

Application for "Other Business" Cobb County, Georgia

OB-029-2017

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

BOC Hearing Date Requested: August 15, 2017

Applicant: JM Williams Contractors

Phone #: 678-242-3006

(applicant's name printed)

Address: 400 Franklin Gateway, Ste 200, Marietta, GA 30067

E-Mail: beverlyn@jmwilliamscontractors.com

Beverly Norton

Address: 400 Franklin Gateway, Ste 200, Marietta, GA 30067

(representative's name, printed)

Beverly Norton

(representative's signature)

Phone #: 678-242-3006

E-Mail: beverlyn@jmwilliamscontractors.com

Signed, sealed and delivered in presence of:

Karen Ellison

Notary Public

My commission expires: 2-13-2020



KF Properties, LLC

Titleholder(s): Vernon L. Krause

Phone #: 678-488-2269

(property owner's name printed)

Address: PO Box 1249 - Alpharetta, GA 30009

E-Mail: VLK@KrawscAuto.com

* *V L K*

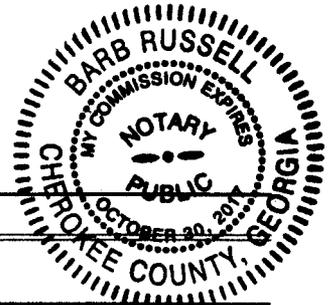
(Property owner's signature)

Signed, sealed and delivered in presence of:

Barb Russell

Notary Public

My commission expires: 10/30/17



Commission District: 3

Zoning Case: Z-65

Size of property in acres: +/-4.6 AC

Original Date of Hearing: November 19, 2013

Location: 2878 Barrett Lakes Boulevard, Kennesaw, GA 30144

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 504, 505, 506

District(s): 16

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

Development of Parcel "B" as identified in the 2013 rezoning case. _____

(List or attach additional information if needed)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 19, 2013
PAGE 4

CONSENT CASES

MOTION: Motion by Goreham, second by Ott, to approve the following cases on the Consent Agenda:

Z-65 **CHEROKEE HYUNDAI OF KENNESAW, LLC** (McCamy Properties, LLC; Marian McCamy Houk as Trustee of the Robert J. McCamy, Jr. Trust; and Robert J. McCamy, Jr. as Trustee of the Mary Stuart McCamy Trust, the Clare Shaw McCamy Trust, and the Marian Sims McCamy Houk Trust, owners) requesting Rezoning from **GC** to **LI** for the purpose of a New and Used Automobile Dealership and Related Services in Land Lots 504, 505 and 506 of the 16th District. Located at the northeast and southeast intersections of Big Shanty Road and Barrett Lake Boulevard, west of Interstate 75.

To approve Rezoning to the **LI** zoning district **subject to:**

- **Revised site plan received by the Zoning Division October 14, 2013, with the District Commissioner approving minor modifications on Parcel "A" (attached and made a part of these minutes)**
- **Site plan for Parcel "B" to be approved by the Board of Commissioners**
- **Letter of agreeable conditions from Mr. John H. Moore, dated October 30, 2013 (attached and made a part of these minutes)**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **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**

~~**LUP-30** **JOHN J. SUAREZ** (John J. Suarez, III, owner) requesting a **Land Use Permit** for the purpose of a Home Office in Land Lot 242 of the 16th District. Located on the east side of Indian Town Road, north of Pete Shaw Road (4080 Indian Town Road).~~

~~To approve Land Use Permit for **12 months** **subject to:**~~

- ~~• **Maximum of three full-time employees**~~
- ~~• **Employee hours limited to Monday through Friday, 8:00 a.m. until 6:00 p.m.**~~

~~CONSENT VOTE: **ADOPTED** 4-0, Chairman Lee absent~~

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS
WILLIAM R. WINDERS, JR.*

ANGELA H. SMITH†
JOYCE W. HARPER
CHRISTOPHER C. MINGLEDORFF†
ANGELA D. TARTLINE
CAREY E. OLSON*
CHARLES E. PIERCE*
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
TODD I. HEIRD*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WESTER*
ADON J. SOLOMON*
AMY L. JETT*
JEFF C. MORMAN*
RYAN M. INGRAM
SHAWN G. SHELTON
KRISTEN C. STEVENSON*
CARLY R. FEDELE

MARIETTA, GEORGIA
EMERSON OVERLOOK
328 ROSWELL ST
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347

LOUISVILLE, KENTUCKY
9900 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-6021

CHARLESTON, SOUTH CAROLINA
4000 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 302-0002

SARAH H. BEST**
RYAN C. EDENS*
JULIE C. FULLER*
JODI B. LODEN*
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
J. MARSHALL WEHUNT
JONATHAN J. SMITH
MONTOYA M. HO-SANG†
TRISTAN B. MORRISON****
WILLIAM B. WARIHAY*
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN****
GRAHAM P. ROBERTS
DAVID J. OTTEN*
JONATHAN S. FUTRELL
JOSHUA D. ARTERS*
NORBERT D. HUMMEL, IV
DAVID P. CONLEY
LYNDSEY J. HURST

B CHASE ELLERY
G BARDIN HOOKS
DAPHNE S. WITHROW
WILLIAM W. MCGOWAN, II†
TYLER R. MORGAN*
MARIANNA L. JABLONSKI*

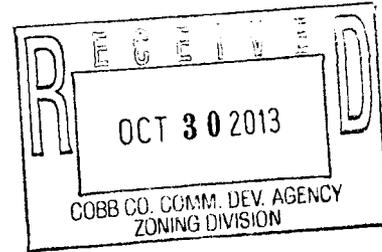
OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
**** ALSO ADMITTED IN CA
^ ALSO ADMITTED IN TX
ALSO ADMITTED IN AL
‡ ALSO ADMITTED IN KY
+ ALSO ADMITTED IN SC
§ ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN
◊ ADMITTED ONLY IN FL

October 30, 2013

Hand Delivered

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia



RE: Application for Rezoning - Application No. Z-65 (2013)
Applicant: Cherokee Hyundai of Kennesaw, LLC
Property Owners: McCamy Properties, LLC; Marian McCamy Houk, as Trustee of the Robert J. McCamy, Jr. Trust; Robert J. McCamy, Jr., as Trustee of the Mary Stuart McCamy Trust; Robert J. McCamy, Jr., as Trustee of the Clare Shaw McCamy Trust; and Robert J. McCamy, Jr., As Trustee of the Marian Sims McCamy Houk Trust

Min. Bk. 70 Petition No. 2-65
Doc. Type Letter of agreeable conditions
Meeting Date 11/19/13

Property: 13.105 acres, more or less, located on the easterly side of Barrett Lakes Boulevard, westerly of Interstate 75, and northerly of Noonday Creek; Land Lots 504, 505, and 506, 16th District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Cherokee Hyundai of Kennesaw, LLC, the Applicant (hereinafter referred to as "Applicant"), in its Application for Rezoning with regard to a total

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 5
October 30, 2013

Petition No. 2-65
Meeting Date 11/19/13
Continued

tract of 13.105 acres, more or less, located on the easterly side of Barrett Lakes Boulevard, westerly of Interstate 75, and northerly of Noonday Creek, Land Lots 504, 505, and 506, 16th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with planning and zoning staff, reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of General Commercial ("GC") to the proposed zoning category of Light Industrial ("LI"), site plan specific to the revised Zoning Plan prepared for Applicant by Croy Engineering, LLC, dated August 26, 2013, last revised October 10, 2013, said revised Plan being submitted to the Zoning Office on October 14, 2013. A reduced copy of the revised Zoning Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of an overall approximate site area of 13.105 acres. The total area proposed for development of the new and used automobile dealership, with related service areas, is 5.774 acres, and is denoted as Parcel A on the revised Zoning Plan. The remaining site area, denoted as Parcel B on the revised Zoning Plan, shall be reserved for future development.
- (4) The proposed structure for the development shall be a maximum of four (4) stories in height. The automobile showroom and office area shall be contained within a maximum of three (3) stories which are above ground. The service area shall be located underneath the showroom and office area, with a one-story service reception area off-set from, but connected to, the main structure. The overall square footage shall be approximately 32,500 square feet.
- (5) The exterior of the proposed dealership shall be wall split-face CMU painted white with gray accents. The showroom area will have fascia silver ACM panels

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 5
October 30, 2013

Petition No. 2-65
Meeting Date 11/19/13
Continued

with blue ACM panel accent box. The storefront area will be clear anodized with low e-clear glazing. A rendering of the proposed dealership is attached as Exhibit "B" and incorporated herein by reference.

- (6) There shall be an approximate total of 118 parking spaces provided for customer and employee parking. Additionally, there shall be approximately 368 inventory parking spaces.
- (7) Security lighting on the proposed dealership structure shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (8) Lighting fixtures for customer parking areas and inventory parking areas shall be environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line. All lighting shall comply with Cobb County Code requirements.
- (9) Access to the proposed dealership shall be by means of Barrett Lakes Boulevard only, as more particularly shown and reflected on the revised Zoning Plan.
- (10) Signage for the proposed dealership shall be located along Barrett Lakes Boulevard and Interstate 75 and shall be consistent with the design, finish, materials, and colors used for automobile dealerships in the surrounding area. All signage shall comply with Cobb County Zoning Codes and Ordinances.
- (11) The setbacks for the proposed development shall be as follows:
 - (a) Front setback - Seventy-five (75) feet (arterial);
Fifty (50) feet (collector and local);
 - (b) Side setback - Twenty-five (25) or thirty-five (35) feet (major);
Twenty (20) feet (minor); and
 - (c) Rear setback - Thirty (30) feet.
- (12) All utilities for the proposed development shall be located underground.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 5
October 30, 2013

Petition No. 2-45
Meeting Date 11/19/13
Continued

- (13) Stormwater management and detention shall comply in all respects with Cobb County Code and regulations.
- (14) Applicant agrees to comply with all Cobb County and State of Georgia stream buffer requirements as more particularly shown and reflected on the referenced Zoning Plan.
- (15) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (16) The District Commissioner shall have the authority to approve minor modifications to these stipulations and the Zoning Plan as the development proposal proceeds through the Plan Review process and thereafter.
- (17) All landscape and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (18) Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, hydrology, and downstream considerations; except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.
- (19) The above stipulations shall bind the Subject Property and the Applicant, and any other future or potential developer of the Subject Property; however, in the event development has not commenced within eighteen (18) months of the final rezoning, the zoning category shall revert to its existing GC zoning classification.
- (20) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

We believe the requested zoning, pursuant to the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed use takes into

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 5
October 30, 2013

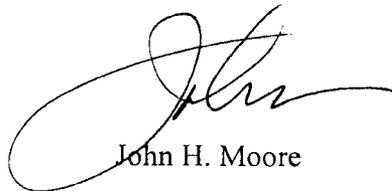
Petition No. 2-105
Meeting Date 11/19/13
Continued

consideration the challenges of location and topography posed by the Subject Property; as well as the challenges placed upon the Property by Cobb County and its classifications and restrictions within the zoning and future land use categories. We appreciate very much your assistance and consideration; as well as that of the Cobb County Planning Commission and Cobb County Board of Commissioners, in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachments

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
Helen C. Goreham
Robert J. Ott
JoAnn Birrell
Lisa N. Cupid
(With Copies of Attachments)

Cobb County Planning Commission
Mike Terry, Chairman
Judy Williams
Christi S. Trombetti
Robert Hovey
Galt Porter
(With Copies of Attachments)

Cherokee Hyundai of Kennesaw, LLC
(With Copies of Attachments)

Petition No. 2-45
 Meeting Date 11/19/13
 Continued

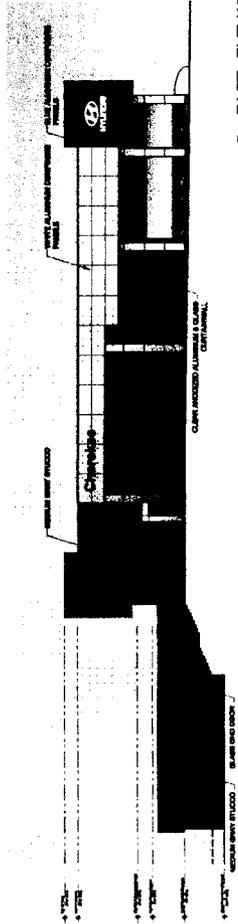
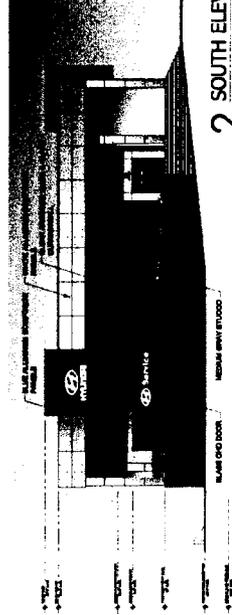
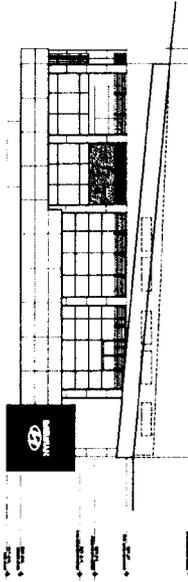
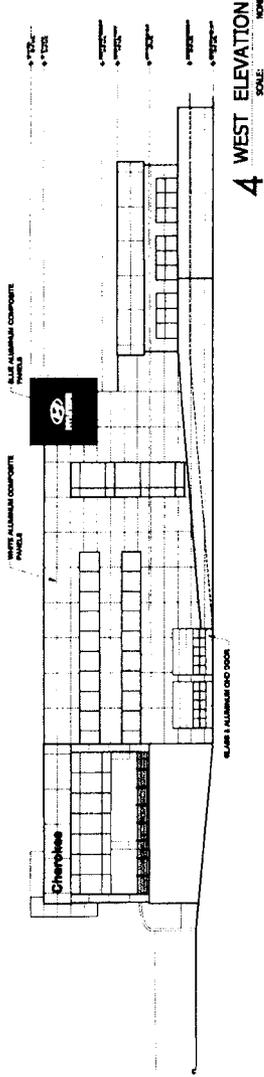


EXHIBIT "B"