



280 SETHONIA COURT
ROSWELL, GEORGIA 30075
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CONCEPT PLANS
FOR:

ELNORA DRIVE TRACT

LAND LOT 131
18TH DISTRICT, 2ND
COBB COUNTY, GA

**Z-23
(2008)**

OWNER/DEVELOPER:

MICHAEL BOOZ
14256 GLEN COVE
ROSWELL, GA
404.216.90

REVISIONS

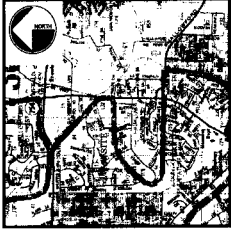
04.15.2008 COUNTY COMMENTS

DATE: FEBRUARY 7, 2008
CP#E DRAWING NO. 200715017-043

CONCEPT PLAN

CP.1

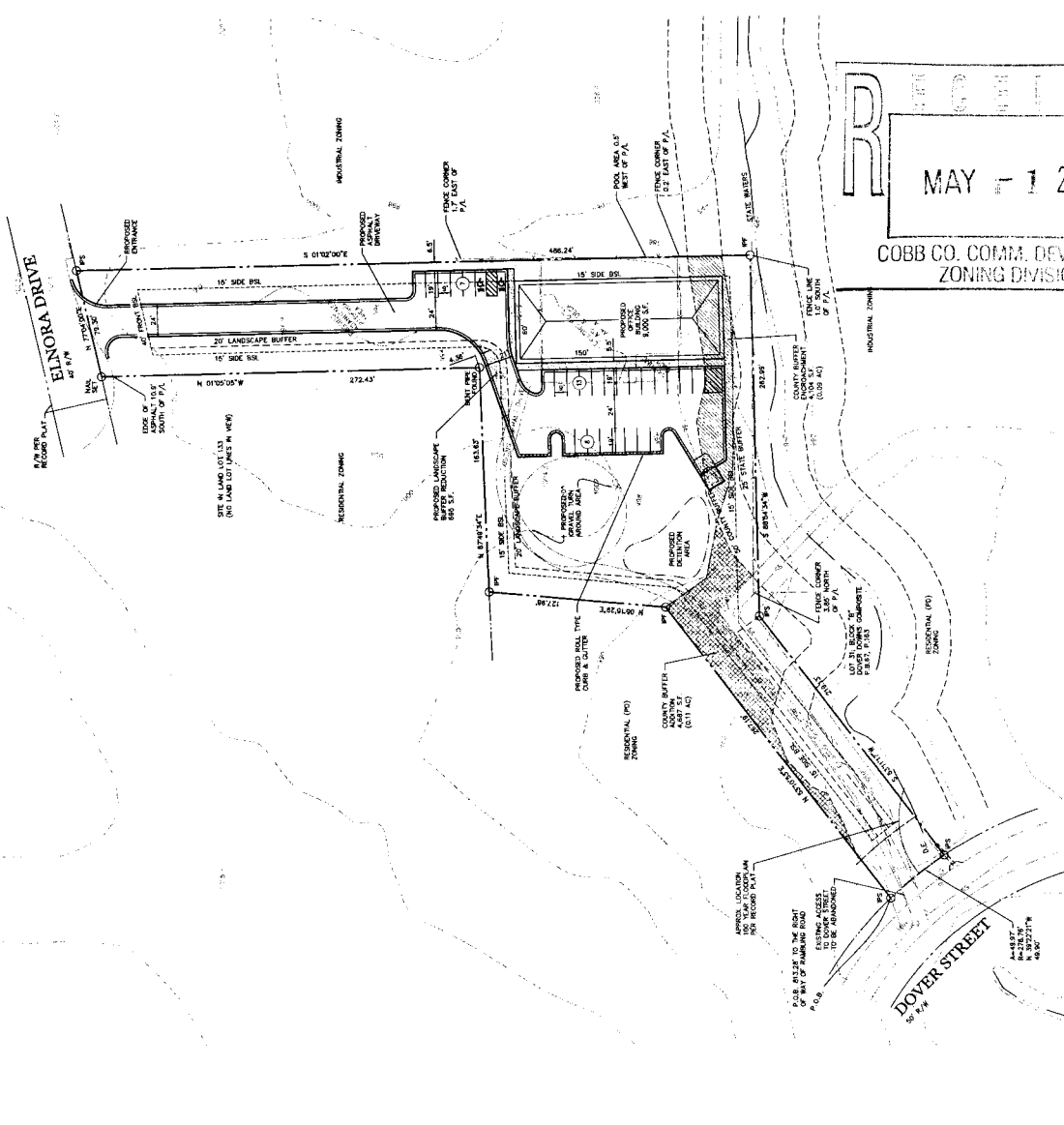
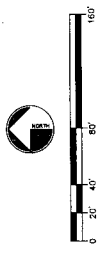
SHEET NO.



VICINITY MAP
SCALE: 1"=2,000'

- CONCEPT PLAN NOTES:
- BOUNDARY INFORMATION TAKEN FROM BOUNDARY SURVEY BY TITUS-LINE SURVEYING COMPANY, INC. FOR THE COUNTY OF COBB, GEORGIA, DATED AUGUST 14, 2007. TOPOGRAPHIC INFORMATION TAKEN FROM THE COBB COUNTY GIS DATA.
 - PROPERTY IS LOCATED IN LAND LOT 131, 18TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, 6.8 ACRES.
 - OWNER: MICHAEL BOOZ, 14256 GLEN COVE DRIVE, ROSWELL, GA 30075, 404.216.90
 - EXISTING ZONING: PD
 - PROPOSED ZONING: O-1
 - ADJUSTED LOTS: 11 (LOWER CORNER 5/8) WEST 1/2 (LOWER CORNER 5/8) EAST 1/2 (LOWER CORNER 5/8)
 - EXISTING BUILDING AND POOL TO BE REMOVED.
 - ACCESS TO PROPOSED OFFICE BUILDING TO BE FROM ELNORA DRIVE.
 - VARIANCE TO 20' LANDSCAPE BUFFER REQUIRED FOR ACCESS AROUND PROPOSED BUILDING TO (DRESS) 20' LANDSCAPE BUFFER.
 - EXISTING ASPHALT DRIVEWAY TO BE ADJUSTED TO ACCOMMODATE INDUSTRIAL USES TO WEST.

SITE ANALYSIS	
TOTAL SITE AREA	6.8 ACRES
PROPOSED ZONING	O-1
MINIMUM SETBACKS (LOCAL)	15 FEET
MINIMUM SETBACKS (STATE)	20 FEET
PROPOSED BUILDING SETBACK	20 FEET
PROPOSED DRIVEWAY SETBACK	20 FEET
PROPOSED PARKING (1.50/1000 S.F.)	28 SPACES
PROPOSED PARKING	28 SPACES



MAY - 1 2008
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

APPLICANT: Michael E. Boozer
404-216-9037

PETITION NO: Z-23

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

HEARING DATE (PC): 06-03-08

HEARING DATE (BOC): 06-17-08

TITLEHOLDER: Michael E. Boozer

PRESENT ZONING: PUD

PROPOSED ZONING: OI

PROPERTY LOCATION: Located on the south side of Elnora Drive,
west of Shallowford Road and on the northeasterly side of Dover Street,
east of Rambling Road.

PROPOSED USE: Offices

ACCESS TO PROPERTY: Elnora Drive

SIZE OF TRACT: 1.91 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Abandoned
recreation area

LAND LOT(S): 133

PARCEL(S): 115

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20, LI/ Single-family house, OK Plumbing, MJL Grading
- SOUTH:** GC/ Cherokee Property Maintenance
- EAST:** LI/ Comcast
- WEST:** PD/ Dover Downs subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

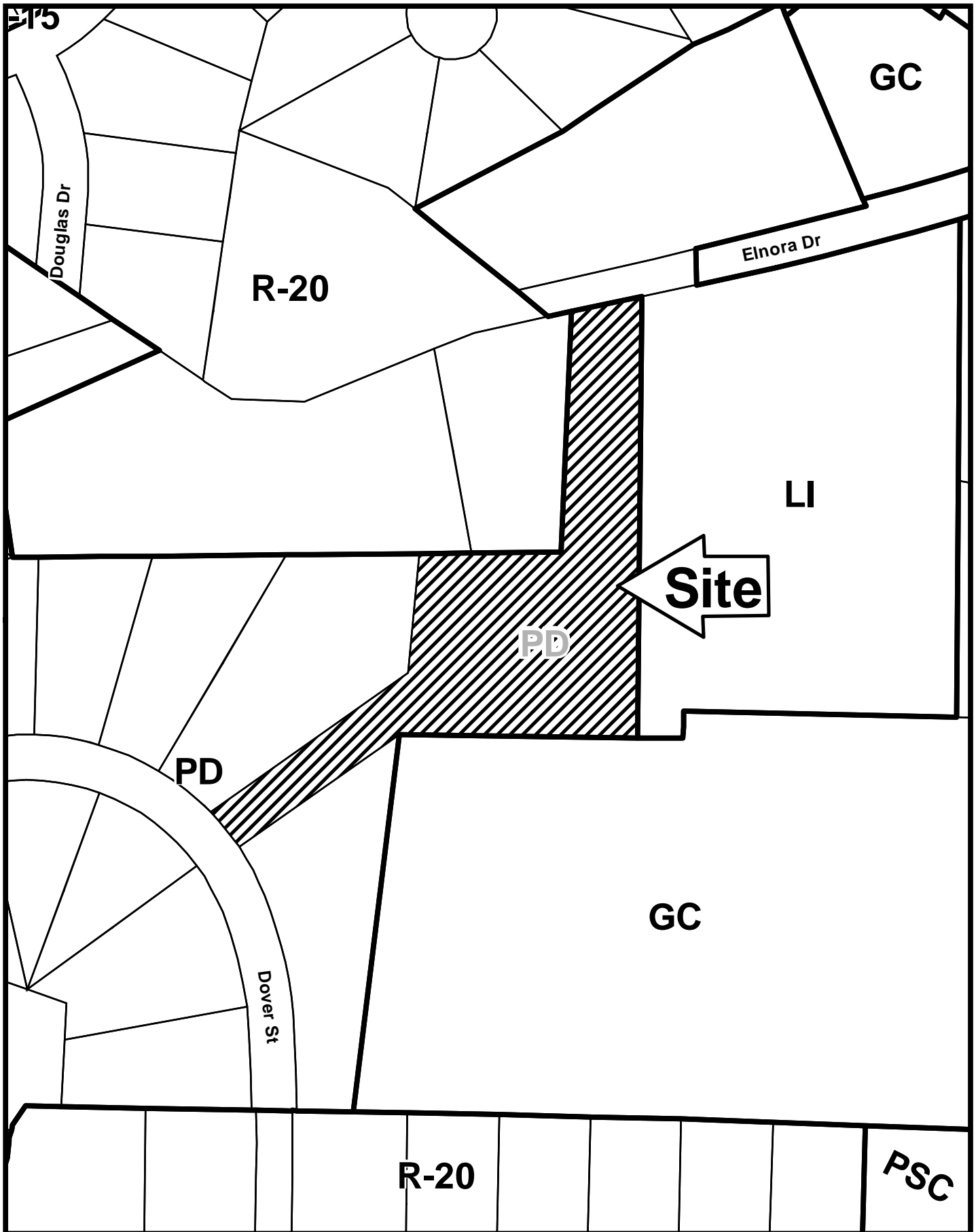
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

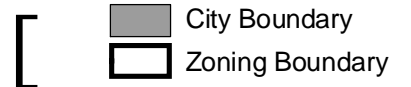
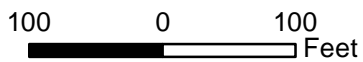
STIPULATIONS:



Z-23



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



APPLICANT: Michael E. Boozer

PETITION NO.: Z-23

PRESENT ZONING: PUD

PETITION FOR: OI

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Low Density Residential

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 9,000

F.A.R.: 0.11 **Square Footage/Acre :** 4,712

Parking Spaces Required: 32 **Parking Spaces Provided:** 32

The applicant is requesting the OI zoning district to develop a one-story office building. The proposed building would have a brick and EFIS facade with metal sides and rear; the roof would be a pitched standing seam roof. The building would be used as a sales office. The business would be open Monday through Friday, from 8:00 a.m. to 5:00 p.m. The only access point will from Elnora Drive. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A". The applicant has submitted a letter of agreeable stipulations which is attached for review (see Exhibit "B").

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:

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

APPLICANT Michael E Boozer

PETITION NO. Z-023

PRESENT ZONING PUD

PETITION FOR OI

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" DI / SE side Dover St

Additional Comments: Meter to be on Dover St ROW

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: On site in existing drive

Estimated Waste Generation (in G.P.D.): A D F 900 **Peak** 2250

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:

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: Michael E. Boozer

PETITION NO.: Z-23

PRESENT ZONING: PUD

PETITION FOR: OI

DRAINAGE COMMENTS

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

DRAINAGE BASIN: Little Noonday Creek FLOOD HAZARD INFO: Zone X

- [] FEMA Designated 100 year Floodplain Flood.
[X] 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 [] NO [X] POSSIBLY, NOT VERIFIED

Location: associated with existing stream channel and adjacent buffer area.

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

STREAMBANK BUFFER ZONE: [X] 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).
[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.
[X] 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.
[X] Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
[X] 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.
[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 existing stormdrainage system.

APPLICANT: Michael E. Boozer

PETITION NO.: Z-23

PRESENT ZONING: PUD

PETITION FOR: OI

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. The proposed site plan encroaches on the County stream buffer. A stream buffer variance is proposed using buffer averaging. The proposed layout is somewhat inefficient and results in an excessive amount of impervious area. Both of these issues might be resolved with a modified layout or reorientation of the building.

APPLICANT: Micheal E. Boozer

PETITION NO.: Z-23

PRESENT ZONING: PUD

PETITION FOR: OI

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
Elnora Drive	NA	Local	25 mph	Cobb County	50'
Dover Street	NA	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Elnora Drive is classified 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.

Dover Street is classified is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

No access to Dover Street.

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 south side of Elnora Drive, a minimum of 25' from the roadway centerline.

Recommend no access to Dover Street.

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

STAFF RECOMMENDATIONS

Z-23 MICHAEL E. BOOZER

- 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 awkwardly shaped, and situated in between residential and commercial 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. It may be a good transitional property to help buffer the residentially zoned property. The property was a recreation area that has been abandoned, and is currently in very poor shape. The applicant's proposal would help to clean the property.

- 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 Low 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*. If considered for approval, Staff would suggest the LRO district since this is a one-story office building.

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.

ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF MICHAEL E. BOOZER

COMES NOW, MICHAEL E. BOOZER, and, pursuant to §134-121(a)(7) the Cobb County Zoning Ordinance, files this its Zoning Impact Statement, as follows:

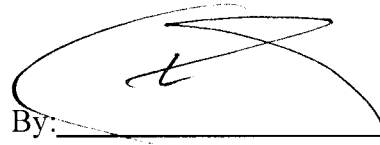
- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Canton Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties.
- C. The subject property to be affected by the zoning proposal has economic use as currently zoned.
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map

with respect to the properties immediately surrounding the subject property, all of which (except Dover Downs Subdivision to the west) are within the confines of a Neighborhood Activity Center (NAC).

- F. There is no substantial relationship between the existing zoning classification of PUD which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Canton Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 2nd day of April, 2008.

SAMS, LARKIN & HUFF, LLP


By: _____
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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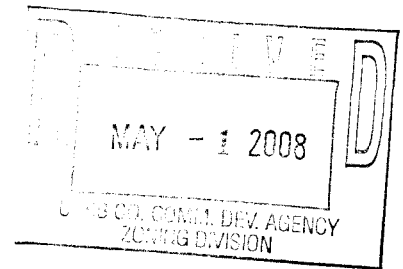
GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN
JUSTIN H. MEEKS

May 1, 2008

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA E-MAIL and
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 Michael E. Boozer to Rezone a 1.91 Acre Tract
From PUD to Office & Institutional (O&I) (No. Z-23)

Dear John:

As you know, this firm has been engaged by and represents the applicant who is also the property owner 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 June 3, 2008 and, thereafter, is scheduled for consideration and final action by the Cobb County Board of Commissioners on June 17, 2008.

Consistent with our discussions with the County's professional staff and the dialogue which we have established with representatives of Northeast Cobb Coalition and Canton Road Neighbors, Inc., this letter will serve as my client's 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, to-wit:

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. Rezoning of the subject property shall be from PUD to Office & Institutional (O&I) in substantial conformity to that certain revised site plan prepared by Christopher Planning

VIA E-MAIL and
HAND DELIVERY

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Cobb County Zoning Department
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& Engineering, the requisite number of copies of which are being filed contemporaneously herewith.

3. The total site area of the subject property consists of 1.91 acres which shall be developed as an approximate 9,000 square foot one-story professional office building.¹
4. The architectural style and composition shall consist of a one-story metal building with brick and EFIS accents.
5. The proposed hours of operation shall be from 8:00 a.m. until 5:00 p.m., Monday through Friday.
6. Signage shall be ground based, monument style signage with the finish, materials and colors being in substantial conformity to the architectural style and composition of the building as aforementioned.
7. Compliance with recommendations from the Cobb County Department of Transportation, including the following:
 - a. Eliminating access to Dover Street.
 - b. The voluntary donation and conveyance of right-of-way so that the County can achieve 25' from the centerline of Elnora Drive.
8. The submission of a landscape plan during the Plan Review process subject to review and approval by the Community Development Department. Additionally, the applicant agrees to the following:
 - a. All dumpsters shall be enclosed on at least three (3) sides consistent with the architectural style and composition as aforementioned. Said dumpsters shall be located in areas which are as unobtrusive as possible.
 - b. All detention/water quality areas shall be attractively landscaped.

¹The property is bordered on the north by Light Industrial (LI); on the west by LI; on the south by General Commercial (GC) and on the west by PUD & R-20.

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- c. All HVAC equipment shall be screened from the frontage and side views or any view which is visible from adjacent businesses or rights-of-way

- 9. Environmentally sensitive lighting, themed to the architecture composition and style of the building, shall be constructed and utilized.

- 10. Compliance with the following recommendations from the Stormwater Management Division:
 - a. Conveyance of the stream bank buffers to Cobb County in the form of a restrictive easement so that said buffers can remain undisturbed in perpetuity.²
 - b. Following recommendations with respect to the location, configuration and methodology of on site detention and water quality.

- 11. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.

- 12. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.

- 13. The District Commissioner shall retain the latitude to review and approve modifications to the site plan, landscape plan, architecture and these stipulations/conditions during the Plan Review process.

Originally a part of the amenity area for Dover Downs Subdivision which had been sold at a tax sale by Cobb County and fallen into a state of disrepair, the subject property was removed from the original subdivision site plan by action of the Board of Commissioners at the March 18, 2008 "Other Business" agenda. Now, being oriented toward Elnora Drive and the industrial and heavy commercial uses located along that road, the proposed rezoning to O&I

² Staff is supportive of the buffer averaging reflected on the revised site plan and showing disturbance within the 50' buffer of 0.09 acre and a mitigated increased amount of buffer (contiguous to residentially zoned property) of .11 acre.

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A LIMITED LIABILITY PARTNERSHIP

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provides a proper transition between such uses and residential uses located west of the subject property.

Please do not hesitate to call should you require any additional documentation or information prior to the formulation of your Zoning Analysis and staff recommendations. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLSjr/jbmc
Enclosures

- cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosure
- Members, Cobb County Planning Commission – VIA First Class Mail – w/enclosure & VIA E-Mail – w/enclosure
- Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail – w/attachment
- Mr. John M. Morey, P.E. – VIA E-Mail – w/attachment
- Mr. David W. Breaden, P.E. – VIA E-Mail – w/attachment
- Ms. Karen L. King, Deputy County Clerk – VIA Hand Delivery – w/enclosure
- Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery – w/enclosure
- Mr. Lee Berg, Northeast Cobb Coalition – VIA E-Mail – w/attachment
- Ms. Carol Brown – VIA E-Mail – w/attachment
- Ms. Carole Peck, Canton Road Neighbors – VIA E-Mail – w/attachment
- Mr. Michael E. Boozer – VIA E-Mail – w/attachment
- Mr. Sotir Christopher, P.E. – VIA E-Mail – w/attachment