

AN ORDINANCE

REZONING property in the corporate limits of the City of Marietta, Georgia in Land Lot 1206, 16th District, Parcels 0080 & 0330 of the 2nd Section, Cobb County, Georgia, and being known as **1912 & 1920 Lower Roswell Road.**

WHEREAS, application has been filed by **WALCO INVESTMENTS L.P. & MALONES AUTOMOTIVE, INC.** for rezoning property in the corporate limits of the City of Marietta, Georgia; and,

WHEREAS, following proper notice, a public hearing was held before this body; and,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MARIETTA, GEORGIA, THAT:

Section 1: The following property to wit:

1912 Lower Roswell Road

ALL THAT TRACT or parcel of land lying in and being in Land Lot 1206, 16th District, 2nd Section, Cobb County, Georgia, being more particularly described as follows:

COMMENCING at the intersection of the former southern right-of-way line of Lower Roswell Road (variable right-of-way) with the centerline of Clearwater Drive, proceed northwesterly along said former southern right-of-way Line a distance of 436.80 feet to a point; thence leaving said former right-of-way South 13 degrees 13 minutes 45 seconds West a distance of 25.82 feet to a point, said point being the POINT OF BEGINNING. Continuing from said POINT OF BEGINNING as thus established, leaving said right-of-way South 13 degrees 01 minute 49 seconds West a distance of 139.74 feet to a point; thence North 88 degrees 49 minutes 09 seconds West a distance of 179.16 feet; thence North 00 degrees 21 minutes 46 seconds West a distance of 238.37 feet to a point on the southern right-of-way line of Lower Roswell Road; thence continuing along said right-of-way line South 63 degrees 28 minutes 05 seconds East a distance of 237.11 feet to a point, said point being the POINT OF BEGINNING.

1920 Lower Roswell Road

ALL THAT TRACT or parcel of land lying and being in Land Lot 1206 of the 16th District of Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin placed on the southerly right-of-way of Lower Roswell Road, said iron pin being 353 feet northwesterly of the centerline of Clearwater Drive; thence south 13 degrees 57 minutes west a distance of 129.8 feet to an iron pin; thence north 88 degrees 34 minutes west a distance of 80 feet; thence northeasterly a distance of 165, more or less, to the southerly right-of-way of Lower Roswell Road; thence south 62 degrees 32 minutes east a distance of 80 feet to the POINT OF BEGINNING.

Section 2: The above-described property is hereby rezoned in the corporate limits of the City of Marietta, Georgia from GC (General Commercial) in unincorporated Cobb County and CRC (Community Retail Commercial) to CRC (Community Retail Commercial) in the City.

Section 3: The following shall be incorporated as a condition of zoning:

1. Stipulation letter to Shelby Little, AICP, Planning & Zoning Manager, City of Marietta from Parks F. Huff of Sams, Larkin & Huff, LLP dated April 15, 2026.
2. The buffer fencing shall be 8-ft in height rather than 6-ft cited on site plan attached to above-referenced document.

Section 4: The following variances are incorporated as conditions of zoning:

1. Variance to permit an auto repair business to be within 200 feet of residential property [§708.16 (B.10.c.)] subject to site plan attached to above-referenced document.
2. Variance to reduce the required landscape buffer from 40 feet to 5 feet along the rear property line shared with residential property [§710.05 (I.)] subject to site plan attached to above-referenced document.
3. Variance to reduce the required landscape area from 15% to 6% [§708.16 (H.)] subject to site plan attached to above-referenced document.
4. Variance to disturb existing vegetation to replant within required buffer area [§710.05 A.] subject to site plan attached to above-referenced document.

Section 5: It is hereby declared to be the intention of this Ordinance that its sections, paragraphs, sentences, clauses and phrases are severable, and if any section, paragraph, sentence, clause or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases of this Ordinance.

Section 6: All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.


Section 7: This Ordinance shall become effective upon the signature or without the signature of the Mayor, subject to Georgia laws 1983, page 4119.

Final Ordinance submitted by:



Shelby Little, Planning & Zoning Manager

Approved as to form:



Douglas R. Haynie, City Attorney

Approved by City Council:

DATE: April 15, 2026

APPROVED:

ATTEST:

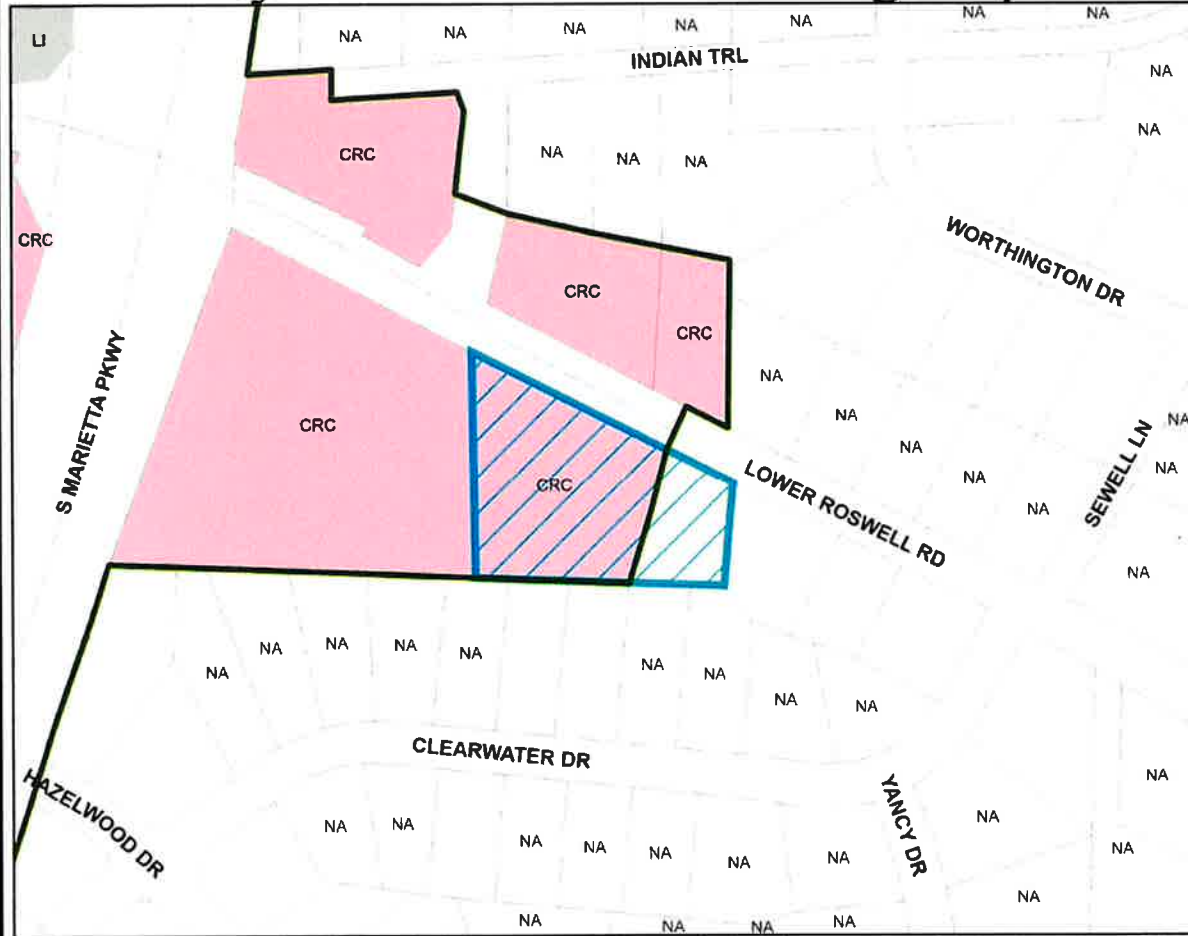


R. Steve Tumlin, Jr., Mayor



Stephanie Guy, City Clerk

City of Marietta Area Zoning Map



Zoning

- SINGLE FAMILY RESIDENTIAL**
 R-1 One Unit/Acre
 R-2 Two Unit/Acre
 R-3 Three Unit/Acre
 R-4 Four Unit/Acre
ATTACHED FAMILY RESIDENTIAL
 RA-4 Four Unit/Acre
 RA-6 Six Unit/Acre
 RA-8 Eight Unit/Acre
 PRD(SF) Planned Residential Dev
 MHP Mobile Home Park
MULTI FAMILY RESIDENTIAL
 RM-8 Eight Unit/Acre
 RM-10 Ten Unit/Acre
 RM-12 Twelve Unit/Acre
 RHP Residential High Rise
 PRD(M) Planned Residential Dev

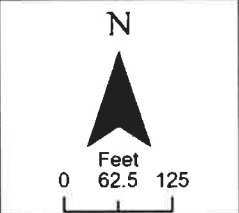
- COMMERCIAL**
 NRC Neighborhood Retail
 CRC Community Retail
 RRC Regional Retail
 CBD Central Business District
 PCD Planned Commercial Dev
 MFD Mixed Use Dev
 OIT Office Institutional Trans
 LRO Low Rise Office
 O Office Institutional
 OS Office Services
 OHR Office High Rise
INDUSTRIAL
 LI Light Industrial
 MI Heavy Industrial
 PID Planned Industrial Dev

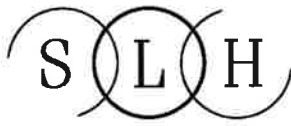
District	Land Lot	Parcel	Current Zoning	Proposed Zoning
16 16	1206 1206	0080 0330	CRC GC (Cobb)	CRC CRC

Comments:
 1912 & 1920 Lower Roswell Rd

Date:
 2/6/2026

**Planning & Zoning
 Division**





GARVIS L. SAMS, JR.
(1952-2025)
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

April 15, 2026

VIA EMAIL AND ONLINE PORTAL

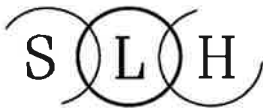
Ms. Shelby Little, AICP, Manager
Planning & Zoning
City of Marietta
205 Lawrence Street
Marietta, GA 30060

Re: Annexation, Rezoning and Variance Application – Malones Automotive, Inc., for property located on the southwest side of Lower Roswell Road, north of Powers Ferry Road (1944 and 1920 Lower Roswell Road); Land Lot 1206, 16th District, 2nd Section; Marietta, Cobb County, Georgia

Dear Shelby:

Malones Automotive, Inc. proposes redeveloping an existing closed convenience store location and an existing used tire business into a boutique automotive repair establishment. The site is currently an old, closed convenience store, billboard site and used tire business that is located adjacent to a QT convenience store at the intersection of 120 Loop and Lower Roswell Road. The proposal will redevelop two underutilized parcels into a new business that will create jobs, provide services to the community and increase tax revenue. The plan will improve the existing conditions by reducing the amount of impervious area from 92% to 80%, reducing the driveways along Lower Roswell Road from 3 to 1, and improving the streetscape with new landscaping. To redevelop the property will require a significant investment in a new stormwater management system that will meet current water quality standards. Even though redevelopment will improve the current conditions, the development does require variances that are justified given the current conditions.

Malones Automotive has been a quality car dealer in the city for many years. He acquired the existing convenience store several years ago and recently added the existing used tire business to make the project better. His choice is to leave the development as is and use the existing paving and buildings or to invest in a very expensive redevelopment. His proposal makes significant improvements over the existing conditions. The staff report recommends that the row of parking adjacent to the residential parking be eliminated and replaced with a planted buffer. This would eliminate fifteen (15) parking spaces which would likely lead to a failure of



VIA EMAIL AND ONLINE PORTAL

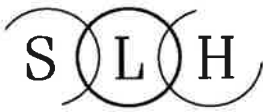
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Marietta, GA 30060
April 15, 2026
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the proposed business. To ameliorate any concerns about the proposed redevelopment, Malones proposes the following conditions.

- 1) The existing stormwater management system, which does not include water quality and does not meet current volume reduction requirements, will be completely replaced with a new stormwater management system with a water quality component and current volume reduction requirements.
- 2) There will not be any vehicular entrance into the repair shop from the side facing the residential properties to protect them from unnecessary noise.
- 3) All auto repair shall be conducted inside the building with the entrance doors closed. The work area will be climate controlled.
- 4) There will not be any junk or wrecked vehicles on site with all vehicles being properly tagged and only waiting for repair work to be completed inside the building.
- 5) The existing privacy fence will be replaced with a solid wooden privacy fence.
- 6) The current impervious coverage is 92% and this will be reduced to 80%.
- 7) The site will be developed consistent with the attached site plan. Exhibit "A."
- 8) The existing billboard will be removed when the site is redeveloped.
- 9) The existing three driveways will be reduced to a single driveway.

The Applicant is proposing to redevelop the property to accommodate an automotive repair business. The plan includes vehicular access on the side of the building which will access internal repair bays so all automotive repair is conducted indoors, and the doors are not directed towards the residential neighbors. The proposed development will accommodate the proposed buildings, drive aisles and parking for the use.

The requested variances will also allow the buildings to be constructed in a manner that will allow the continued use of the existing drive aisles and parking. In addition, the plan provides for landscape strips with street trees and two tree islands in the rear.



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Malones is open to additional stipulations to ameliorate any perceived negative impact. Please let me know if you need anything further regarding this application.

Sincerely,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink that reads "Parks F. Huff". The signature is written in a cursive style with a large initial "P".

Parks F. Huff
phuff@samslarkinhuff.com

PFH/jac
Attachment

