

Rezoning Plan

3440 Quail Run

Cobb County, Georgia Land Lot 768, 19th District, 2nd Section

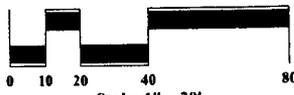
prepared for:

Mrs. Sharon Diaz

DGM
LAND PLANNING
CONSULTANTS



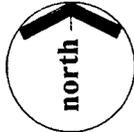
975 Cox Place
Bldg. 5000 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491



Scale: 1" = 20'

November 27, 2007

Revisions:



Site Data

Total Site Area: 0.63 Acres

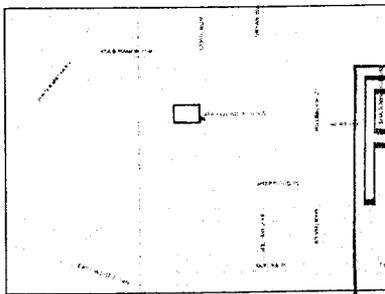
Present Zoning: PSC / R-20

Proposed Zoning: LRO

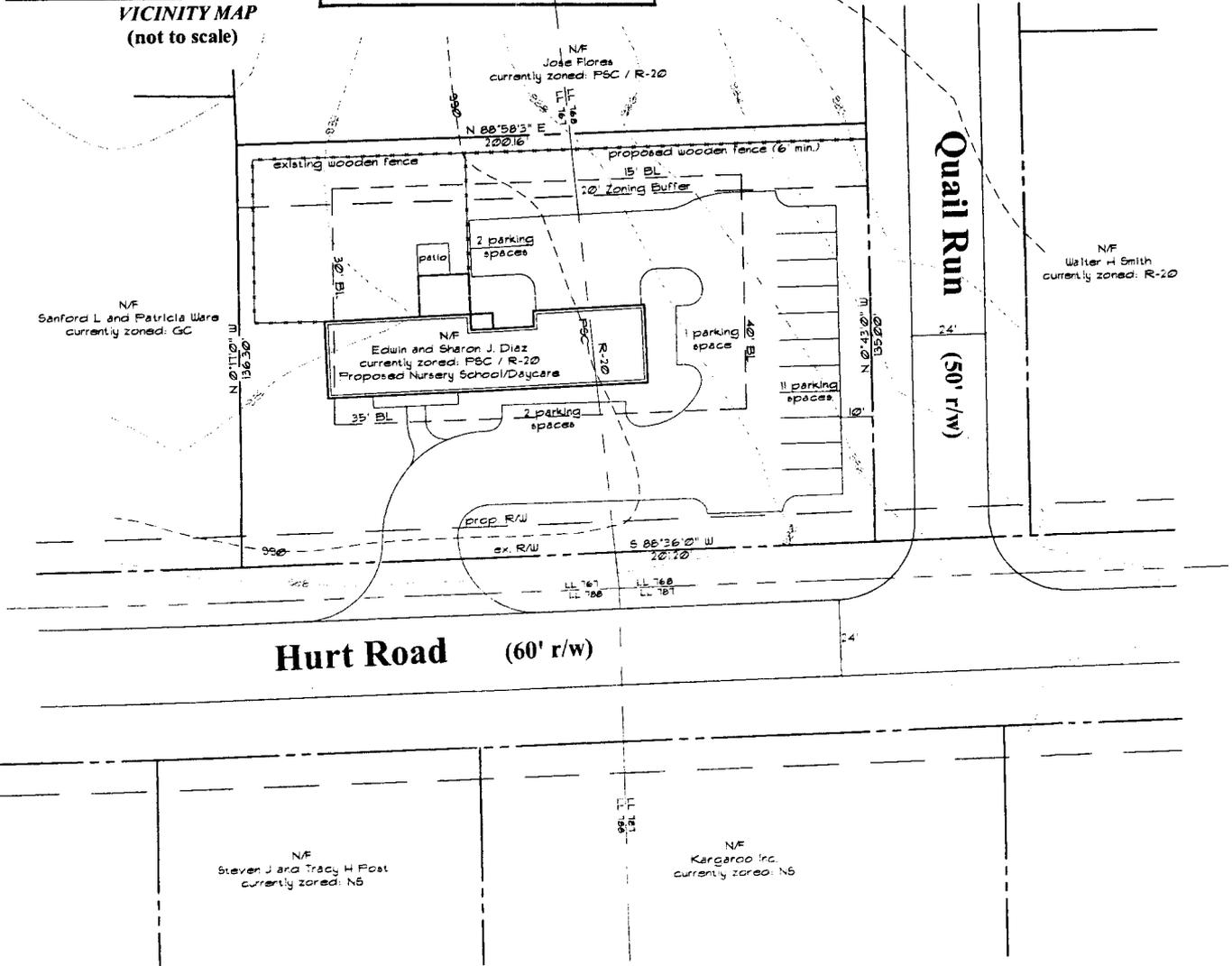
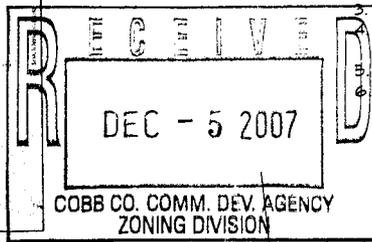
Parking Shown: 16 Spaces

Notes:

1. Boundary survey and topographic information by Cobb County GIS.
2. According to Flood Insurance Rate Map (FIRM) #306700070F, August '8, 1992, NO portion of this site contains floodplain. No cemeteries are known to exist on site.
3. No archeological or architectural landmarks are known to exist on site.
4. No utility easements exist on site.
5. Stormwater management and water quality structures to be sized and located based on hydrologic study.



VICINITY MAP
(not to scale)



APPLICANT: Sharon J. Diaz

770-885-2995

REPRESENTATIVE: Sams, Larkin & Huff, LLP

Melissa P. Haisten 770-422-7016

TITLEHOLDER: Edwin Diaz and Sharon J. Diaz

PROPERTY LOCATION: Located at the northwest intersection of
Hurt Road and Quail Run.

ACCESS TO PROPERTY: Hurt Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: PSC, R-20/ Quails Nest subdivision
- SOUTH: NS/ Single-family house, Deano Family Hair Center
- EAST: R-20/ Quails Nest subdivision
- WEST: GC/ Single-family house

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-3

HEARING DATE (PC): 02-05-08

HEARING DATE (BOC): 02-19-08

PRESENT ZONING: PSC, R-20

PROPOSED ZONING: LRO

PROPOSED USE: Nursery School and
Day Care

SIZE OF TRACT: 0.63 acre

DISTRICT: 19

LAND LOT(S): 768

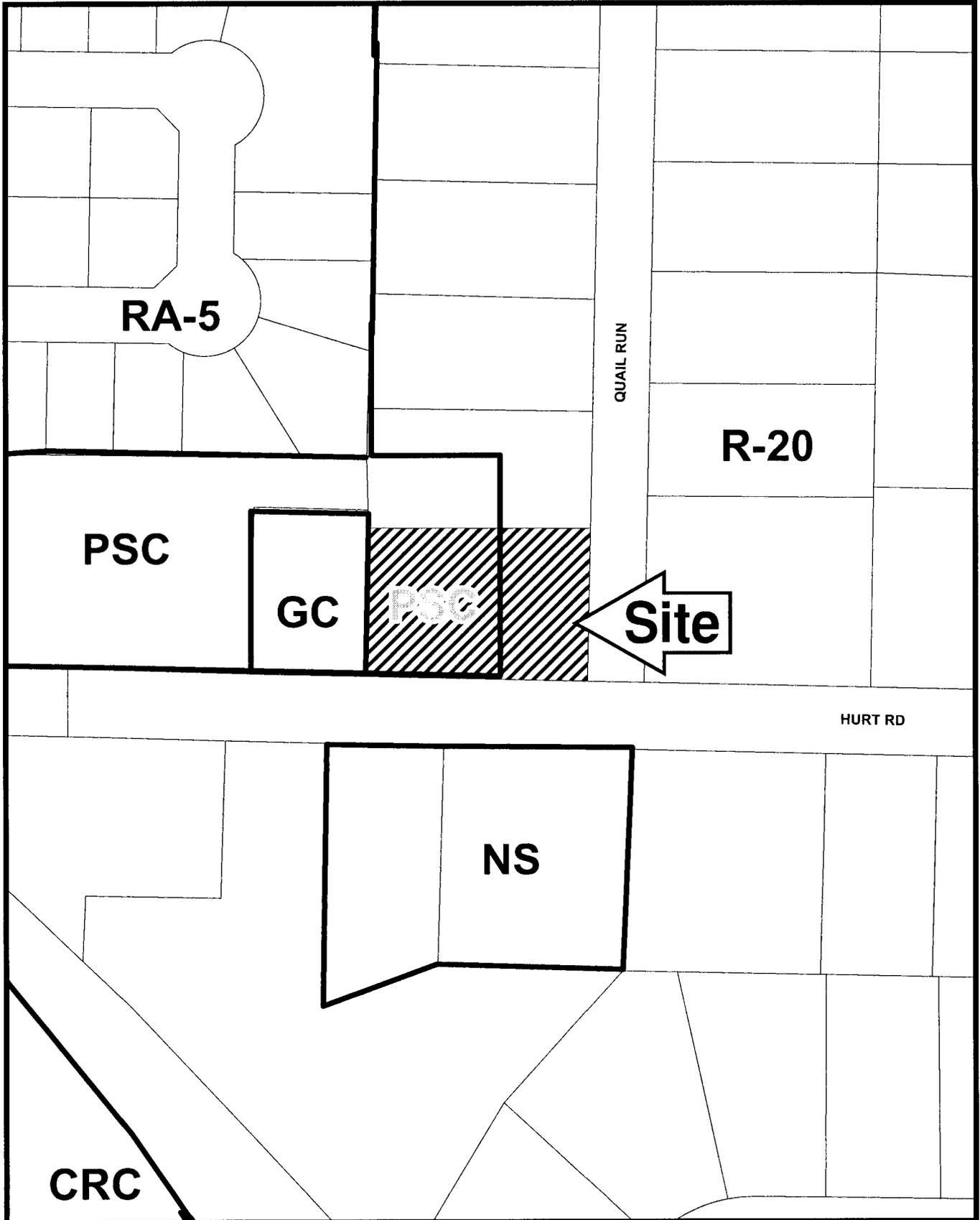
PARCEL(S): 67

TAXES: PAID X DUE

COMMISSION DISTRICT: 4



Z-3



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

50 0 50
Feet



 Draft Parcel Boundary
 Approximate Zoning Boundary

APPLICANT: Sharon J. Diaz

PETITION NO.: Z-3

PRESENT ZONING: PSC, R-20

PETITION FOR: LRO

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Medium Density Residential (2.5 to 5 units per acre)

Proposed Number of Buildings: 1(existing) Total Square Footage of Development: 3,100

F.A.R.: 0.11 Square Footage/Acre: 4,920

Parking Spaces Required: 20 Parking Spaces Provided: 16

The applicant is requesting the LRO zoning district to operate a daycare facility from this property. The existing house would be utilized with the addition of a parking lot. The daycare would be open Monday through Friday, from 7:00 am to 6:30 pm.

The applicant is showing contemporaneous variances which are:

- 1. Reduce the rear setback from 30-feet to 27-feet (existing); and
- 2. Reduce the required number of parking spaces from 20 parking spaces to 16 parking spaces.

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

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.

Submit plans and applications for Certificate of Occupancy before occupying the building.

APPLICANT Sharon J Diaz

PETITION NO. Z-003

PRESENT ZONING PSC, R-20

PETITION FOR LRO

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) 6" AC / W side Quail Run

Additional Comments: Existing house is connected. Water meter will have to be upgraded by developer to larger size

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 street, Quail Run
- Estimated Waste Generation (in G.P.D.): **A D F** 12/child **Peak** 30/child
- 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
- 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:
Existing house is connected

Notes FYI:

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: Sharon J. Diaz

PETITION NO.: Z-3

PRESENT ZONING: PSC, R-20

PETITION FOR: LRO

DRAINAGE COMMENTS

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

DRAINAGE BASIN: Olley Creek 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

- [X] Potential or Known drainage problems exist for developments downstream from this site.
[X] 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.
[X] Stormwater discharges through an established residential neighborhood downstream.
[X] Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream stormdrainage system.

APPLICANT: Sharon J. Diaz

PETITION NO.: Z-3

PRESENT ZONING: PSC, R-20

PETITION FOR: LRO

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

1. This parcel is located in an older subdivision with limited stormdrainage system capacity. The proposed site plan more than doubles the impervious area of this site. A stormwater management facility will be required and although this is noted on the site plan no location is shown. Since there is no available existing discharge other than gutter flow within the street, the detention discharge must be piped along the Quail Run R/W to the nearest existing structure located at 3416 Quail Run.

APPLICANT: Sharon J. Diaz

PETITION NO.: Z-3

PRESENT ZONING: PSC, R-20

PETITION FOR: LRO

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
Hurt Road	12600	Major Collector	35 mph	Cobb County	80'
Quail Run	NA	Local	25 mph	Cobb County	50'

Based on 2007 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Hurt Road is classified as an Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.
Quail Run is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Relocate access driveway along Hurt Road and remove driveway along Quail Run.

Proposed driveway shall be built to Cobb County commercial standards.

Install sidewalk, curb and gutter along the road frontages.

As necessitated by this development for egress from Hurt Road a deceleration lane will be required.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Hurt Road, a minimum of 40' from the roadway centerline.

Recommend relocating the access driveway to Hurt Road and removing the existing driveway on Quail Run to accommodate commercial traffic.

Recommend building the proposed driveway to comply with Cobb County commercial standards.

Recommend installing sidewalk, curb and gutter along the road frontages.

Recommend a deceleration lane along Hurt Road.

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

STAFF RECOMMENDATIONS

Z-3

SHARON J. DIAZ

- 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. There is commercially zoned property directly to the west and to the south. More than half of the subject property is zoned commercially.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. Staff is concerned that the property may be too small to efficiently and effectively run a daycare with the drop-off/pick-up traffic circulation in its current configuration.
- 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 a Medium Density Residential 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 denying the applicant's rezoning proposal. The applicant's proposal is not in accordance with the *Cobb County Comprehensive Plan*. The applicant's property may be too small to operate a daycare facility with proper traffic circulation. The property, while partially zoned commercial, has never been used commercially, and is part of a platted subdivision.

Based on the above analysis, Staff recommends DENIAL.

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.