



APPLICANT: Linda S. Wells

770-888-5360

REPRESENTATIVE: Brian K. Wells

770-888-5360

TITLEHOLDER: Linda S. Wells

PROPERTY LOCATION: Located on the south side of Cumberland Parkway, west of Atlanta Road.

ACCESS TO PROPERTY: Cumberland Parkway

PHYSICAL CHARACTERISTICS TO SITE: Vacant lot with a cell tower

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH: R-20, RA-5/ Single-family houses
- SOUTH: RA-5/ The Enclave at Vinings subdivision
- EAST: GC/ Vinings Car Care, wooded
- WEST: R-20/ Single-family houses

**OPPOSITION:** NO. OPPOSED      PETITION NO:      SPOKESMAN     

**PLANNING COMMISSION RECOMMENDATION**

APPROVED      MOTION BY       
 REJECTED      SECONDED       
 HELD      CARRIED     

**BOARD OF COMMISSIONERS DECISION**

APPROVED      MOTION BY       
 REJECTED      SECONDED       
 HELD      CARRIED     

STIPULATIONS:

PETITION NO: Z-71

HEARING DATE (PC): 08-07-07

HEARING DATE (BOC): 08-21-07

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Retail and Office

SIZE OF TRACT: 2.3 acres

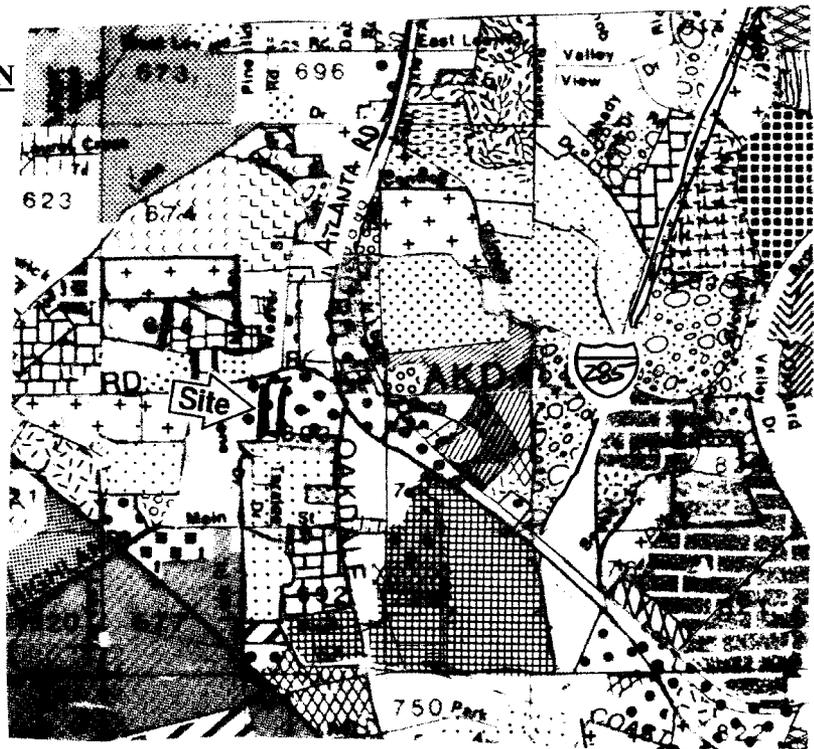
DISTRICT: 17

LAND LOT(S): 693, 694

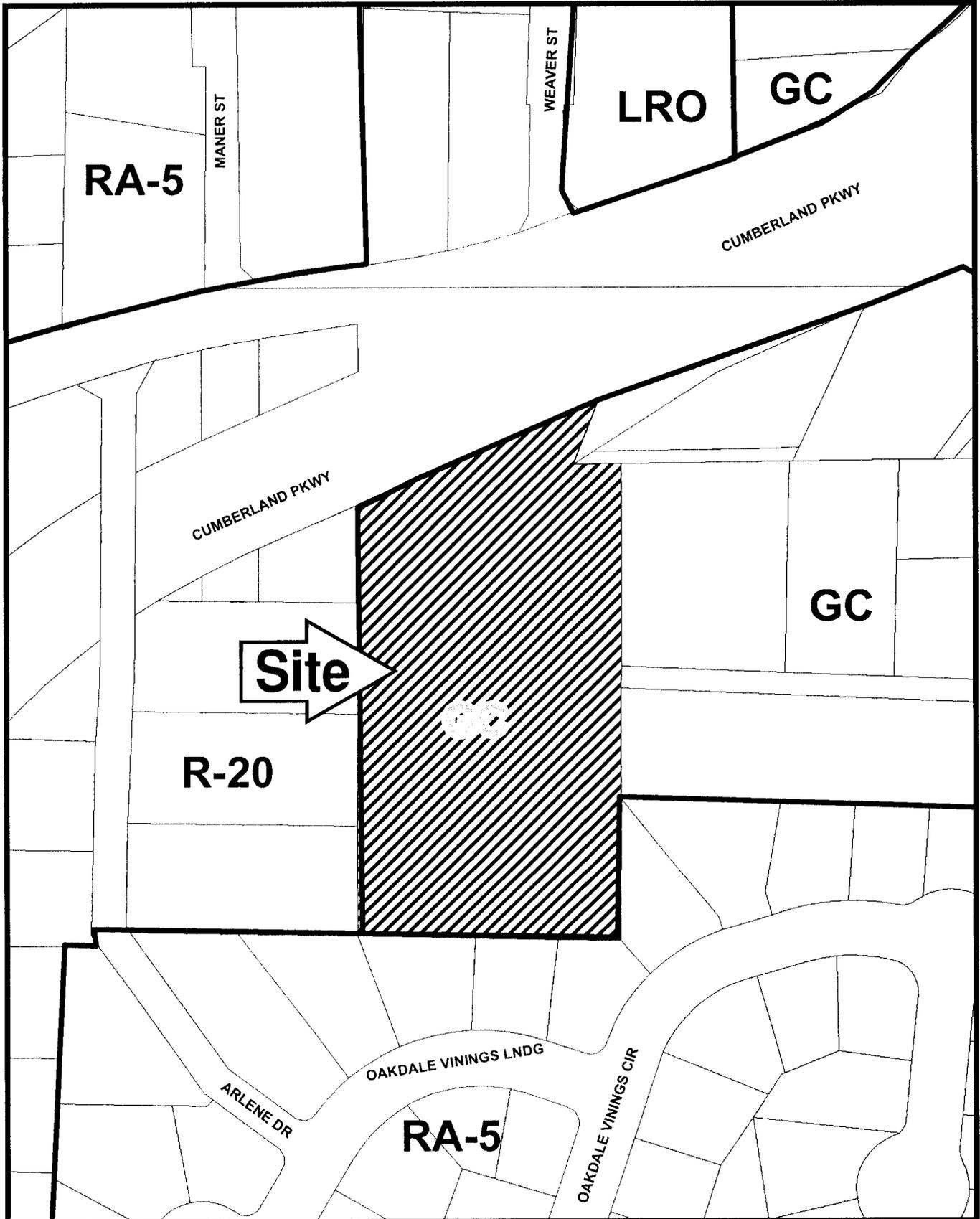
PARCEL(S): 30

TAXES: PAID X DUE     

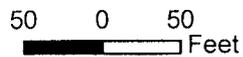
COMMISSION DISTRICT: 2



# Z-71



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



-  Draft Parcel Boundary
-  Approximate Zoning Boundary

APPLICANT: Linda S. Wells

PETITION NO.: Z-71

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**PLANNING COMMENTS:**

**Staff Member Responsible:** John P. Pederson, AICP

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 25,521

**F.A.R.:** .25      **Square Footage/Acre:** 11,096

**Parking Spaces Required:** 109      **Parking Spaces Provided:** 109

The applicant is requesting the NRC zoning district to develop a small shopping center. The proposed building would be two-stories and would be traditional in styling with a brick and stucco exterior. The building would be leased to a mixture of retail and restaurant uses on the first floor, and professional office uses on the second floor. The anticipated hours for the first floor would be 7:00 am to Midnight, and the anticipated hours for the second floor would be 7:00 am to 7:00 pm Monday through Saturday. The cell tower located on the property is a temporary use that may be removed if requested by the County, and at this point in time, the applicant desires to keep the cell tower on the property.

**Historic Preservation:** After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, it is determined that the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional is recommended. This survey should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**FIRE COMMENTS:**

No comments.

APPLICANT Linda S Wells

PETITION NO. Z-071

PRESENT ZONING GC

PETITION FOR NRC

\*\*\*\*\*

NOTE: Comments reflect only what facilities were in existence at the time of this review.

**WATER COMMENTS:**

Available at Development?  Yes  No

Fire Flow Test Required?  Yes  No

Size / Location of Existing Water Main(s): 12" DI / S side Cumberland Pkwy

Additional Comments: Master meter to be at entrance

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:**

In Drainage Basin?  Yes  No

At Development?  Yes  No

Approximate Distance to Nearest Sewer: At site

Estimated Waste Generation (in G.P.D.): **A D F** 2550 **Peak** 6375

Treatment Plant: S Cobb

Plant Capacity Available?  Yes  No

Line Capacity Available?  Yes  No

Projected Plant Availability:  0 - 5 year  5 - 10 years  over 10 years

Dry Sewers Required?  Yes  No

Off-site Easements Required?  Yes\*  No

Flow Test Required?  Yes  No

Letter of Allocation issued?  Yes  No

Septic Tank Recommended by this Department?  Yes  No

Subject to Health Department Approval?  Yes  No

\* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

In Elmwood Sewer Assessment Area where \$1500/acre applicable before plans approval

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Linda S. Wells

PETITION NO.: Z-71

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review/State Review.**
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50' , 75' , 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_.
- Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream existing Enclave at Vinings S/D detention pond.

APPLICANT: Linda S. Wells

PETITION NO.: Z-71

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

1. Underground stormwater detention is proposed for this site. Above ground extended water quality detention volume must be provided or an approved proprietary device used to meet water quality requirements.

**APPLICANT:** Linda S. Wells

**PETITION NO.:** Z-71

**PRESENT ZONING:** GC

**PETITION FOR:** NRC

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cumberland Pkwy	34300	Arterial	45 mph	Cobb County	110'

*Based on 2006 traffic counting data taken by Cobb County DOT.*

**COMMENTS AND OBSERVATIONS**

Cumberland Parkway is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Cumberland Parkway is identified as road widening improvement project in construction phase.

A new 250' deceleration lane with a 75' taper will be constructed as part of the roadway improvement project.

Install sidewalk, curb and gutter along the road frontage as part of the development.

Maintain inter-parcel access with the adjacent business.

**RECOMMENDATIONS**

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed road project.

Recommend maintaining inter-parcel access to adjacent property.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

## STAFF RECOMMENDATIONS

Z-71

LINDA S. WELLS

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's property is located in an area that contains single-family houses and commercially zoned property used auto repair, offices, and retail.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal is zoned GC and the proposed use is adjacent to other commercial uses. The applicant will use a high standard of building architecture and buffering to make the proposal compatible with adjacent residential uses.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal is in an area that contains a mixture of residential and commercial uses. The applicant's property is zoned GC, and the applicant's proposal could encourage other older properties to redevelop with higher standards of architecture and buffering.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division June 6, 2007, with the District Commissioner approving minor modifications;
- Fire Department comments;
- Historic Preservation comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

**The recommendations 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.**