

APPLICANT: John B. Clayton

404-431-4671

REPRESENTATIVE: John B. Clayton

404-431-4671

TITLEHOLDER: John B. Clayton

PROPERTY LOCATION: Located on the east and south sides on

Fowler Circle, east of Canton Road and on the west side of Winfred

Drive, north of Shallowford Road.

ACCESS TO PROPERTY: Fowler Circle

PHYSICAL CHARACTERISTICS TO SITE: Existing house

converted to an office building

PETITION NO: Z-97

HEARING DATE (PC): 10-02-07

HEARING DATE (BOC): 10-16-07

PRESENT ZONING: LI with

Stipulations

PROPOSED ZONING: LI

PROPOSED USE: Office/Warehouse

SIZE OF TRACT: 1.1 acres

DISTRICT: 16

LAND LOT(S): 157

PARCEL(S): 1

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: LI/ undeveloped

SOUTH: LI/ Archadeck Deck Builders

EAST: HI/ Safe Play Systems

WEST: R-20/ undeveloped

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

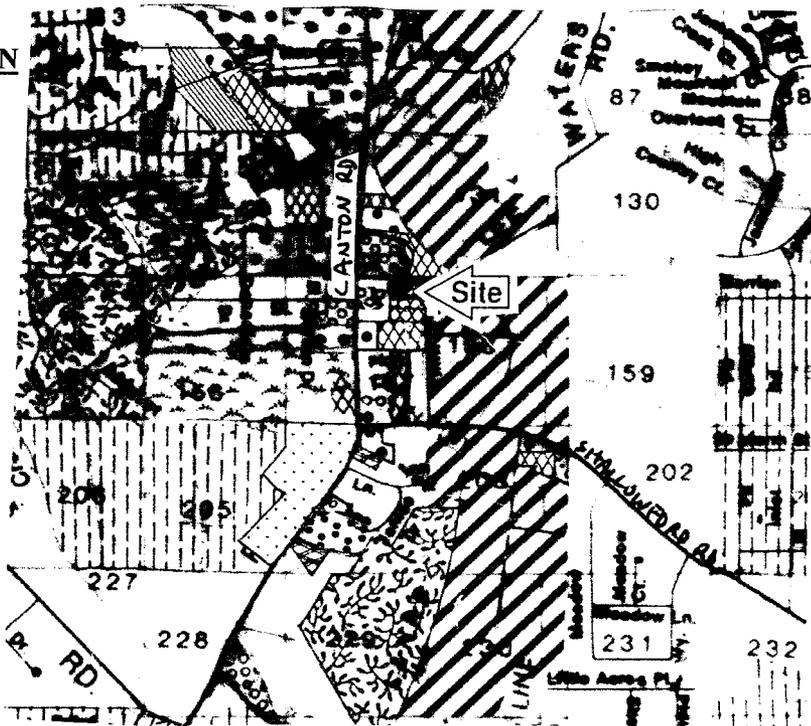
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

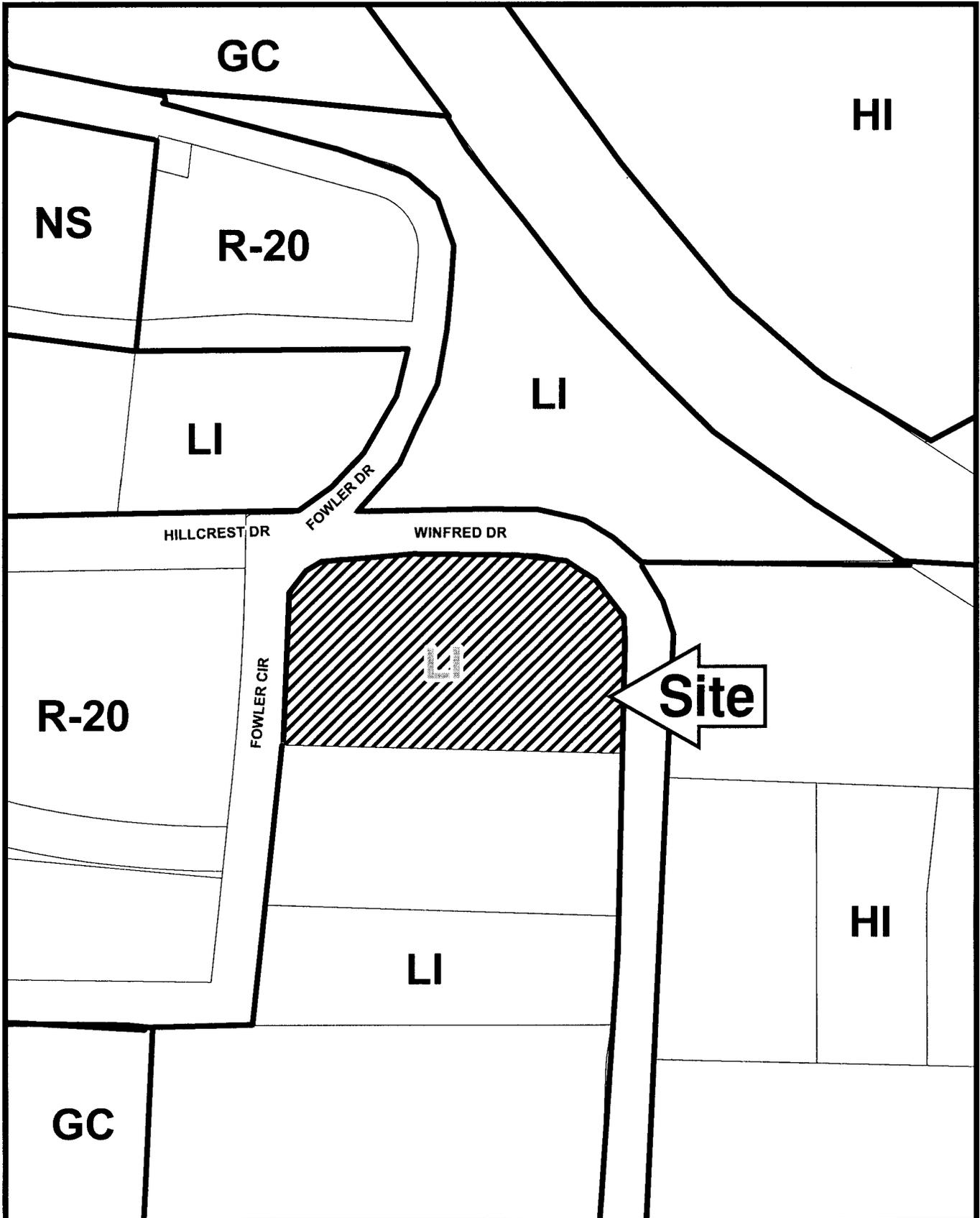
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

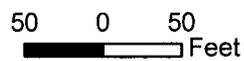
STIPULATIONS:



Z-97



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

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PETITION NO.: Z-97

PRESENT ZONING: LI with stipulations

PETITION FOR: LI with stip.

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 1 Total Square Footage of Development: 5,857

F.A.R.: 0.12 Square Footage/Acre: 5,324

Parking Spaces Required: 10 Parking Spaces Provided: 13

The applicant is requesting rezoning to amend the site plan from a previous rezoning action (see attached Exhibit "A"). The applicant proposes to construct a one-story warehouse addition on the property. The building would be all metal, and is anticipated to be leased to a contractor. The anticipated office hours are Monday through Saturday, from 8:00 am to 5:00 pm.

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot paved radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT John B Clayton

PETITION NO. Z-097

PRESENT ZONING LI w/stips

PETITION FOR LI

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No
Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 8" DI / S side Fowler Circle

Additional Comments:

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: In streets

Estimated Waste Generation (in G.P.D.): **A D F** 190 **Peak** 475

Treatment Plant: Noonday

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
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:

Plans must be submitted to Health Dept and approval obtained before LDP showing more separation between warehouse and existing septic tank and modification of drain field under driveway. On-site system OK w/ Health Dept small ofc/whse use w/no expansion

Notes FYI: *When connecting to sewer, this is in a special assessment area where \$9000/acre fee is applicable in additon to standard fee*

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.

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PETITION FOR: LI

DRAINAGE COMMENTS

FLOOD HAZARD: [] YES [X] NO [] POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rubes Creek Basin FLOOD HAZARD INFO: Zone X

- [] FEMA Designated 100 year Floodplain Flood.
[] Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
[X] 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 [X] 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 [X] 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).
[X] 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.
[X] Minimize runoff into public roads.
[X] 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 _____.

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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 with proposed addition..
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

- 1. Proposed improvements are less than 5000 sf of impervious area. Since the total proposed impervious coverage is less than 25% the site can be exempted from stormwater management requirements. However, if any type of business involving the use or storage of hazardous chemicals, oils or greases then some type of water quality treatment will be required.

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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
Fowler Circle	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Fowler Circle is classified as a Local and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

The paving of Fowler Circle will be considered for a future resurfacing contract (to be determined).

RECOMMENDATIONS

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

STAFF RECOMMENDATIONS

Z-97

JOHN B. CLAYTON

- 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 proposal is located in an area that contains mostly industrial uses.
- 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 would be compatible with adjacent properties.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within an Industrial Compatible Land Use Category
- 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 would be compatible with, and consistent to adjacent and nearby properties.

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

- Site plan received by the Zoning Division on August 3, 2007, with the District Commissioner approving minor modifications;
- Fire Department 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.

___ OF ___ APPLICATION NO. Z-61/2004
ORIGINAL DATE OF APPLICATION: 06-15-04
APPLICANTS NAME: COLLINS & ZIMMERMAN, LLC

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

BOC DECISION OF 06-15-04 ZONING HEARING:

COLLINS & ZIMMERMAN, LLC for Rezoning from NS to **OI** for the purpose of an Office in Land Lot 157 of the 16th District. Located at the southeast intersection of Fowler Drive and Fowler Circle, east of Canton Road and on the west side of Winfred Drive.

MOTION: Motion by Lee, second by Olens, as part of the Consent Agenda, to delete rezoning to the LI zoning district **subject to:**

- **site plan received by the Zoning Division on March 3, 2004, with the District Commissioner approving minor modifications to site layout (copy attached and made a part of these minutes)**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations, except recommendations regarding improving Fowler Circle and installation of sidewalk, curb and gutter along the roadway frontage**
- **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**

VOTE: **ADOPTED** unanimously

Clerk's Note: The Board directed Cobb DOT to pave Fowler Circle.

