



**APPLICANT:** Aishwarya, Inc.  
770-333-8914

**REPRESENTATIVE:** Mukesh (Mike) Shah  
770-333-8914

**TITLEHOLDER:** Thurston Brown

**PROPERTY LOCATION:** Located on the west side of Floyd Road,  
north of White Boulevard.

**ACCESS TO PROPERTY:** Floyd Road

**PHYSICAL CHARACTERISTICS TO SITE:** vacant tract

**PETITION NO:** Z-31

**HEARING DATE (PC):** 07-01-08

**HEARING DATE (BOC):** 07-15-08

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** CRC, LI

**PROPOSED USE:** Retail, Self-Service  
Storage Facility

**SIZE OF TRACT:** 2.866 acres

**DISTRICT:** 17

**LAND LOT(S):** 31

**PARCEL(S):** 1

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/ Single-family house
- SOUTH:** R-20/ Single-family house
- EAST:** R-20/ Floyd Middle School
- WEST:** R-20/ undeveloped

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

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

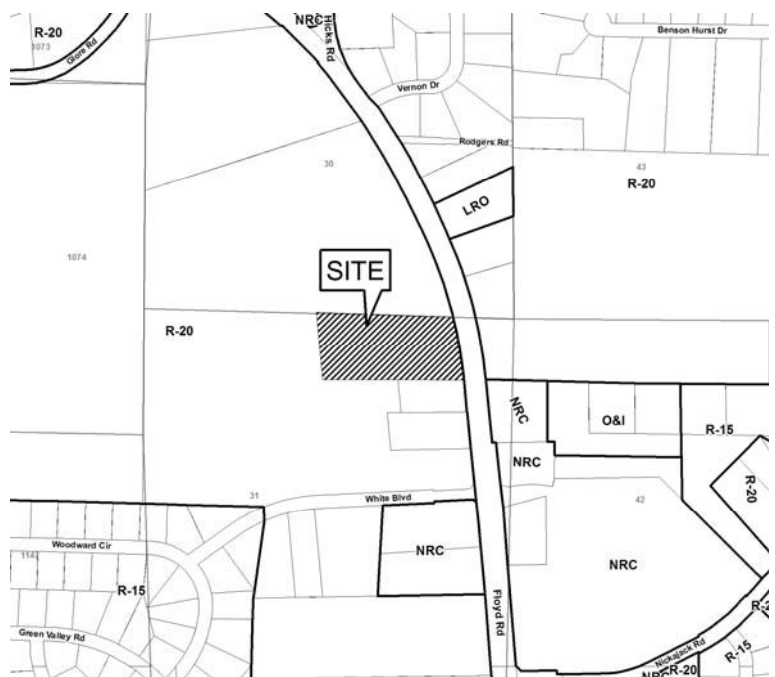
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

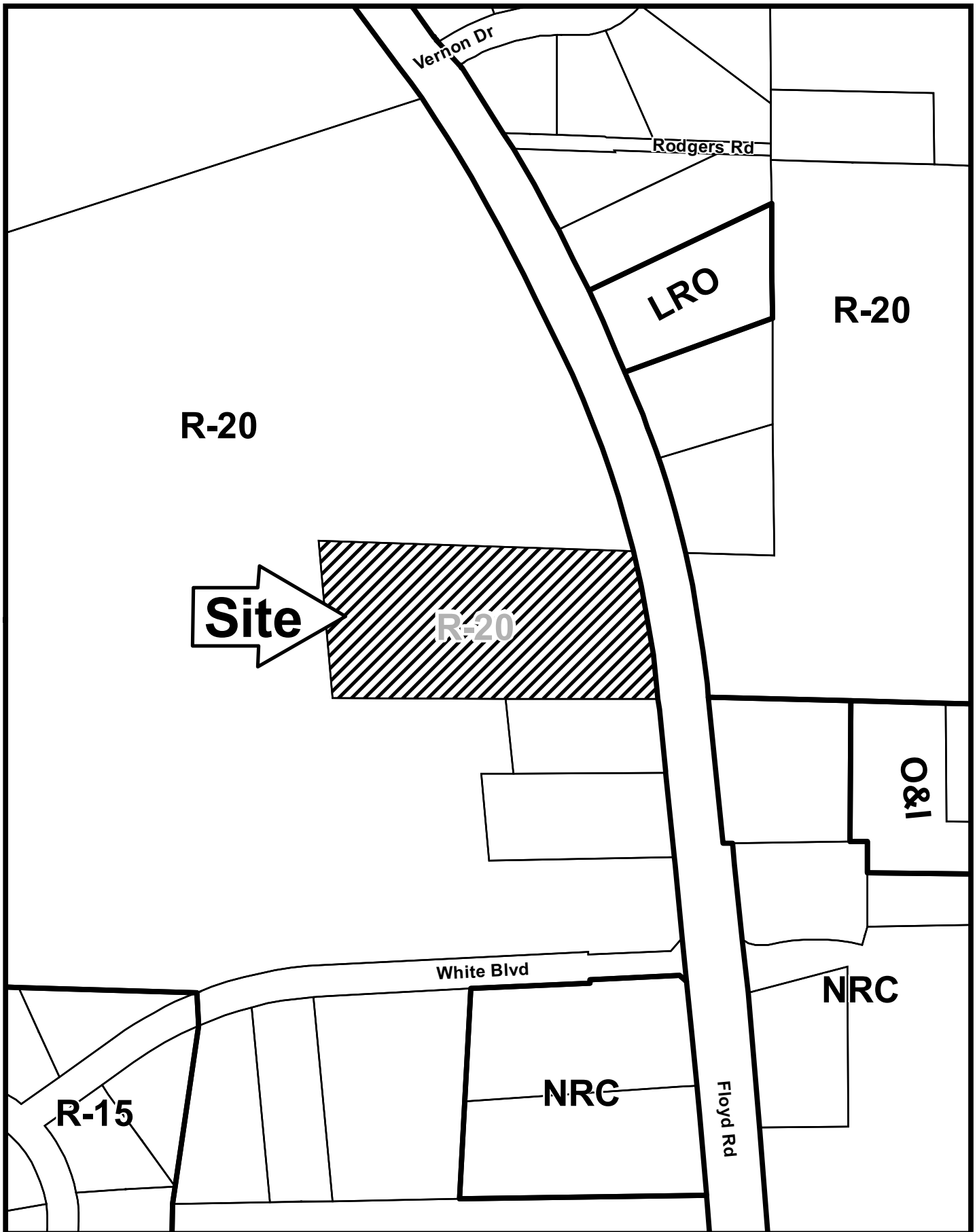
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

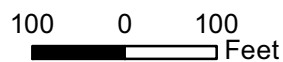
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



# Z-31



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Aishwarya, Inc.

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: CRC, LI

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**PLANNING COMMENTS:**

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

**Land Use Plan Recommendation:** Low Density Residential

**Proposed Number of Buildings:** 4      **Total Square Footage of Development:** 29,509

**F.A.R.:** 0.23      **Square Footage/Acre:** 10,296

**Parking Spaces Required:** 45      **Parking Spaces Provided:** 45

The applicant is requesting the CRC and LI zoning districts to develop retail shops and a self service storage facility (SSSF). The buildings will be one-story with a brick and EFIS exterior; the SSSF component will have individual exterior rollup doors for each storage bay. There will be no outdoor storage. The retail shops will operate Monday through Friday from 8:00 a.m. to 8:00 p.m. The SSSF will be open seven days a week from 8:00 a.m. to 9:00 p.m. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A".

**Historic Preservation:** After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that there is a significant historic resource adjacent to the north of the subject property, but it will not be directly affected by this application. No further comment. No action by applicant requested at this time.

**Cemetery Preservation:** No comment.

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**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.

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cob County Fire Marshal's Office.

APPLICANT Aishwarya, Inc

PETITION NO. Z-031

PRESENT ZONING R-20

PETITION FOR CRC, LI

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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 / W side Floyd 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.

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**SEWER COMMENTS:**

In Drainage Basin?  Yes  No  
At Development?  Yes  No

Approximate Distance to Nearest Sewer: 440' S / White Blvd

Estimated Waste Generation (in G.P.D.): **A D F** 1200 **Peak** 3000

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:

A preferred sewer easement alignment would be along the back of the adjacent property south (#4836 Floyd Rd)

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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PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: CRC, LI

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Buttermilk 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 drainage system.

**APPLICANT: Aishwarya, Inc.**

**PETITION NO.: Z-31**

**PRESENT ZONING: R-20**

**PETITION FOR: CRC, LI**

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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.
- 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. The proposed site plan exhibit shows the stormwater discharge being directed onto the adjacent residential parcel. Although this is the current flow path there is no well-defined conveyance to accept the increase in runoff volume that will be generated from the site – particularly from a concentrated discharge point. All stormwater runoff from the site will be required to be discharged directly into the existing 24-inch RCP storm system in the Floyd Road R/W. The allowable site discharge may be limited by the existing system capacity.
2. The existing tree stand and undergrowth provide significant air/water quality, soil stabilization and storm flow mitigation benefits for this watershed. Construction of this project will eliminate the vast majority of this vegetation and increase pavement, storm runoff and non-point source pollution. To compensate, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).

**APPLICANT: Aishwarva, Inc.**

**PETITION NO.: Z-31**

**PRESENT ZONING: R-20**

**PETITION FOR: CRC, LI**

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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
Floyd Road	35200	Arterial	45 mph	Cobb County	110'

*Based on 2007 traffic counting data taken by Cobb County DOT. (Floyd Road)*

**COMMENTS AND OBSERVATIONS**

Floyd Road is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

The west side of Floyd Road is identified as a Cobb County pedestrian enhancement project consisting of a 10' multi-use sidewalk with a 5' grass strip between back of curb and edge of sidewalk.

Align the proposed driveway with the opposing southern driveway for the school.

As necessitated by this development for egress from Floyd Road, a minimum 150' 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 west side of Floyd Road, a minimum of 55' from the roadway centerline.

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

Recommend installing a 10' multi-use sidewalk with a 5' grass strip along Floyd Road.

Recommend aligning the proposed driveway with the opposing school's driveway.

Recommend a minimum 150' deceleration lane and acceleration lane along Floyd Road.

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

## STAFF RECOMMENDATIONS

### Z-31 AISHWARYA, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The property surrounding the applicant's proposal is all zoned R-20, and is developed as uses allowed in R-20. This property is not in the commercial node.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. There is not any LI zoned property near this property, and the CRC zoning district is intended to be within a Community or Regional Activity Center. The applicant's proposal would encourage other properties to request rezoning that are not consistent with the character of the area or Future land Use Map, thereby destabilizing the area.
- 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. Both requested zoning districts are intended to be in much more intense locations.
- 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 commercial node for this area has been carefully crafted and established for many years, providing an orderly use of property. The applicant's proposal would be out of character with the surrounding property, which is all zoned R-20. There is not any CRC or LI zoned property in the area; these two zoning districts are meant to be in more intense Land Use Categories. There would be no step-down in zoning intensity for the adjacent residentially zoned properties. Lastly, the applicant's proposal would set a bad precedent for expanding commercial uses in other parts of the County.

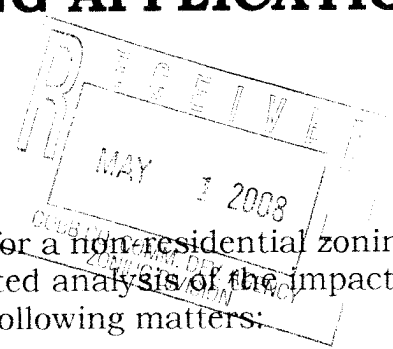
Based on the above analysis, Staff recommends DENIAL.

**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.**

# REQUIREMENTS FOR REZONING APPLICATION

## Cobb County

### Page 2



9. Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

- a) **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

Nearby properties have already been rezoned from Residential to Commercial over the last several years as commercial development continues to progress on Floyd Rd. (Between Veterans Memorial Highway and the East West Connector). Further, since Floyd Rd. serves as a connector between these two, major arteries, future development should change other nearby properties zoning from residential to commercial.

- b) **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The zoning proposal will NOT adversely affect the existing use or usability of adjacent or nearby property. The subject property is next to the Neighborhood Activity Center (NAC) and this property adjacent to the subject property most likely will be rezoned in the near future to commercial according to the Cobb County Land Use Map.

- c) **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;**

Due to the current and predicted economic climate, we do not believe that the subject property has a reasonable economic use as currently zoned.

Further, if the property is developed as currently zoned, this will place excessive burden on existing infrastructure, schools, traffic, water, sewer, etc.

Our proposal will have the least impact on nearby properties, infrastructure, schools, traffic, etc.

- d) **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;**

If the property is developed as currently zoned, this will place excessive burden on existing infrastructure, schools, traffic, water, sewer, etc.

Our proposal will have the least impact on nearby properties, infrastructure, schools, traffic, etc.

We have been in the Signs and Storage business for the last 20 years and enjoy this business since there is very little customer traffic (usually between 2-3 customers per day).

- e) **Whether the zoning proposal is in conformity with the policy and intent of the land use plan;**

The subject property is adjacent to the Neighborhood Activity Center (NAC) and most likely be developed as Commercial in the near future. With our proposal, this not only will further beautify the area but also have the least impact on infrastructure.

- f) **Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal;**

Continued population growth is expected in this area. Further, Floyd Rd. serves as a connector between Veterans Memorial Highway and the East West Connector, and as a result, Commercial Development is slowing moving from Veterans Memorial Highway to the East West Connector. Nearby properties have already been rezoned from Residential to Commercial.

Our proposal to rezone the subject property would be the best development of this property.