

APPLICANT: Inga Auto Center

PHONE#: 770-794-1717 **EMAIL:** ingaautocenter@gmail.com

REPRESENTATIVE: Parks F. Huff, Esq.

PHONE#: 770-422-7016 **EMAIL:** phuff@slhb.com

TITLEHOLDER: Inga Auto Center, Inc.

Uladislao Inga

PROPERTY LOCATION: North side of Leader Road, west of South

Cobb Drive

(50 Leader Road).

ACCESS TO PROPERTY: Leader Rd

PHYSICAL CHARACTERISTICS TO SITE: Existing 1 story

building with wooded lot

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RM-12/Georgian Arms Apartments

SOUTH: GC, R-20/Assembly of God, Single-family houses

EAST: LRC, R-20/USA Check Express, Reinas Hair Salon & Grocery

WEST: RM-12/Single Family home

PETITION NO: Z-7

HEARING DATE (PC): 02-03-2015

HEARING DATE (BOC): 02-17-2015

PRESENT ZONING: GC, R-20

PROPOSED ZONING: GC

PROPOSED USE: Auto Sales/Auto Service

SIZE OF TRACT: 2.38 acres

DISTRICT: 17

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

PARCEL(S): 1, 7

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

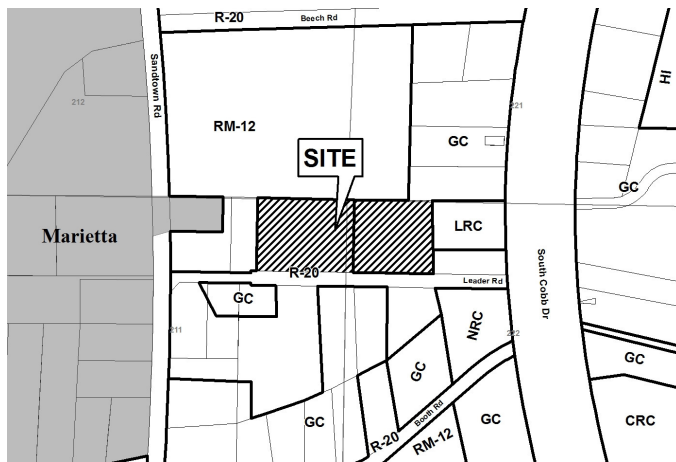
BOARD OF COMMISSIONERS DECISION

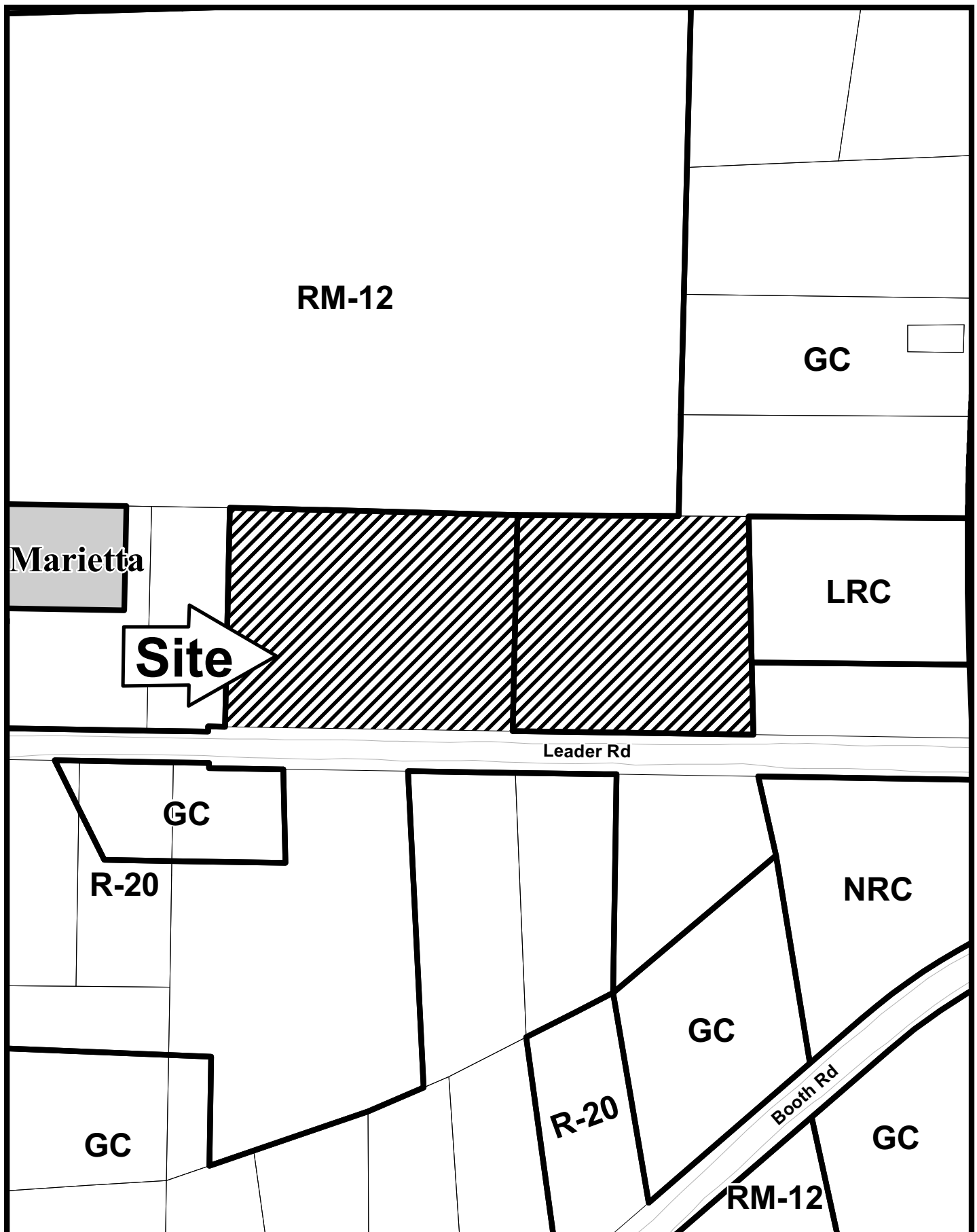
APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:





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

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: Inga Auto Center

PETITION NO.: Z-7

PRESENT ZONING: GC, R-20

PETITION FOR: GC

ZONING COMMENTS:

Staff Member Responsible: Kim Wakefield

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 11,000

F.A.R.: .19 **Square Footage/Acre:** 8390

Parking Spaces Required: 45 + 1 per vehicle **Parking Spaces Provided:** 143

The applicant is proposing to add automotive repair including a body shop and previously owned auto sales. This proposal includes the residential wooded lot adjacent to the current business. At this time, the proposal includes a parking lot and a storage building. The business will be open Monday through Saturday with business hours of 7 a.m. until 7 p.m.

Cemetery Preservation: No comment.

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: Inga Auto Center

PETITION NO.: Z-7

PRESENT ZONING: GC, R-20

PETITION FOR: GC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC, R-20 to GC for auto sales/auto service. The 2.38 acre site is located on the north side of Leader Road, west of South Cobb Drive.

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category, with GC, R-20 zoning designations. The purpose of the Community Activity Center (CAC) is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

Master Plan/Corridor Study

Not applicable.

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.

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 Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

APPLICANT: Inga Auto Center

PETITION NO.: Z-7

PRESENT ZONING: GC, R-20

PETITION FOR: GC

PLANNING COMMENTS: (Continued)

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

Is this property within the Six Flags Special Service District?

☐ Yes ☒ No

APPLICANT Inga Auto Center

PETITION NO. Z-007

PRESENT ZONING GC, R-20

PETITION FOR GC

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): 6" DI / S side of Leader Road

Additional Comments: 50 Leader Rd is 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: In Leader Road ROW

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 Comments: 50 Leader Rd is existing sewer customer. No utilities proposed for western parcel

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: Inga Auto Center

PETITION NO.: Z-7

PRESENT ZONING: GC, R-20

PETITION FOR: GC

STORMWATER MANAGEMENT COMMENTS

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

DRAINAGE BASIN: **Olley Creek** FLOOD HAZARD INFO: Zone X

- ☐ FEMA Designated 100 year Floodplain Flood.
☐ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

Location: _____

- ☐ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

- ☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
☐ Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
☒ Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
☐ Georgia DNR Variance may be required to work in 25 foot streambank buffers.
☐ County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- ☒ Potential or Known drainage problems exist for developments downstream from this site.
☒ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
☒ Minimize runoff into public roads.
☐ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
☐ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
☐ Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
☐ Lake Study needed to document sediment levels.
☒ Stormwater discharges through an established residential neighborhood downstream.
☒ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream existing downstream receiving system.

APPLICANT: Inga Auto Sales

PETITION NO.: Z-7

PRESENT ZONING: R-20, GC

PETITION FOR: GC

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. The majority of the site drains to the east to the existing Inga Auto facility. The proposed site plan proposes to expand the existing detention pond located at the southeast corner of the current Inga Auto site to accommodate the new development. Based on site observation, there may not be adequate area available to expand the existing pond to meet current requirements. An additional stormwater management facility may be required which will need to be addressed at Plan Review.

APPLICANT: Inga Auto Center

PETITION NO.: Z-7

PRESENT ZONING: GC, R-20

PETITION FOR: GC

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Leader Road		Local	25	Cobb	60'

Based on [] traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

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

RECOMMENDATIONS

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

Recommend applicant verify that minimum right-of-way is available for Leader Road and if it is not, recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Leader Road, a minimum of 30' from the roadway centerline.

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

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STAFF RECOMMENDATIONS

Z-7 INGA AUTO CENTER

- 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. The applicant's proposal is located in an area that has commercial activity with many types of commercial uses including automotive and institutional uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. The property is surrounded with a mixture of commercial, high density residential and a few single family dwellings. The proposed use is an expansion of the existing auto business.
- 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 in an area delineated as CAC community activity center on the future land use map, the proposed use will serve the Plan's intent of encouraging uses that service neighborhoods and communities.
- 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 approval the applicant's rezoning proposal. With the installation of the 35 foot buffer along the northern property line, this can become an asset to the surrounding community.

Based on the above analysis, Staff recommends **DELETING TO CRC** subject to the following conditions:

- Site plan received by the Zoning Division on December, 4, 2014, with District Commissioner approving minor modifications;
- Used vehicle sales and repair for the applicant only (any other user to be approved by the Board of Commissioners);
- Parking lot trees and 35 foot landscape buffer adjacent to the apartment property to the north be installed per County standards, and approved by the County Arborist at Plan Review;
- No junk or inoperative vehicles on site;
- No repossessed vehicles kept on site;
- No outdoor storage (except for used vehicles);
- No parking or unloading vehicles on the right-of-way;
- All vehicle repairs to be done inside building;
- All exterior lighting to be designed to eliminate any stray light onto adjacent properties;
- No outdoor speakers or pagers;
- Fire Department comments and recommendations;
- Stormwater Management comments and recommendations;
- Water and Sewer comments and recommendations;
- Department of Transportation 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.



Application #: Z- 7
PC Hearing Date: February 3, 2015
BOC Hearing Date: February 17, 2015

Summary of Intent for Rezoning

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

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

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

- a) Proposed use(s): Automotive repair, including a body shop and previously owned auto sales.
b) Proposed building architecture: Traditional commercial construction.
c) Proposed hours/days of operation: Monday - Saturday, 7:00 a.m. - 7:00 p.m.
d) List all requested variances: None.

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

None.

.....
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). No.

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

Applicant signature: _____

Date: 12-4-2014

Applicant name (printed): Parks F. Huff, Esq., Attorney for Applicant

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF INGA AUTO CENTER, INC.**



COMES NOW, INGA AUTO CENTER, INC., and pursuant to Section

134-121(a)(7) of the Cobb County Zoning Ordinance, files this its Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property that is suitable in the context of the development and existing zonings of properties located between Sandtown Road and South Cobb Drive. The subject property is on Leader Road between Sandtown Road and South Cobb Drive and the predominant zoning in the area is General Commercial (GC).
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties. The surrounding properties are a mixture of commercial and high-density residential uses and the proposed use of the property as a car sales lot will not have a negative impact on the adjacent properties. In fact, the proposed use is an expansion of the Applicant's existing auto body shop that is located at 50 Leader Road.
- C. The subject property has no reasonable economic use as currently zoned because the predominant zoning in the area is General Commercial and a single family home is not compatible with surrounding uses. Additionally, the fair market value of the subject property falls below the range of values of similarly zoned

and situated properties with equivalent utility.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, the existing streets, transportation facilities, utilities or schools. The proposed use as a car sales lot adjacent to the traffic corridors of South Cobb Drive and Sandtown Road will not overly burden the streets.
- E. The zoning proposal is consistent with the property's designation as a Community Activity Center (CAC) as defined by the Cobb County's Comprehensive Land Use Plan and Future Land Use Map. Additionally, the current zoning category of R-20 is inconsistent with the Community Activity Center (CAC) designation.
- F. There is no substantial relationship between the existing zoning classification of R-20 in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of the development within this Community Activity Center (CAC) there is no established land use principle or political consideration which would vitiate the zoning proposal.

Respectfully submitted, this 14 day of December, 2014.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

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