



**APPLICANT:** James Turner

770-309-8888

**REPRESENTATIVE:** Peter Bilson

770-419-0006

**TITLEHOLDER:** James L. Turner, Virginia Turner, Georgia Power Company

**PROPERTY LOCATION:** Located on the east side of New Street and the west side of Atlanta Road, south of Bingham Street.

**ACCESS TO PROPERTY:** New Street, Atlanta Road

**PHYSICAL CHARACTERISTICS TO SITE:** Existing building and wooded

**PETITION NO:** Z-29

**HEARING DATE (PC):** 10-06-09

**HEARING DATE (BOC):** 10-20-09

**PRESENT ZONING:** GC, LI

**PROPOSED ZONING:** LI

**PROPOSED USE:** Warehouse

**SIZE OF TRACT:** 1.31 acres

**DISTRICT:** 17

**LAND LOT(S):** 296

**PARCEL(S):** 12, 46

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** GC/ Cobb County Auto Sales

**SOUTH:** LI, R-20/ Georgia Power

**EAST:** HI/ Dobbins Air Force Base

**WEST:** R-20/ Single-family houses

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

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

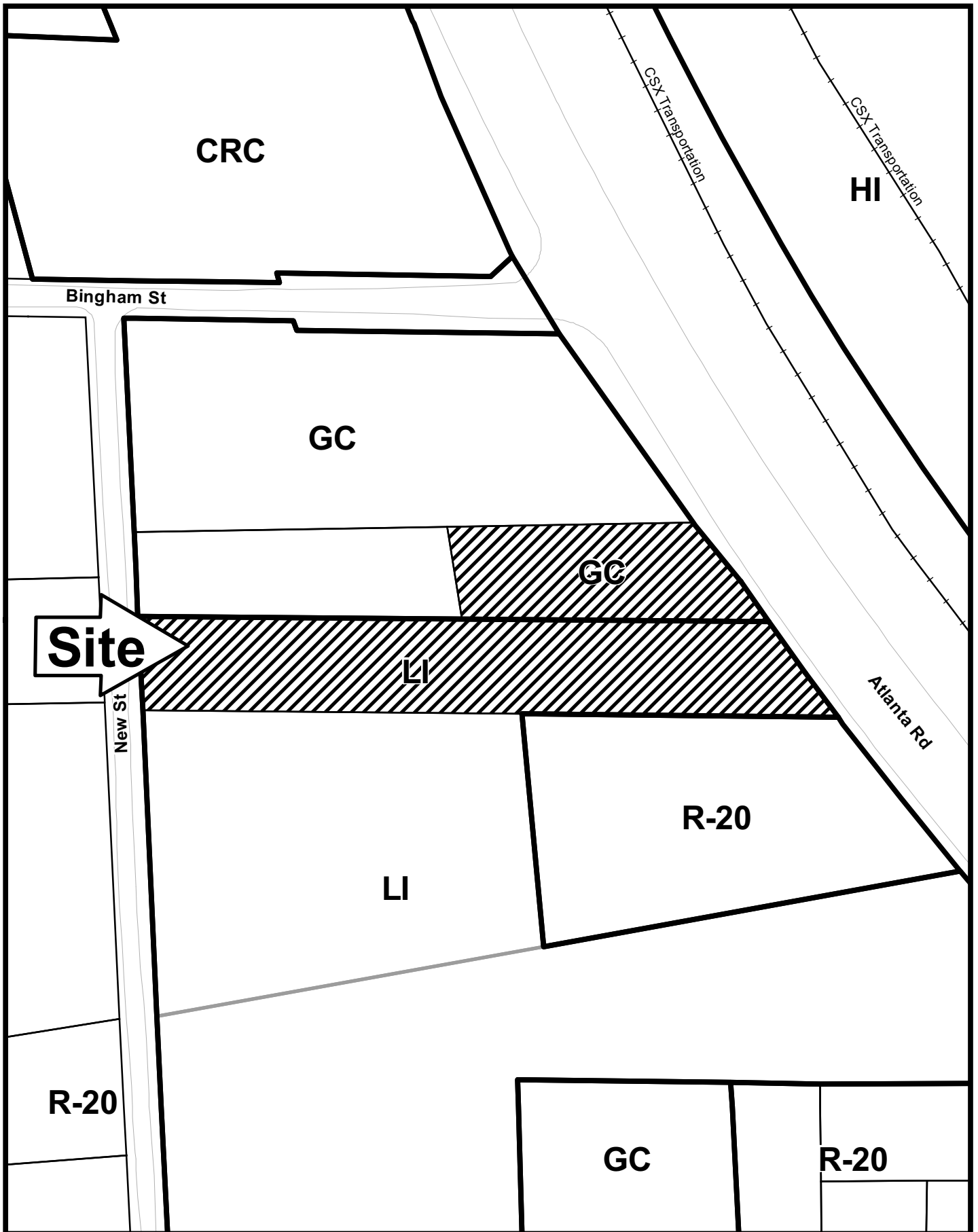
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

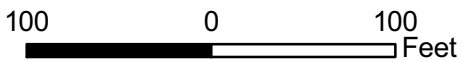
**STIPULATIONS:**





# Z-29



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** James Turner

**PETITION NO.:** Z-29

**PRESENT ZONING:** GC, R-20

**PETITION FOR:** LI

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**ZONING DIVISION COMMENTS:**

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

**Land Use Plan Recommendation:** Industrial Compatible

**Proposed Number of Buildings:** 2      **Total Square Footage of Development:** 15,200

**F.A.R.:** 0.26      **Square Footage/Acre:** 11,692

**Parking Spaces Required:** 25      **Parking Spaces Provided:** 25

The applicant is requesting the LI zoning district to construct a new building related to the existing dry cleaning business. The applicant’s business specializes in dry cleaning fabrics that need to be restored due to fire or other disasters. The business was established in 1976, and moved here in 1990. The new building would allow the applicant to consolidate all their operations into one location. The building would have an all metal exterior, and the business would be open Monday through Friday, from 6:00 am to 5:00 pm. The applicant has submitted a Zoning Impact Analysis, which is attached for review (see Exhibit “A”).

The applicant is showing contemporaneous variances which are:

1. Reduce the front setback from 75-feet to 50-feet;
2. Reduce the rear setback from 30-feet to 28-feet;
3. Reduce the side setbacks from 20-feet to 10-feet;
4. Reduce the landscape buffer adjacent to the residentially zoned lot to the south from 50-feet to zero-feet.

**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.

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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.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupiable floor level. Aerial fire apparatus roads shall be a minimum with of 24 feet face of curb to face of curb maximum of 40 feet from the structure and be positioned parallel to the long side of the building for its entire length. No overhead utility and power lines shall be located within the aerial apparatus access.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-de-sac without an island to have a 60 foot paved radius **or** Hammerhead turnaround – 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.

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PRESENT ZONING GC, LI

PETITION FOR 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) 16" DI / W side Atlanta Rd

Additional Comments: Service should be from existing building service adjacent

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: In both roads

Estimated Waste Generation (in G.P.D.): **A D F** 750 **Peak** 1900

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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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack 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 receiving system.

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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

1. The proposed stormwater system must accommodate existing discharges through this site including the existing onsite detention pond as well as upstream offsite runoff.
2. If underground detention is utilized an approved proprietary water quality device will be required to provide for water quality.

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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
Atlanta Road	21900	Arterial	45 mph	Cobb County	100'
New Street	N/A	Local	25 mph	Cobb County	50'

*Based on 2008 traffic counting data taken by Cobb County DOT (Atlanta Rd).*

**COMMENTS AND OBSERVATIONS**

Atlanta 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.

New Street 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.

No access to New 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 east side of New Street, a minimum of 25' from the roadway centerline.

Recommend no access to New Street.

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

## STAFF RECOMMENDATIONS

### Z-29            JAMES TURNER

- 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. This section of Atlanta Road contains a mixture of properties fronting Atlanta Road that are zoned GC, LI, and HI. Adjacent land uses include automotive uses, warehouses, and various commercial uses.
  
- 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 area along Atlanta Road is anticipated for industrial uses. The applicant's business has been here for many years, and approval of the request would enable the applicant to upgrade 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 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 consistent with the *Cobb County Comprehensive Plan*. The applicant's property is located in an area that contains a wide variety of land uses. The Applicant's proposal would be an aesthetic upgrade for the area and may help with other redevelopment efforts along Atlanta Road. Staff is concerned regarding the access to New Street, which is residential in nature; Staff would suggest the applicant have access only from Atlanta Road.

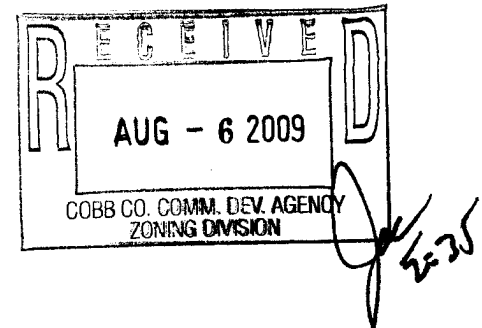
Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division August 6, 2009, with the District Commissioner approving minor modifications;
- No access to New Street;
- Fire Department 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**

1. Land Lot(s): 296                      District: 17th  
2. Road name:                              Atlanta Road  
3. Zoning Request:                        GC and LI to LI  
4. Petitioner's Name:                    James Turner  
Address:



5. Contact Person:                        Peter Bilson  
Telephone: 770 419-0006

**A.) WHETHER THE PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTIES:**

The proposed use is suitable for the subject site given the existing zoning, future land use plan, and anticipated developments in the surrounding area.

**B.) WHETHER THE PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:**

The proposed use will not have an adverse affect on the existing use or usability of adjacent or nearby property. The subject property is currently zoned GC and LI. This proposal is consistent with other uses in the area and has no opposition from adjacent proptry owners. Therefore, the rezoning requested will have no adverse affect on the existing use or usability of adjacent or nearby property.

**C.) WHETHER THE PROPERTY TO BE AFFECTED BY A REZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:**

The GC Property may have a reasonable economic use as currently zoned. However, the LI portion of the property does not have a reasonable economic use as currently zoned because of the configuration of the property unless it is combined with an adjacent property on either side. The applicant is seeking a rezoning which will provide an immediate use of the combined properties which otherwise would not be economically viable. There will be no adverse impact on the public health, safety and welfare resulting from the use of this property as proposed by the applicant and there is no public purpose to be served by a denial of this request.

**D.) WHETHER THE PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:**

The proposal will not result in a use which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The impact of this development on existing infrastructure are minimal considering the size of the development and proposed use.

**E.) WHETHER THE PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN:**

The proposal does conform to the Comprehensive Plan for the subject property. The proposal also is consistent with recent Board actions in zoning properties under the Comprehensive Plan for uses within the LI zoning classification.

**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 SPECIAL USE ZONING PROPOSAL:**

As indicated above, the Board has recently approved several other applications which are similar in nature and circumstance involving the request for LI zoning classification. The existing zonings, current development trends in the area, and adopted land use policies support this request for rezoning.