

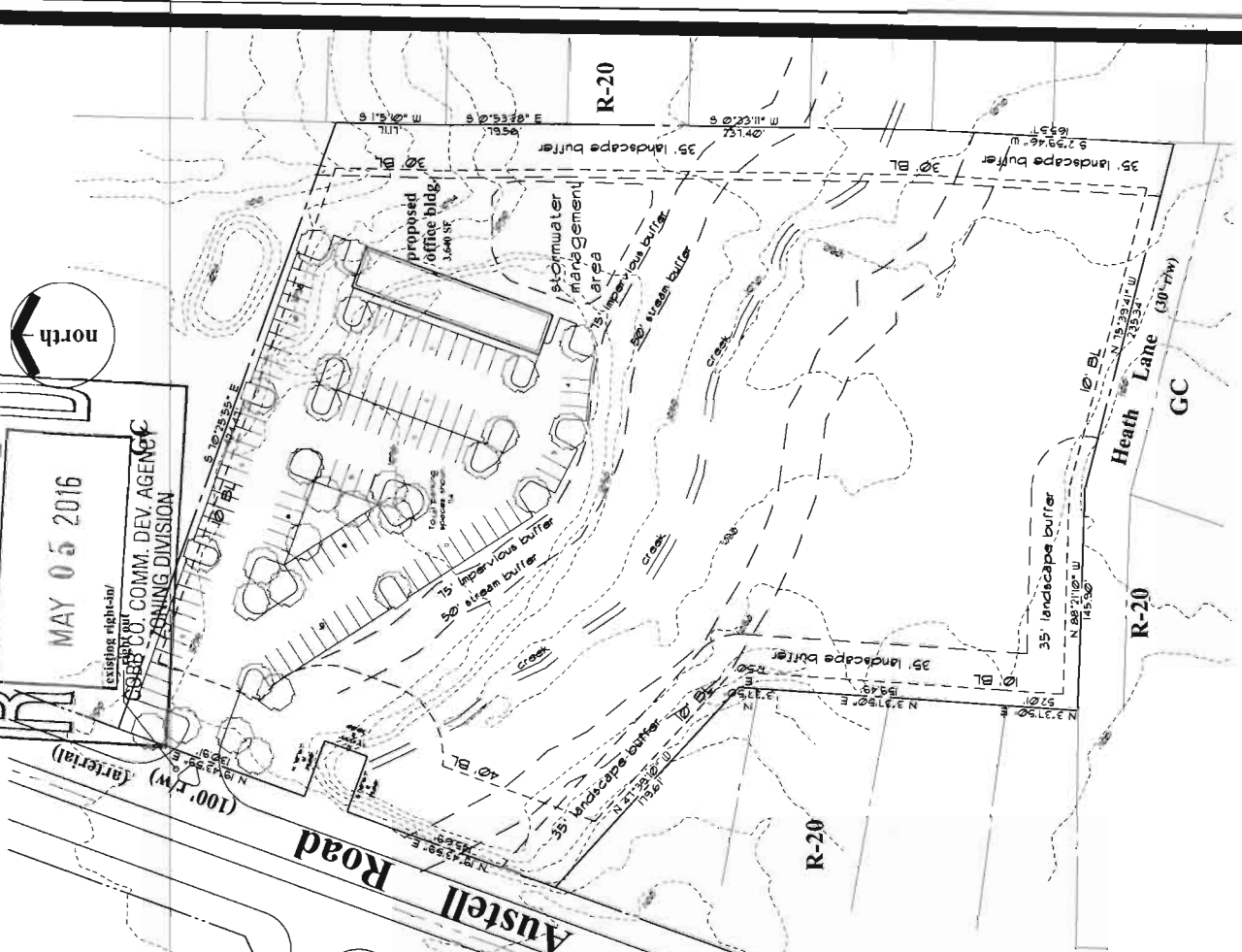
**Rezoning Plat**  
**2455 Austell Road**  
**Cobb County, Georgia**  
 Land Lot 15, 17th District, 2nd Section

prepared for:  
**Cortez Auto Sales, Inc.**



975 Oak Flcwr  
 Bva Sims 212  
 KENNESAW  
 GA 30144  
 770 514-3006  
 FAX 514-9491

Scale: 1" = 50'  
 May 4, 2016



**Site Data**

- Total Site Area: 5.63 AC
- Existing Zoning: GC
- Proposed Zoning: CRC (w/Special Land Use P-1000)
- Total Building Area Shown: 3,640/SF
- Total Parking Spaces Shown: 114
- CRC Building Setbacks:  
 front: 40'  
 side: 10'  
 rear: 30'

- Notes:**
1. Boundary from utility record.
  2. Topographic reference from Cobb County GIS.
  3. Allowing for future construction of the proposed building, the site contains approximately 1.0 acre of wooded area.
  4. No easements are shown on this site.
  5. Stream and wetland classifications to be determined.
  6. No archaeological or architectural landmarks are known to exist.
  7. No utility easements are known to exist on this site.

**APPLICANT:** Cortez Auto Sales, Inc.

**PETITION NO:** SLUP-8

**PHONE #:** 770-912-0831 **EMAIL#:** hugo1125@hotmail.es

**HEARING DATE (PC):** 07-07-16

**REPRESENTATIVE:** Garvis L. Sams, Jr.

**HEARING DATE (BOC):** 07-19-16

**PRESENT ZONING** GC

**TITLEHOLDER:** Georgia-Cumberland Association of Seventh Day Adventists

**PROPOSED ZONING:** SLUP

**PROPERTY LOCATION** East side of Austell Road, north of Hicks Road

**PROPOSED USE:** Previously-owned

(2455 Austell Road)

Automobile Sales Facility

**ACCESS TO PROPERTY:** Austell Road

**SIZE OF TRACT:** 5.6287 Acres

**DISTRICT:** 17

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped wooded lot

**LAND LOT(S):** 15

**PARCEL(S):** 5

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** GC/ Pawn Shop and Shooting Range
- SOUTH:** R-20/ Single Family Home
- EAST:** R-20/ Milford Heights Subdivision
- WEST:** R-15/ Milwood Forest Subdivision

*Adjacent Future Land Use:*

- North: Neighborhood Activity Center (NAC)
- East: Low Density Residential (LDR)
- South: Neighborhood Activity Center (NAC)
- West: Low Density Residential (LDR) and Neighborhood Activity Center (NAC)

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

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

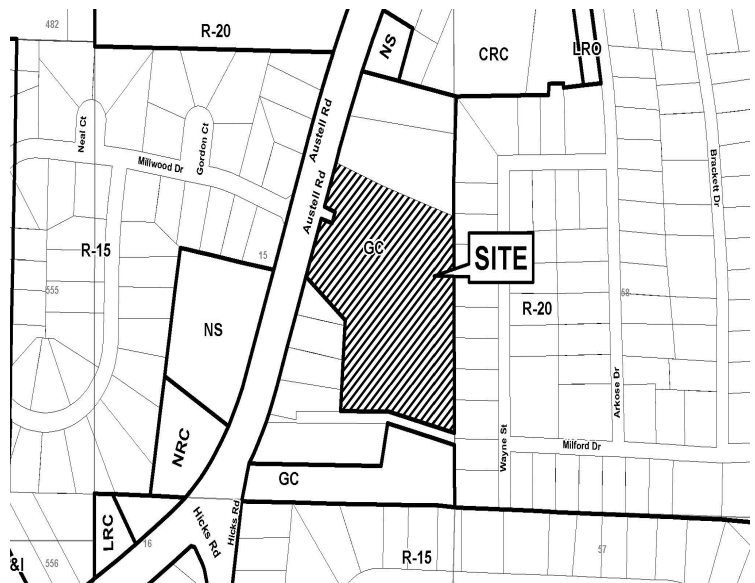
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

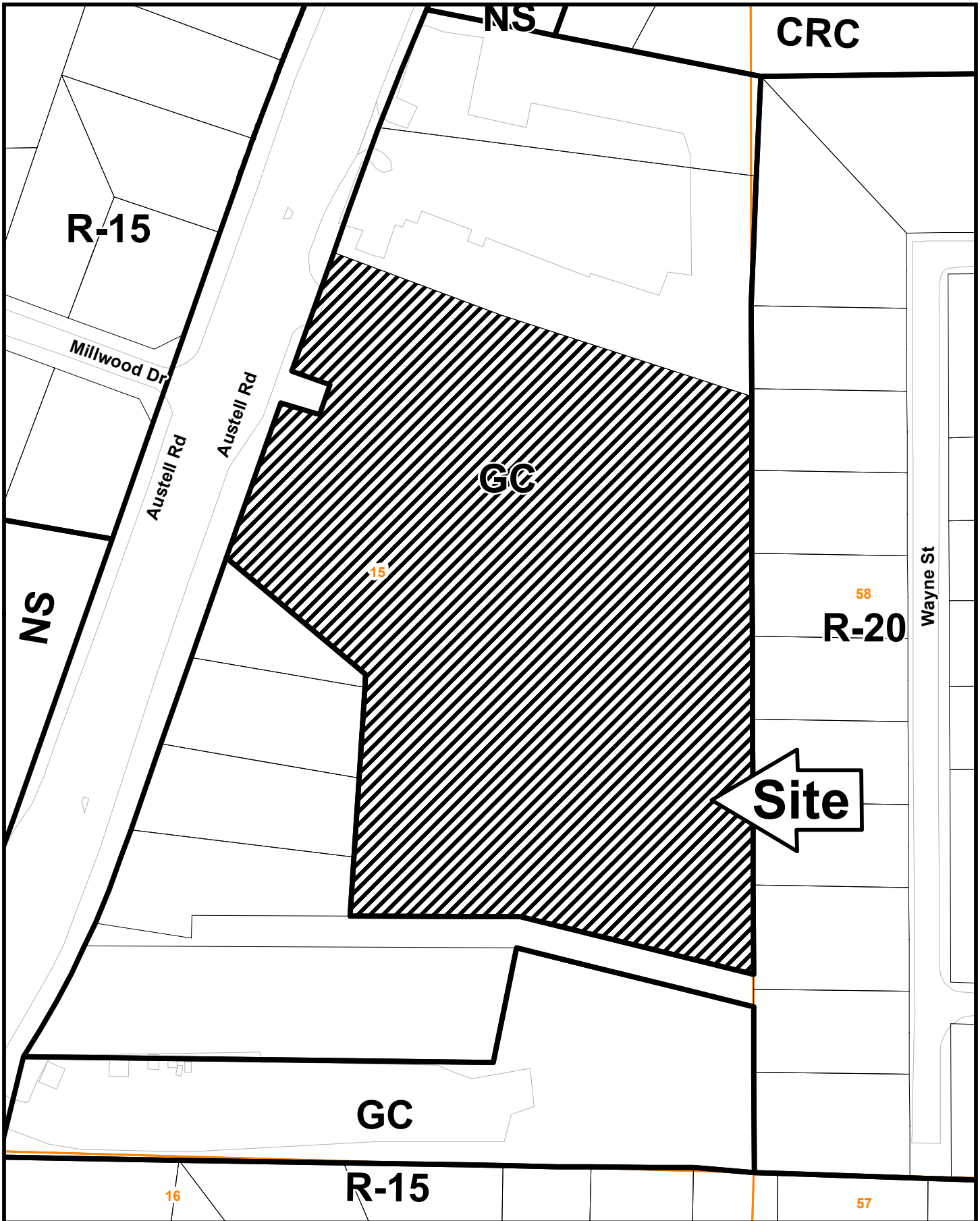
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

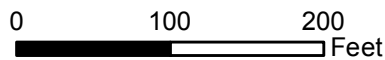
**STIPULATIONS:**





# SLUP-8-2016 GIS



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Cortez Auto Sales, Inc.

**PETITION NO.:** SLUP-8

**PRESENT ZONING:** GC

**PETITION FOR:** SLUP

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**ZONING COMMENTS:** Staff Member Responsible: Donald Wells

The applicant is requesting SLUP for a previously owned automobile sales facility. The applicant intends to operate the facility Monday through Saturday from 8:00 am to 6:00 pm and closed on Sunday. The applicant proposes to build a 3640 square foot sales office. The applicant has also applied for a rezoning as Z-56. This property has been undeveloped for many years and requires the rezoning to meet the land use map.

**Historic Preservation:** No comment.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**WATER & SEWER COMMENTS:**

Water and sewer available. Also see comments for Z-56.

\*\*\*\*\*

**TRAFFIC COMMENTS:**

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

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**FIRE COMMENTS:**

NO 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.

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Favor 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: within and adjacent to stream channel

- 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 CONDITIONS

- 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 receiving stream and existing culvert at Wayne Street.

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**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 stormwater management system must be designed to accommodate and provide conveyance through the site for the existing detention pond discharge from 2445Austell Road to the north.

## STAFF RECOMMENDATIONS

### SLUP-8      CORTEZ AUTO SALES, INC.

There are fifteen criteria that must be considered for a Special Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.*  
**Any future developments would not be consistent with this use because of the land use plan.**
- (2) *Whether or not the use is otherwise compatible with the neighborhood.*  
**The property is surrounded to residentially zoned properties on 3 sides. The contiguous commercial property is non-conforming and will need to be rezoned upon redevelopment or any changes in use.**
- (3) *Whether or not the use proposed will result in a nuisance as defined under state law.*  
**The proposed use will not create a nuisance as defined under state law.**
- (4) *Whether or not quiet enjoyment of surrounding property will be adversely affected.*  
**The traffic that could be generated from the site could adversely affect the surrounding residential properties.**
- (5) *Whether or not property values of surrounding property will be adversely affected.*  
**The surrounding properties could be effected due to the coming and going of customers as well as test drives through residential neighborhoods.**
- (6) *Whether or not adequate provisions are made for parking and traffic considerations.*  
**The applicant has provided the required minimum parking standards as provided in the code.**
- (7) *Whether or not the site or intensity of the use is appropriate.*  
**This request would not be appropriate to the due to the limited commercial uses in the area that would require large delivery trucks as well as the need to test drive vehicles on to Austell Road.**
- (8) *Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.*  
**This property is located in a commercial area.**
- (9) *Whether or not adequate provisions are made regarding hours of operation.*  
**The applicant will operate typical hours Monday through Saturday 10-6.**
- (10) *Whether or not adequate controls and limits are placed on commercial and business deliveries.*  
**There has not been any limits placed on how and when the delivery of automobiles will be made or how.**
- (11) *Whether or not adequate landscape plans are incorporated to ensure appropriate transition.*  
**The applicant has provided the required landscape buffer to protect residential areas.**

**SLUP-8      CORTEZ AUTO SALES, INC. (Continued)**

*(12) Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.*

**The public health, safety, welfare and moral concerns of the surrounding area will not be adversely affected by the applicant's proposal.**

*(13) Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses.*

**The applicant has provided the code required one acre of pavements.**

*(14) Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.*

**The applicant has provided details necessary to review request.**

*(15) In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the county fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the county.*

**The applicant has submitted the required documents as well as a rezoning request (Z-56) necessary to allow a used car lot. The land use plan does not support this use nor does it support the CRC zoning category.**

Based on the above analysis, Staff recommends **Denial**.

**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.**