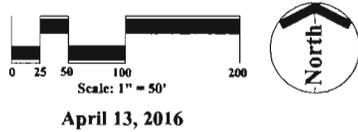


Preliminary Plan

# Veterans Memorial Highway Tract

Cobb County, Georgia Land Lots 46 & 71, 18nd District, 2nd Section

prepared for:  
**Elite Auto Collision**  
 971 Veterans Memorial Hwy.  
 Mableton, Georgia 30126



April 13, 2016

**REVISED**

**Site Data**

**Total Site Area:** 9.85 AC  
 (Tract A - 3.82 AC + Tract B - 6.03 AC)  
**Present Zoning:** LI (w/s)  
**Proposed Zoning:** CRC (conditional)  
**Building Areas:** (as shown)  
**Building Setbacks:** (as shown)

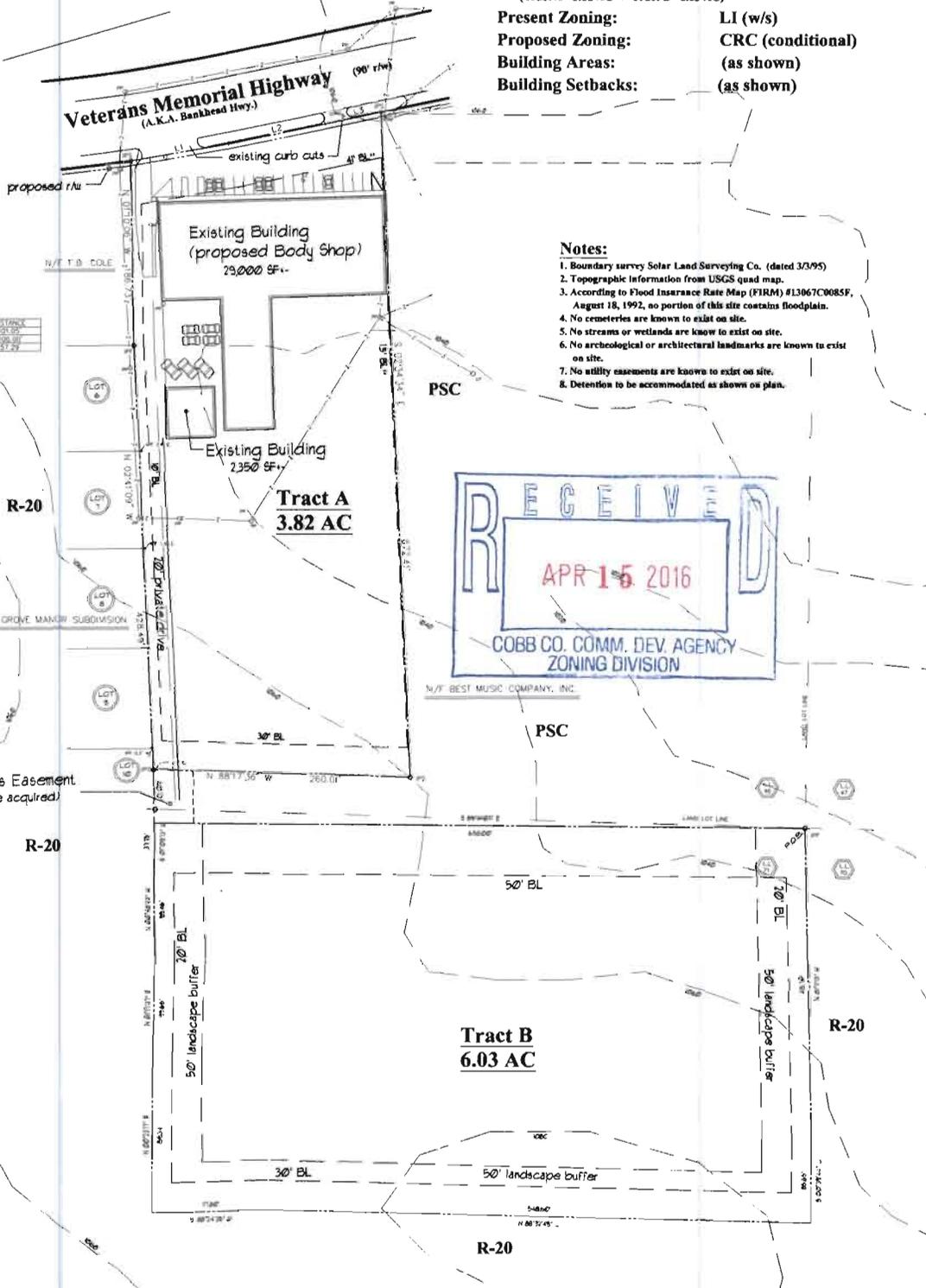
**DGM**  
 LAND PLANNING  
 CONSULTANTS



P.O. Box 4475  
 MARIETTA  
 GA 30061  
 770 514-9006  
 FAX 514-9491



LINE	DESCRIPTION	ADJACENT
1-1	N. 100.00' COLE	100.00'
1-2	N. 100.00' COLE	100.00'
1-3	N. 100.00' COLE	100.00'



- Notes:**
1. Boundary survey Solar Land Surveying Co. (dated 3/3/95)
  2. Topographic information from USGS quad map.
  3. According to Flood Insurance Rate Map (FIRM) #13067C0085F, August 18, 1992, no portion of this site contains floodplain.
  4. No cemeteries are known to exist on site.
  5. No streams or wetlands are known to exist on site.
  6. No archeological or architectural landmarks are known to exist on site.
  7. No utility easements are known to exist on site.
  8. Detention to be accommodated as shown on plan.

**RECEIVED**  
 APR 15 2016  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

**APPLICANT:** Elite Auto Collision & Sales

**PHONE#:** 404-969-9382 **EMAIL:** kevinelite1@gmail.com

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

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

**TITLEHOLDER:** 2K Consulting Group LLC and De Yong Chen

**PROPERTY LOCATION:** South side of Veterans Memorial

Highway, east of Lakeshore Drive

(380 Veterans Memorial Highway)

**ACCESS TO PROPERTY:** Veterans Memorial Highway

**PHYSICAL CHARACTERISTICS TO SITE:** Existing 29,000 sq.

ft. building with accessory 2,350 sq. ft. building

**PETITION NO:** Z-40

**HEARING DATE (PC):** 06-07-16

**HEARING DATE (BOC):** 06-21-16

**PRESENT ZONING** LI

**PROPOSED ZONING:** CRC

**PROPOSED USE:** Collision and Service Center

**SIZE OF TRACT:** 9.85 acres

**DISTRICT:** 18

**LAND LOT(S):** 46

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** LI/ US Art
- SOUTH:** LI/ Undeveloped, Wooded
- EAST:** LI/ Industrial Office/Warehouse
- WEST:** CRC, R-20/ Commercial, Pine Grove Manor

*Adjacent Future Land Use:*

- North: Neighborhood Activity Center (NAC)
- East: Neighborhood Activity Center (NAC)
- South: Neighborhood Activity Center (NAC) with Medium Density Residential within 35 feet.)
- West: Neighborhood Activity Center (NAC) with Low Density Residential (LDR) within 20 feet)

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

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

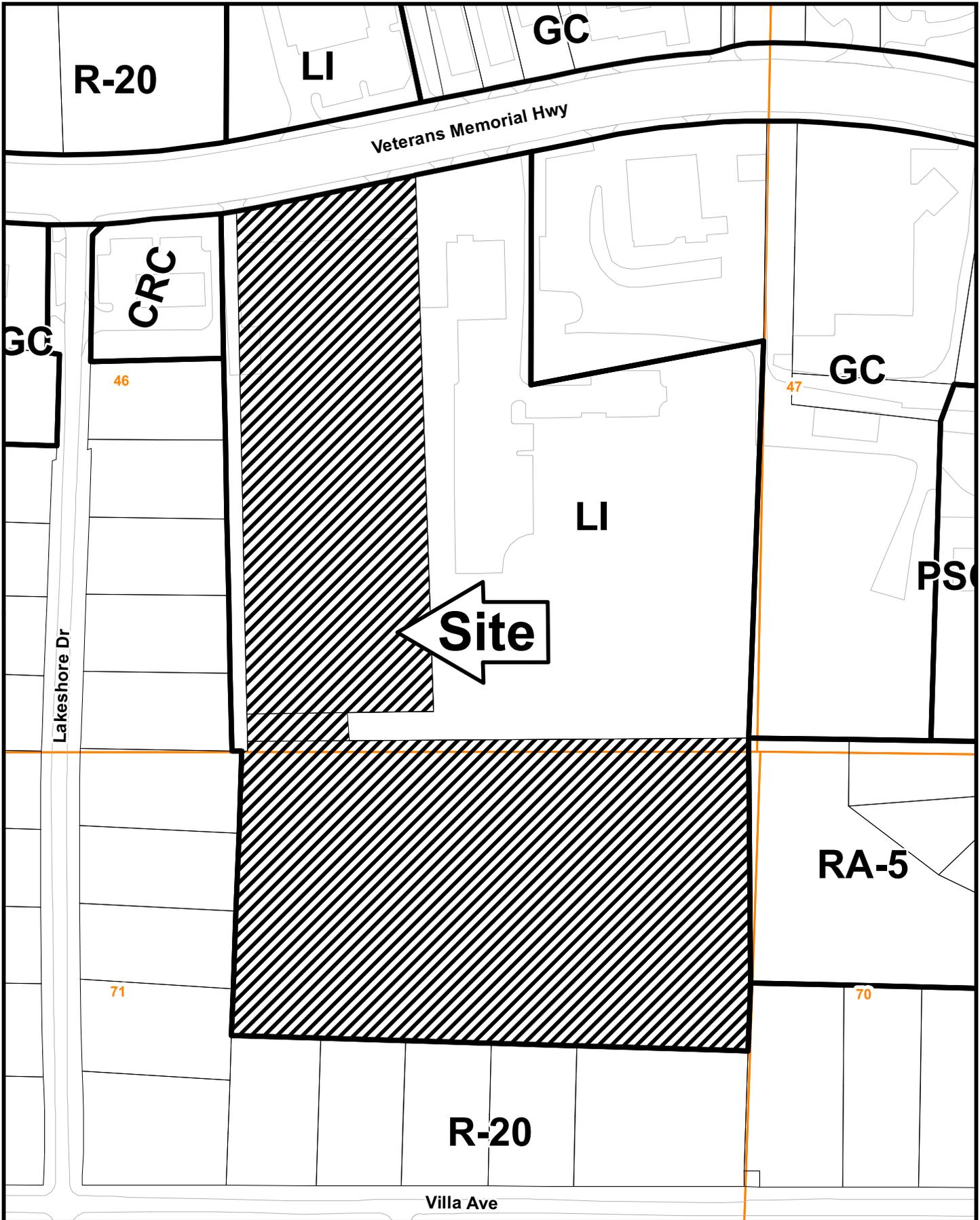
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

**STIPULATIONS:**



# Z-40-2016 GIS



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:** Elite Auto Collision & Sales

**PETITION NO.:** Z-40

**PRESENT ZONING:** LI

**PETITION FOR:** CRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

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

**Proposed Number of Buildings:** 2, existing **Total Square Footage of Development:** 31,350 sq. ft.

**F.A.R.:** 0.07 **Square Footage/Acre:** 3,183 sq. ft.

**Parking Spaces Required:** 19 **Parking Spaces Provided:** 29

The applicant is requesting a rezoning from the current LI light industrial district to the CRC community retail commercial district in order to utilize the property for an auto collision repair and service center. The property, previously rezoned to the current LI district per past case Z-175 of 1999, was subject to specific conditions one of which stated that the use was for the now defunct furniture business only. For this reason, the applicant is seeking to rezone.

The existing building will be utilized with exterior aesthetic upgrades and necessary interior rehabbing and retrofitting. Of the 9.85 acres submitted for consideration, the operations are currently only planned for the front 3.82 acres, with the remainder of the property to be utilized later as the business grows. Initially, upon opening, the business will employ 5 individuals with staffing later increasing to meet workload. Hours of operation will be Monday through Saturday 7:00 a.m. to 7:00 p.m. The applicant has submitted a letter of agreeable conditions regarding the site's operations including the following as built variances:

1. Waiver of the front setback from the required 50 feet to 41 feet; and
2. Waiver of the side setback from the required 10 feet to 1.5 feet adjacent to the eastern side.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

**Site Plan Review:** Any site work stipulated as a condition of this rezoning application approval must be facilitated via a Land Disturbance Permit. A LDP is issued by the Site Plan Review Section and is separate from the Building Permit. The surveyor must submit the site plans to the Site Plan Review Section, Community Development Agency for review and approval prior to the issuance of the Building Permit. Call 770-528-2147.

\*\*\*\*\*

**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.

**APPLICANT:** Elite Auto Collision & Sales

**PETITION NO.:** Z-40

**PRESENT ZONING:** LI

**PETITION FOR:** CRC

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from LI to CRC for the purpose of collision and service center. The 3.82 acre site is located on the northeast corner of Sandtown Road and Osborne Road.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary?       Yes       No  
If yes, has the city of \_\_\_\_\_ been notified?       Yes       No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with LI zoning designation. The purpose of the Neighborhood Activity Center (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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North:            Neighborhood Activity Center (NAC)  
East:            Neighborhood Activity Center (NAC)  
South:           Neighborhood Activity Center ((NAC) with Medium Density Residential within 35 feet.)  
West:            Neighborhood Activity Center ((NAC) with Low Density Residential (LDR) within 20 feet)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or 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: Elite Auto Collision & Sales

PETITION NO.: Z-40

PRESENT ZONING: LI

PETITION FOR: 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 South Cobb 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>.

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:** Elite Auto Collision & Sales

**PETITION NO.:** Z-40

**PRESENT ZONING:** LI

**PETITION FOR:** CRC

\*\*\*\*\*

**PLANNING COMMENTS:** **Continued**

Is the property within the Dobbins Airfield Safety Zone?

- Yes       No

If so, which particular safety zone is this property within?

- CZ (Clear Zone)       APZ I (Accident Potential Zone I)  
 APZ II (Accident Potential Zone II)  
 Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Elite Auto Collision & Sales

PETITION NO. Z-040

PRESENT ZONING LI

PETITION FOR CRC

\*\*\*\*\*

**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): 8" DI / S side of Veterans Memorial Pkwy

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: Along frontage of Veterans Memorial Pkwy

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

Dry 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: Elite Auto Collision & Sales**

**PETITION NO.: Z-40**

**PRESENT ZONING: LI**

**PETITION FOR: CRC**

\*\*\*\*\*

<b>STORMWATER MANAGEMENT COMMENTS</b>
---------------------------------------

This is an existing facility and no substantial site improvements are proposed. Stormwater Management must be provided upon redevelopment or substantial improvement to the site. Subject to all repairs to be performed inside the building.

**APPLICANT: Elite Auto Collision & Sales**

**PETITION NO.: Z-40**

**PRESENT ZONING: LI**

**PETITION FOR: CRC**

\*\*\*\*\*

**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
Veterans Memorial Highway	25,400	Arterial	40 mph	Georgia DOT	100'

*Based on 2008 traffic counting data taken by Cobb County DOT for Veterans Memorial Highway.*

**COMMENTS AND OBSERVATIONS**

Veterans Memorial Highway is classified as an arterial 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 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 south side of Veterans Memorial Highway, a minimum of 50' from the roadway centerline.

Recommend sidewalk along Veterans Memorial Highway frontage.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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## STAFF RECOMMENDATIONS

### **Z-40 ELITE AUTO COLLISION & SALES**

- 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. Located along Veterans Memorial Highway within an area of similar existing development, the request allows for the reutilization of an existing building into a use that is in keeping with other surrounding 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. Recognizing that the size, particularly the depth of the property means that it abuts residential neighbors to the west, the building itself is located closer to Veterans Memorial Highway away from all but one of these neighbors. Further, all work is to be conducted indoors. Other adjacent properties are existing commercial or industrial users.
- 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 not in strict conformity with the policy and intent of the *Cobb County Comprehensive Plan* which delineates this property to be within the NAC neighborhood activity center future land use category. While the request is one that may be more intense than otherwise allowed under districts found within the NAC, it lies adjacent to similar, if not more intense uses. This request to reutilize an existing property seeks to rezone to the CRC community retail commercial district because that district allows for the intended use.
- 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 to rezone the property will allow reutilization of the existing building for a compatible use (automobile paint and body repair and service), it being currently restricted to furniture sales only per conditions of previous zoning. It is anticipated that as it will be conducted entirely indoors, the proposed use will not adversely affect the few adjacent residential neighbors. Finally, the property's location along a major thoroughfare such as Veterans Memorial Highway and its proximity to other commercial as well as industrial users lends support to the request.

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

1. Site plan received by the Zoning Division on April 15, 2016 with the District Commissioner approving minor modifications;
2. Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated April 27, 2016;
3. No outdoor storage or display of merchandise;
4. No used automobile sales from the premises;
5. Fire Department comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. Water Division comments and recommendations;
8. Department of Transportation comments and recommendations; and
9. 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 No. Z-40

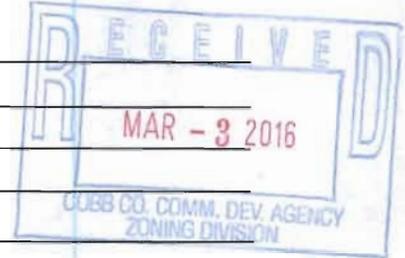
PC Hearing Date: May 3, 2016

BOC Hearing Date: May 17, 2016

## Summary of Intent for Rezoning \*

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

- a) Proposed unit square-footage(s): N/A
- 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): Elite Auto Collision, Repair and Service Center  
(all interior to the existing building)
- b) Proposed building architecture: As-built, but with exterior aesthetic  
upgrades and interior rehabbing and retrofitting.
- c) Proposed hours/days of operation: 7:00 a.m. until 7:00 p.m., Monday - Saturday
- d) List all requested variances: As shown on the site plan representing  
as-built variances.  
\_\_\_\_\_  
\_\_\_\_\_

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

The subject property is zoned in a Light Industrial classification as is the property to the east and the south. Previously, the subject property was in an Industrial Compatible district; however, recently, Cobb County made a "wholesale" change along the Veterans Memorial Highway Corridor and changed this and hundreds of other properties (otherwise suited for this type of commercial use) to a Neighborhood Activity Center ("NAC").

.....  
**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).**  
None known at this time.

\* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

**ZONING IMPACT STATEMENT FOR THE REZONING  
APPLICATION OF ELITE AUTO COLLISION & SALES**

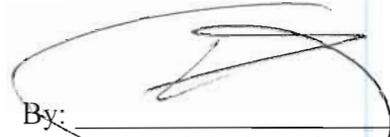
COMES NOW, ELITE AUTO COLLISION & SALES, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Veterans Memorial Highway Corridor, particularly in view of adjacent and nearby Industrial, Industrial Compatible and retail/commercial uses including non-conforming General Commercial zonings and uses.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is currently within an area denominated as a Neighborhood Activity Center (“NAC”) under Cobb County’s Future Land Use Map, formerly shown within an Industrial Compatible (“IC”) area. The building was built and the site used commercially since 1968, and was thereafter rezoned from PSC & R-20 to LI on December 21, 1999.
- 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 disallowance of the proposed use for collision repair and service center.
- 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. The zoning proposal is commercially oriented and is located within a Neighborhood Activity Center (“NAC”) but formerly designated as Industrial Compatible and is adjacent to predominantly commercially zoned properties. There are several LI zoned properties in the immediate area around the subject property.

- F. There is no substantial relationship between the existing zoning classification of Conditional LI which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Veterans Memorial Highway Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 3<sup>rd</sup> day of March, 2016.

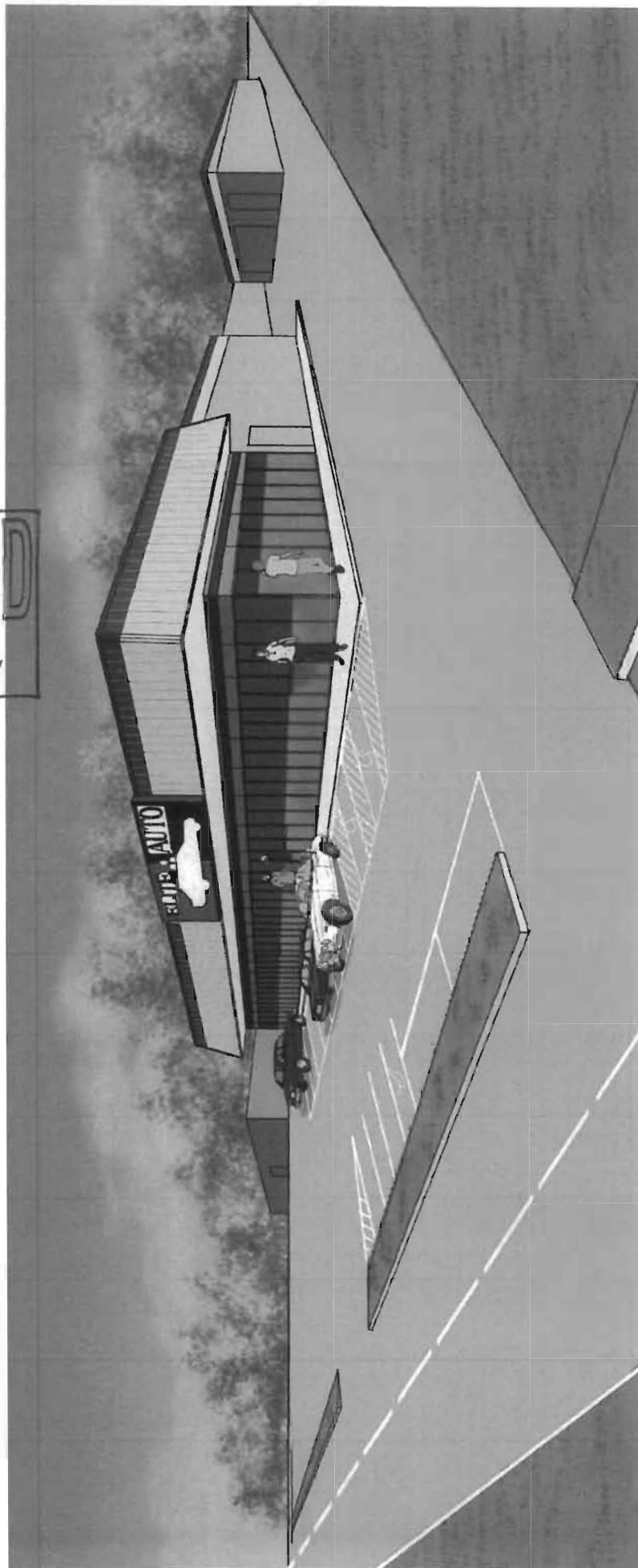
SAMS, LARKIN, HUFF & BALLI, LLP

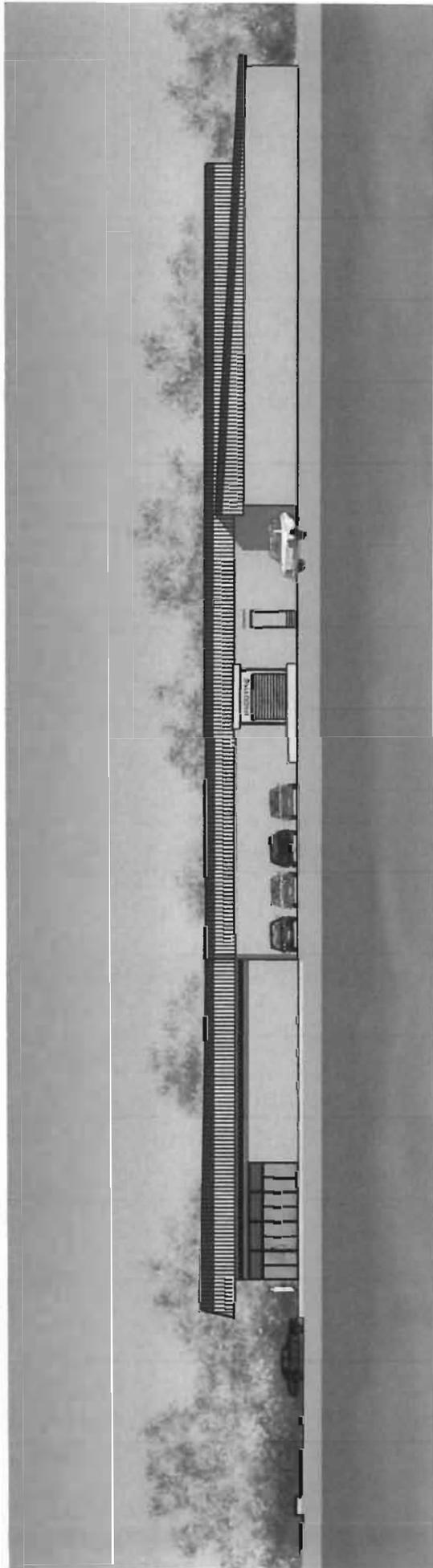


By: \_\_\_\_\_

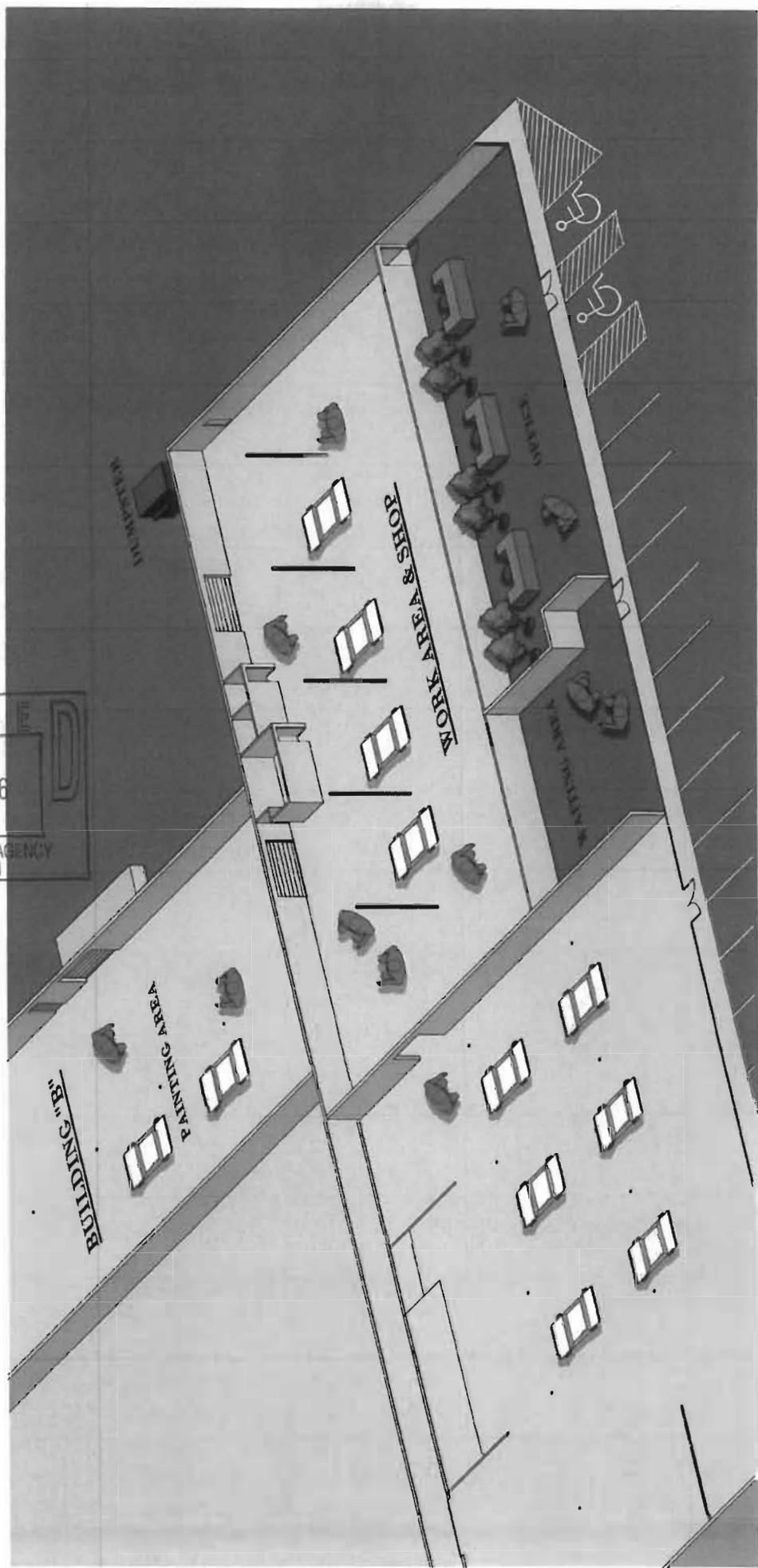
GARVIS L. SAMS, JR.  
Attorney for Applicant  
Ga. Bar No. 623950

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APR 27 2016  
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