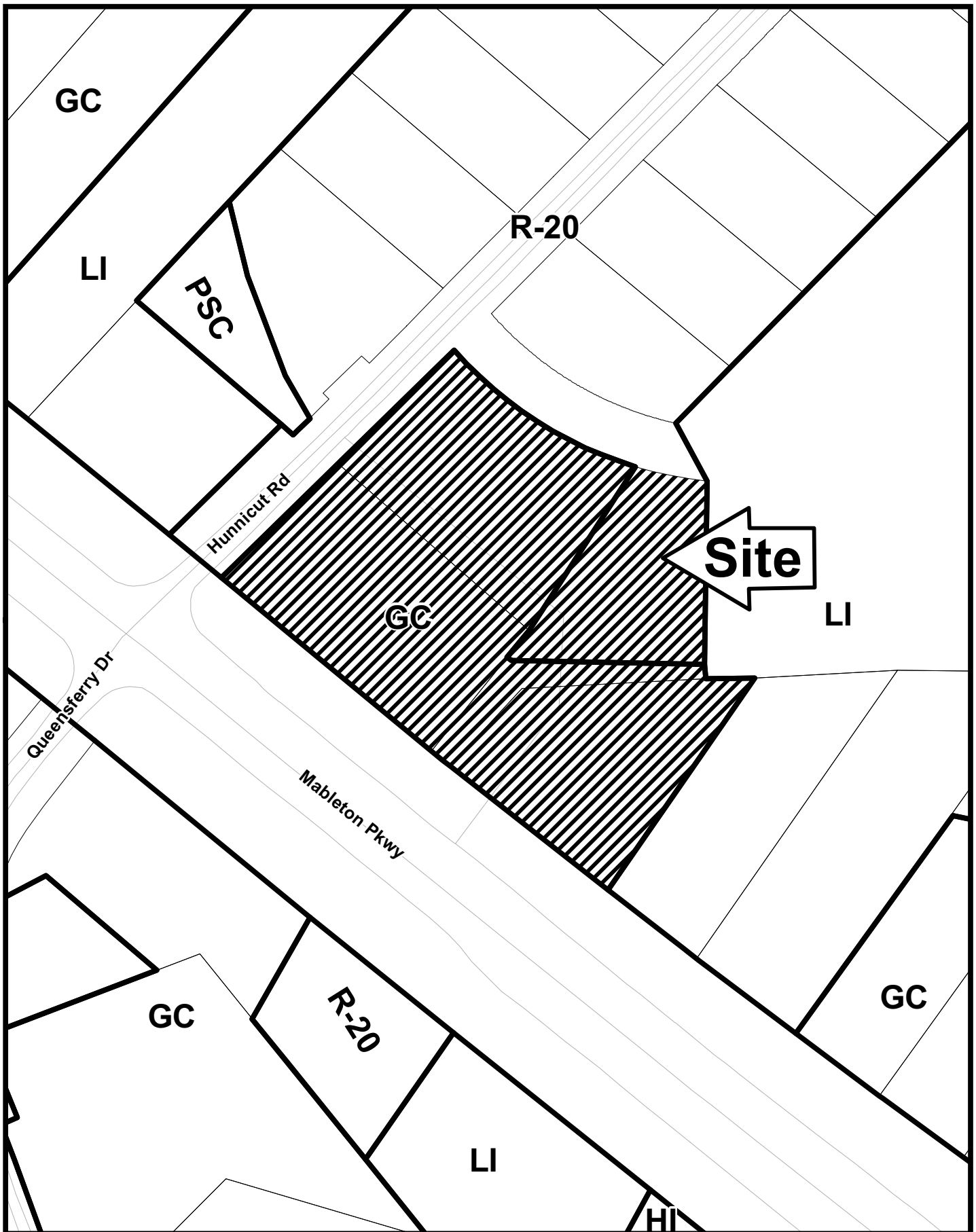
ZONING: G-1 AND B-2B
PROPOSED ZONING: I-1 - LIGHT INDUSTRIAL & C&C Commercial
ZONING AT RIVER FRONT: COBB COUNTY

PARKING & SITE INFO:

TOTAL LOT AREA: 41,000 SF
Min Lot Size: 71,000 SF
PARKING REQUIRED: 71 Spaces 20 Sp
Heavy Automotive Required (70%): 1 Space 20 Sp
1,200 sf = 20 Sp
PARKING PROVIDED: 71 Spaces 20 Sp
71 Spaces 20 Sp
34 Unimpaired



Z-62



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

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: Eddie E. Moon

PETITION NO.: Z-62

PRESENT ZONING: GC, R-20

PETITION FOR: LI, CRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Community Activity Center - Priority Industrial Area

Proposed Number of Buildings: 2 (existing) **Total Square Footage of Development:** 21,744 sq. ft.

F.A.R.: 0.17 **Square Footage/Acre:** 7,272 sq. ft.

Parking Spaces Required: 50 **Parking Spaces Provided:** 50

The applicant is requesting rezoning to the LI light industrial district and CRC community retail commercial district in order to continue operation of existing retail and automotive repair on the subject property. No building changes are proposed except to incorporate NAPA branding and colors. Hours are Monday through Friday 8:00 a.m. to 6:00 p.m. Located within a future land use area delineated as CAC community activity center and located within a designated PIA priority industrial area, the rezoning will allow those currently operating uses of auto repair and commercial retail while responding to recent Code Enforcement notices in regards to use of unpaved parking areas and vehicles on site that weigh over 12,500 pounds. The parcel at the corner of Mableton Parkway and Hunicutt Road (parcel 35) would be zoned CRC. The balance of the property would be zoned LI.

As presented, the request will require approval of the following variances:

1. Allow parking of vehicles on a non-hardened surface in the rear.

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.

APPLICANT: Eddie E. Moon

PETITION NO.: Z-62

PRESENT ZONING: GC, R-20

PETITION FOR: LI, CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC and R-20 to LI for purposes of mechanical repair of cars and trucks. The 3.15 acre site is located on the northeast intersection of Mableton Parkway and Hunnicut Road.

Comprehensive Plan

The parcel is within a Priority Industrial Area (**PIA**) future land use category, with R-20 zoning designation. The purpose of the PIA is to provide protection for industrial areas that can support future job growth for industrial, manufacturing, office/warehouse, technology, biomedical and distribution uses. Typical uses are determined through the PIA and its subcategories. This parcel is located within the sub category Industrial Compatible which can support light industrial, office/warehouse, and distribution uses.

The following professional evaluation and data analysis should be conducted when the Planning Commission and the Board of Commissioners are considering a land use change that alters a PIA property or areas adjacent to PIA properties from its existing Industrial or Industrial Compatible land use category to any other future land use category. In addition, the same professional evaluation and data analysis should be conducted, by the applicant, when the Planning Commission and the Board of Commissioners are requested to consider a zoning change to a PIA property or areas adjacent to PIA properties that alters its zoning designation to one which is not compatible with its existing industrial future land use category (Industrial or Industrial Compatible). Finally, the policy relating to “Adjacency to viable industrial areas” should be considered by the Planning Commission and the Board of Commissioners when a zoning change occurs to a property adjacent to PIA properties:

- ☐ *Job impacts:* Consider the number of existing and future industrial jobs lost, existing and future job opportunities for residents with less than a four-year degree, and job density at the site.
- ☐ *Tax Base Impacts:* Evaluate and compare the tax base impacts between potential uses with the existing zoning and the proposed zoning; as well as, comparing tax base impacts to job impacts.
- ☐ *Viability:* Prioritize developments with immediate uses over potential uses without users lined up.
- ☐ *Transition:* Consider the cost of transitioning a property from one use to another through zoning. Properties made non-conforming may suffer years of deferred maintenance until a viable use surfaces.
- ☐ *Adjacency to viable industrial areas:* Consider negative impacts of residential users on adjacent and viable industrial sites, such as land price uncertainty and conflicts with residents. If a residential project is being considered adjacent to a PIA site, the Planning Commission and Board of Commissioners should consider requiring additional and enhanced buffering and screening requirements on the residential project in order to protect the residential land users as well as the viability of the adjacent industrial users.

Master Plan/Corridor Study

Mableton Parkway Corridor Study

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.

APPLICANT: Eddie E. Moon

PETITION NO.: Z-62

PRESENT ZONING: GC, R-20

PETITION FOR: LI, CRC

PLANNING COMMENTS: (Continued)

Design Guidelines

Is the parcel in an area with Design Guidelines? ☐ Yes ☒ No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? ☐ Yes ☒ No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? ☒ Yes ☐ No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? ☐ Yes ☒ No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on incentives, please call the Office of Economic Development at 770.528.2607 or find information online at <http://economic.cobbcountyga.gov>.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

☐ Yes ☒ No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

☐ Yes ☒ No

APPLICANT Eddie E. Moon

PETITION NO. Z-062

PRESENT ZONING GC, R-20

PETITION FOR LI

WATER COMMENTS:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: ☒ Yes ☐ No

Fire Flow Test Required: ☒ Yes ☐ No

Size / Location of Existing Water Main(s): 12" DI / N side of Mableton Pkwy

Additional Comments: Existing water customer(s)

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: ☒ Yes ☐ No

At Development: ☒ Yes ☐ No

Approximate Distance to Nearest Sewer: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: South Cobb

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw Sewers Required: ☐ Yes ☒ No

Off-site Easements Required: ☐ Yes* ☒ No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: ☐ Yes ☒ No

Letter of Allocation issued: ☐ Yes ☒ No

Septic Tank Recommended by this Department: ☐ Yes ☒ No

Subject to Health Department Approval: ☐ Yes ☒ No

Additional Existing sewer customer(s)
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Eddie E. Moon

PETITION NO.: Z-62

PRESENT ZONING: GC, R-20

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Chattahoochee River 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 _____.

APPLICANT: Eddie E. Moon

PETITION NO.: Z-62

PRESENT ZONING: GC, R-20

PETITION FOR: LI

STORMWATER MANAGEMENT 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. No site improvements are proposed at this time. Any future site changes will need to meet current stormwater management requirements. A portion of the site is located within the ARC Chattahoochee River Corridor and will be subject to the Metropolitan River Protection Act for any future improvements.
2. All repair activities must be performed within the building(s).

APPLICANT: Eddie E. Moon

PETITION NO.: Z-62

PRESENT ZONING: GC and R-20

PETITION FOR: LI

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
Mableton Parkway	23,600	Arterial	45 mph	Georgia DOT	100'
Hunnicut Road	N/A	Local	30 mph	Cobb County	50'

Based on 2009 traffic counting data taken by Cobb County DOT (Mableton Parkway)

COMMENTS AND OBSERVATIONS

Mableton 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.

Hunnicut Road 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 curb, gutter, and sidewalk along the Mableton Parkway frontage.

Recommend curb and gutter along Hunnicut Road frontage.

Recommend sidewalk along Hunnicut Road frontage upon redevelopment.

Recommend two driveways along Hunnicut Road frontage and one service only driveway.

Georgia Department of Transportation permits required for all work that encroaches upon State right-of-way.

Recommend parking spaces be removed from right-of-way.

Recommend driveway locations meet Cobb County Development Standards and Ordinances at the time of redevelopment.

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

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STAFF RECOMMENDATIONS

Z-62 EDDIE E. MOON

- 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. Fronting directly on Mableton Parkway, most adjacent properties are zoned commercial and industrial particularly 7013 Mableton Parkway directly to the east which was rezoned to LI light industrial for a landscape contractor office in April of 2014.
- 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 request will allow continuation of current operations while allowing for upgrades and improvements to the property once in compliance with zoning regulations. The unopened right of way of Pine Circle directly behind the property serves as an existing buffer to those residential neighbors to the north.
- 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*. Located within an area delineated as CAC community activity center and designated as PIA priority industrial area, the request for retail commercial and automotive repair furthers the goals of the *Plan* in that it best serves to provide areas for producing industrial jobs and supportive retail uses.
- 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. The request, simply to allow continuation of existing operations with building improvements and branding, is in keeping with those adjacent properties that are also currently zoned commercial and industrial. It also serves to further the goals of the *Comprehensive Plan* in providing for an area that provides industrial sector jobs in this area designated as a priority industrial area.

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

- Site plan to be approved by District Commissioner;
- Letters of agreeable conditions dated July 25, 2014 and August 7, 2014 by Garvis L. Sams, Jr.;
- Allowance of gravel parking to the rear of buildings, to be screened on Hunicutt Road with fencing and landscaping;
- No junk cars;
- Fire Department Comments and Recommendations;
- Planning Division comments and recommendations;
- Water and Sewer Division Comments and Recommendations;
- Stormwater Management Division Comments and Recommendations; and
- Department of Transportation Comments and Recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

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Application #: Z- 62

PC Hearing Date: September 4, 2014

BOC Hearing Date: September 16, 2014

Summary of Intent for Rezoning*

Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Continuation of existing businesses consisting of mechanical repair of cars & trucks.
- b) Proposed building architecture: As-built with plans to incorporate NAPA branding and colors.
- c) Proposed hours/days of operation: 8:00 a.m. to 6:00 p.m. Monday through Friday.
- d) List all requested variances: As shown on the site plan.

Part 3. Other Pertinent Information (List or attach additional information if needed)

The subject property is located in an area denominated as Priority Industrial (PI) under Cobb County's Future Land Use Map. In that regard, the uses proposed to be continued are entirely appropriate under that land use designation and consistent with the rezoning to Light Industrial of the contiguous parcel (No. Z-7 [2014]).

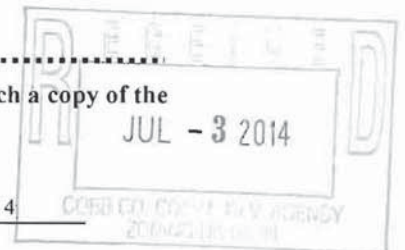
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). Not applicable

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

Applicant signature: [Signature] Date: July 3, 2014

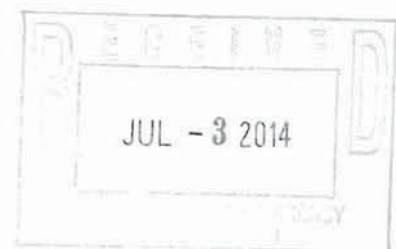
Applicant name (printed): Garvis L. Sams, Jr., Attorney for Applicant



**ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF EDDIE E. MOON**

COMES NOW, EDDIE E. MOON, 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 the Mableton Parkway Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties. The preponderance of adjacent properties are zoned industrially or commercially and in a Priority Industrial (PI) area under Cobb County's Future Land Use Map.
- C. The subject property to be affected by the zoning proposal has no reasonable 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 nonconforming classifications of GC and R-20.



- 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.
- E. There is no substantial relationship between the existing zoning classifications of GC and R-20 which limit the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of existing and planned development along the Mableton Parkway Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 3rd day of July, 2014.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

JUL - 3 2014

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

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

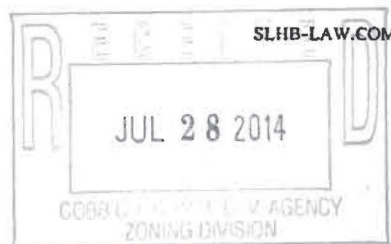
770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

JUSTIN H. MEEKS

July 25, 2014

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Application of Eddie E. Moon to Rezone a 3.1521 Acre Tract from
GC & R-20 to CRC & LI (No. Z-62)

Dear John:

This firm has been engaged by and represents Eddie E. Moon who is the Applicant and the Property owner concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on September 4, 2014 and, thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on September 16, 2014.

While this Application has been pending, we have completed our discussions and dialogue with the County's professional staff and with representatives of the Atlanta Regional Commission ("ARC") regarding the fact that a small portion of the subject property is positioned within the Chattahoochee River Corridor and governed by provisions of the Metropolitan River Protection Act ("MRPA"). Additionally, we have initiated a dialogue with representatives of the Mableton Improvement Coalition ("MIC") who are being provided with a copy of this letter.

With respect to the foregoing, this letter will serve as my client's agreement with the following stipulations which, upon the Application for Rezoning being approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supersede 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 Application for Rezoning.

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VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
July 25, 2014
Page 2

2. The rezoning of the subject property shall be from the existing zoning categories of GC & R-20 to CRC and LI for the purposes of the continuation of the retail uses and the mechanical repair of cars and trucks and for all other permitted uses within the CRC and LI districts, respectively, which are not specifically prohibited as set forth in paragraph No. 13 mentioned below.
3. The rezoning of the subject property shall be in substantial conformity to that certain revised site plan which is being prepared by Planners and Engineers Collaborative and which will be submitted next week under separate cover.
4. The architectural style and composition of the buildings on the subject property shall remain as-built. However, the Applicant's plans are to repaint, renovate and match the existing buildings with NAPA's branding within ninety (90) days from the date of approval of the Application for Rezoning. The proposed upgrades to match the NAPA industry standard will include, but not necessarily be limited to, ground-based, monument-style signage and bricking the support poles on the canopy in front of the "shopping center" building to match the existing brick on said building.
5. The business will include the existing retail uses and the mechanical repair of cars and trucks, all of which will be accomplished within the existing buildings. The Applicant agrees that there will be no body work on said vehicles.
6. The hours of operation will be from 8:00 a.m. until 6:00 p.m., Monday through Friday. The total number of employees will range from fourteen to sixteen (14-16) employees.
7. The submission of a landscape plan during the Plan Review process, with the Applicant agreeing to the formation of a Landscape Oversight Committee consisting of a representative from MIC, Mr. Eddie E. Moon and the Director of the Community Development Agency or his designee who shall facilitate agreements between the parties and who shall act as the final arbiter with respect to all landscaping issues concerning circumstances where concurrence among the Committee members can not otherwise be achieved. All landscaping on the subject property shall be maintained by the Applicant with any dead or irrevocably diseased plants, shrubs or trees being replaced.
8. Subject to recommendations from the Stormwater Management Division with respect to detention, hydrology, water quality and downstream considerations including, but not necessarily limited to, the following:

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
July 25, 2014
Page 3

- a. In lieu of on-site detention, the Applicant shall only be responsible for water quality treatment.
 - b. Utilization of Best Management Practices approved by Cobb County with respect to water quality treatment.
 - c. Recognition that approximately one-third (1/3) of the subject property is within the Chattahoochee River Corridor and that it will comply with MRPA and ARC regulations.¹
9. Compliance with the following recommendations from the Cobb County Department of Transportation:
 - a. Any permits or encroachments upon the State right-of-way shall be subject to review and approval by the Georgia Department of Transportation ("GDOT") in view of the fact that Mableton Parkway (a/k/a State Route 139 and f/k/a Gordon Road) a two-hundred foot (200') right-of-way, as designated as a State of Georgia right-of-way.
 - b. The installation of sidewalk, curb and gutter on both Mableton Parkway and Hunnicut Road.
 - c. Subject to revisions as shown on the revised site plan which will be submitted under separate cover.
 - d. DOT will not be seeking additional right-of-way on Hunnicut Road or Bankhead Highway nor will DOT be requiring any additional deceleration lanes.
 - e. Repairing that portion of the existing paving which is deteriorating to the point of interfering with the operational aspects of the businesses located on the subject property. Additionally, to the extent that same is necessary, undertaking remedial measures to ensure that the concrete aprons between Mableton Parkway and the subject property's points of ingress/egress are repaired in a similar fashion to the paving as mentioned above.
10. Compliance with the recommendations from the Cobb County Water System with respect to the availability of water and sewer for the subject property.

¹ Existing construction on the subject property predates the enactment of MRPA and only new construction within the southern one-third (1/3) of the subject property will require ARC review.

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
July 25, 2014
Page 4

11. Compliance with recommendations from the Cobb County Fire Department with respect to fire prevention and life-safety issues.
12. Signage along Mableton Parkway shall consist of ground-based, monument-style signage with materials and colors being complementary to and in substantial conformity with the color and design of the buildings as mentioned above with respect to the planned NAPA reimaging process.
13. An agreement to prohibit the following otherwise permitted uses within the CRC & LI districts, respectively:
 - a. Truck terminals and freight terminals.
 - b. Liquor stores, adult entertainment businesses, pawn shops and tattoo parlors.
 - c. Check cashing businesses.
 - d. Precious metal sales and purchase businesses.
 - e. Retail gun, knife or weapons sales.
 - f. Thrift stores, second-hand stores and flea markets.
 - g. The display of merchandise or inventory in front of the buildings along Mableton Parkway.
14. The District Commissioner shall have the authority to approve certain minor modifications as the development proposal proceeds through the Plan and Review process and thereafter, except for those that:
 - a. Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
 - b. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
 - c. Increase the height of a building adjacent to property which is zoned in the same or a more restrictive zoning district.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
July 25, 2014
Page 5

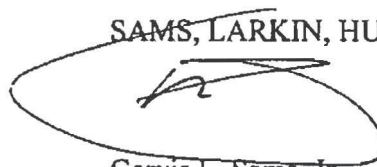
- d. Change access locations to different roadways.
- e. Violate the Cobb County Zoning Ordinance.

With the subject property being located within a long-established Priority Industrial Area on the Future Land Use Map along the Mableton Parkway Corridor, the Applicant's proposal is entirely appropriate from a Land Use Planning perspective particularly when considered in the context of existing and planned development in this area.

Please do not hesitate to contact me should you or your staff require any additional information or documentation prior to the Application being heard and considered by the Planning Commission and the Board of Commissioners in September, 2014. With kind regards,
I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. Dana Johnson, AICP Deputy Director (via email)
Mr. Jason Campbell, Planner III (via email)
Mr. Terry Martin, Planner II (via email)
Mr. David Breaden, P.E. (via email)
Ms. Jane Stricklin, P.E. (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
Ms. Robin Meyer, Mableton Improvement Coalition (via email)
Ms. Kim Prescott, Brookview Condominiums (via email)
Ms. Sonya Wheatley, Mableton Improvement Coalition (via email)
Mr. Eddie E. Moon (via email)
Mr. Kenneth J. Wood, P.E., LEED AP (via email)

SAMS, LARKIN, HUFF & BALLI

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

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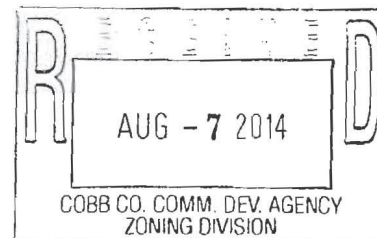
JUSTIN H. MEEKS

SLHB-LAW.COM

August 7, 2014

VIA HAND DELIVERY AND EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Application of Eddie E. Moon to Rezone a 3.1521 Acre Tract from
GC & R-20 to CRC & LI (No. Z-62)

Dear John:

As you know, this firm represents Eddie Moon who is the applicant and the property owner concerning the above captioned application for rezoning which is scheduled to be heard and considered by the Planning Commission and Board of Commissioners next month on September 4, 2014 and September 16, 2014, respectfully.

While this application has been pending we have continued our dialogue with the county's professional staff, most recently discussing issues relative to DOT considerations with DOT review engineer Jane Strickland. Additionally, we recently met with Robin Meyer of the Mableton Improvement Coalition ("MIC"). Of course, MIC has not adopted a position but discussions with Ms. Meyer were quite positive.

You will recall that we submitted a letter of agreeable stipulations/conditions on July 25, 2014. In that letter, we referenced both a revised site plan and a revised landscape plan. In that regard, enclosed please find the requisite number of copies of the revised site plan and of a landscape plan addressing and embodying the issues which we have discussed with staff, MIC and others since submitting the stipulation letter on July 25th.

We anticipate submitting one more document prior to the application being heard next month by the Planning Commission and Board of Commissioners. That document will be a rendering/elevation, superimposed on the existing building, which will depict architectural and aesthetic upgrades on the buildings, canopy, colors, brick-work and signage. The overall architectural theme will be following is NAPA's industry wide prototype with respect to colors,

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
August 7, 2014
Page 2

composition and aesthetics. Please don't hesitate to contact me should you have any questions whatsoever regarding these matters. With kind regards I am,

Very Truly Yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/lll

Enclosures

cc: Members, Cobb County Board of Commissioners (via email w/ attachments)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/ attachments)
Mr. Dana Johnson, AICP Deputy Director (via email w/ attachments)
Mr. Jason Campbell, Planner III (via email w/ attachments)
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Mr. Eddie E. Moon (via email w/ attachments)
Mr. Kenneth J. Wood, P.E., LEED AP (via email w/ attachments)



COBB COUNTY - COMMUNITY DEVELOPMENT AGENCY

Code Enforcement Division

Mailing Address
P.O. Box 649
Marietta, Ga 30061

Physical Address
1150 Powder Springs Rd.
Suite 400
Marietta, Ga. 30064

Fax: (770) 528-2092

Notice of Violation

Violation Number: CODE-2014-03735

Date: 5/20/2014

The Cobb County Code Enforcement Division has grounds to believe the property located at:

6981 MABLETON PKWY SE	MABLETON, GA 30126	18	0498	024	LI
(Address)	(City/State/Zip)	(Dist)	(Land Lot)	(Par)	(Zoning)

and/or HOWELL SHOPPING CENTER INC (6981 MABLETON PKWY SE MABLETON, GA 30126)

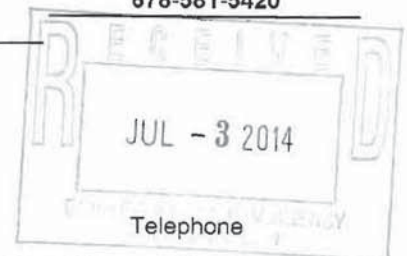
may be in violation of the Official Code of Cobb County, Georgia. You have 10 days to bring the violation(s) into compliance. An inspection will be made on or about 10 days from May 20, 2014. Failure to comply could result in a citation being issued for you to appear in the Cobb County Magistrate Court, and you may be subject to a fine, imprisonment or both.

<u>Violation</u>	<u>Code Section</u>	<u>Requirement for Compliance</u>
NON COMPLIANCE VEHICLES	134-277 (a) - (f)	All vehicles must display current tags and be operable
OFF STREET AUTOMOBILE PARKING	134-272 (5) a. 2., 3., & 4	All parking facilities, including entrances, exits and maneuvering areas, shall comply with the following provisions: shall be graded and paved, and be curbed when needed for effective drainage control; shall have all spaces marked with paint lines, curbstones or other similar designations; and all other parking requirements in this code section. A site plan must be submitted to Zoning within 10 days of this notice, and approved prior to commencement of work.
PARKING STANDARDS	134-272 (5) b & c	All vehicles must be parked on a hardened/treated surface. All tires must be on hardened/treated surface. Surface must be installed flush with the ground and capable of supporting all vehicle/equipment tires without driving onto or over an unapproved parking surface.
PERMITTED USE/PARKING VEHICLES	134-197 (3)	Provide parking for on-site vehicles only with gross vehicle weight of less than 12,500 pounds. Cease to allow off site vehicles to park on this property.
TRAFFIC AND PARKING	134-272 (5) (a) (3) (4) (iv)	MUST ADHERE TO THE CODE REQUIREMENTS FOR TRAFFIC AND PARKING (see attached) A SITE PLAN FOR THE PARKING MUST BE GIVEN TO ZONING WITHIN TEN DAYS OF NOTICE OR FACE CITATIONS

JONATHAN CLARK
(JONATHAN.CLARK@COBBCOUNTY.ORG)

678-581-5420

Officer



Contact the Officer listed above by telephone or email for further information. Officer availability 8:00-9:00 a.m. and 3:30-4:30 p.m. Monday through Friday. You may leave voice mail or send email at any time.

A COMPLETE COPY OF THE COBB COUNTY ORDINANCE MAY BE VIEWED AT WWW.COBBCOUNTY.ORG