

Z-35
(2008)

Plat To Accompany Rezoning Application For

LIONEL D. HOBSON, JR.

LOCATED IN LAND LOT 402, 19TH DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA

AREA = 1.561 ACRES
(68,001 SQ. FT.)

ZONING NOTE:
SUBJECT PROPERTY IS CURRENTLY ZONED
MRC (MS) WHICH WAS PETITIONED IN 2002.
THIS PLAT HAS BEEN PREPARED FOR ZONING
PURPOSES ONLY AND IS NOT FOR
RECORDING.

NOTE:
THERE MAY BE UNDERGROUND UTILITIES
OR OTHER FEATURES ON THE SUBJECT PROPERTY
THAT ARE NOT SHOWN.
THIS PLAT IS PREPARED FOR EXCLUSIVE USE
AND SHALL BE THE SOLE RESPONSIBILITY OF ANY PARTY
AT THEIR OWN RISK.

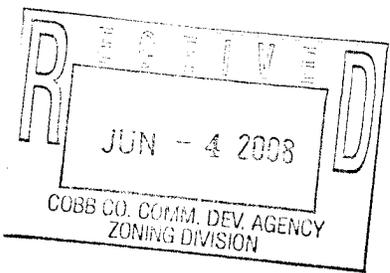
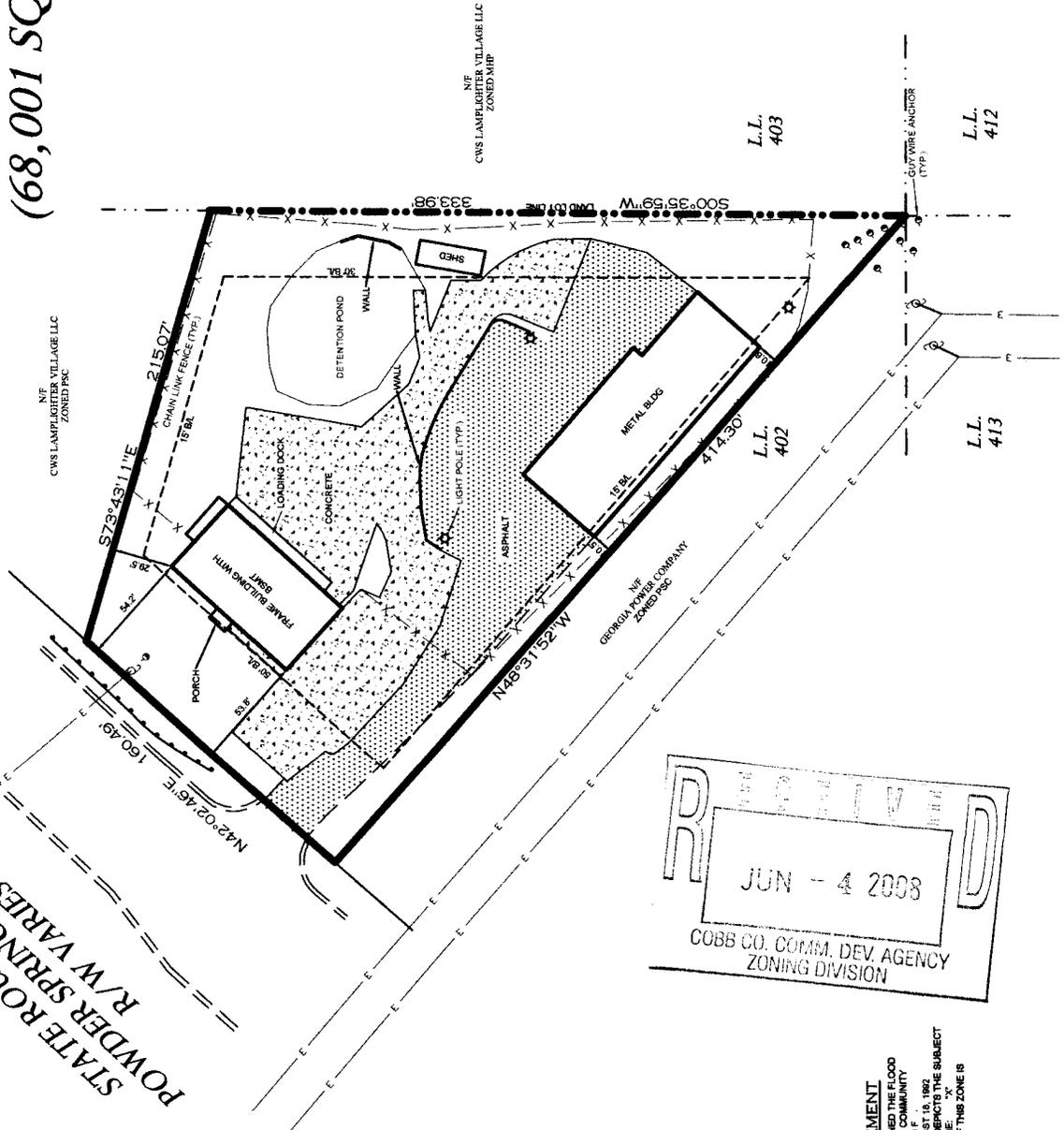


DATE	DESCRIPTION

THE RUSSELLE COMPANY
PROFESSIONAL LAND SURVEYORS
2001 POWDER SPRINGS ROAD
KENNESAW, GEORGIA 30144
TEL: (770) 943-0000
E-MAIL: correll@trussell.com
FAX: (770) 943-0000
FIELD SURVEY DATE: 05-06
SCALE: 1" = 50'



STATE ROUTE 360
POWDER SPRINGS ROAD
R/W VARIES



FLOOD STATEMENT
I HAVE THIS DATE EXAMINED THE FLOOD
INSURANCE RATE MAPS, COMMUNITY
PANEL NO.: 130700070 F
AND DETERMINED THAT THE SUBJECT
PROPERTY IS IN ZONE: "X"
THE CHARACTERISTIC OF THIS ZONE IS
AN AREA ABOVE THE 100
YEAR FLOOD PLAIN.

APPLICANT: Lionel David Hobson, Jr.

770-843-8779

REPRESENTATIVE: Sams, Larkin & Huff, LLP

Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Lionel D. Hobson, Jr.

PROPERTY LOCATION: Located on the southerly side of Powder Springs Road, north of Macland Road.

ACCESS TO PROPERTY: Powder Springs Road

PHYSICAL CHARACTERISTICS TO SITE: Existing buildings

PETITION NO: Z-35

HEARING DATE (PC): 08-05-08

HEARING DATE (BOC): 08-19-08

PRESENT ZONING: NRC with Stipulations

PROPOSED ZONING: NRC with Stipulations

PROPOSED USE: Sign Company

SIZE OF TRACT: 1.56 acres

DISTRICT: 19

LAND LOT(S): 402

PARCEL(S): 5

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** PSC, GC/ Texaco, Spring Square
- SOUTH:** CRC/ Battlefield Village, Rite-Aid
- EAST:** MHP/ Lamplighters Cove Mobile Home Park
- WEST:** NRC/ Battle Ridge Pavillion, Kroger

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

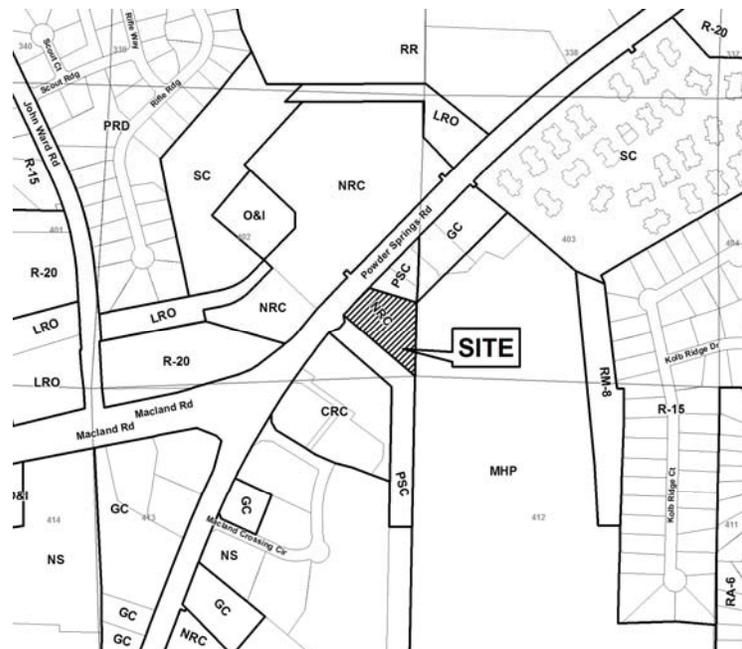
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

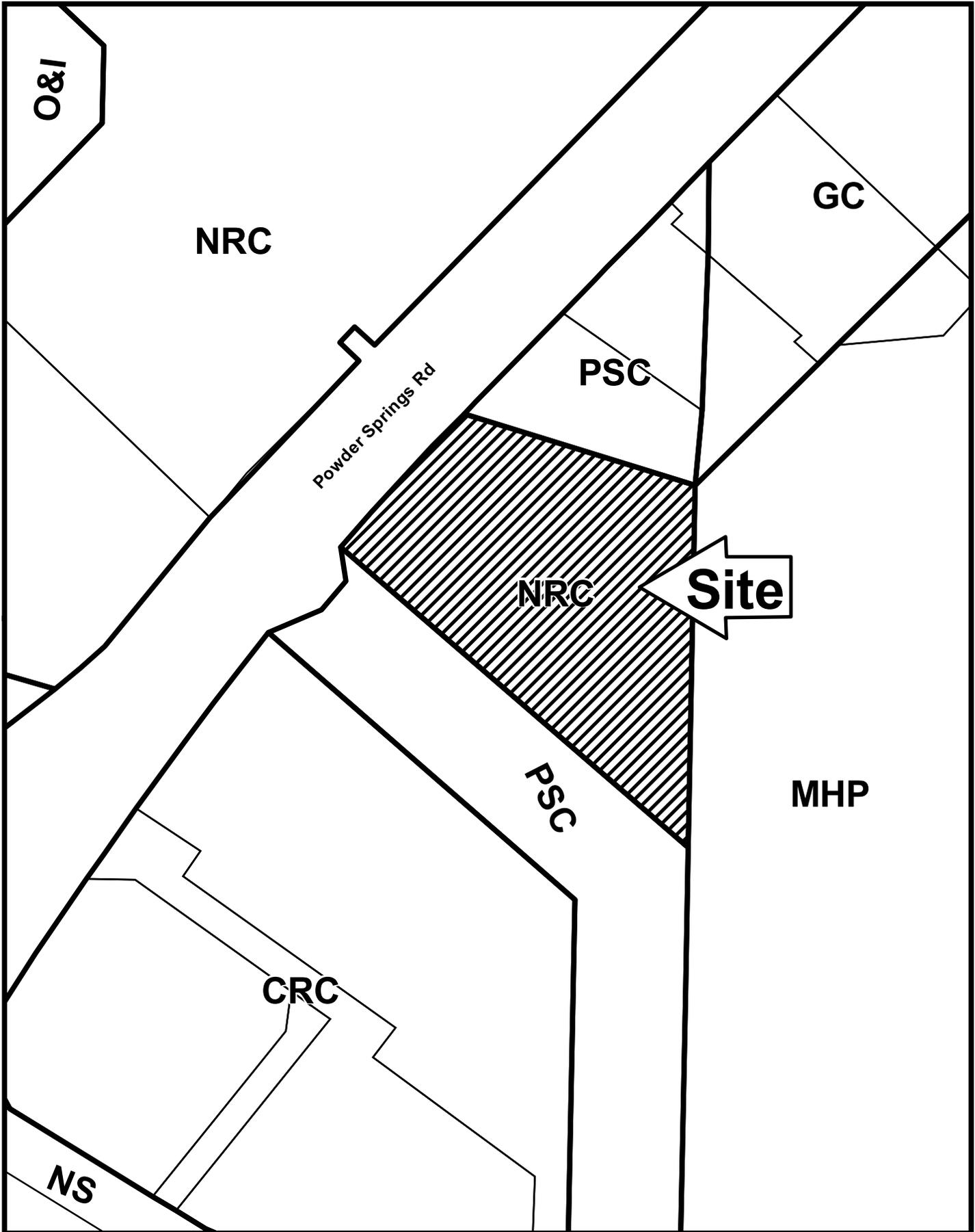
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

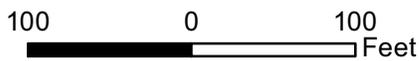
STIPULATIONS:



Z-35



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Lionel David Hobson, Jr.

PETITION NO.: Z-35

PRESENT ZONING: NRC with stipulations

PETITION FOR: NRC with stip.

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 2(existing) **Total Square Footage of Development:** 8,850

F.A.R.: 0.083 **Square Footage/Acre:** 5,669

Parking Spaces Required: 14 **Parking Spaces Provided:** 14

The applicant is requesting rezoning to operate a sign company from the existing commercial buildings on the property. The building in the front of the property is one-story in height with lap-board siding, and asphalt shingles. This building would be used for the retail and the office portion of the business. The rear building is a one-story metal shop, and would be used for sign fabrication and storage. The business would be open Monday through Friday, from 8:00 a.m. until 6:00 p.m. The property was rezoned in 2002 for a Walgreen’s and retail out parcel, which have not been built; the 2002 zoning stipulations prohibit the applicant from operating the business. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit “A”, and a letter of agreeable stipulations attached as 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: 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 DEPARTMENT COMMENTS:

Fire Hydrant

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

APPLICANT Lionel David Hobson, Jr

PETITION NO. Z-035

PRESENT ZONING NRC w/stips

PETITION FOR NRC w/stips

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) 10" DI / S side Powder Springs 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: 320' S if elev's allow

Estimated Waste Generation (in G.P.D.): **A D F** 100 **Peak** 250

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 the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Existing septic system. Acceptable to CCWS for proposed sign company, provided no additions or expansions of existing buildings or intensification of use

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: Lionel David Hobson, Jr.

PETITION NO.: Z-35

PRESENT ZONING: NRC w/ stips

PETITION FOR: NRC w/ stips

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.
- 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: Lionel David Hobson, Jr.

PETITION NO.: Z-35

PRESENT ZONING: NRC w/ stips

PETITION FOR: NRC w/ stips

● *****

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. No site modifications are proposed for this site. However, there is an existing detention pond located on the property. Any maintenance issues associated with the pond and outlet control structure must be addressed prior to occupancy.

APPLICANT: Lionel David Hobson, Jr.

PETITION NO.: Z-35

PRESENT ZONING: NRC with stipulations

PETITION FOR: NRC with stipulations

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
Powder Springs Rd	38500	Arterial	45 mph	GDOT	100'

Based on 2006 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Powder Springs 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.

Construct a deceleration lane at time of site redevelopment.

Install sidewalk, curb and gutter along the road frontage at time of site redevelopment.

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

RECOMMENDATIONS

Recommend constructing a deceleration lane at time of site redevelopment.

Recommend installing sidewalk, curb and gutter along the road frontage at time of site redevelopment.

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

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

STAFF RECOMMENDATIONS

Z-35 LIONEL DAVID HOBSON, JR.

- 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 proposal is in an area that has commercial uses to the north, west and south.

- 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 proposal is located in a highly commercial corridor, near the intersection of two arterial roads. The property has been used commercially for many years prior to the rezoning in 2002.

- 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.

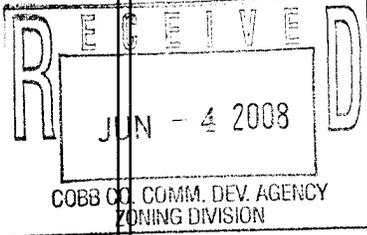
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*, which delineates this property to be within a Community Activity Center. The applicant's proposal has been used for commercial purposes in past years, and has commercial uses on three sides.

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

- Site plan received by the Zoning Division June 4, 2008, with the District Commissioner approving minor modifications;
- Letter from Mr. Garvis L. Sams, Jr., dated July 3, 2008;
- Fire Department comments;
- 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.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF LIONEL "DAVID" HOBSON, JR.**



COMES NOW, LIONEL "DAVID" HOBSON, JR., and, pursuant to §134-

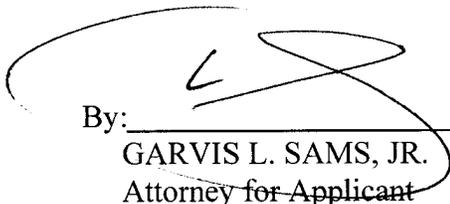
121(A)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- 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 Powder Springs Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the totality of which are commercial developments.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present zoning classification of Conditional NRC.

- 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 the subject property lying and being in a Community Activity Center (CAC).
- F. There is no substantial relationship between the existing zoning classification of Conditional NRC 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 Powder Springs Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 4th day of June, 2008.

SAMS, LARKIN & HUFF, LLP

By: 

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

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

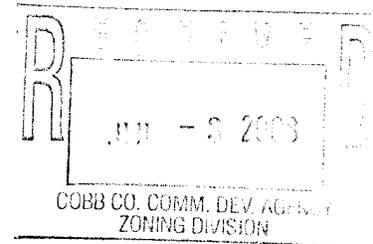
SAMSLARKINHUFF.COM

July 3, 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 Lionel "David" Hobson, Jr., to Rezone a 1.56 Acre
Tract from Conditional NRC to Conditional NRC (No. Z-35)

Dear John:

You will recall that this firm represents the applicant who is also the property owner concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on August 5, 2008 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on August 19, 2008.

In accordance with direction received from the County's professional staff and consistent with our ongoing dialogue with area business owners, I have been authorized by my client to submit this letter of agreeable stipulations which, if the application for rezoning is approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, 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 Conditional NRC to Conditional NRC in substantial conformity to that certain site plan, prepared for Lionel D. Hobson, Jr. by The Crusselle Company which was submitted contemporaneously with the Application for Rezoning.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
July 3, 2008

3. The subject property¹ will be utilized as the principal place of business of Southern Sign Systems, Inc. which is relocating from the adjacent retail shopping center (1651 Powder Springs Road). Southern Sign Systems intends on utilizing the subject property in its "as-built" configuration. However, the building which is oriented toward Powder Springs Road shall be aesthetically enhanced.
4. The hours of operation shall be Monday through Friday from 8:00 a.m. until 6:00 p.m.
5. There will be approximately six (6) employees working in the building fronting on Powder Springs Road and approximately four (4) to six (6) employees working in the rear building which is located next to the Lamplighter Village Mobile Home Community.
6. Signage for the sign company shall be ground-based, monument style, with finished materials and color being in substantial conformity to the aesthetic upgrades to the building fronting on Powder Springs Road. Signage shall be in conformity with the Cobb County Sign Ordinance and may consist of LED/electronic components. There shall be no roof signs, exterior temporary signs or banners.
7. Any newly installed lighting shall be environmentally sensitive, low level luminaries fitted with non-glare lenses to prevent illumination from penetrating outside the boundaries of the subject property.
8. Any newly installed security lighting on the buildings shall be fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.
9. The building located on the rear of the subject property will contain a MultiCam 3000 Series CNC Router used in connection with the sign business. The Router shall be fully enclosed within the building which will be insulated.
10. Any dumpsters servicing the sign company shall be enclosed and shielded from view. All dumpsters will have rubber lids to minimize noise.

¹ The subject property was rezoned to its present NRC classification for the purposes of a Walgreen's pharmacy in December, 2002 (No. Z-155); however, Walgreen's chose a different location.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 3
July 3, 2008

11. The following otherwise permitted uses under the NRC classification shall be prohibited:
 - a. Video arcades as a primary business.
 - b. Tattoo parlors and body piercing shops.
 - c. Billiard parlors.
 - d. Pawn shops, title pawn shops or checking cashing establishments.
 - e. Shooting ranges.
 - f. Houses of worship.
 - g. Any business which principally features sexually explicit products or drug-related paraphernalia.
 - h. Commercial produce and agricultural product stands.
 - i. Community fairs.
 - j. Designated recycling and collection locations.
 - k. Emissions and inspection stations.
 - l. Group homes.
 - m. In-home day care.
 - n. Rest homes, personal care homes or convalescent homes.
 - o. Self service laundry facilities.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 4
July 3, 2008

12. Compliance with recommendations from the Cobb County Department of Transportation that any substantive redevelopment of the subject property, other than aesthetic upgrades or utilization as built, will require the installation of sidewalk, curb and gutter on the subject property's frontage and the installation of a deceleration lane with a taper at the subject property's point of ingress and egress.
13. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on site detention and water quality.
14. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
15. Compliance with the recommendations of the Cobb County Water System with respect to the availability of water and sewer to service the subject property.
16. Minor modifications to the site plan and this letter of agreeable stipulations/conditions may be approved by the District Commissioner during the Plan Review process.

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

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLSjr/jbmc

cc: Shown on next page.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 5
July 3, 2008

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 E-Mail
Mr. Mark A. Danneman, Manager – VIA Hand Delivery
Mr. John M. Morey – VIA E-Mail and First Class Mail
Mr. David Breaden – VIA E-Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Mr. L. David Hobson
Ms. Kimberly Dumett, Southern Sign Systems – VIA E-Mail