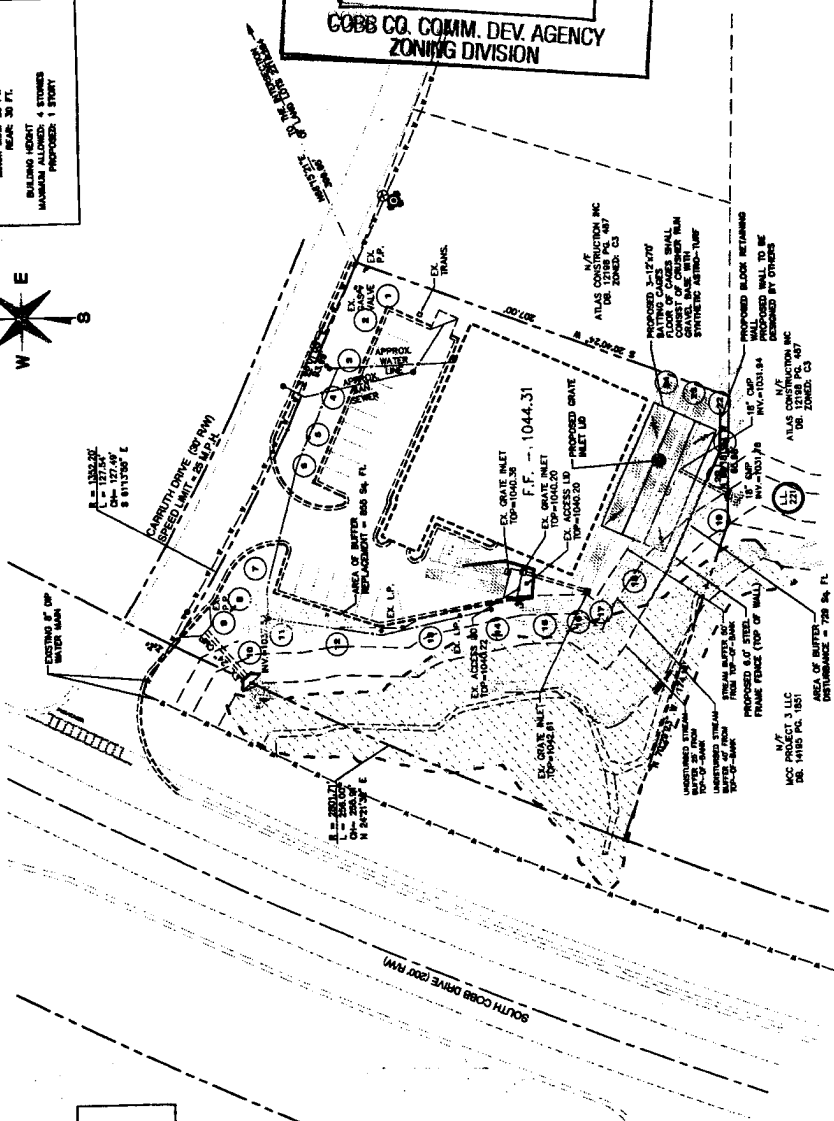




APPLICANT: Glen Robinson

404-467-4313

REPRESENTATIVE: Glen Robinson

404-467-4313

TITLEHOLDER: Glen Robinson, III

PROPERTY LOCATION: Located at the southeasterly intersection
of South Cobb Drive and Carruth Drive.

ACCESS TO PROPERTY: Carruth Drive

PHYSICAL CHARACTERISTICS TO SITE: Building under
construction

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Single-family houses

SOUTH: GC/ Earl Small Harley Davidson

EAST: LI/ Single-family houses

WEST: GC/ closed nursery

PETITION NO: Z-8

HEARING DATE (PC): 03-03-09

HEARING DATE (BOC): 03-17-09

PRESENT ZONING: LI with Stipulations

PROPOSED ZONING: LI with Stipulations

PROPOSED USE: Amending Stipulations

SIZE OF TRACT: 1.25 acres

DISTRICT: 17

LAND LOT(S): 221

PARCEL(S): 18 and 19

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED ____ **MOTION BY** _____

REJECTED ____ **SECONDED** _____

HELD ____ **CARRIED** _____

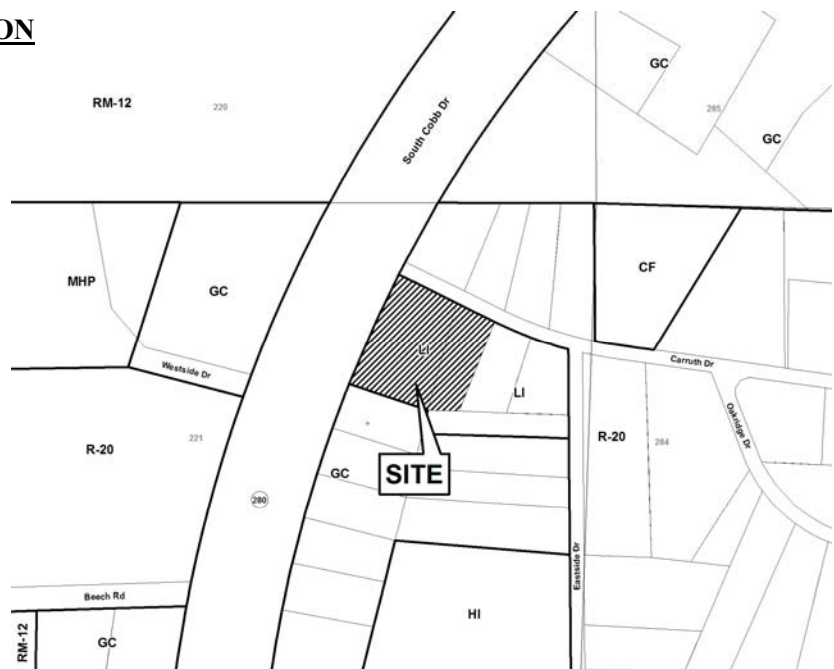
BOARD OF COMMISSIONERS DECISION

APPROVED ____ **MOTION BY** _____

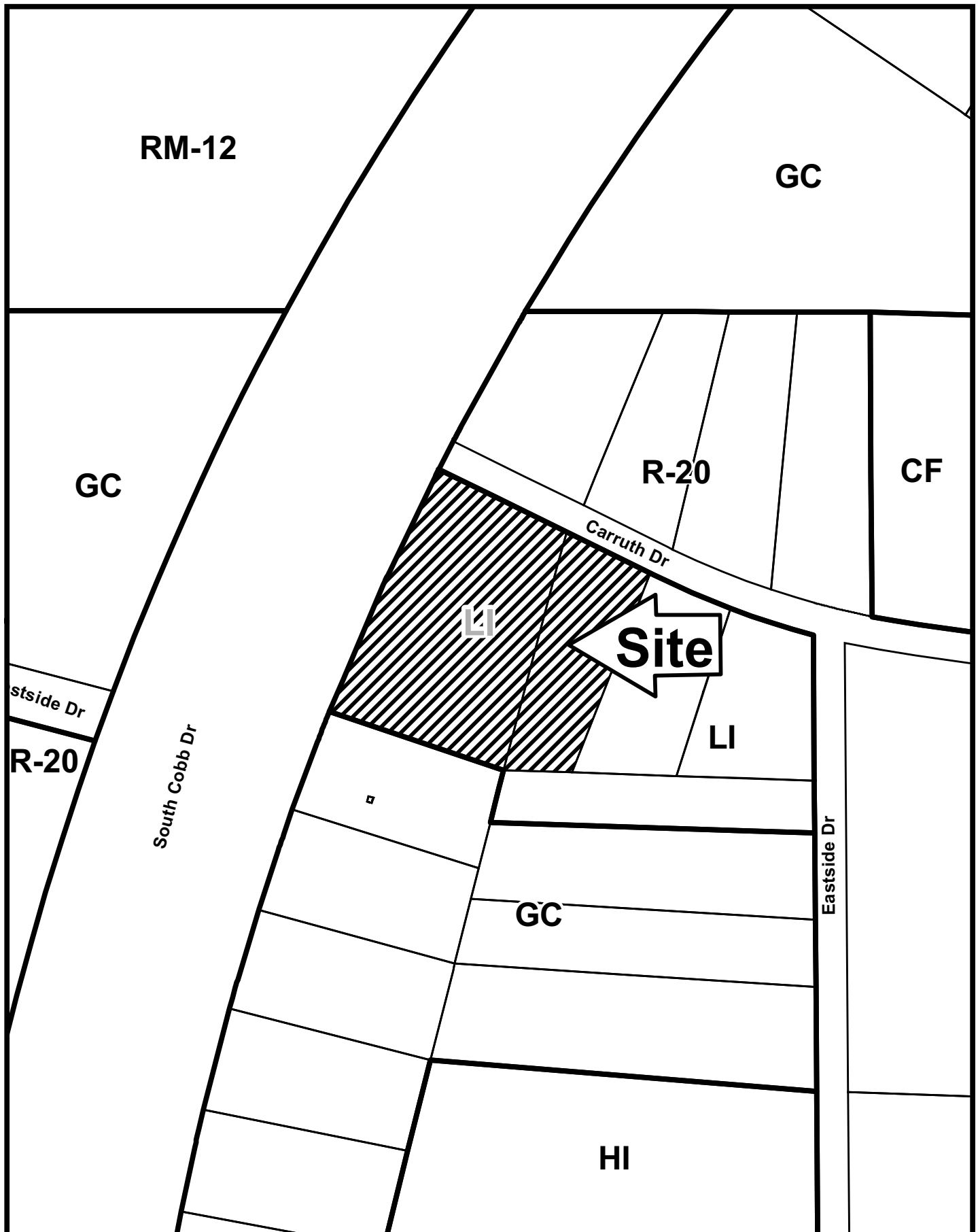
REJECTED ____ **SECONDED** _____

HELD ____ **CARRIED** _____

STIPULATIONS:



Z-8



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

100 0 100 Feet



 City Boundary
 Zoning Boundary

APPLICANT: Glen Robinson

PETITION NO.: Z-8

PRESENT ZONING: LI with stipulations

PETITION FOR: LI with stip.

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

Land Use Plan Recommendation: Community Activity Center

Existing Number of Buildings: 1 **Total Square Footage of Development:** 10,400

F.A.R.: 0.19 **Square Footage/Acre:** 8,320

Parking Spaces Required: 23 **Parking Spaces Provided:** 20

The applicant is requesting rezoning to the LI zoning district to amend the current zoning stipulations, which restrict the property for a “baseball supply business only”. The applicant has developed the office/warehouse for a baseball supply business, with accessory retail sales within approximately 20% of the warehouse building. The applicant wishes to add three batting cages to the rear of the building. The applicant anticipates the business would be open Monday Through Saturday, from 8:00 am to 6:00 pm. The applicant would need a contemporaneous variance to reduce the number of required parking spaces from 23 parking spaces to 20 parking spaces. The previous stipulations are attached for review (see Exhibit “A”).

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:

No comments.

APPLICANT Glen Robinson

PETITION NO. Z-008

PRESENT ZONING LI w/stips

PETITION FOR LI 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) 8" DI / S side Carruth Dr

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: In Carruth Dr

Estimated Waste Generation (in G.P.D.): **A D F** ~0 inc **Peak** ~0 inc

Treatment Plant: South 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: *Proposed addition of batting cages does not conflict w/CCWS sewer or water or pose capacity problems*

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: Glen Robinson

PETITION NO.: Z-8

PRESENT ZONING: LI w/ stips

PETITION FOR: LI w/ stips

DRAINAGE COMMENTS

This site is very restricted given the floodplain and stream buffer encumbrances as well as topography. However, the area for the proposed batting cages is already significantly disturbed. Approval of the proposed site plan revision must be subject to the following conditions:

- 1. Administrative variance for buffer averaging to be approved by Community Development Director and landscape enhancement of buffer replacement area to be approved by County Landscape Architect.
- 2. Batting cage area to be constructed on stone sub-base with pervious Astroturf (or similar) cover and area drains tied directly to underground stormwater detention facility below.
- 3. No land disturbance within the 25-foot state stream buffer and no impervious surface within 50 feet of the adjacent streambank.
- 4. Retaining wall must be located outside 100-year floodplain. No fill will be allowed in the floodplain.

APPLICANT: Glen Robinson

PETITION NO.: Z-8

PRESENT ZONING: LI with stipulations

PETITION FOR: LI 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
South Cobb Drive	37,900	Arterial	45 mph	GDOT?	100'
Carruth Drive	N/A	Local (non residential)	25 mph	Cobb County	60'

Based on 2007 traffic counting data taken by Georgia DOT.

COMMENTS AND OBSERVATIONS

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

Carruth Drive 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.

South Cobb Drive is identified as a future roadway widening project.

Install sidewalk, curb and gutter along road frontages.

Improve the radius at the southeast corner of South Cobb Drive and Carruth Drive to 50'.

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

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 Carruth Drive, a minimum of 25' from the roadway centerline.

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

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

Recommend improving the radius at the southeast corner of the intersection of South Cobb Drive and Carruth Drive.

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-8 GLEN ROBINSON

- 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 area contains a mixture of commercial and industrial uses, with some older residential nearby.
- 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 proposal would be compatible with the area. Additionally, the applicant's proposal has helped to clean up this property, which has not been maintained by the previous owners.
- 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 identifies this property to be within a Community Activity Center. However, when the applicant zoned the property in 2007, it was consistent with the Plan.
- 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 compatible with adjacent properties. The applicant's proposal would not adversely affect adjacent properties. The applicant's proposal has helped to aesthetically upgrade the area by cleaning up the property, and introducing new construction.

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

- Site plan received by the Zoning Division January 2, 2009, with the District Commissioner approving minor modifications;
- County Arborist approve landscape plans along both road frontages;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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.

ORIGINAL DATE OF APPLICATION: 09-18-07APPLICANTS NAME: GLEN ROBINSON, III

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 09-18-07 ZONING HEARING:

GLEN ROBINSON, III (owner) requesting Rezoning from **R-20** to **LI** for the purpose of an Office/Warehouse in Land Lot 221 of the 17th District. Located on the south side of Carruth Drive, east of South Cobb Drive.

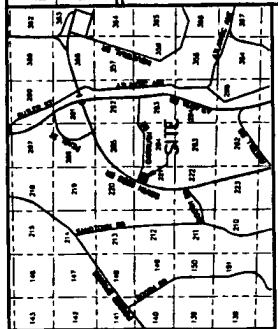
MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** Rezoning to the **LI** zoning district **subject to:**

- **this use only (baseball supply business), use change to be approved by the District Commissioner**
- **site plan received by the Zoning Division August 6, 2007, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. Glen Robinson dated August 30, 2007 (attached and made a part of these minutes)**
- **County Arborist approval of landscape plans along both road frontages**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** unanimously

COUNTY		SECTION		TOWNSHIP		RANGE		MERIDIAN	
DISTRICT		SUBDIVISION		BLOCK		LOT		ACRES	
DATE		BY		FOR		BY		FOR	

BETTER BASEBALL



LOCATION SKETCH
 1" = 2000'

SITE SUMMARY:

CURRENT ZONING: LIGHT INDUSTRIAL AND R20
 PROPOSED ZONING: LIGHT INDUSTRIAL
 TOTAL SITE AREA: 15.2 AC
 TOTAL AREA TO BE REMOVED TO LIGHT IND: 0.40 AC
 TOTAL NUMBER OF PARKING = 2240
 OFFICE FLOOR AREA: 1,000 sq. ft.
 WAREHOUSE FLOOR AREA = 14,000 sq. ft.

SETBACKS:
 FRONT - 50' ft.
 SIDE - 25' ft.
 REAR - 30' ft.

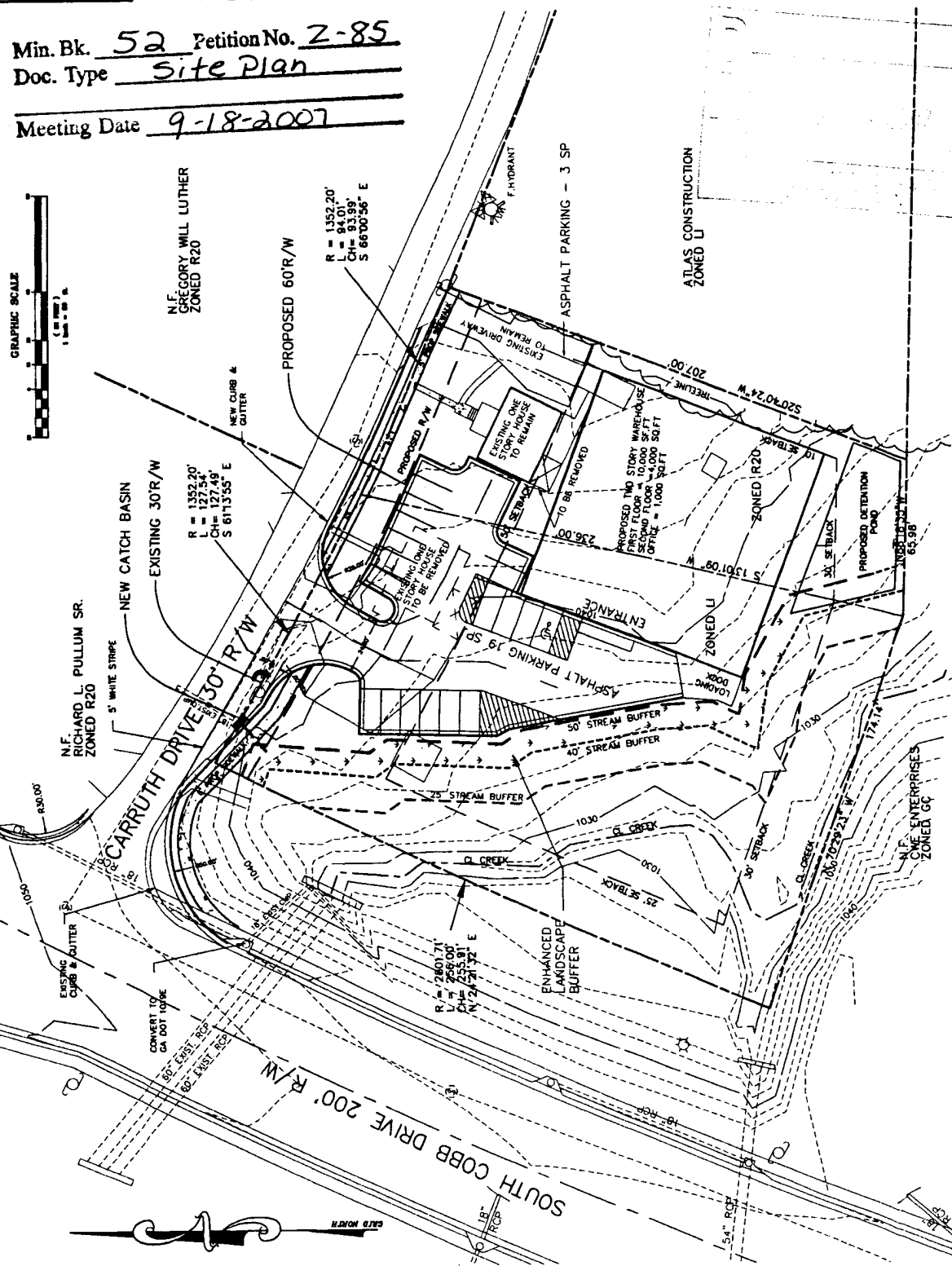
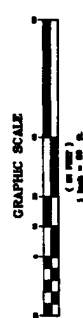
OWNER—
 GLEN ROBINSON
 1050 MT. PARAN ROAD
 ATLANTA, GA 30327
 CONTACT: MR. GLEN ROBINSON
 PHONE: 800-977-4233 /
 404-467-4313

SURVEY DATA COMPILED FROM FIELD SURVEY
 BY KREWSON, MOORE, PC AND SURVEYS
 ENGINEERS & LAND SURVEYORS
 J.P. PHILLIPS SURVEYOR

I HAVE EXAMINED THE FLOOD INSURANCE RATE
 MAP FOR COBB COUNTY, GEORGIA, AND HAVE
 FOUND RETAINED PROPERTY IS NOT IN A FEDERAL
 FLOOD HAZARD ZONE.

PAGE 3 OF

Min. Bk. 52 Petition No. Z-85
 Doc. Type Site Plan
 Meeting Date 9-18-2007



August 30, 2007

Murray Homan
3718 Villa Springs Circle
Powder Springs GA 30127

PAGE 4 OF 4

Glen Robinson
1050 Mt. Paran Rd.
Atlanta GA 30327

Z-85
Min. Bk. 52 Petition No. Z-85
Doc. Type Letter of agreeable
Conditions
Meeting Date 9-18-2007

Dear Murray,

Thanks for meeting with us on the property to discuss the building we are proposing to build at 120 Carruth Dr. Marietta Ga. We are agreeing with your recommendation to take the front house down, and would like to keep the second house on the property under the provision that we will brick all 4 sides.

The main building will be used to house our baseball equipment. We are going to brick the front of the main building along South Cobb Dr. and the side facing Carruth Dr. as per your recommendations.

Look forward to working with you on this project.

Sincerely,

Glen Robinson

Glen Robinson