

**FEBRUARY 19, 2008 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4**

ITEM # 3

PURPOSE

To consider a site plan amendment for Autobell Car Wash regarding Z-74 (WISE PROPERTIES) of July 18, 1995 for property located in Land Lots 31, 32, 41 and 42 of the 17th District at the northeast intersection of Floyd Road and Nickajack Road.

BACKGROUND

The subject property is zoned NRC subject to numerous conditions/stipulations which are attached. Stipulation #5 requires the site plans for the two out-parcels to be approved by the Board of Commissioners prior to permits being issued. This request is to approve a full service car wash facility located on one of the out-parcels. The applicant plans to convert the existing (vacant) building on the site into the car wash facility. The proposed site plan and architectural rendering is attached. The applicant's representative has submitted a letter of intent which is attached that includes a photograph of the existing building on the site.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the site plan and if approved it should be subject to the requirements at plan review, the car wash facility be required to use water reclamation and conservation measures and all other previously approved condition/stipulations are to remain in effect which include compliance with the protective covenants.

ATTACHMENTS

Board of Commissioners Decision
Proposed Site Plan
Architectural Rendering
Letter of Intent/Photograph

ORIGINAL DATE OF APPLICATION: 7/95

APPLICANT'S NAME: WISE PROPERTIES

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

BOC DECISION OF 7-18-95: The Board of Commissioners deleted application to the NRC zoning district subject to: 1) letter of agreeable conditions submitted dated July 14, 1995, marked as Exhibit "A" (item #8 clarified to reflect that the 20 foot landscape buffer along Nickajack Road will end at the approximate location of the rear wall of those retail shops immediately adjacent to said buffer); 2) no portion of the site to be used for a business which principally features sexually explicit products or drug-related paraphernalia; 3) delivery truck access via Floyd Road only; 4) maximum of two (2) outparcels; 5) site plans for outparcel sites to be approved by the Board of Commissioners prior to permits being issued for each site; 6) landscape plan to be approved by Staff through the Plan Review process; 7) protective covenants are to be filed on property pertaining to signage, landscaping and style of buildings - covenants are to be filed before building permits are issued; 8) owner/developer is to provide comprehensive hydrology/detention to include the development of any outparcels; 9) developed runoff must be controlled to not exceed the capacity of the existing storm drainage system downstream; 10) 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; 11) owner/developer to coordinate with the Cobb DOT

CONTINUED ON NEXT PAGE....

Karen L. Hach
Karen L. Hach, Deputy County Clerk
Cobb County Board of Commissioners

MOORE & ROGERS

A LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE
(404) 429-4999

TELECOPIER
(404) 429-8631

JOHN H. MOORE
THOMAS H. ROGERS, III
STEPHEN C. STEELE
WILLIAM R. JOHNSON
ROBERT D. INGRAM
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
SARAH L. BARGO
DIANE M. BUSCH
DAVID IAN MATTHEWS
JERE C. SMITH
CLAYTON O. CARMACK
JEFFREY A. WATKINS
ROSS E. LONGOOD
ROBERT E. JONES (FLA.)
GREGORY J. CRABB
MICHELLE S. DAVENPORT
KENNETH T. ISRAEL

RECEIVED
JUL 14 1995

COMMUNITY DEVELOPMENT DEPT.
ZONING DIVISION

July 14, 1995

Hand Delivered

Ms. Judy Williams
Senior Planner
Cobb County Planning and Zoning Department
Suite 500
100 Cherokee Street
Marietta, GA 30090-9674

Z-74

EXHIBIT "A"

As referenced in
Zoning minutes of
7-18-95. *Kan Klei*
Dep. J. Clerk

RE: Application for Rezoning
Application No.: Z-74
Applicant: Wise Properties
Owners: Janie W. Ayres; Mary W. Green;
and Penelope Ayres Gurley
Property: Approximately 12.5 acres
located in Land Lots 31, 32,
41, and 42; 17th District;
2nd Section, Cobb County,
Georgia

Dear Judy:

As you know, this firm represents Wise Properties, hereinafter "Applicant," and Janie W. Ayres, Mary W. Green, and Penelope Ayres Gurley, hereinafter collectively referred to as "Owners," in their Application for Rezoning with regard to the above-referenced property. After discussions and meetings with zoning and planning staff and additional meetings and discussions held with area residents and businesses concerning the proposed development, we have been authorized by the Applicant and Owners to submit this letter of agreed stipulations 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 property. This letter shall supersede and replace in full our previous letter to you dated June 30, 1995. The referenced stipulations are as follows:

- (1) The Application for Rezoning shall be from R-15 and O&I to CRC; provided that the CRC request shall be deleted to NRC.

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Senior Planner
Cobb County Planning and Zoning Department
Page Two
July 14, 1995

- (2) The exterior of the buildings for the proposed shopping center shall be brick on at least the south and west sides.
- (3) All dumpster locations for the shopping center shall be enclosed, screened from view, and located to the north of the loading deck at the rear of the Kroger store. All dumpster locations for the out parcels shall be enclosed and screened from view.
- (4) All HVAC systems shall be roof-top located and screened.
- (5) Signage for the proposed shopping center shall be monument style, ground based.
- (6) Applicant agrees that all lighting for the proposed shopping center shall be shoe-box style.
- (7) Mr. and Mrs. David Peeler shall have input into the submission and approval of the landscape plan for the proposed development. However, finalization of the landscape plan shall be approved by the staff through the plan review process.
- (8) There shall be a 20 foot landscape buffer along Nickajack Road commencing at the most easterly property line and proceeding westerly along Nickajack Road to a line directly opposite the rear of the shops to be located on the southerly side of the building. The buffer shall:
(i) include all existing specimen trees; (ii) contain the planting of evergreen vegetation within the gaps between the existing specimen trees; (iii) constitute a visual screening between the home of Mr. and Mrs. David Peeler and the subject property; and (iv) constitute a "maintained" buffer to the extent that additional vegetation is added thereto, and to the extent that such buffer shall include the area between the edge of the landscaped buffer and the back of the curb along Nickajack Road.
- (9) There shall be located along the rear or northeasterly property line of the subject property a 50 foot landscaped buffer which shall not be penetrated except for necessary utility installation.

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- (10) There shall be a 35 foot undisturbed buffer along the property line immediately adjacent to the property of Mrs. Nix, which buffer may be penetrated only for installation of utilities. If Applicant, or Applicant's successors in title, should ever acquire the Nix property, then and in such event this stipulation and condition shall stand automatically rescinded.
- (11) The most easterly curb cut along Nickajack Road shall be deleted and the Applicant/Owner, and their successors in title, shall not submit a request for another curb cut in the same or similar location without first apprising Mr. and Mrs. David Peeler of such request.
- (12) There shall be no Cobb County Department of Transportation requirement for a left-turn lane on Nickajack Road for the most eastern curb cut. Applicant will be required to add a 125 foot long, 12 foot wide, curb and guttered decel lane, together with a 5 foot wide sidewalk at the most eastern curb cut. Applicant shall also place a 12 foot wide curb and guttered accel/decel lane between the curb cuts on Nickajack Road, together with a 5 foot wide sidewalk. Applicant shall dedicate to the Cobb County Department of Transportation the additional right-of-way which will be required to widen Nickajack Road so that the accel/decel lanes and sidewalk are within the right-of-way.
- (13) Applicant will re-install the curb and gutter along Floyd and Nickajack Roads if disturbed due to construction.
- (14) Applicant agrees to control development run-off from the site so as not to exceed capacity of the existing storm drainage system downstream and shall further provide during the plan review process a comprehensive hydrology/detention study which will include development of the planned out parcels.
- (15) Out parcels 1 and 2, as reflected on the above-referenced site plan, shall each have a maximum building square footage of 7,500 square feet.

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Ms. Judy Williams
Senior Planner
Cobb County Planning and Zoning Department
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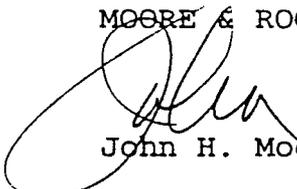
- (16) As to out parcels 1 and 2, prior to the issuance of building permits on said parcels, the site plan shall be presented to the Board of Commissioners to assure compatibility with the main portion of the center.
- (17) Applicant shall provide interparcel access to serve adjacent property of Mrs. Nix.

It is believed that the requested rezoning, pursuant to the referenced site plan and the revised stipulations contained herein, will be an enhancement to the property while taking into consideration the properties and owners thereof surrounding the proposed development. Thank you for your consideration in this matter.

With kindest regards, I remain

Very truly yours,

MOORE & ROGERS



John H. Moore

JHM:cc

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Ms. Judy Williams
Senior Planner
Cobb County Planning and Zoning Department
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July 14, 1995

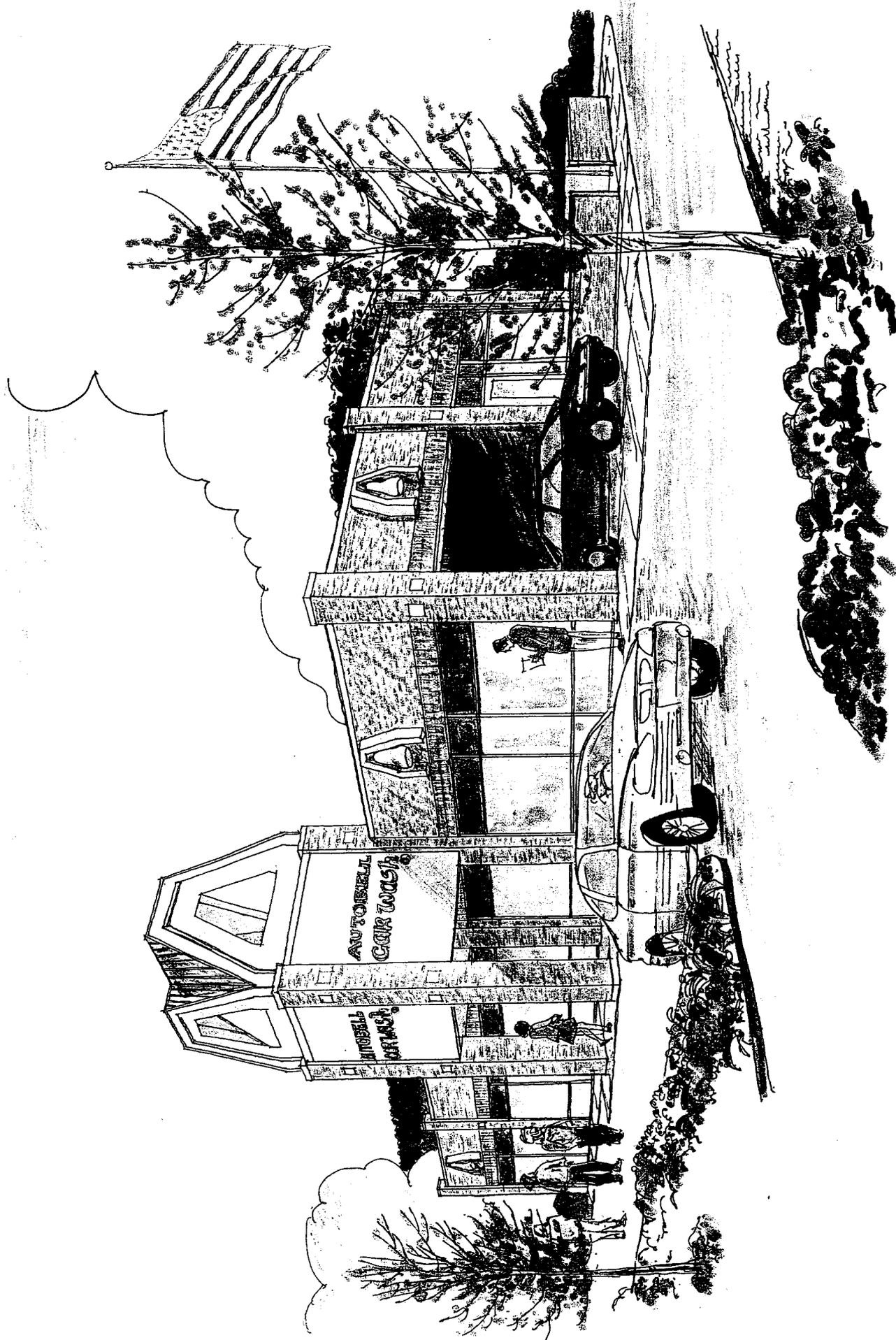
c: Cobb County Board of Commissioners:
William J. Byrne, Chairman
William A. Cooper
C. Freeman Poole
Joe L. Thompson
Gordon J. Wysong

Cobb Planning Commissioners:
Henley A. Vansant, Chairman
Murray Homan
Richard M. Jones
Jerry Dawson
Jean Hallinan

c: Area Residents:

Ms. Anne Bolton
Phillip W. Bracken, D.D.S.
Mr. John W. Hammond
Mr. Steve Neck
Ms. Pat Patterson
Mr. and Mrs. David Peeler
Mr. Richard R. Schmid
Ms. Carole Wilson

Mr. Garvis L. Sams, Jr.
Sams & Larkin
Attorneys at Law



PROPOSED IMPROVEMENTS

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 600

ATLANTA, GEORGIA 30339-5947

TELEPHONE 770-956-9600 FACSIMILE 770-956-1490

James M. Ney, P.C.

e-mail jney@honzw.com

Ellen W. Smith

e-mail esmith@honzw.com

January 15, 2008

BY HAND DELIVERY

Mr. Mark Danneman
Division Manager of Zoning
Cobb County Community Development,
Zoning Division
191 Lawrence Street, Suite 3000
Marietta, Georgia 30090-9674

Re: Application for "Other Business" Cobb County, Georgia (the "*Application*") by
CAH Holdings, LLC ("*Applicant*") with respect to 4865 Floyd Road, Mableton,
Cobb County, Georgia (the "*Property*")

Dear Mark:

Please accept this letter of intent in connection with and in support for the referenced Application. Specifically, we submit the Application for purposes of obtaining a site plan modification to allow an Autobell Car Wash facility on the Property, and Applicant respectfully requests the approval of the Application.

The Property

The Property is located on Floyd Road just north of its intersection with Nickajack Road. The Property is an outparcel of the Kroger shopping center, and is situated just across a shopping center entrance drive from a Blockbuster Video Store. Currently, the Property is improved with a one-story brick building that previously housed a "Global Dollar" discount retail store. The store on the Property has been vacant and closed for approximately six months. A copy of the existing site plan or as-built survey for the Property is attached hereto and made a part hereof as Exhibit A.

The Property is zoned NRC-C pursuant to Z-75-1995. When it was rezoned in 1995, the Property was part of a larger approximately 12.5 acre tract that was rezoned from OI and R-15 to NRC-C. One of the applicable zoning conditions requires that "site plans for outparcel sites to be approved by the Board of Commissioners prior to permits being issued for each site." Thus,

HOLT NEY ZATCOFF & WASSERMAN, LLP

Mr. Mark Danneman

January 15, 2008

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the Property is already properly zoned; Applicant merely needs to have its site plan approved. Accordingly, this Application is to seek the Cobb County Board of Commissioners' (the "**Board's**") approval of Applicant's site plan to comply with this zoning condition.

Autobell Car Wash

Applicant intends to use the existing structure located on the Property for its primary car wash facility, with certain modifications shown on its proposed site plan attached hereto and made a part hereof as Exhibit B. Applicant's modifications of the existing improvements will transform the now-dark, vacant facility into one that is active and complimentary with the surrounding retail and commercial uses. Applicant will meet all zoning requirements of the NRC zoning district and does not require any variances or other zoning approvals for its intended use of the Property.

The Autobell car wash to be located on the Property will be a fully-staffed, full-service facility. Applicant encloses for your reference a photograph of the existing improvements on the Property, as well as an artist's rendering showing its anticipated improvements, collectively as Exhibit C attached hereto and made a part hereof. As the rendering shows, Applicant's site plan improvements are well-planned and attractive. Applicant believes that its use will be a compliment to this retail area.

Autobell has a proven track record as a private, family-owned company that was founded in 1969. Currently, Autobell has a chain of 48 full service facilities located in North Carolina, South Carolina and Virginia. Applicant anticipates hiring between 6 and 12 full-time equivalent (FTE) employees to work at the Property. Autobell employs stringent hiring guidelines and strict uniform policies. It is a drug-free workplace that pre-screens all employees and randomly tests all personnel.

Perhaps most importantly, Autobell is conscious of the vital need for water conservation given the drought conditions currently facing Cobb County. Autobell treats and filters 100% of its process water and recycles 80%. Autobell uses and properly maintains state-of-the art equipment and technology for its water reclamation and conservation. In restricted water-use situations, Autobell maintains compliance by adjusting water volume and the ratio of recycled to fresh water used in the wash process. Since 2000, Autobell has garnered seven awards for its water conservation and environmental practices.

This Application requests the Board's approval of Autobell's well planned, professionally engineered site plan. These documents call for an attractive building and significant improvements that will prove to be an excellent addition to the surrounding retail area. Some of the clear advantages of this new proposed site plan are:

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Mr. Mark Danneman

January 15, 2008

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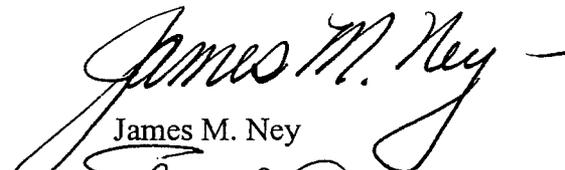
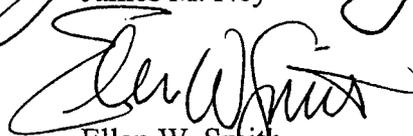
- (1) The design utilizes the existing building structure with alterations.
- (2) It transforms a vacant, dark building and reinstates the active use of the Property.
- (3) The building, improvements and use will be an attractive addition to the area and are consistent with the existing zoning and architectural standards of the retail area.
- (4) Applicant's proposed use can create 6 to 12 new FTE jobs for the area.
- (5) Traffic flow is well planned and ample stacking room is provided.

Applicant believes that the Property will be a prime location for an Autobell facility, and respectfully requests that the Board approves the Application.

Applicant is happy to answer any questions or address any concerns that the Department may have regarding the Application.

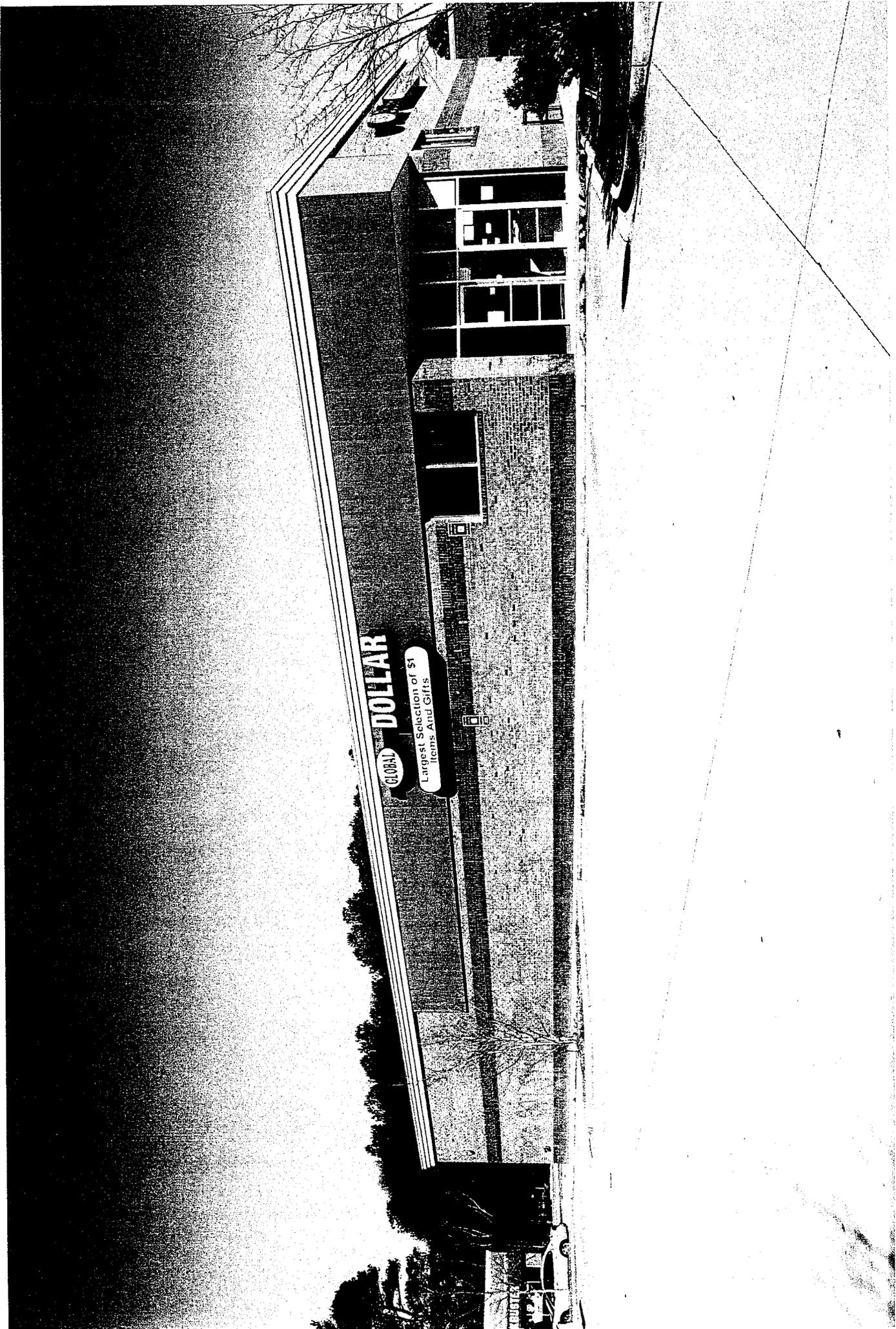
Thank you and best regards.

Sincerely,


James M. Ney

Ellen W. Smith

EWS/max
Enclosures

cc: Mr. Carl Howard
Mr. John Freudenthal
Mr. Trevor Hopkins
Mr. Brian Fratesi



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Items And Gifts

HOLT NEY ZATCOFF & WASSERMAN, LLP

ATTORNEYS AT LAW

100 GALLERIA PARKWAY, SUITE 600

ATLANTA, GEORGIA 30339-5947

TELEPHONE 770-956-9600 (x202) FACSIMILE 770-956-1490

James M. Ney, P.C.

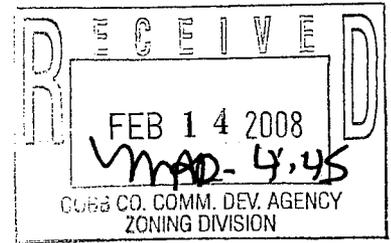
(Direct: 770-661-1202)

e-mail jney@honzw.com

Ellen W. Smith

e-mail esmith@honzw.com

February 13, 2008



BY HAND DELIVERY

Mr. Mark Danneman

Division Manager of Zoning

Cobb County Community Development

Zoning Division

191 Lawrence Street, Suite 3000

Marietta, Georgia 30090-9674

Re: Application for "Other Business" coming on for hearing before the Board of Commissioners of Cobb County, Georgia on February 19, 2008, by Applicant, CAH Holdings, LLC (Autobell Car Wash, Inc.), pertaining to 4865 Floyd Road, Mableton, Cobb County, Georgia ("Property") (the "Application")

Dear Mark:

As you are aware, this Application comes on for hearing before the Board of Commissioners under the category of "Other Business" on February 19, 2008. Applicant has undertaken a great deal of study, analysis and energy to understand and propose a redevelopment of an existing, vacant, and unoccupied building located on the Property. We have had the pleasure of meeting with representatives of the Mableton Improvement Coalition, Ms. Robin Meyer, and Mr. Ben Clopper. They carefully studied the Application and the materials which were submitted therewith. After a good deal of discussion, they asked us to consider three (3) conditions. Applicant agrees to these conditions and imposes a fourth condition additionally.

Accordingly, if the proposed Site Plan is approved by the Board of Commissioners, as requested, Applicant agrees to comply with the following Conditions:

1. The Dumpster, as shown on the Site Plan, will be located generally on the northeastern side of the Property, and Applicant agrees that the dumpster doors will be closed and secured at all times while the dumpster is not in active use.
2. With respect to landscaping for the Property, Applicant agrees to prepare a preliminary landscape plan in conformance with current Cobb County landscape requirements as they apply to this type of use. This plan will then be presented for review, comment and approval by a committee made up of (a) one representative from Applicant, (b) one member of the Mableton Improvement Coalition, and (c) one member (preferably the Arborist) from the Cobb County Community Development, Site Plan Review. All parties acknowledge and agree that any landscape plan proposed by this Committee is subject to

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approval and revision by the owner of the Mableton Crossing Shopping Center and Kroger, Inc., pursuant to declarations of restrictive covenants and conditions affecting the Property.

3. Applicant agrees to comply with the existing Site Plan which has been filed in this matter, designated Site Plan Number 3.4, prepared by Planners & Engineers Collaborative, and the Rendering which is also part of the Application. Applicant shall be allowed to make minor changes to the Site Plan and Rendering as approved by the District Commissioner.
4. Applicant is conscious of the vital need for water conservation and ecologically sound business practices. To that end and as a normal course of business, Applicant treats and filters 100% of its process water, and then recycles 80% thereof. These conservation initiatives have been in place corporate-wide since the mid 1980s and have earned "Best-in-Class" certification for its efforts and water conservation practices.

Upon receiving approval of the Site Plan by the Board of Commissioners of Cobb County, Applicant agrees to the foregoing four (4) Conditions.

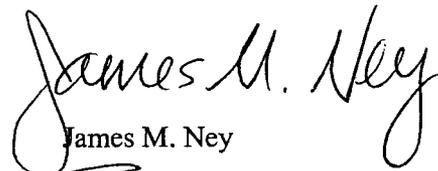
Applicant has also obtained letters of support for the Application from South Cobb and Pebblebrook High Schools and we forward the originals of these letters of support for inclusion in the file for this matter.

Finally, Applicant hereby requests that you substitute the proposed site plan with the attached site plan (we include an 8 ½ by 11 copy as well as a full sized copy), which reflects very minor site improvements to the previously filed site plan.

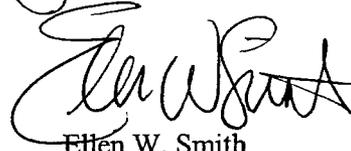
Applicant thanks you for your consideration and asks for your support in this matter.

Thank you and best regards.

Sincerely,



James M. Ney



Ellen W. Smith

JMN:jap
Enclosures