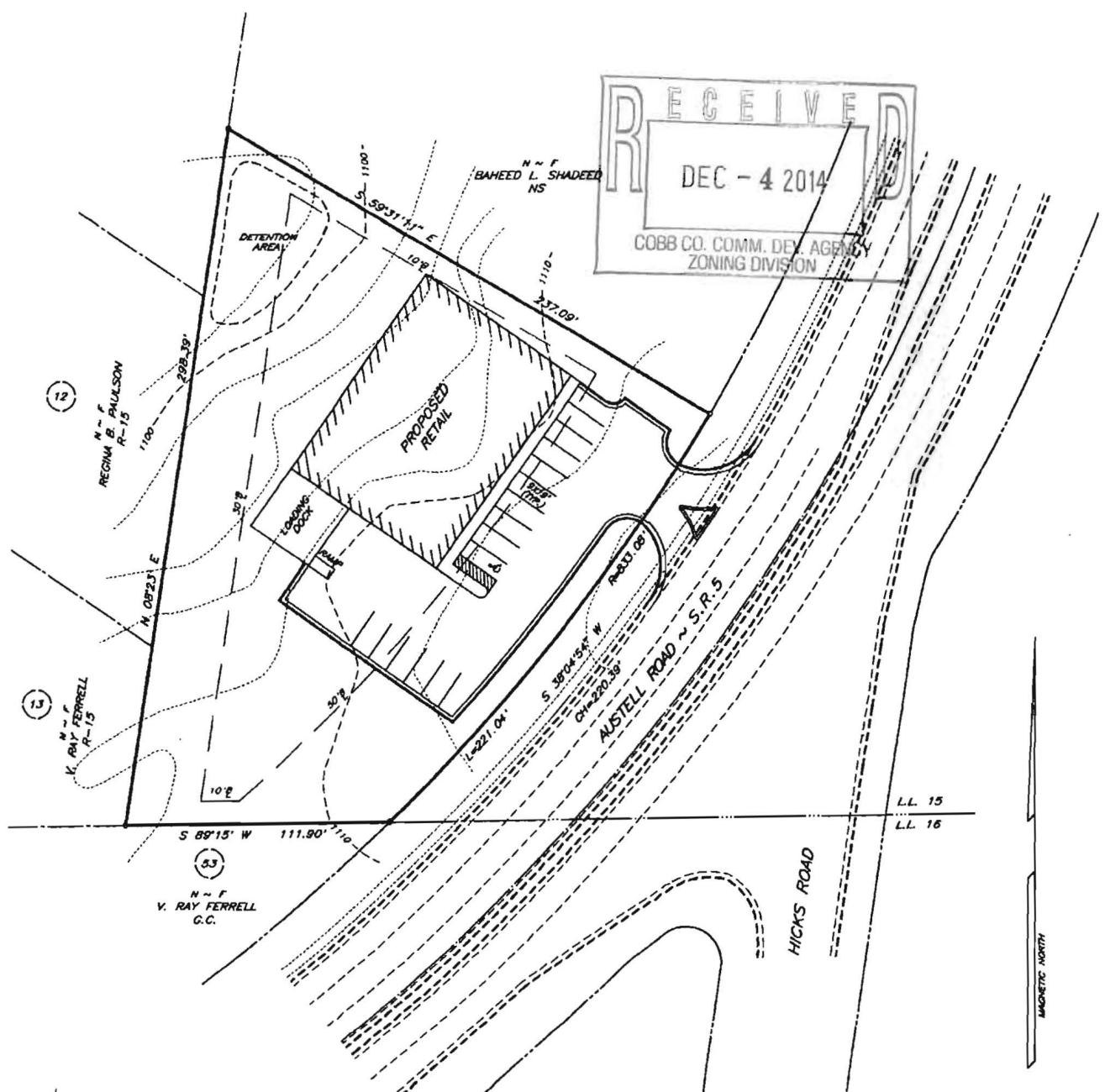


RECEIVED  
DEC - 4 2014  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



- NOTES:
1. PRESENT ZONING ~ NS
  2. PROPOSED ZONING ~ GC
  3. TOTAL SITE AREA ~ 1.00 ACRES
  4. PARKING SPACES ~ 18
  5. BUILDING USAGE: ~ RETAIL/LAWN MOWER SALES & SERVICE
  6. BUILDING LINES:  
FRONT ~ 50'  
SIDE ~ 10'  
REAR ~ 30'
  7. TOPOGRAPHY IS FROM A TOPOGRAPHIC SURVEY FOR HAROLD R. LEE & GLADYS E. LEE BY TRENHOLM BAKER, DATED DECEMBER 19, 1982
  8. BOUNDARY FROM A PLAT BY OTHERS
  9. NO CEMETERIES, ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS EXIST ON THIS SITE
  10. NO WETLANDS EXIST ON THIS SITE



DATE	: 10-31-88	REVISIONS
SCALE	: 1"=30'	
DRAWN BY	: ALG	
CHECKED BY	:	
E./COB/LOVELESS		

**GASKINS SURVEYING CO.**  
1266 POWDER SPRINGS RD.  
MARRETTA, GEORGIA 30064  
(770) 424-7188

REZONING PLAN FOR:  
**PATHERESA AND RONALD LOVELESS**  
LOCATED IN L.L. 15  
17th DIST., 2nd SECT.,  
COBB COUNTY, GA.

**APPLICANT:** Davis Ice Cream D/B/A Ice Cream Warehouse  
**PHONE#:** 251-476-6604 **EMAIL:** jldavis@icecreambizz.com  
**REPRESENTATIVE:** Janet Davis  
**PHONE#:** 251-476-6604 **EMAIL:** jldavis@icecreambizz.com  
**TITLEHOLDER:** Ronald H. Loveless

**PETITION NO:** Z- 14  
**HEARING DATE (PC):** 02-03-15  
**HEARING DATE (BOC):** 02-17-15  
**PRESENT ZONING:** NS  
**PROPOSED ZONING:** NRC

**PROPERTY LOCATION:** West side of Austell Road, across from  
Hicks Road  
(2532 Austell Road).

**PROPOSED USE:** Ice Cream Warehouse

**ACCESS TO PROPERTY:** Austell Road

**SIZE OF TRACT:** 1.00 acre

**PHYSICAL CHARACTERISTICS TO SITE:** Existing warehouse  
building

**DISTRICT:** 17

**LAND LOT(S):** 15

**PARCEL(S):** 56

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** NS/Vacant Lot
- SOUTH:** GC/Auto Repair
- EAST:** GC/Straw Depot and Cobb Towing
- WEST:** R-15/Millwood Forest Subdivision

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

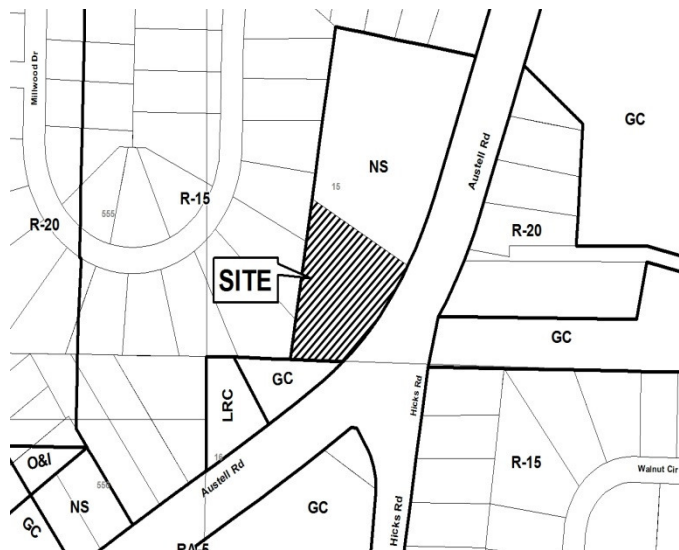
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

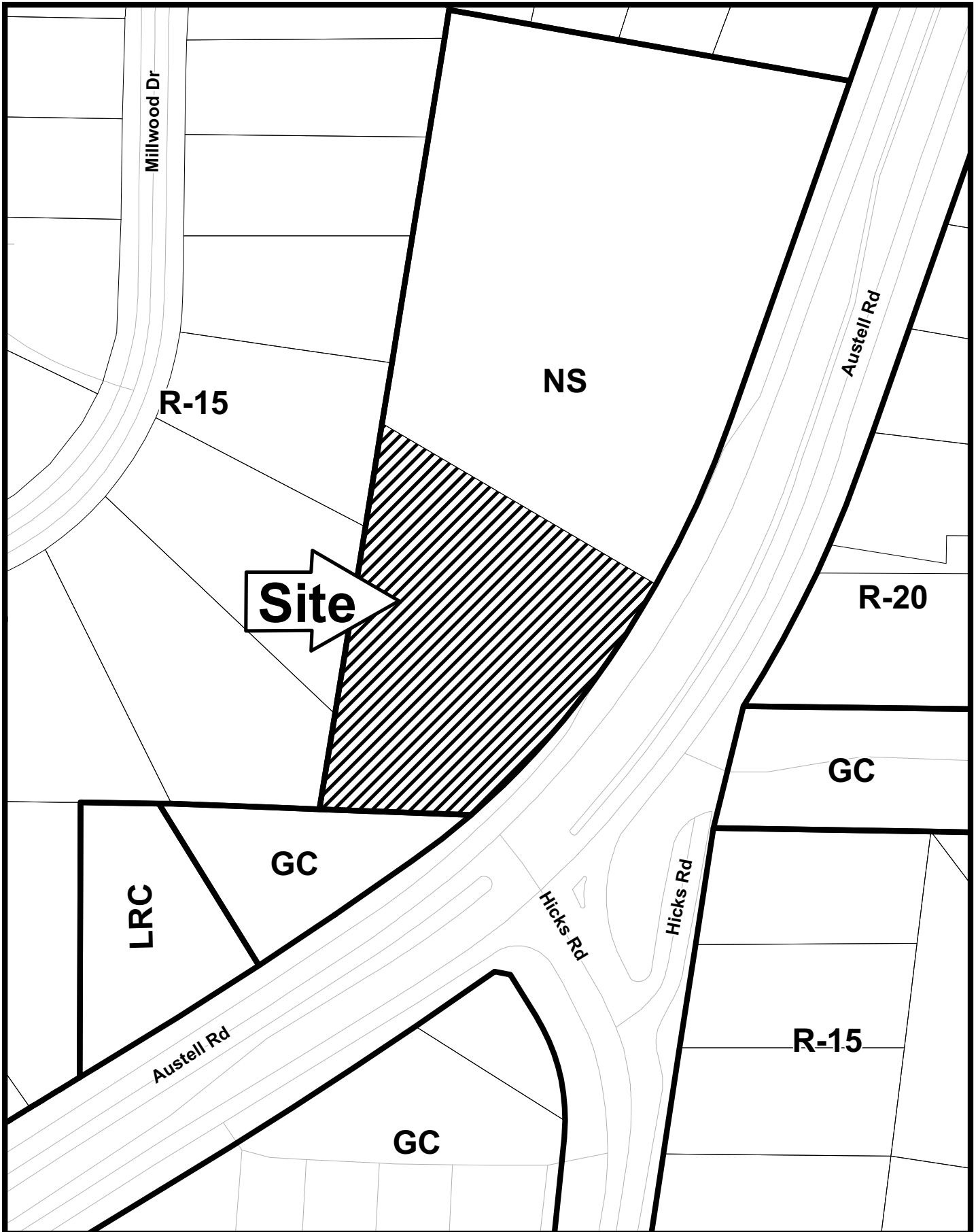
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

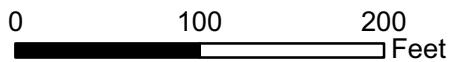
**STIPULATIONS:**





# Z-14



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Davis Ice Cream DBA Ice Cream Warehouse

**PETITION NO.:** Z-14

**PRESENT ZONING:** NS

**PETITION FOR:** NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 1 (Existing) **Total Square Footage of Development:** 7,500

**F.A.R.:** 7,500 **Square Footage/Acre:** 0.172

**Parking Spaces Required:** 25 **Parking Spaces Provided:** 16

Applicant is requesting the Neighborhood Retail Commercial zoning category for the purpose of operating an ice cream distribution and retail business. The proposed business services the ice cream needs of convenience stores, schools, ice cream vending, special events and the public. The business is not set up as a typical retail establishment, but does offer sales to the public. The proposed hours of operation are Monday through Saturday from 6 a.m. until 6 p.m., and there will be six employees. The business will use two small delivery trucks initially at this location. The business does not service grocery stores, so the volume is less than that of a typical ice cream company. The existing building will be used with no redevelopment.

**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:** Davis Ice Cream DBA Ice Cream Warehouse

**PETITION NO.:** Z-14

**PRESENT ZONING:** NS

**PETITION FOR:** NRC

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from NS to NRC for purpose of ice cream warehouse. The 1.00 acre site is located on the west side of Austell Road at Hicks Road.

**Comprehensive Plan**

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with NS zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery 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:** Davis Ice Cream DBA Ice Cream Warehouse

**PETITION NO.:** Z-14

**PRESENT ZONING:** NS

**PETITION FOR:** NRC

\*\*\*\*\*

**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 Davis Ice Cream DBA Ice Cream Warehouse

PETITION NO. Z-014

PRESENT ZONING NS

PETITION FOR NRC

\*\*\*\*\*

**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 Austell Road

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: 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

Drv 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.  
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:** Davis Ice Cream DBA Ice Cream Warehouse

**PETITION NO.:** Z-14

**PRESENT ZONING:** NS

**PETITION FOR:** NRC

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

No substantial site improvements are proposed. The site is served by an existing stormwater detention facility. Any required pond maintenance must be performed prior to issuance of certificate of occupancy.



**APPLICANT:** Davis Ice Cream d/b/a Ice Cream Warehouse **PETITION NO.:** Z-14

**PRESENT ZONING:** NS **PETITION FOR:** NRC

\*\*\*\*\*

**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
Austell Road	30,600	Arterial	45	GDOT	100'

*Based on [2013] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Austell Road is classified as an arterial, a state route, and according to the available information the existing right-of-way meets the minimum requirements for this classification.

**RECOMMENDATIONS**

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

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

## STAFF RECOMMENDATIONS

### **Z-14 DAVIS ICE CREAM D/B/A/ ICE CREAM WAREHOUSE**

- 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. Other properties along this section of Austell Road are zoned for different commercial, retail 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 property was previously used for chainsaw and go-cart sales and the applicant is not proposing any redevelopment.
- 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*, which delineates the property as being in the Neighborhood Activity Center (NAC) land use category. The NRC zoning category is compatible with the NAC land use plan. The current NS zoning category is not compatible with the current NAC land use category and the property cannot be utilized under this circumstance. The proposed ice cream business will be a low impact distribution business with a portion of the business being open to the public for retail sales.
- 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 property has previously been used for chainsaw and go-cart sales and the applicant does not plan any redevelopment. The existing building will suit the needs of the business.

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

- Site plan received by the Zoning Division on December 4, 2014, with the District Commissioner approving minor modifications;
- Fire Department 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.**



Application #: Z-14  
PC Hearing Date: 2-3-15  
BOC Hearing Date: 2-17-15

## 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): \_\_\_\_\_
- b) Proposed building architecture: Existing structure - no exterior changes -  
Walk in freezer to be installed
- c) Proposed hours/days of operation: Monday - Saturday 6 a.m. - 6 p.m.
- d) List all requested variances: \_\_\_\_\_

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

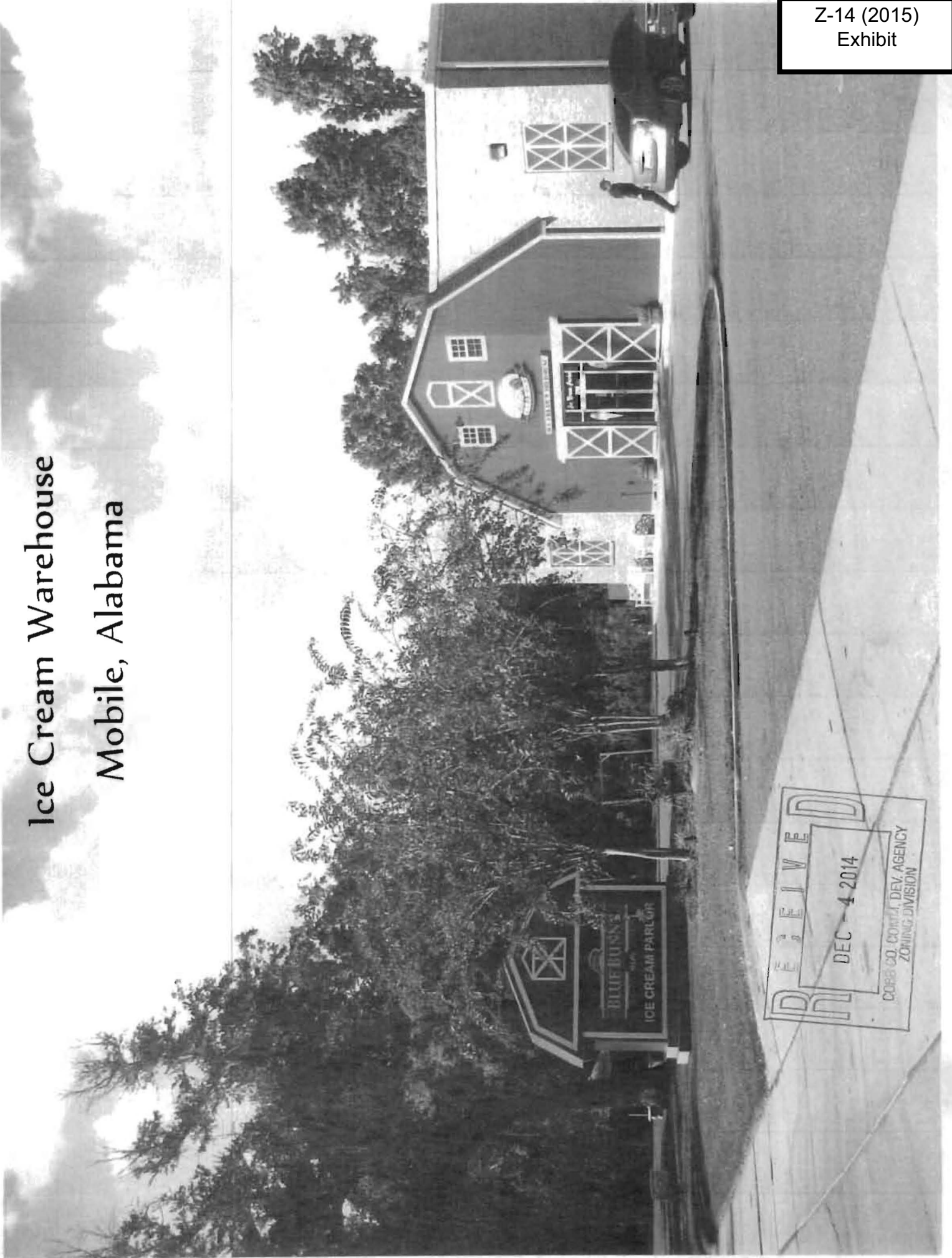
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
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). \_\_\_\_\_  
\_\_\_\_\_

.....  
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).

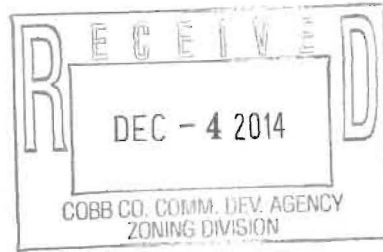
Applicant signature: Jarret Davis Date: 12/4/14  
Applicant name (printed): Jarret Davis

# Ice Cream Warehouse Mobile, Alabama



Z-14 (2015)  
Exhibit

W



## THE ICE CREAM WAREHOUSE HISTORY

Our name includes the word "Warehouse" because we want to be considered a one stop shopping for all of your ice cream needs! We are a family business and have been in business since 1999 and have one location in LaGrange, GA and two in the state of Alabama. One is located in Mobile, Alabama and another in Hueytown (Birmingham area).

We retail to the public as well as sell to mom and pop grocery stores and convenience stores. They like to come in and pick up orders to save money if they have their own equipment to store it in at their stores.

Two out of the three locations we operate are similarly located as the Austell Road Marietta, GA location. They front neighborhoods. We blend in with them and usually end up getting quite integrated into our surround neighborhoods and communities.

Our business should be considered an ice cream specialty store. No different than the business that built the building and occupied it before. They sold go carts and chainsaws and have two loading docks already on the property.

The only purpose our trucks serve is delivery. They are smaller delivery trucks that do not require CDL. No tractor trailer types. We would like to start with two trucks at that location initially. They leave at 6:00 a.m. and do not return until late afternoon, typically around 3-6 p.m. They are not back and forth, in and out, all day. They have a set amount of deliveries every day to convenience stores and schools. We do not service grocery stores so our volume is way less than a typical ice cream company. Our contract with Blue Bunny ice cream currently does not cover grocery stores. Only convenience stores, schools, ice cream vending and special events.

We are excited about being members of the Cobb County Community.