

**MARCH 17, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM OB-016

PURPOSE

To consider a site plan approval for J.M. Williams and Geoff Sullivan regarding rezoning application Z-7 of 2011 (Rooms To Go), for property located at the north side of Ernest Barrett Parkway and on the south side of Auto Park Drive, in Land Lots 172, 173 and 209 of the 20th District.

BACKGROUND

The subject property was rezoned in 2011 for a Rooms To Go store and shops on the south side of the parcel. The north side of the parcel did not have any development plans shown on the site plan, so the Board of Commissioners stipulated that these tracts would come back to the Board for final site plan approval. The northwestern tract was approved in 2013 by the Board of Commissioners as additional parking for the applicant’s cars and trucks. This request is for the northeastern tract, which the applicant’s needs to park additional new car and new truck inventory. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan approval.

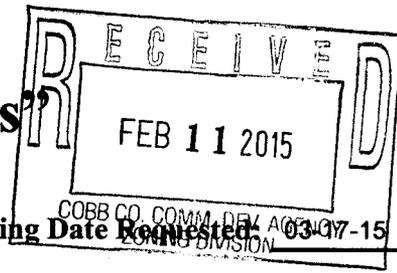
ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 03-17-15



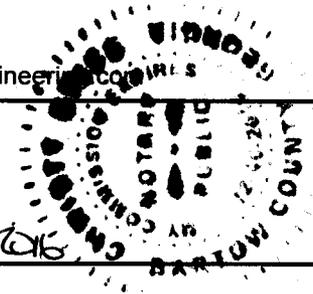
OB-016-2015

Applicant: JM Williams - Geoff Sullivan **Phone #:** 678-517-4737
(applicant's name printed)

Address: 400 Franklin Road - Suite 200 - Marietta, GA 30067 **E-Mail:** geoffs@jmwilliamscontractors.com

Brian Pelham **Address:** 1800 Parkway Place - Marietta, GA 30067

(representative's name, printed)
Brian Pelham **Phone #:** 770-733-7905 **E-Mail:** brianp@laiengineering.com
(representative's signature)



Signed, sealed and delivered in presence of:
Christy Rice **My commission expires:** 200616
Notary Public

Titleholder(s): Carl Black GMC - T. Scott Jordan **Phone #:** 678-242-3006
(property owner's name printed)

Address: 1110 Roberts Blvd. NW - Kennesaw, GA 30144 **E-Mail:** _____

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:
Melanie Camp **My commission expires:** 7-9-2018
Notary Public



Commission District: 1 **Zoning Case:** Z-7

Date of Zoning Decision: _____ **Original Date of Hearing:** 03-15-11

Location: 1030 AUTOPARK DRIVE
(street address, if applicable; nearest intersection, etc.)

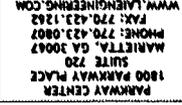
Land Lot(s): 172 **District(s):** 20th

State specifically the need or reason(s) for Other Business: DEVIATION FROM ORIGINAL, APPROVED SITE PLAN WITH PROVISIONS FOR ADDITIONAL PARKING.

REVISIONS

COBB COUNTY, GEORGIA
CARL BLACK
1030 AUTO PARK DRIVE
CARL BLACK - ROADWAY EXTENSION

LAND LOT 172, 20TH DISTRICT
WWW.LAIENGINEERING.COM
PHONE: 770.423.0807
FAX: 770.423.1242
MARIETTA, GA 30047
SUITE 220
1800 PARKWAY PLACE
PARKWAY CENTER



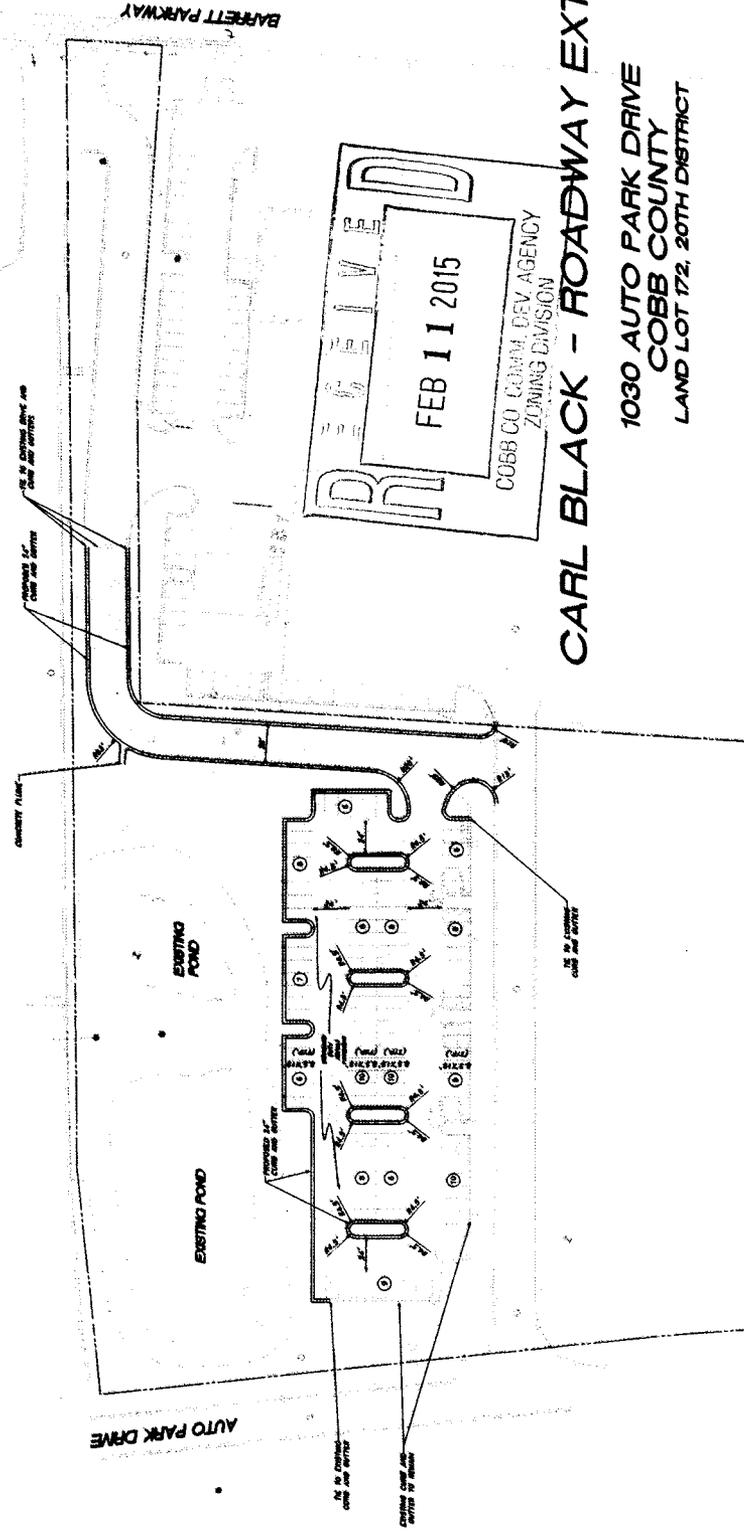
DATE: 08-08-2014
PROJECT: SP 1
REVISION: SITE PLAN

DATE: 08-08-2014
PROJECT: SP 1
REVISION: SITE PLAN

OB-016-2015
Proposal

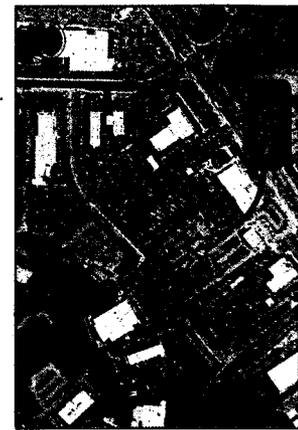
SITE LEGEND

	CONCRETE PAD OF STREET AREA
	CONCRETE CURB AND GUTTER
	STANDARD CITY STREET PAVING
	ANY DESIGNATED PARKING AREA
	CONCRETE STREET STOP
	PARKING SPACE COURT FLAG
	PROPERTY LINE

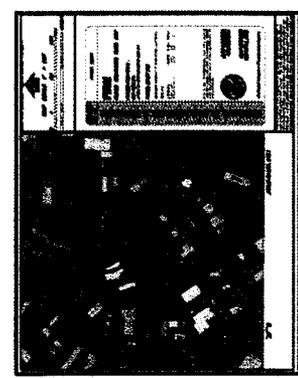


CARL BLACK - ROADWAY EXTENSION

1030 AUTO PARK DRIVE
COBB COUNTY
LAND LOT 172, 20TH DISTRICT

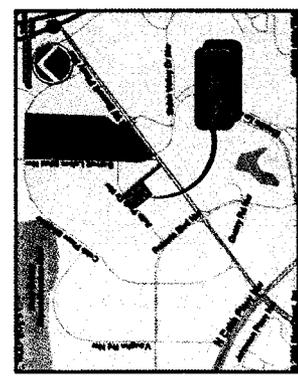


AERIAL
N.T.S.



FEMA MAP
N.T.S.

NOTE: BASED ON COUNTY DETERMINATION, THIS PROPERTY AND USE IS IN A FLOOD HAZARDOUS ZONE. FLOOD HAZARD MAPS ARE AVAILABLE FROM THE COUNTY ENGINEERING DEPARTMENT, 1000 W. BENTLEY AVENUE, SUITE 200, MARIETTA, GA 30067.



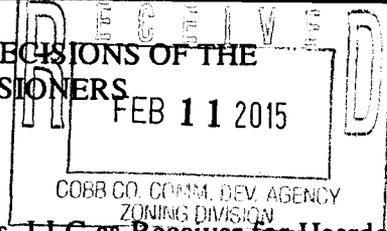
VICINITY MAP
N.T.S.

24-HR EMERGENCY CONTACT: BRIAN PELHAM - 770-423-0807



ORIGINAL DATE OF APPLICATION: 03-15-11APPLICANTS NAME: ROOMS TO GO

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

**BOC DECISION OF 03-15-11 ZONING HEARING:**

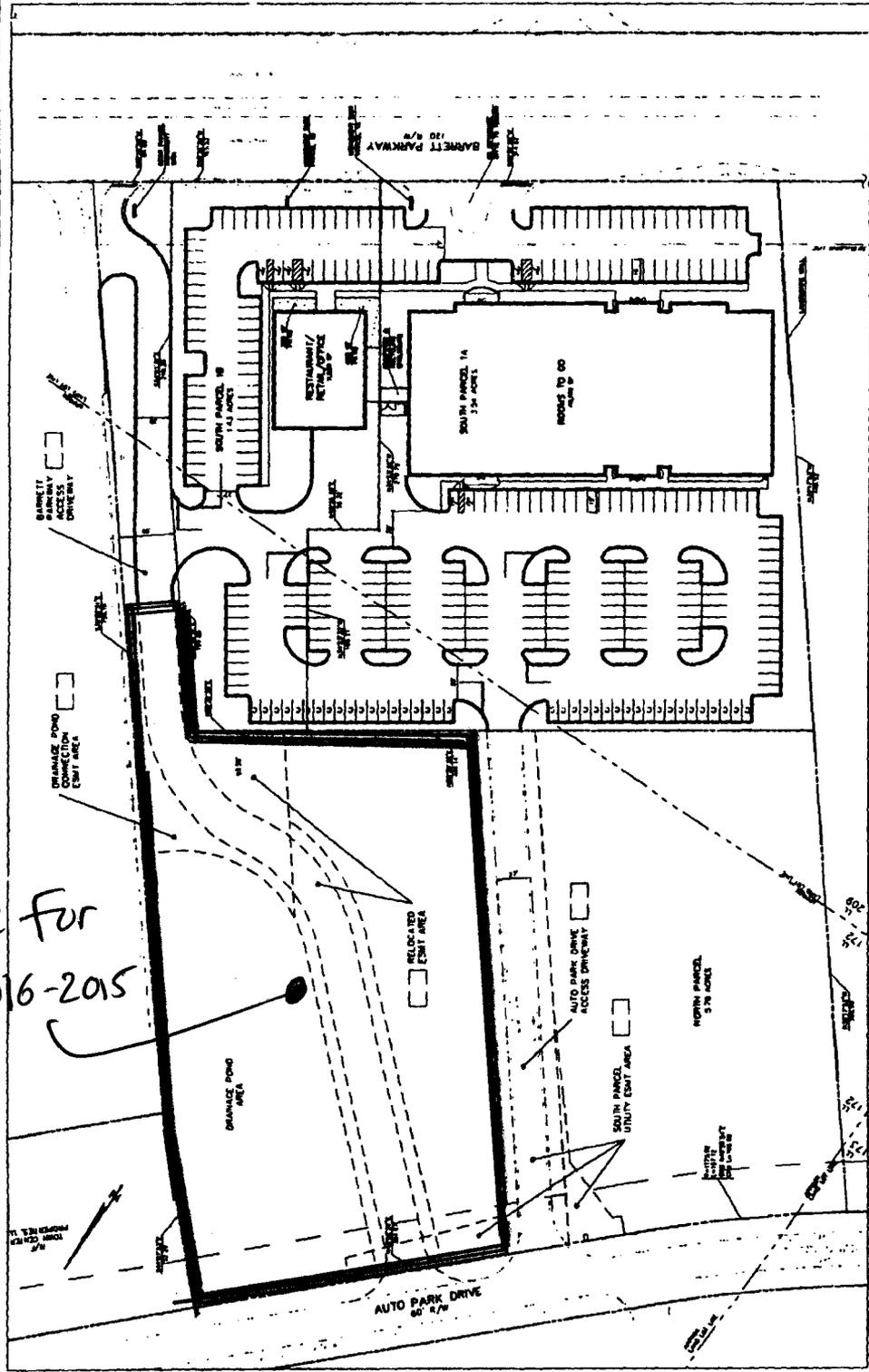
ROOMS TO GO (GlassRatner Management & Realty Advisors, LLC as Receiver for Heardeo, L.P., owner) requesting Rezoning from **GC with Stipulations** to **GC with Stipulations** for the purpose of Retail and Removing Zoning Stipulations in Land Lots 172, 173 and 209 of the 20th District. Located on the north side of Ernest Barrett Parkway; and on the south side of Auto Park Drive, west of Barrett Lakes Boulevard.

The public hearing was opened and Mr. Carl Westmoreland addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Ott, to delete Rezoning to the CRC zoning district subject to:

- site plan received by the Zoning Division February 4, 2011 for reference *only* and subject to Plan Review and approval by the District Commissioner (attached and made a part of these minutes)
- letter of agreeable conditions from Mr. Carl E. Westmoreland, Jr., dated March 14, 2011 (attached and made a part of these minutes)
- contemporaneous variances allowed as described in the stipulated letter
- elevations subject to Plan Review and approval by the District Commissioner
- use and site plan for the north parcel facing Auto Park Drive subject to approval by the Board of Commissioners
- project to be in conformance with Town Center Area Guidelines, *not otherwise in conflict*
- subject to Tree Ordinance and Sign Ordinance, with an overall landscape plan to be approved by County Arborist
- landscape plan to be in general conformity to the Town Center Community Improvement District guidelines, *not otherwise in conflict*
- if the property is subdivided or if a portion is sublet resulting in any lot(s) that do not meet the parking code independently, then all lots adjacent to Barrett Parkway right-of-way will participate in a cross parking agreement
- no vehicles may be parked visible to any right-of-way for advertising or "for sale" purposes, unless the use of the entire property is modified to auto/truck sales by the Board of Commissioners
- District Commissioner may approve minor modifications
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- Cobb DOT comments and recommendations, *not otherwise in conflict*

VOTE: **ADOPTED** unanimously



PAGE 3 OF

REVISED

Petition No. Z-7
 No. Type Site Plan
 Filing Date 3/15/11

Site for
08-016-2015

- 1. Dimensions shown are approximate, they shall not be used for construction.
- 2. All dimensions shall be taken to the centerline of the road.
- 3. All dimensions shall be taken to the centerline of the road.
- 4. All dimensions shall be taken to the centerline of the road.
- 5. All dimensions shall be taken to the centerline of the road.

ZONING SITE PLAN
1-1-11

SEYFARTH
ATTORNEYS **SHAW** LLP

Case No. 62 Petition No. Z-7
Doc. Type Letter of
agreeable conditions
Filing Date 3/15/11

Writer's direct phone
(404) 885-6704
Writer's e-mail
cwestmoreland@seyfarth.com

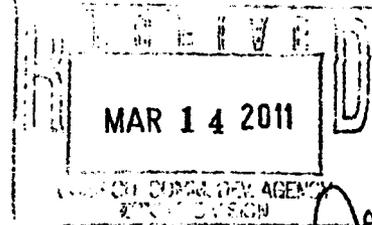
PAGE 4 OF _____

1075 Peachtree Street, N.E.
Suite 2500
Atlanta, GA 30309-3962
(404) 885-1500
fax (404) 892-7058
www.seyfarth.com

March 14, 2011

VIA E-MAIL

Jason Campbell
Community Development - Zoning
P.O. Box 649
Marietta, GA 30061



Re: Petition No. Z-7

Dear Jason:

I understand that it is your practice to have a letter from applicants setting forth the conditions which they are willing to have applied to their applications. Although I think the conditions on which we have agreed are clear and have not changed, please accept this as a stipulation letter for this application.

- The property will be zoned to the CRC classification.
- Development will be conditioned on the conceptual site plan stamped "received" by Cobb County February 4, 2011.
- If the south parcel is subdivided as indicated on the site plan, a variance will be approved to allow the "Rooms To Go" parcel to exceed the floor area ratio of .25 on its site so long as such FAR limitation is met for the entire south parcel.
- If the south parcel is subdivided as indicated on the site plan, a variance will be approved to allow encroachment by the dumpster structure into the 10-foot side yard as shown on the site plan.
- Cross parking will be allowed between the two uses shown on the south parcel.
- Approval of the use shown as "restaurant/retail/office" on the south parcel and the use to be placed on the north parcel of the property will come back to the Cobb County Board of Commissioners as Other Business.

ATLANTA BOSTON CHICAGO HOUSTON LOS ANGELES NEW YORK SACRAMENTO SAN FRANCISCO WASHINGTON, D.C. BRUSSELS

Petition No. 2-7
Filing Date 3/15/11

SEYFARTH
ATTORNEYS **SHAW** LLP

PAGE 5 OF 5

Jason Campbell
March 14, 2011
Page 2

I hope you find this consistent with our previous discussions. If you have questions or need anything further, please let me know.

Very truly yours,

SEYFARTH SHAW LLP



Carl E. Westmoreland, Jr.

CEW:mb

cc: Commissioner Helen Goreham
Mr. Jeffrey H. Finkel
Mr. Peter Weitzner
Mr. Terry Nevel
Mr. George Campbell

3

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

2013 OCT 14 PM 3:19 11-19-2013

BOC Hearing Date Requested: _____

Applicant: Carl Black Chevrolet Buick GMC, Inc. **Phone #:** 770-424-2200
(applicant's name printed)

Address: 1030 Auto Park Dr., Kennesaw, GA 30144 **E-Mail:** sjordan@carlblack.com

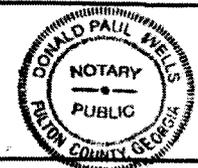
T Scott Jordan **Address:** 1110 Roberts Blvd, Kennesaw, GA 30144
(representative's name, printed)

Phone #: 770-652-3628 **E-Mail:** sjordan@carlblack.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: _____



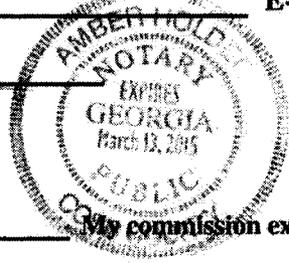
Titleholder(s): Kennesaw Auto Investments, LLC **Phone #:** 770-42402200
(property owner's name printed)

Address: 1110 Roberts Blvd, Kennesaw, GA 30144 **E-Mail:** mbowsher@carlblack.com
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: 03.13.2015



Commission District: 1 **Zoning Case:** Z-7 of 2011

Date of Zoning Decision: 3/15/11 **Original Date of Hearing:** 3-15-11

Location: 1030 Auto Park Dr.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 172 **District(s):** 20

State specifically the need or reason(s) for Other Business:

Sit plan & Stipulation Amendment

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 03-15-11APPLICANTS NAME: ROOMS TO GO

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

BOC DECISION OF 11-19-13 ZONING HEARING:

OTHER BUSINESS ITEM #3 – TO CONSIDER A SITE PLAN APPROVAL FOR CARL BLACK CHEVROLET BUICK GMC, INC REGARDING REZONING APPLICATION Z-7 OF 2011 (ROOMS TO GO)

To consider a site plan approval for Carl Black Chevrolet Buick GMC, Inc regarding rezoning application Z-7 of 2011 (Rooms To Go), for property located at the north side of Ernest Barrett Parkway and on the south side of Auto Park Drive, in Land Lots 172, 173 and 209 of the 20th District.

Mr. Pederson provided information regarding a site plan approval. The public hearing was opened and Mr. Scott Jordan addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Ott, to **approve** Other Business Item No. 3 for site plan approval for Carl Black Chevrolet Buick GMC, Inc. regarding application Z-7 of 2011 (Rooms To Go), for property located at the north side of Ernest Barrett Parkway and on the south side of Auto Park Drive, in Land Lots 172, 173 and 209 of the 20th District **subject to:**

- **Site plan received by the Zoning Division October 14, 2013 (attached and made a part of these minutes)**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously

Min. Bk. 70 Petition No. 083
Doc. Type side plan
Meeting Date 11/19/13

NORTH PARCEL

AUTO PARK ACCESS EASEMENT

LOCATION OF PROPOSED
OF CONNECTION DRIVE

LOT 5A/100A

LOT 5A/100A

LOT 5A/100A

AUTO PARK DRIVE (60' R/W)

Proposed site plan

COSS COUNTY GEORGIA
FILED IN OFFICE

2013 OCT 14 PM 3:23

COSS COUNTY ZONING DIVISION