

APPLICANT: Robert Alan Plott and Donna D. Plott
678-797-1212

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Robert Alan Plott and Donna D. Plott

PROPERTY LOCATION: Located on the northwesterly side of
Austell Road, north of Chamberlain Circle.

ACCESS TO PROPERTY: Austell Road

PHYSICAL CHARACTERISTICS TO SITE: Existing buildings

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20, LRO/ wooded, office
SOUTH: GC/ Used car lot
EAST: GC/ Unique Motors used car sales
WEST: GC/ auto repair

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-100

HEARING DATE (PC): 11-06-07

HEARING DATE (BOC): 11-20-07

PRESENT ZONING: GC, R-20

PROPOSED ZONING: GC

PROPOSED USE: Office, Retail and
Auto Repair

SIZE OF TRACT: 0.982 acre

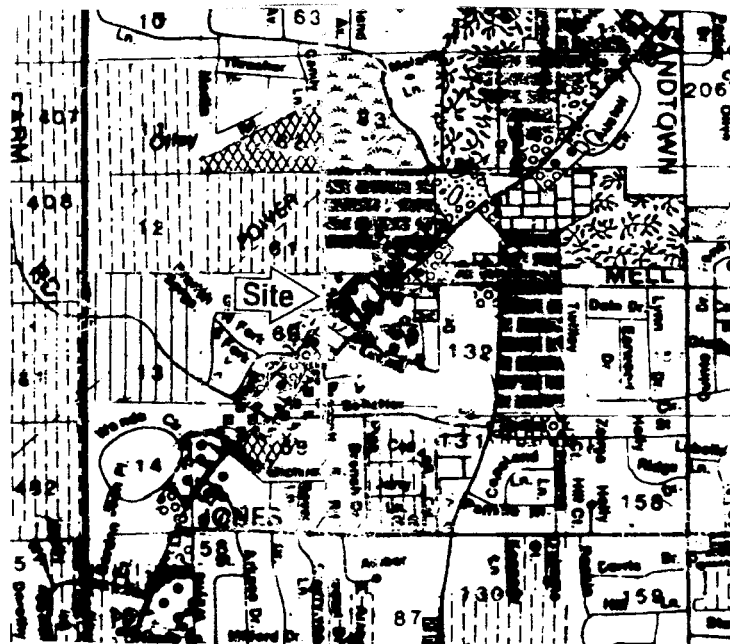
DISTRICT: 17

LAND LOT(S): 85

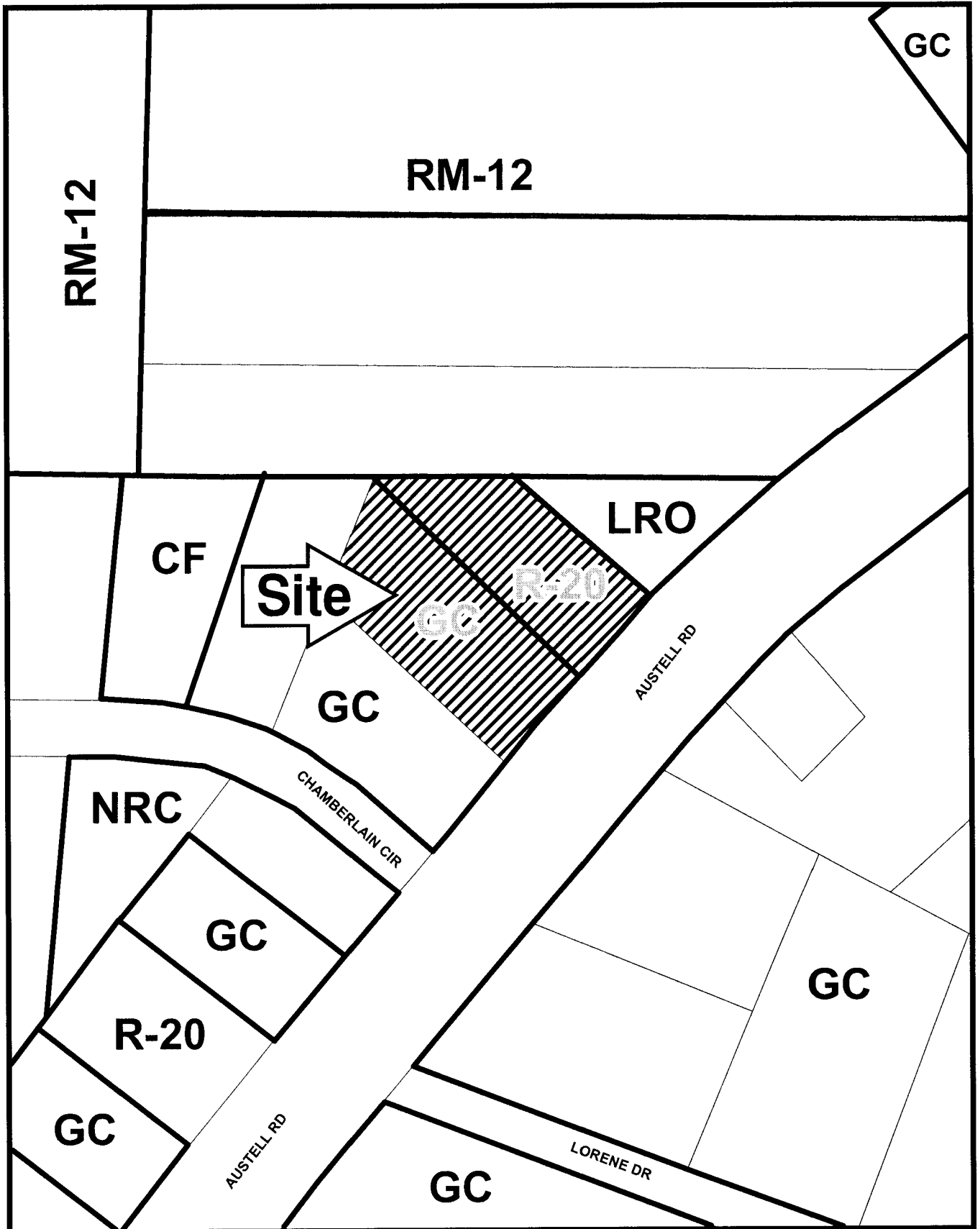
PARCEL(S): 3, 4

TAXES: PAID X **DUE**

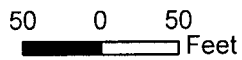
COMMISSION DISTRICT: 4



Z-100



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: Robert Alan Plott and Donna D. Plott

PETITION NO.: Z-100

PRESENT ZONING: GC, R-20

PETITION FOR: GC

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 5(existing) **Total Square Footage of Development:** 10,480

F.A.R.: 0.24 **Square Footage/Acre:** 10,672

Parking Spaces Required: 53* **Parking Spaces Provided:** 40 (estimated)

*Based on 2,500 square-feet of office space and 11 auto repair bays.

The applicant is requesting a rezoning from GC and R-20 to GC for an office, retail and auto repair. Currently, the eastern lot (Lot 24) is zoned R-20 with an office and auto garage, and the western lot (Lot 23) is zoned GC with retail and auto garages. Approval of the request would allow the applicant to bring the property in compliance with the Zoning Code. All the buildings on the site plan would remain. The hours of operation would be Monday through Saturday, from 8:00 a.m. to 6:00 p.m. The applicant's representative has submitted a letter of agreeable stipulations (see Exhibit "A").

The applicant is showing contemporaneous variances which are:

1. Reduce the front setback from 50-feet to 26-feet (existing);
2. Reduce the rear setback from 30-feet to 6-feet (existing);
3. Reduce the side setback from 10-feet to 4-feet (existing);
4. Reduce the amount of required parking from 53 parking spaces to 40 parking spaces (existing);
5. Waive the 40-foot landscape buffer adjacent to the residentially zoned property to zero feet (existing).

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: No comment.

APPLICANT: Robert Alan Plott and Donna D. Plott

PETITION NO.: Z-100

PRESENT ZONING: GC, R-20

PETITION FOR: GC

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 Robert A Plott & Donna D Plott

PETITION NO. Z-100

PRESENT ZONING GC, R-20

PETITION FOR GC

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) 12" DI / NW side Austell Rd

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: At site in road

Estimated Waste Generation (in G.P.D.): A D F 0 add'l **Peak** 0 add'l

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:

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.

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DRAINAGE COMMENTS

FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack Creek 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 _____.

APPLICANT: Robert Alan Plott & Donna D. Plott

PETITION NO.: Z-100

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PETITION FOR: GC

● *****

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. Applicant does not propose any site improvements that would impact stormwater runoff from the site. Any future redevelopment of the site will be required to meet County stormwater management requirements.

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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
Austell Road	28700	Arterial	45 mph	GDOT	110'

Based on 2006 traffic counting data taken by GDOT.

COMMENTS AND OBSERVATIONS

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

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

Reduce the number of driveways to one curb cut.

Provide inter-parcel access to adjacent properties.

GDOT permits will be required for all work that encroaches upon the right-of-way.

RECOMMENDATIONS

Recommend a deceleration lane along Austell Road.

Recommend one access driveway along Austell Road.

Recommend providing inter-parcel access to all adjacent properties.

Recommend replacing all disturbed sidewalk, curb and gutter along the frontage.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-100 ROBERT ALLEN PLOTT AND DONNA D. PLOTT

- 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. This section of Austell Road has many commercially zoned properties.
- 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 consistent and similar to other commercial ventures on adjacent and nearby properties. Staff is concerned with all the variances required to bring this non-conforming property into compliance with the Zoning Code.
- 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 Community Activity Center. A majority of the property along this part of Austell Road is in the Community 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 proposal would be consistent with the *Cobb County Comprehensive Plan*, which delineates this property to be within a Community Activity Center. Staff is concerned with the existing unaesthetic buildings on the property, and all the needed variances. One of the main themes of the Austell Road Corridor Study (2001) was the aesthetics of the Austell Road corridor. Staff does not believe using these outdated buildings, within close proximity to the road, would be beneficial for Austell Road. Staff believes building a new building, meeting the current building setbacks would be the best scenario for this part of Austell Road.

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

- No outdoor storage;
- No junk or inoperative vehicles, except for vehicles currently being fixed;
- Building setbacks be met;
- One curb cut only;
- Existing buildings be removed prior to any permits;
- District Commissioner approved the final site plan and building architecture;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

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.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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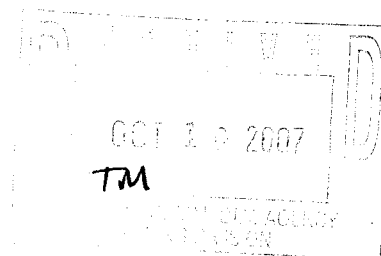
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October 10, 2007

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



Re: Application of Robert Alan Plott and Donna D. Plott to Rezone
a 0.982 Acre Tract from GC & R-20 to GC (No. Z-100)

Dear John:

As you know, I represent the applicants who are also the property owners concerning the above-captioned Application for Rezoning. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on November 6, 2007 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 20, 2007.

When Mr. and Mrs. Plott purchased the subject property, the entirety of same (0.982 acres) was being utilized for commercial purposes. However, as a result of recent discussions with a proposed purchaser requesting office utilization on a portion of the subject property, it was discovered that a part of the property is still remained zoned R-20. In view of the fact that the portion of the subject property sought to be purchased constitutes 14,846 square feet, Mr. and Mrs. Plott are seeking a rezoning of the entire tract which is situated within the confines of a Community Activity Center (CAC).

In accordance with discussions with the County's professional staff, please allow this letter to serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. The rezoning of the subject property shall be from GC & R-20 to GC in substantial conformity to that certain site plan prepared by CC Land Surveyors which was filed contemporaneously with the Application for Rezoning.
3. Utilization of the subject property for the "as built" businesses located thereon with the exception of the one (1) story office building (located at 2110 Austell Road) which shall be used for Low Rise Office (LRO) purposes only.
4. Compliance with recommendations from the Cobb County Stormwater Division with respect to stormwater management, hydrology and down stream considerations.¹
5. Compliance with recommendations from the Cobb County Water System with respect to all issues attendant to water and sewer availability and accessibility.
6. Compliance with recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.
7. Compliance with the following recommendations from the Cobb County Department of Transportation:
 - a. Eliminating one (1) of the three (3) points of ingress/egress on Austell Road so that only two (2) remain.
 - b. Replacing any and all sidewalk, curb and gutter which may be disturbed during any construction on the site.
 - c. Securing approval from the Georgia Department of Transportation for potential encroachments on Austell Road.

¹ The Stormwater Management Division takes the position that in view of the fact that there is no planned redevelopment on the site, no detention/water quality areas are required.

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VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
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- d. To the extent that same is not precluded by topographical or site elevation conditions, continuing to provide the existing inter-parcel access between the various tracts.
8. To the extent there is future development on the subject property, the submission of a landscape plan for staff review and approval.
9. The District Commissioner shall retain the authority to make minor modifications to these stipulations/conditions and the site plan as the zoning proposal proceeds through the Plan Review process.

As you know, the subject property is located within the confines of a Community Activity Center (CAC) under Cobb County's Future Land Use Map. In that regard, the rezoning of the balance of the property to accommodate the existing businesses is appropriate from a land use planning perspective.

Please do not hesitate to call should you or the County's staff require any additional information or documentation prior to the formulation of your recommendation to the Planning Commission and Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery
Mr. John M. Morey – VIA E-Mail and First Class Mail
Mr. David W. Breaden, P.E. – VIA E-Mail and First Class Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Mr. & Mrs. Alan Plott – VIA E-Mail and First Class Mail