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APPLICANT: Cross Street Service, Inc.

501-663-5524

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP

J. Kevin Moore 770-429-1499

TITLEHOLDER: General Investor, Inc.

PETITION NO: Z-16

HEARING DATE (PC): 06-02-09

HEARING DATE (BOC): 06-16-09

PRESENT ZONING: R-20

PROPOSED ZONING: LI

PROPERTY LOCATION: Located on the southwesterly side of

Mableton Parkway, north of Queenferry Drive.

PROPOSED USE: Addition Of Property to

A Previously Approved Project

SIZE OF TRACT: 0.91 acre

DISTRICT: 18

LAND LOT(S): 497, 498

PARCEL(S): 5

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

ACCESS TO PROPERTY: Mableton Parkway, Queenferry Drive

PHYSICAL CHARACTERISTICS TO SITE: Vacant lot

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: GC/ Advanced Cycle Sales and Service

SOUTH: LI/ Kaya Inc.

EAST: LI/ industrial building

WEST: R-20/ wooded

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

PLANNING COMMISSION RECOMMENDATION

APPROVED ____ **MOTION BY** _____

REJECTED ____ **SECONDED** _____

HELD ____ **CARRIED** _____

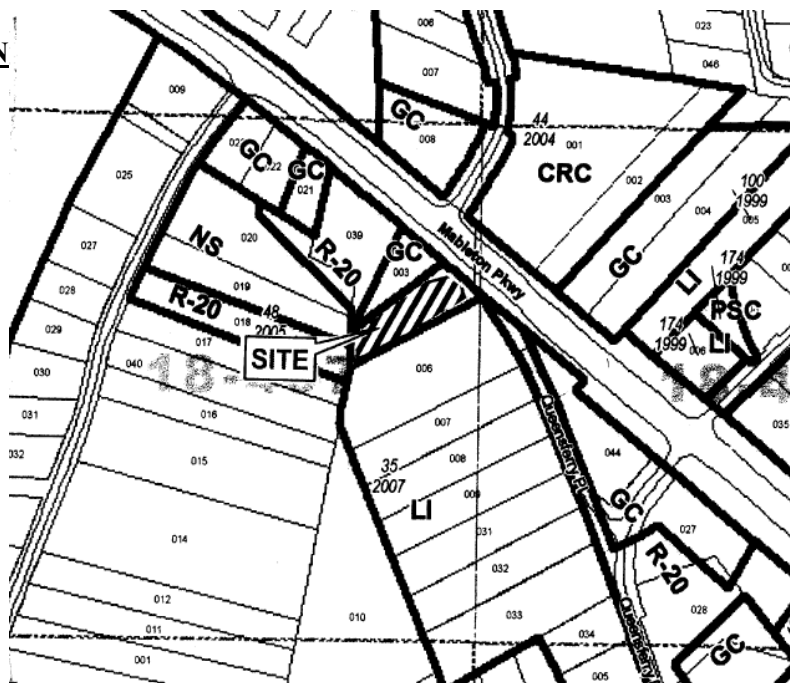
BOARD OF COMMISSIONERS DECISION

APPROVED ____ **MOTION BY** _____

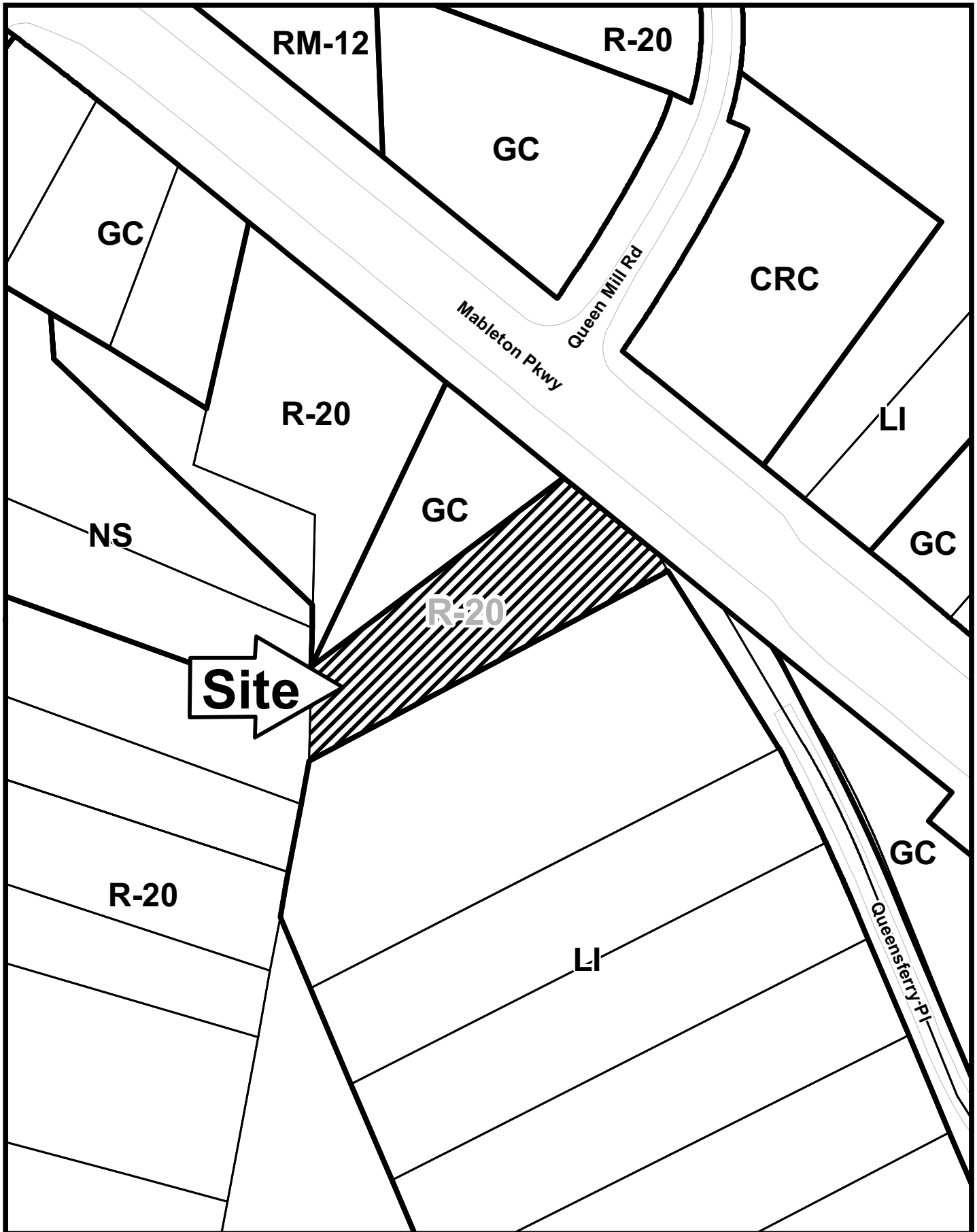
REJECTED ____ **SECONDED** _____

HELD ____ **CARRIED** _____

STIPULATIONS:



Z-16



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: Cross Street Service, Inc.

PETITION NO.: Z-16

PRESENT ZONING: R-20

PETITION FOR: LI

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 0 **Total Square Footage of Development:** 0

F.A.R.: 0 **Square Footage/Acre:** 0

Parking Spaces Required: 0 **Parking Spaces Provided:** 0

The applicant is requesting the LI zoning district to add this property to the regional mailing facility, which is on the adjacent property. The property would specifically be used as a driveway for the applicant's business. The existing building on the adjacent tract is one-story in height with masonry walls. The facility will be open Monday through Saturday, from 5:00 am to 7:00 pm. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A".

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: 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 COMMENTS:

No comments.

COBB COUNTY-MARIETTA WATER AUTHORITY COMMENTS (CCMWA):

CCMWA requests to review the plans for this project as soon as they are available in order to determine the extent of impact upon our facilities. The owner/developer will be financially responsible for any impacts to CCMWA facilities from the project. Contact Chuck Byrge at (770) 426-8788 to coordinate plan review.

STORMWATER MANAGEMENT COMMENTS:

This parcel will be incorporated into the Salmon & Sons site previously permitted under LDP# 070144. The existing stormwater management facility has adequate capacity to accommodate the additional impervious area associated with the proposed additional access drive.

APPLICANT Cross Street Service, Inc

PETITION NO. Z-016

PRESENT ZONING R-20

PETITION FOR LI

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 / S side Mableton Plwy

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: On previous site, adjacent

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

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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PETITION NO.: Z-16

PRESENT ZONING: R-20

PETITION FOR: LI

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
Mableton Parkway	21500	Arterial	45 mph	GDOT	100'
Queensferry Drive	1200	Local	25 mph	Cobb County	50'

*Based on 2007 traffic counting data taken by Georgia DOT (Mableton Parkway)
Based on 2009 traffic counting data taken by Cobb County DOT. (Queensferry Drive)*

COMMENTS AND OBSERVATIONS

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

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

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

RECOMMENDATIONS

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-16 CROSS STREET SERVICE, INC.

- 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 industrial, commercial, apartments, condominiums, and single-family houses.
- 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 property has industrial compatible uses anticipated on a lot of the property boundary, with some commercial use on the north and east sides.
- 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 an Industrial Compatible 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 approving the applicant's rezoning proposal. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*. The area contains a mixture of zoning districts existing together without adversely affecting each other. Additionally, most of the area is anticipated for industrial uses.

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

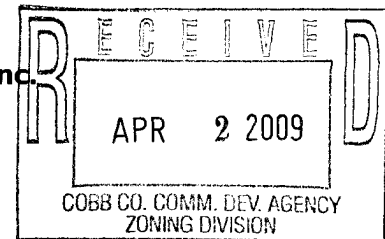
- Site plan received by the Zoning Division April 2, 2009, with the District Commissioner approving minor modifications;
- CCMWA comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- owner/developer to enter 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.

IMPACT ANALYSIS STATEMENT

Application No.: Z- 16 (2009)
Hearing Dates: June 2, 2009, and
June 16, 2009

Applicant: Cross Street Service, Inc.
Titleholders: General Investors, Inc.



Analysis of impact of the proposed rezoning with respect to the following:

- (a) This Application for Rezoning requests rezoning of an approximately 0.91 acre tract located at 6952 Mableton Parkway (hereinafter "Property" or "Subject Property"), immediately northwesterly of the 9± acre tract which was the subject of Application for Rezoning No. Z-35 (2007). Applicant seeks rezoning of the Subject Property from the existing R-20 zoning category to the Light Industrial ("LI") zoning category to be included with the existing tract (approved in Application No. Z-35 (2009)) to allow for an additional access drive for the regional mailing facility of Kyla, Inc. The requested category of LI will permit this use which is more suitable in view of the use and development of the adjacent and nearby properties. As set forth in the 2007 Application, nearby properties are developed for a waste station, repo lot, and apartments. Additionally, the Property is located in a flight path/pattern of Charlie Brown Airport in Fulton County, Georgia.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. If approved and developed according to the request, the adjacent and nearby property owners should benefit in higher land values. Additionally, persons living in the area, as well as those who commute daily, will receive the benefit of safer ingress and egress to the proposed development.
- (c) The Subject Property as presently zoned does not have a reasonable economic use. The proposed zoning will allow for a higher and better use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial development has almost no effect on schools, minimal effect on utilities and transportation facilities. The widened and improved roadways in the area will ease any increased traffic without burdensome effects.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as well as in conformity with the policy and intent of the Land Use Plan.

- (f) This zoning proposal is consistent with the current conditions affecting the development of this property. Improved roadways and proximity to interstates support the proposed use of the Subject Property. The use of the Subject Property as residential is no longer feasible in light of the rezoning and use of nearby and adjoining tracts for industrial and multi-family purposes. Uses of surrounding properties include, but are not limited to a waste station, repo lot, and apartments. Additionally, the Property is located in the flight path/pattern of Charlie Brown Airport in Fulton County, Georgia. Thus, the rezoning proposed in the pending Application for Rezoning would allow for a more suitable and economic use without detrimental impact upon the surrounding area.