



## Community Development – Zoning Division

John Pederson – Division Manager

### **ZONING CASE**

SLUP-4-2024

### **SITE BACKGROUND**

Applicant	Vacutek, LLC
Phone	404-737-8822
Email	bholliday@vacutek.com
Representative Contact	Parks F. Huff
Phone	770-422-7016
Email	phuff@samslarkinhuff.com
Titleholder	Buster's Investments, LLC
Property Location	Located on the south side of Oak Ridge Commerce Way, north of Oak Ridge Road
Address	6694 Oak Ridge Commerce Way
Access to Property	Oak Ridge Commerce Way

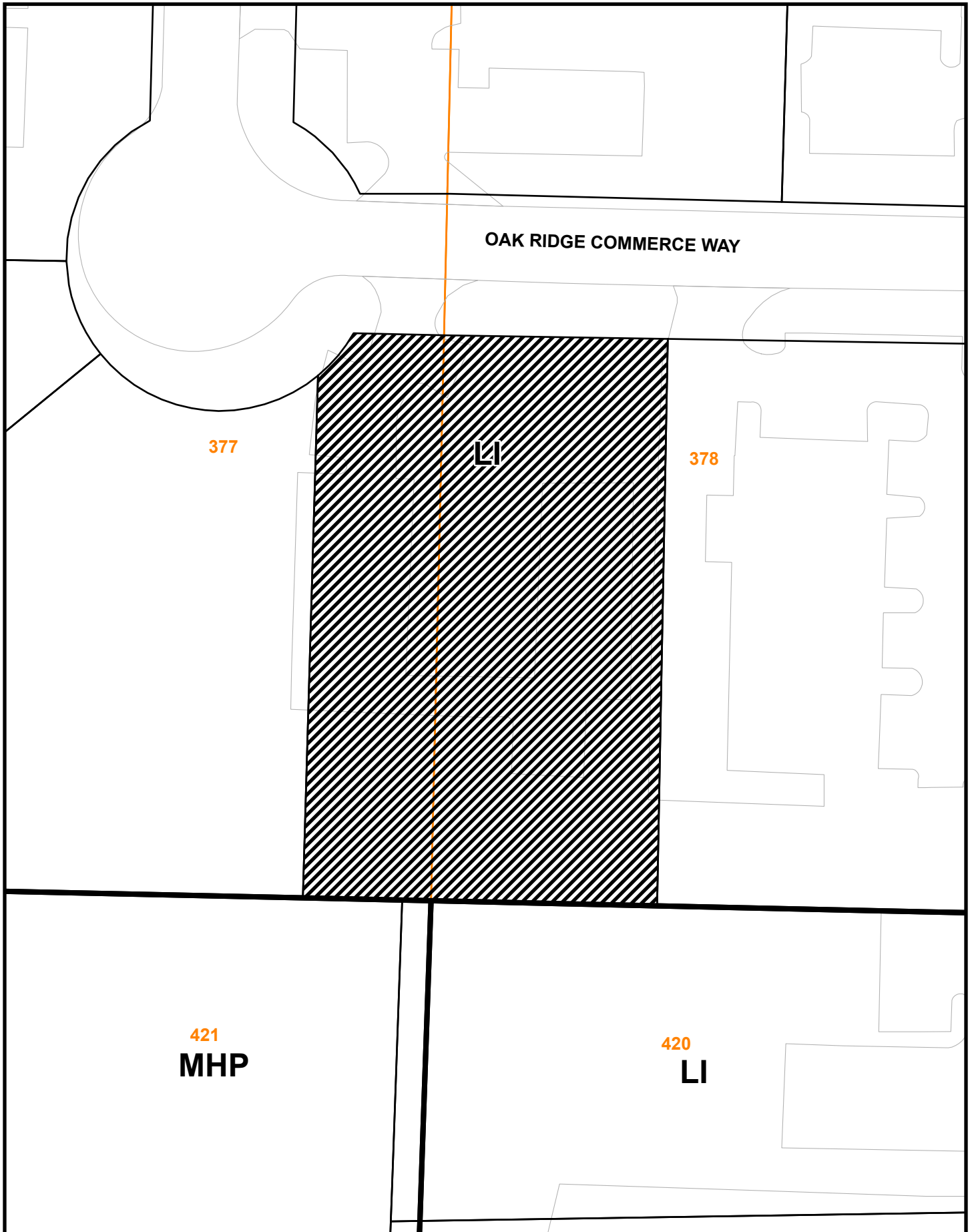
### **QUICK FACTS**

Commission District	4-Sheffield
Current Zoning	LI
Current Use of Property	Industrial
Proposed Zoning	SLUP
Proposed Use	Used auto and truck sales
Future Land Use	IC
Site Acreage	1.24
District	18
Land Lot	377, 378
Parcel #	18037800040
Taxes Paid	No

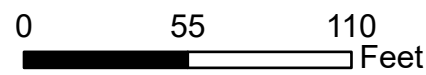
### **FINAL ZONING STAFF RECOMMENDATIONS**

[Click here to enter text.](#)

# SLUP-4 2024 Map



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



- Zoning Boundary
- City Boundary



**NOTE:**  
 IT IS THE OWNERS/DEVELOPERS/BUILDERS RESPONSIBILITY TO ESTABLISH AND MAINTAIN ADEQUATE BEST MANAGEMENT PRACTICES (BMPs) FOR EROSION CONTROL UPON COMMENCEMENT OF ANY LAND DISTURBANCE ACTIVITIES. THE CARRIAGEWAY SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE COUNTY COMMUNITY DEVELOPMENT AGENCY TO DETERMINE COMPLIANCE WITH THE CARRIAGEWAY DESIGN SPECIFICATIONS. FOR ANY PORTION OF THE LAND DISTURBANCE OF ONE ACRE OR MORE, THE PROJECT SHALL BE SUBJECT TO THE LOCAL ISSUING AUTHORITY (COBB COUNTY) PROTECTION DIVISION (EPP) AND THE LOCAL ISSUING AUTHORITY (COBB COUNTY).

**OWNER'S ACKNOWLEDGMENT**  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN ON THIS PLAT (OR A DULY AUTHORIZED AGENT HERETO) WHOSE NAME IS SUBMITTED HEREON. I ACKNOWLEDGE THAT THE CARRIAGEWAY IS A NECESSARY PART OF THE COMBINATION OF THIS PROPERTY, AND IS NOT MEANT TO BE APPROVED AS APPROVAL OF ANY NON-CONFORMING OR EXISTING CARRIAGEWAY ON THIS PROPERTY OR WILL BE CREATED BY THE SUBDIVISION OR COMBINATION OF THIS PROPERTY.

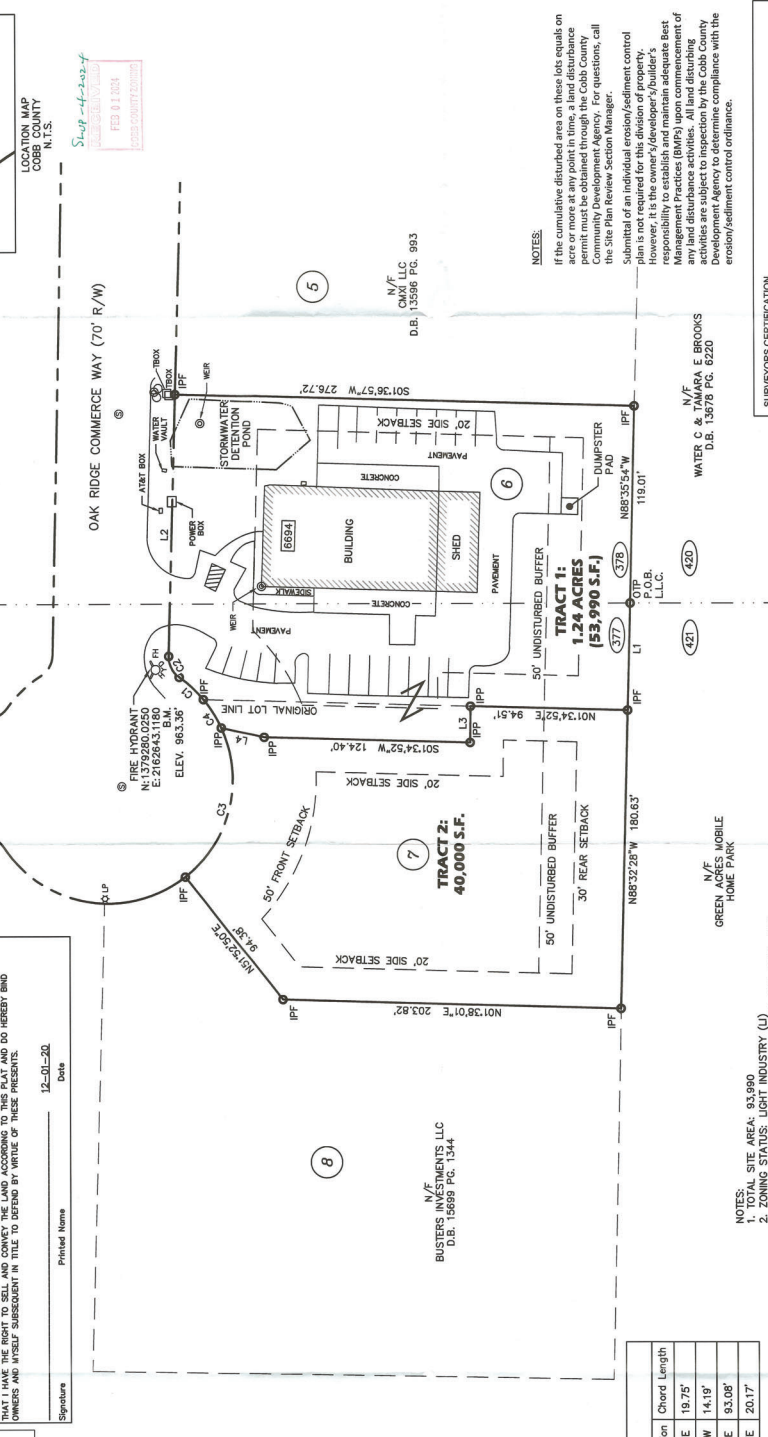
**OWNER'S WARRANTY**  
 I WARRANT THAT I OWN FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREE THAT COBB COUNTY SHALL NOT BE LIABLE TO ME, MY HEIRS, SUCCESSORS, OR ASSIGNS FOR ANY CLAIMS OR DAMAGES OF ANY KIND, INCLUDING BUT NOT LIMITED TO, THE COST OF DEFENDING THIS ACTION AND ANY COURT COSTS THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND MYSELF AND MYSELF SUCCESSORS IN TITLE TO DEFEND BY VIRTUE OF THESE PRESENTS.

**COBB COUNTY DEVELOPMENT CERTIFICATION**  
 This plat, having been submitted to Cobb County and having been found to comply with the Cobb County Development Standards and the Cobb County zoning ordinance is approved subject to the condition that the applicant shall comply with the Standard Design Specifications and the posting of a one year maintenance security.

Cobb County Water System  
 Zoning Division  
 Development & Inspection Division

**Surveyor's Acknowledgment**  
 I hereby certify that the plan shown and described hereon was prepared by me or under my supervision, that the measurements have been placed as shown hereon, and is to the best of my knowledge and belief true and correct. My commission expires on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**REGISTERED PROFESSIONAL SURVEYOR**  
 DATE: DECEMBER 1, 2020



**LEGEND**

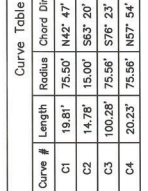
- 101 HOUSE NUMBER
- 102 LOT NUMBER
- 103 PROPERTY CORNER
- 104 IRON PIN FOUND
- 105 (ALL S-SIDE)
- 106 IRON PIN PLACED
- 107 (ALL S-SIDE)
- 108 OPEN TOP PIPE
- 109 CRUMPED TOP PIPE
- 110 5/8" RIGHT OF WAY
- 111 R/W MONUMENT
- 112 LAND LOT NUMBER
- 113 LAND LOT LINE
- 114 LAMP POLE
- 115 UTILITY POLE
- 116 LAMP POLE
- 117 OVERHEAD POWER
- 118 INTERSECTION
- 119 P.O.B. BOUNDARY
- 120 SANITARY SEWER
- 121 L.L.C. LAND LOT CORNER

**Parcel Line Table**

Line #	Length	Direction
L1	64.78'	N89° 27' 32"W
L2	158.44'	S88° 25' 58"E
L3	21.88'	N89° 17' 54"W
L4	26.28'	N12° 58' 03"E

**Curve Table**

Curve #	Length	Radius	Chord Direction	Chord Length
C1	19.81'	75.50'	N42° 47' 36"E	19.75'
C2	14.78'	15.00'	S83° 20' 10"W	14.19'
C3	100.28'	75.56'	S76° 23' 50"E	93.08'
C4	20.23'	75.56'	N57° 54' 37"E	20.17'



**NOTES:**  
 1. TOTAL SITE AREA: 93,990 S.F.  
 2. NUMBER OF LOTS: 2  
 3. CURRENT SETBACKS: FRONT: 50', SIDE: 20', REAR: 30'  
 4. MINIMUM LOT SIZE: 40,000 S.F.  
 5. MINIMUM LOT AREA: 16,000 S.F.  
 6. PROJECT NUMBER: 14557 PG. 1170  
 7. NO ENVIRONMENTAL STUDY PERFORMED.  
 8. DISTANCES SHOWN ON THE PLAN ARE GROUND DISTANCES.  
 9. THIS PLAT IS BEING RECORDED IN P.B. 203 PGS. 5-9.  
 10. TRACT 1 BEING ALL OF LOT 6 AND A PORTION OF LOT 7 AS RECORDED IN P.B. 203 PGS. 5-9.  
 11. TRACT 2 BEING A PORTION OF LOT 6 AND A PORTION OF LOT 7 AS RECORDED IN P.B. 203 PGS. 5-9.  
 12. THIS PLAT SUPERSEDES A PORTION OF THE PLAN RECORDED IN PLAT BOOK 203 PAGES 5-9.

**GENERAL NOTES**  
 1. NO TITLE OR SURVEY RESEARCH WAS PERFORMED FOR THIS SURVEY.  
 2. NO WARRANTY OR GUARANTEE AS TO THE ACCURACY OF THE DATA OR THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES.  
 3. NO WARRANTY OR GUARANTEE AS TO THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES.  
 4. NO WARRANTY OR GUARANTEE AS TO THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES.  
 5. ONLY ACTS OF POSSESSION OR TITLE SEARCH WAS PERFORMED.  
 6. NO WARRANTY OR GUARANTEE AS TO THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES.  
 7. NO WARRANTY OR GUARANTEE AS TO THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES.  
 8. NO WARRANTY OR GUARANTEE AS TO THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES.  
 9. NO WARRANTY OR GUARANTEE AS TO THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES.  
 10. NO WARRANTY OR GUARANTEE AS TO THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES.

**SURVEYOR'S CERTIFICATION**  
 AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL GOVERNMENT AGENCIES. THE SURVEYOR'S AFFIRMATIONS, SIGNATURES, STAMPS, OR STATEMENTS HEREON, SUCH AS APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENT AGENCIES. ANY INFORMATION OR STATEMENTS OBTAINED FROM THE SURVEYOR'S PLAT COMPLETES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

GA. REG. L.S. # 2012 MICHAEL D. CRAWFORD

**FLUOR STATEMENT:**  
 THE FIRM PANEL 1380202118, DATE 08/02/2018, INDICATES THIS PROPERTY OR A PORTION THEREOF IS LOCATED IN A FLOOD HAZARD AREA. THE MAP INDICATES THAT NO STUDY WAS MADE OF THESE AREAS AS DEPICTED ON THE FIRM PANEL. THERE MAY BE OTHER INTERPRETATIONS THAT DIFFER FROM THOSE SHOWN.

**NOTES:**  
 If the cumulative disturbed area on these lots equals or exceeds one acre, the applicant shall obtain a permit from the Cobb County Community Development Agency. For questions, call the Site Plan Review Section Manager.  
 Submission of an individual erosion/sediment control plan is not required for this division of property. However, it is the owner's/developer's/builders' responsibility to obtain a permit from the Cobb County Community Development Agency upon commencement of any land disturbance activities. All land disturbing activities are subject to inspection by the Cobb County Community Development Agency to determine compliance with the erosion/sediment control ordinance.

**PARCEL SPLIT COMBINATION SURVEY FOR:**  
**BUSTERS INVESTMENTS, LLC**  
 LOCATED IN LAND LOTS 378 AND 377 DISTRICT 18 SECTION 02 COBB COUNTY, GEORGIA DATE: 11/10/2020  
 CHECKED BY: SU  
 REASON: DATE OF FIELDWORK: START 10-22-2020 END 10-23-2020  
 INCHES: 3-20-277 SHEET 1 OF 1



**GEORGIA & WEST, INC.**  
 ENGINEERING • LAND SURVEYING • LAND PLANNING  
 105 CORPORATE DRIVE  
 CARROLLTON, GA 30117  
 OFFICE (770) 834-4864  
 FAX (770) 834-1005  
 E-MAIL: mail@georgiawest.com





# SLUP-4 2024 Aerial Map



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 Zoning Boundary  
 City Boundary

## I. INTRODUCTION

This Application seeks a Special Land Use Permit (“SLUP”) for automobile and truck sales and service facilities (used or pre-owned separate from a new car dealership) to allow the sale of vacuum trucks and equipment on an approximate 1.24-acre tract of land located on the south side of Oak Ridge Commerce Way near its cul-de-sac terminus.

The property (“Subject Property”) is currently zoned in the Light Industrial (“LI”) zoning classification and is situated within the confines of an Industrial designation on Cobb County’s Future Land Use Map (“FLUM”). Oak Ridge Commerce Way and the parcels that are serviced by it is an approximately 114-acre industrial park which is comprised of industrial equipment sales and storage, manufacturing, construction and warehouse. The proposed vehicle sales use is permitted with a Special Land Use Permit within LI.

The plan for this proposal is for the Applicant, Vacutek, LLC to sell its specialized vacuum trucks from the subject property. The Applicant has a well-established rental and sales business and contracts with private business and local governments to provide truck-based vacuum systems. The actual need is to be classified as an autobroker for state licensing purposes. Presently, the state broker license is at an office location and the applicant wants the broker license to be allowed at the business location. There isn’t going to be any change in the operation of the business and the request does not reflect additional parking of vehicles for sale on the property.

## **II. CRITERIA TO BE APPLIED TO SPECIAL LAND USE PERMITS**

**A. Whether or not there will be a significant adverse effect upon the neighborhood or area in which the proposed use will be located.**

The Subject Property, consisting of an approximate 1.24 acres, is located at 6694 Oak Ridge Commerce Way in unincorporated Cobb County. The subject property is presently zoned LI and is surrounded by businesses which are typical of that nature. The only exception being a small portion of the southern property line which is zoned MHP and currently undeveloped. The proposed use is one of the less intense uses that could be allowed on the property. Therefore, the proposed automobile and truck sales and service facilities (used or pre-owned separate from a new car dealership) is consistent with uses on adjacent and nearby properties and will have no adverse impact upon them. The business currently has an automobile broker license at an office location separate from the business location. The requested land use permit will not change the operation of the business but simply allow the broker license to use the address of the main business.

**B. Whether or not the use is otherwise compatible with the neighborhood.**

The proposed automobile and truck sales facility will be a complimentary addition to the Applicant's current LI business. The proposed use and the Applicant's specialized sales business will generate less traffic than other possible uses. The proposed use of the Subject Property is compatible with the neighborhood.

**C. Whether or not the use proposed will result in a nuisance as defined under state law.**

The proposed use will not result in a nuisance, either public or private, as that term is defined by Georgia law. Any sales will be in an enclosed facility and will allow the Applicant to continue to utilize the remainder its parcel of land as intended.

**D. Whether or not the quiet enjoyment of surrounding property will be adversely affected.**

The proposed low intensity use of the Subject Property will not adversely affect the quiet enjoyment of surrounding properties. The surrounding properties consist of warehouse, shipping, industrial and undeveloped residential uses. The Applicant's current LI zoning and development will provide a use that has less impact on surrounding areas than other commercial or industrial uses.

**E. Whether or not property values of surrounding property will be adversely affected.**

The current proposal of a will be complimentary to the existing businesses in the Oak Ridge Commerce Way industrial park.

**F. Whether or not adequate provisions are made for parking and traffic considerations.**

The proposed use will meet Cobb County's parking ratio requirements. Parking and traffic considerations will be further discussed by Staff and the developer as part of the Plan Review process.

**G. Whether or not the site or intensity of the use is appropriate.**

The Subject Property is approximately 1.24 acres. Automobile and truck sales and service facilities (used or pre-owned separate from a new car dealership) and the Applicant's "business-to-business" sales model will be less intense than other permitted uses in the same zoning district. The size of the property is more than adequate to accommodate the proposed use.

**H. Whether or not special or unique conditions overcome the Board of Commissioners' general presumption that residential neighborhoods should not allow non-compatible business uses.**

The subject property is presently zoned LI and is surrounded by businesses which are typical of that nature. A small portion of the southern property line is zoned MHP and currently undeveloped.

**I. Whether or not adequate provisions are made regarding the hours of operation.**

The hours of operation will be typical for the nature of automobile and truck sales and service facilities (used or pre-owned separate from a new car dealership) businesses. The Applicant's business model consists primarily of business-to-business and contract sales.

**J. Whether or not adequate controls and limits are placed on commercial and business deliveries.**

Commercial deliveries to the Subject Property will be commensurate in number and type to the existing deliveries in the Oak Ridge Commerce Way industrial park. Oak Ridge Commerce Way can only be accessed via Oak Ridge Road and any deliveries will travel through the industrial park.

**K. Whether or not adequate landscape plans are incorporated to ensure appropriate transition.**

The existing landscaping provides more than adequate screening and buffering on the southern portion of the subject property. Landscaping is consistent with other businesses within the Oak Ridge Commerce Way industrial park. Further landscaping details will be subject to Staff and/or District Commissioner review during the Plan Review process.



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

The proposed use will be comparable to the commercial uses in this area and will not adversely affect the public health, safety, welfare or moral concerns of the surrounding neighborhood.

**M. Whether the Application complies with any applicable specific requirement set forth in this chapter for a Special Land Use Permit for particular types of uses.**

The application meets all of the requirements for a Special Land Use Permit pursuant to and in accordance with Sec. 134-37 and all required information has been supplied.

**N. Whether the Applicant has provided sufficient information to allow a full consideration of all relevant factors.**

The Applicant has addressed all issues required by law. Additionally, the Applicant remains available to respond to any questions or issues which may be raised during the review process or those raised by Cobb County's professional staff and Members of both the Planning Commission and/or Board of Commissioners.

### **III. PRESERVATION OF CONSTITUTIONAL RIGHTS**

The Zoning Ordinance of Cobb County, Georgia, lacks adequate standards for the Board of County Commissioners to exercise its power to issue Special Land Use Permits. In essence, the standards are not sufficient to contain the discretion of the Board of Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Board of Commissioners, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Resolution also