



Community Development – Zoning Division

John Pederson – Division Manager

ZONING CASE

Z-8-2023

SITE BACKGROUND

Applicant	Tommy's Express by Northgate
Phone	616-633-0377
Email	dmaher@northgatetommys.com
Representative Contact	Parks F. Huff
Phone	770-422-7016
Email	phuff@samslarkinbuff.com
Titleholder	The Medford Family Limited Partnership
Property Location	Located on the northwest corner of the intersection of Bells Ferry Road and Ernest Barrett Parkway
Address	2595 Bells Ferry Road
Access to Property	Bells Ferry Road, Ernest Barrett Parkway

QUICK FACTS

Commission District	3-Birrell
Current Zoning	PSC
Current Use of Property	Single-family residence
Proposed Zoning	NRC
Proposed Use	Car Wash
Future Land Use	NAC
Site Acreage	2.01
District	16
Land Lot	583
Parcel #	16058300140
Taxes Paid	Yes

FINAL ZONING STAFF RECOMMENDATIONS

(Zoning staff member: Cameron Jones)

Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

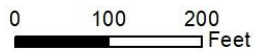
Z-8-2023 DEPARTMENT COMMENTS – Zoning Division



1. Site plan received by the Zoning Division on February 2, 2023 with the District Commissioner approving minor modifications;
2. Signs must be permitted through the Zoning Division and must comply with County Sign Ordinance;
3. Fire Department comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations;
6. Department of Transportation comments and recommendations;
7. Historic Preservation Comments;
8. Applicant to install an 8' landscape enhancement strip along both road frontages; and
9. District Commissioner approval of the final landscape plan and final building elevations.

Z-8 Aerial Map



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



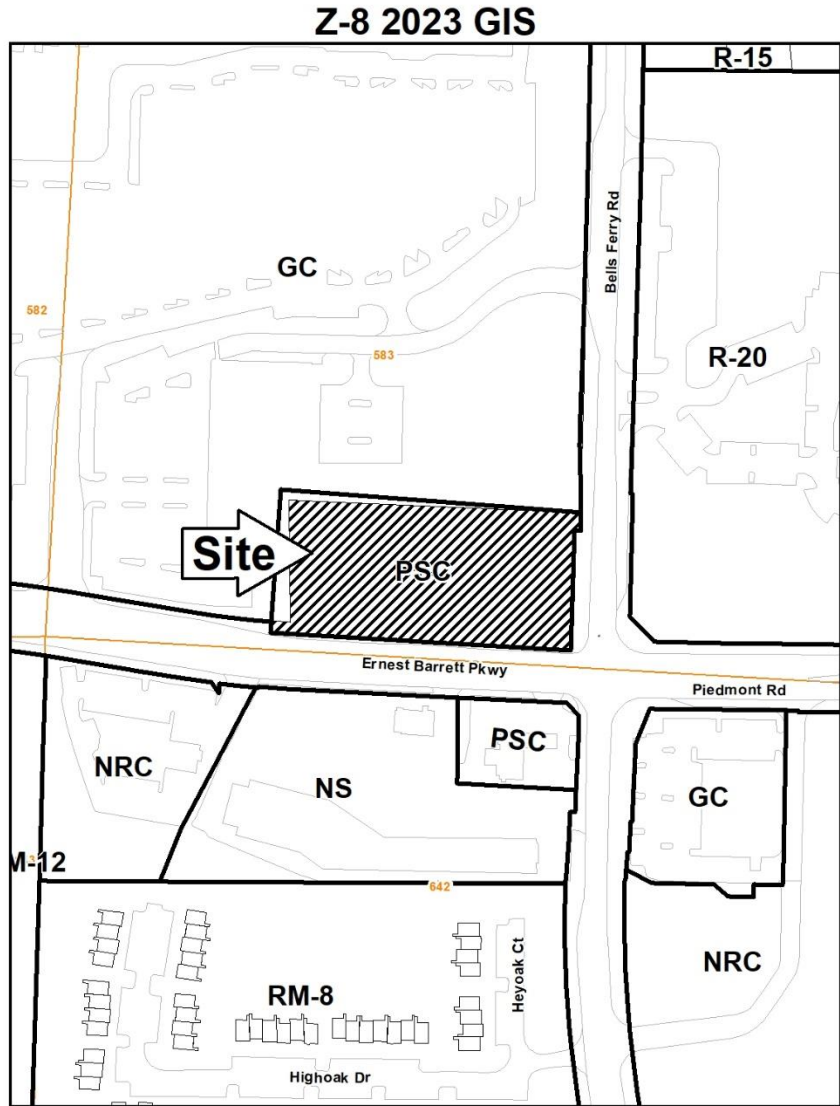
 Zoning Boundary
 City Boundary

Z-8-2023 DEPARTMENT COMMENTS – Zoning Division

North
Zoning: GC/Daycare, Shopping Center
Future Land Use: CAC

WEST
Zoning:
 GC/Shopping Center

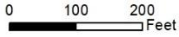
Future Land Use: CAC



EAST
Zoning: R-20/Elementary School

Future Land Use: PI

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



Zoning Boundary
 City Boundary

SOUTH
Zoning: NS, PSC/Auto Shop, Shopping Center
Future Land Use: NAC

Z-8-2023 DEPARTMENT COMMENTS – Zoning Division

Current zoning district for the property

The PSC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the PSC zoning district should be done as compact, unified centers. Projects developed within the PSC zoning district should occupy a quadrant of an intersection, with ingress and egress only from a major collector street or state highway, within an area delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing, developed PSC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned PSC outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

Requested zoning district for the property

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

Summary of the applicant's proposal

The applicant is requesting to rezone from the existing GC to the NRC zoning district to develop a car wash on a 2.01-acre site. The proposed building architecture is concrete, aluminum, and glass. The hours of operation will be 7 A.M. to 8 P.M.

Z-8-2023 DEPARTMENT COMMENTS – Zoning Division

Non-residential criteria

Proposed # of buildings: 1

Proposed # of stories: 1

Total sq. footage of development: 5,315

Floor area ratio: 0.061

Square footage per acre: 2,644

Required parking spaces: 26

Proposed parking spaces: 29

Acres in floodplain or wetlands: 0

Impervious surface shown: 51%

Are there any zoning variances?

No

Are there any environmental conditions existing or proposed in the site?

Yes;

1. The site contains the McAfee-Medford house, an antebellum home that dates to the 1840's. the home had significant remodeling over the years with new roof and room additions. The site also has some Civil War significance.

Z-8-2023 DEPARTMENT COMMENTS – Fire Department

2/24/23

The proposed zoning case must address the comments listed below by prescriptive code or equivalency, as approved by the Cobb County Fire Marshal's Office

Approval based on Professional Engineer-stamped plans that signify overall plan conformance to all Georgia State and Cobb County Codes. Design Professional and Developer maintain the sole responsibility for the design and for correcting all errors, omissions, problems, and code violations (if any) exposed during construction AFTER authorization by Cobb County.

FIRE DEPARTMENT ACCESS:

Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2018 Edition and Cobb County Development Standards 402.11).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches. (Cobb County Development Standards 402.11)

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

CERTIFICATE OF OCCUPANCY:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

ACCESS GATES:

Gates securing fire apparatus access shall meet the following requirements:

- minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway.
- Double lane gates shall be a minimum of 20 feet in clear width.
- Gates shall be of the swinging or sliding type.
- Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access during normal operations and in power failure.
- Emergency opening devices require a permit and shall be approved by the Cobb County Fire Marshal's Office. (Cobb County Development Standards 401.8.2)

FIRE HYDRANT:

Z-8-2023 DEPARTMENT COMMENTS – Fire Department

(continued)

The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road. (Cobb County Development Standards 410.5.2)

Jeff Byrd

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Jeffrey.Byrd@cobbcounty.org

Z-8-2023 DEPARTMENT COMMENTS – Cemetery Preservation

No comment

Z-8-2023 DEPARTMENT COMMENTS – School System

4/3/23

Approval of this petition will not have an impact on the enrollment of schools.

02/14/2023

Site Data

1. Address: 2595 Bells Ferry Road
2. District: 3
3. Existing Zoning: PSC Existing Allowable Impervious Coverage:
4. Proposed Zoning: NRC Allowable Future Impervious Coverage: 70%
5. Future Land Use: NAC

Existing Conditions

Floodplain Information

1. Flood Damage Prevention Designated Flood Hazard: No
2. FEMA Map Number: N/A

Stormwater Information

1. Drainage Basin: Noonday Creek
2. State Stream Buffers: No
3. County Stream Buffer Ordinance: No
4. Impaired Stream: No /Yes: Possibly not verified: If the site is within a one-mile radius of an impaired stream additional Erosion Control BMP's per the State's current requirements will be required. It is the Engineer's responsibility to verify Impaired Streams per the State EPD's list.
5. Hotspot: No
6. Wetlands: No
7. Water Intake Zone: No

Topography Information

1. General site Description: The lot currently contains an existing house and barn. The majority of the property slopes and drains to the southwest corner towards Ernest Barrett Parkway. A smaller portion of the property slopes and drains to the northeast corner of the property into Bells Ferry Road.

(continued)

Project Design Comments and Recommendations

The following comments and recommendations are typically required at the time of plan review and permitting.

Proposed Project Onsite Design Requirements

1. At the time of plan review provide a comprehensive Hydrology Study and Design for the Stormwater Management Design will be required. The design and study shall be in accordance with the Georgia Stormwater Management Manual and the current Cobb County Codes. The design and study shall include but not limited to stormwater detention, runoff reduction and/or water quality, channel protection, and downstream flood prevention.
2. Project Engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s). Including hydrologic routing of upstream and/or downstream detention ponds or lakes.
3. At the time of plan review calculate and provide the percentage of impervious coverage for the project site on the plans.
4. The existing and/or proposed onsite storm drain system and stormwater management facility is considered private. All annual inspections, maintenance and repairs are the responsibility of the property owner. A stormwater facility “Maintenance Agreement and Access Easement” will be required at the time of the land disturbance permit with the Cobb County Stormwater Management Division.
5. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system including drainage swales and roadside ditches.
6. Substantially mitigate any effects of concentrated stormwater discharges onto adjacent properties. Level spreaders may be required to disburse the stormwater discharge.
7. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist downstream.
8. Any spring activity discovered must be addressed by a qualified registered geotechnical professional engineer (PE) at the expense of the owner/developer.
9. Structural fill must be placed under the direction of a qualified registered geotechnical engineer (PE) at the expense of the owner/developer.

02/24/2023

Cobb 2040 Comprehensive Plan: The subject tract is within the Neighborhood Activity Center (NAC) future land use category. 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.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

If yes, which City: Marietta

Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study: Yes No

Design guidelines area? Yes No

If yes, design guidelines area:

Does the proposal plan comply with the design requirements? Yes No N/A

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 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 investment)

Is the property eligible for the Façade Improvement Program? Yes No

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

(continued)

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)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District

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

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone?

Yes No

Is the property within the Clear Zone (CZ)?

Yes No

Is the property within 3000’ of Dobbins ARB?

Yes No

Is the property within the Accident Potential Zone (APZ I)?

Yes No

Is the property within the Accident Potential Zone II (APZ II)?

Yes No

Is the property within the Noise Zone?

Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

Yes No

Historic Preservation

After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that the historic McAfee House, c. 1840, is located within the project area. The 2007 Cobb County Historic Resources Survey states that it is an “nice antebellum central hallway cottage featuring a full-width recessed porch on façade, four-light sidelights flanking the entry door, and large brick chimneys on gable ends.”

(continued)

Due to the historic and architectural significance of the McAfee House, staff highly recommends that the house be preserved. Cobb Landmarks and Historical Society has had talks with the developer about moving the house in order to preserve the home. If the house cannot be moved and/or preserved on site, staff recommends that documentation of the structure, all outbuildings, and its setting, including current archival-quality photographs be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

Additional Comments:

Subject site is located within the eastern Outer Safety Zone of McCollum Field. Commercial land usage is a recommended conforming land use within the Outer Safety Zone.

03/01/23 – DATE OPTIONAL

Water comments:

At development: YES NO

Fire flow test required: YES NO

Size/location of existing water main(s): 6" in Ernest Barrett Pkwy. 12" in Bells Ferry Rd.

Additional water comments:

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approx. distance to nearest sewer: Ernest Barrett Pkwy right-of-way

Estimated waste generation (in G.P.D.): Average daily flow = 1,120

Peak flow = 2,800

Treatment plant: Nooday WRF

Plant capacity: Yes NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Off-site easement required: YES* NO

Line capacity study 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 sewer comments:

*If off-site easements are required, the developer/owner must submit easements to CCWS for review and 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/owner.

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process. The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Ernest Barrett Parkway	Arterial	35	Cobb County	100'
Bells Ferry Road	Arterial	45	Cobb County	100'
Piedmont Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Ernest Barrett Parkway	West of Bells Ferry Road	24,500	D
Bells Ferry Road	North of Rockbridge Road	11,100	D
Piedmont Road	West of Cajun Drive	18,000	C

Based on 2021 AADT count data taken by GDOT, as published on their website, for Ernest Barrett Parkway, Bells Ferry Road and Piedmont Road Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

ITE Land Use	Description	Expected Size (KSF)	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	
948	Automated Car Wash	5.315	N/A	N/A	N/A	38	38	76	N/A

vph = vehicles per hour, vpd = vehicles per day, KSF = 1,000 square feet, N/A = not available

Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11th edition.

Comments and observations

Ernest Barrett Parkway is classified as an arterial roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Bells Ferry Road is classified as an arterial roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Piedmont Road is classified as an arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Cobb DOT has previously identified the need for an exclusive right turn lane from southbound Bells Ferry Road to westbound Ernest Barrett Parkway. With the donation of right-of-way from the developer, this recommended intersection improvement is anticipated as a future SPLOST project.

(continued)

The site frontage on Ernest Barrett Parkway is outside the limits of the Board of Commissioners agenda item that limits new driveway access on that roadway. A new driveway location for this site is not anticipated to require a new Board of Commissioners agenda item.

An existing retention wall parallels Ernest Barrett Parkway on the southern side of the property. This retention wall will need to be removed as part of the recommended deceleration lane installation. Any new retention structures required by the proposed development or its associated improvements should be placed on the development property. No retention structures should be located on county property as finalized after the recommended right-of-way donations.

Recommendations

1. 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 west side of Bells Ferry Road, a minimum of 50' from the roadway centerline or 3' behind the sidewalk relocation anticipated as part of the southbound right turn lane installation project, whichever is further.
2. 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 north side of Ernest Barrett Parkway, a minimum of 50' from the roadway centerline or 3' behind the sidewalk relocation anticipated as part of the driveway deceleration lane installation, whichever is further.
3. As necessitated by this development and the anticipated adjacent Cobb DOT project, recommend Bells Ferry Road access be limited to right-out only.
4. Because of the heavy demand for southbound right turns at Bells Ferry and Ernest Barrett Parkway, right-in access is not recommended at the Bells Ferry driveway. However, if right-in access is allowed at this driveway, recommend the applicant contribute the cost of a standard deceleration lane at this location to be held in escrow as a project contribution for the associated intersection improvements. The final location and design would then be determined during the anticipated Cobb DOT project. This financial contribution would then satisfy the developer's responsibility for the construction of the deceleration lane required for right-in access.
5. As necessitated by this development, recommend Ernest Barrett Parkway access point include a deceleration lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

(continued)

6. Recommend applicant verify that minimum intersection sight distance is available for Ernest Barrett Parkway and Bells Ferry Road access points and, if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirements.
7. Recommend replacing any disturbed curb, gutter, and sidewalk along the Bells Ferry Road and Ernest Barrett Parkway frontages.
8. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Z-8-2023 DEPARTMENT COMMENTS – Zoning Division

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

It is Staff's opinion that the zoning proposal will permit a use that is suitable in the view of use and development of adjacent and nearby properties. The adjacent properties located to the north, south, and west of the proposed development are commercial developments with a residential zoning district to the east with the use established as an elementary school.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

It is Staff's opinion that the new development will not adversely affect the existing use or usability of adjacent and nearby properties. It will complement the surrounding area by serving the nearby residential developments.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

It is Staff's opinion that this zoning proposal does not create an excessive burdensome on the use of existing streets, transportation facilities, utilities, or schools. This opinion is supported by the departmental comments contained in this analysis.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

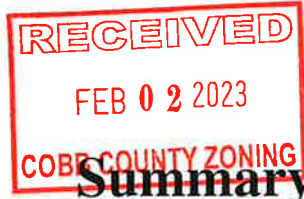
It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policies and intent of the Cobb County Comprehensive Plan. The property is delineated in a Neighborhood Activity Center, NAC future land use category. The requested zoning district and proposed use is consistent with the NAC future land use designation, which allows for a carwash.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give grounds for approving the applicant's rezoning proposal. The proposed carwash would be consistent with and compatible to adjoining properties.

Z-8-2023 DEPARTMENT COMMENTS – Zoning Division

The staff analysis and recommendation 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.



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) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Carwash
- b) Proposed building architecture: See attached building renderings/elevations.
- c) Proposed hours/days of operation: Daily from 7 a.m. until 8 p.m.
- d) List all requested variances: None at this time.

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

The Subject Property is unusable in its current PSC zoning district and NAC land use category.
The Applicant's requested NRC zoning district and proposed use are compatible with the
property's FLUM designation.

.....
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). No.



STATEMENT OF INTENT

OF

TOMMY'S EXPRESS BY NORTHGATE

Proposed Neighborhood Retail Commercial Rezoning

Submitted for the Applicant by:

**PARKS F. HUFF
Sams, Larkin & Huff, LLP
Suite 100
376 Powder Springs Street
Marietta, GA 30064
(770) 422-7016
phuff@samslarkinhuff.com**

STATEMENT OF INTENT

Tommy's Express by Northgate ("Applicant") is proposing a 5,315 square-foot carwash building with 22 vacuum bay spaces.

The Applicant's requested carwash is a permitted use under the requested NRC zoning district, which is compatible with the Subject Property's NAC future land use designation. The Subject Property is developed with a nonconforming residential use (a 123-year old house currently boarded) under its present PSC zoning district. Although a PSC zoning will typically allow a carwash, the loss of the grandfathered status of the residential use on PSC zoned property outside of a Community Activity Center ("CAC") or Regional Activity Center ("RAC") on the future land use map ("FLUM"), stops any future development without rezoning. In addition, the PSC zoning district requires a minimum lot size of 200,000 square feet. The Subject Property is 87,495 square feet. This intersection of Bells Ferry Road and Ernest Barrett Parkway are zoned and/or developed for commercial and institutional uses. The proposed rezoning and the proposed are compatible with the area and Cobb County's FLUM. The proposed use and rezoning will continue to provide needed services for the area.

This NRC proposal will provide revitalization and a use for a property that sits unusable in its current zoning of PSC.

Respectfully submitted, this the 2nd day of February 2023.

SAMS, LARKIN & HUFF, LLP

By: 

PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010

ZONING IMPACT STATEMENT
FOR THE REZONING APPLICATION
OF TOMMY'S EXPRESS BY NORTHGATE



COMES NOW, TOMMY'S EXPRESS BY NORTHGATE, and pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this its 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 Bells Ferry Road and Ernest Barrett Parkway. The subject property is located at the signalized intersection of two arterial roads and lies at the edge of the Town Center CID. The property is surrounded by a large shopping center zoned GC and the other uses at this intersection are commercial or institutional uses.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties as such properties are currently used. The proposed rezoning will be a consistent with commercial zonings at this intersection and on both sides of the streets. The property is totally surrounded by a Publix anchored shopping center. The current use is a nonconforming home with some historic significance.
- C. The subject property to be affected by the zoning proposal has limited 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. The Subject Property is zoned PSC. But, because the underlying land use plan is

Neighborhood Activity Center (NAC) the PSC is a nonconforming category. Therefore, the property has no permitted use and therefore no reasonable economic value.

The zoning proposal will allow the development of the property for a car wash that will serve the surrounding areas and be a service to the thousands of cars that drive by this site every day.

- D. The zoning proposal is consistent with the uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property being located within a Neighborhood Activity Center ("NAC") under and pursuant to Cobb County's Future Land Use Map and Comprehensive Land Use Plan.
- E. There is no substantial relationship between the existing PSC zoning district and the NRC rezoning as proposed which limits the subject property in terms of its present utilization and the public health, safety and general welfare.

Respectfully submitted, this the 2 day of February, 2023.

SAMS, LARKIN & HUFF, LLP

By: 
PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010



Cobb County...Expect the Best!

ENVIRONMENTAL SITE ANALYSIS (ESA) FORM

Provide an Environmental Site Analysis fully addressing all items below. Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Reference information presented on the site plan that depicts the proposed project

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land-use suggestion of the Comprehensive Plan as well as any pertinent Plan policies. Information regarding Cobb County's Comprehensive Plan may be found online at <https://www.cobbcounty.org/community-development/planning/comprehensive-planning>.

The Future Land Use Plan designates the subject property as a Community Activity Center (CAC). The designation is appropriate given the location at the signalized intersection of two arterial roads. The subject property is surrounded by a grocery anchored shopping center that is zoned GC and designated CAC. To the west of this shopping center is designated as a Regional Activity Center (RAC). The proposed Community Retail Commercial (CRC) is an appropriate zoning category in the CAC Comprehensive Plan designation. The CAC category anticipates car centric uses that serve the surrounding community.

2. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT

For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s) or other sources. Cite the source of information regarding the presence or absence of environmental site features (e.g. according to the U. S. Fish and Wildlife Service, National Wetlands Inventory website (<http://www.fws.gov/wetlands/>), wetland areas are located on the northwest portion of the site).

- a. Wetlands: The applicant has conducted an ALTA survey and there are no wetlands on the property.
- b. Floodplain: The ALTA survey confirms no floodplain on the subject property.
- c. Streams/stream buffers: There are no streams or state waters on the property and therefore no state or county stream buffers.
- d. Slopes greater than 25 percent (as determined by an analysis performed consistent with industry accepted engineering and design practices): There are no slopes that are 25% on the property. However, there is a wall on the county right of way that may have to be removed or replaced to tie the grades together.

- e. Vegetation (including endangered species): The ALTA survey confirms there are several large hardwood trees. The applicant will comply with the county's tree requirements.
- f. Wildlife Species (including fish and endangered species): There are no known endangered or threatened species on the site.
- g. Archeological/Historical Sites: The site contains the McAfee-Medford house, an antebellum home that dates to 1840's. The home had significant remodeling over the years with new roof and room additions. The site has some Civil War significance.

3. **PROJECT IMPLEMENTATION MEASURES**

Describe how the project implements each of the measures listed below as relevant. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.

The site is located at the signalized intersection of two arterial roads. The land use plan designates the site as a Community Activity Center and the property is surrounded by a shopping center. Realistically, the property owners should expect to sell their property for a use consistent with these factors which means the redevelopment of the site for commercial purposes. To make the site commercially viable, the site will have to be graded to manage the stormwater, utilities and driveway accesses to the adjacent roadways. This redevelopment will be done in compliance with all Cobb County environmental regulations. The old home on the site is not suitable for conversion to a viable commercial use so the best option for preserving the home is relocating the house. The applicant has started a dialogue with Cobb Landmarks and Historical Society and they are interested in relocating the house to a suitable location.

- a. Protection of environmentally sensitive areas (wetlands, floodplain, slopes exceeding 25 percent, stream buffers). The site will have to be redeveloped for commercial uses and the redevelopment will be done in compliance with all Cobb environmental regulations.
- b. Protection of water quality. The applicant will comply with all county, state and federal stormwater requirements that are designed to protect water quality.
- c. Minimization of negative impacts on existing infrastructure. The existing infrastructure is impacted because the county has not been able to accomplish road and sidewalks along this section of Bells Ferry Road and Barrett Parkway. The applicant will improve the existing infrastructure by working with the county to facilitate the installation of a right turn lane on Bells Ferry Road and completion of sidewalks that comply with county regulations on all road frontages.
- d. Minimization of negative impacts on archeological historically significant areas. The applicant will work with the Cobb Landmark and Historical Society for the relocation of the house and outbuildings located on the property.
- e. Minimization of negative impacts on environmentally stressed community areas where environmentally stressed community areas are defined as community areas will be exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal and industrial uses.
 - Public and private municipal (solid waste and wastewater treatment facilities, utilities, airports, and railroads)
 - Industrial (landfills, quarries and manufacturing facilities)

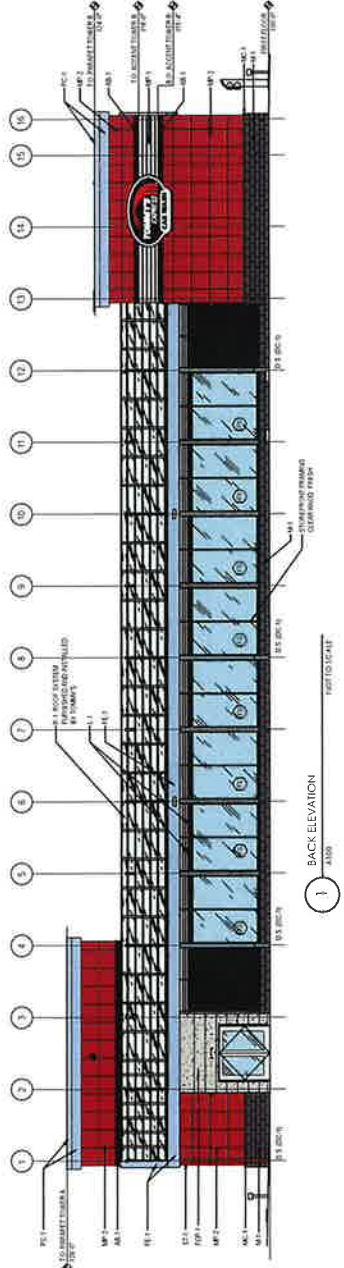
The proposed use does not create an environmentally stressed condition for the community. The proposed car wash will recycle water reducing water usage. The fact is if someone wants to wash their car, the only environmentally responsible way to wash a car is with a modern car wash that recycles the water. The county and conservation groups discourage washing cars at home because it wastes a lot of water and water containing oil and petroleum products gets discharged into area streams.

- f. Creation and preservation of green space and open space. The site will be developed in compliance with county requirements for tree recompense. The existing sidewalks aren't compliant with current county standards and the new sidewalks will help with pedestrian connectivity.
- g. Protection of citizens from the negative impacts of noise and lighting. The car wash will have baffles for the vacuum and blowers to reduce the noise level. There are no adjacent or nearby uses that will be negatively impacted by the use.
- h. Protection of parks and recreational green space. The use does not negatively impact park or recreational green space. The old house if it can be relocated to a county park may become a cultural and historic resource that would be available to the public.
- i. Minimization of impacts to wildlife habitats. The applicant will comply with all local, state and federal regulations related to wildlife habitats. The site is in a heavily commercial area and there is not much existing wildlife because of the past adjacent development.

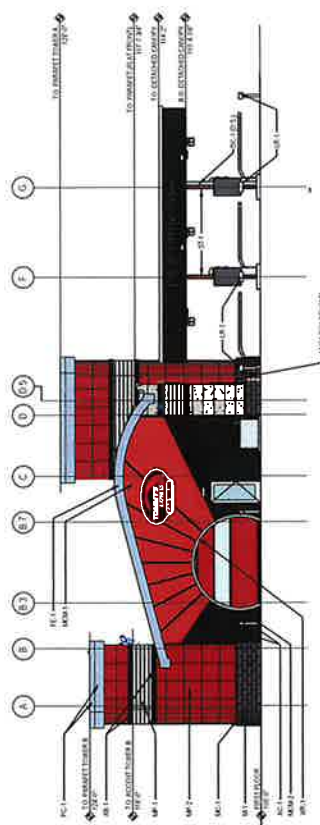
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COBB COUNTY ZONING

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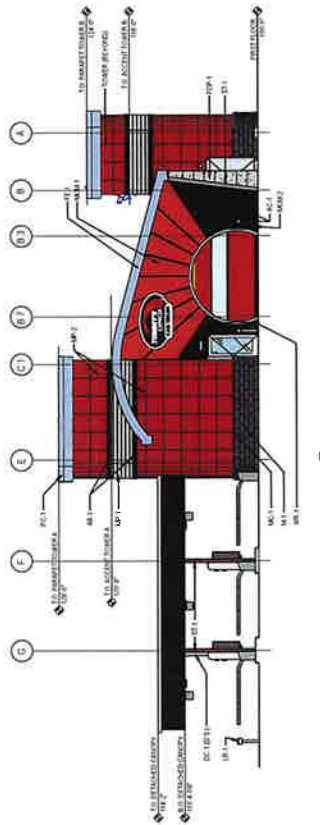
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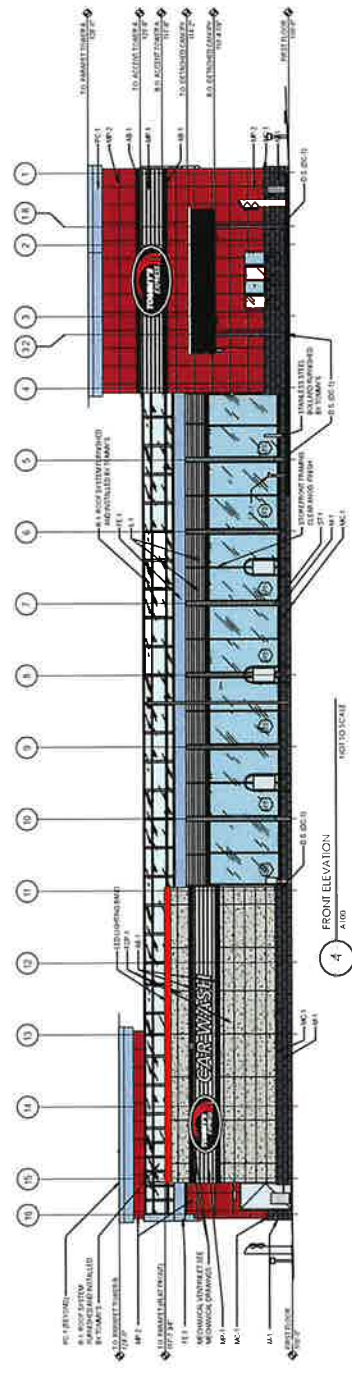
2 EXIT END ELEVATION
 A:100
 NOT TO SCALE



3 ENTRY END ELEVATION
 A:100
 NOT TO SCALE

EXTERIOR MATERIALS LEGEND

- PREFINISHED METAL PANELS
- PREPARED CONCRETE BOARD PANEL
- PREPARED METAL COPING
- ALUMINUM STOCK BLACKS
- PROFILED METAL PANEL
- MCM PANEL (BLACK)
- GLAZING
- SPLIT FACED CONCRETE (MAGNET LIGHT)



4 FRONT ELEVATION
 A:100
 NOT TO SCALE



M-1 EXTERIOR COLOR ELEVATIONS
 TOMMY CAR WASH SYSTEMS
 TOMMY EXPRESS # P0000
 10000
 10000
 10000

NOT FOR CONSTRUCTION

A200
 3/25/2021
 NOT TO SCALE