

APPLICANT: Timothy F. Pilgrim	PETITION NO:	Z-21
404-456-3393	HEARING DATE (PC):	08-03-10
REPRESENTATIVE: Timothy F. Pilgrim	HEARING DATE (BOC): _	08-17-10
678-977-8768	PRESENT ZONING:	GC
TITLEHOLDER: Timothy F. Pilgrim		
	PROPOSED ZONING:	NRC
PROPERTY LOCATION: Located on the east side of Atlanta Road,		
south of Paces Ferry Road.	PROPOSED USE: Salo	n And Day Spa
ACCESS TO PROPERTY: _Atlanta Road	SIZE OF TRACT:	0.4 acre
	DISTRICT:	17
PHYSICAL CHARACTERISTICS TO SITE: Former used car lot	LAND LOT(S):	743
	PARCEL(S):	20
	TAXES: PAID X DI	UE
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRICT	:2

NORTH:	RA-5/Paces High Park Subdivision
SOUTH:	GC/General Commercial
EAST:	RA-5/Paces High Park Subdivision
WEST:	RA-6/2000 Paces Ferry Subdivision

OPPOSITION: NO. OPPOSED \_\_\_\_PETITION NO: \_\_\_\_SPOKESMAN \_\_\_\_\_

PLANNING COMMISSION RECOMMENDATION

APPROVED\_\_\_\_MOTION BY\_\_\_\_\_

REJECTED SECONDED

HELD\_\_\_\_CARRIED\_\_\_\_\_

<b>BOARD OF</b>	COMMISSIONERS	DECISION

APPROVEDMOTION BYREJECTEDSECONDEDHELDCARRIED

**STIPULATIONS:** 



**Z-21** 



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PRESENT ZONING:GC	,	<b>PETITION FOR:</b>	NRC
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ZONING COMMENTS:	Staff Member Responsibl	e: Jason A. Campbell	
Land Use Plan Recommendation	on: Medium Density Res	idential	
Proposed Number of Buildings	: 1 (Existing) Total Squar	e Footage of Development	: 2,432
<b>F.A.R.:</b> 0.15 Squar	re Footage/Acre: 6,080		
Parking Spaces Required: 12	Parking Space	s Provided: 13	

The applicant is requesting to rezone the property to the NRC zoning category for a salon and day spa. The subject property was originally a convenience store and was later converted to a used car lot. Applicant has indicated that the building will remain with some EFIS, painting, stone and decorative columns as referenced in the attached stipulation letter and rendering received by the Cobb County Zoning Division on June 25, 2010 and marked Exhibit "A". The proposed hours of operation are Monday through Saturday, 9 a.m. - 8 p.m. The applicant has also included the impact analysis marked Exhibit "B".

**<u>Historic Preservation</u>**: 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:

Contact the Cobb County Fire Marshal's Office to submit building plans to start the Certificate of Occupancy process. (3689 Atlanta Rd)

APPLICANT Timothy F. Pilgrim				<b>PETITION NO.</b> <u>Z-021</u>
PRESENT ZONING <u>GC</u>				PETITION FOR <u>NRC</u>
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WATER COMMENTS: NOTE: Comments	reflect on	ly what faciliti	ies were in	existence at the time of this review.
Available at Development:		Yes		No
Fire Flow Test Required:		Yes		No
Size / Location of Existing Water Main(s): 2	0" DI /	W side Atlan	ta Rd	
Additional Comments: Records show 3689 A	Atlanta R	d as connecte	ed and acti	<u>ve</u>
Developer may be required to install/upgrade water mains	, based on	fire flow test res	sults or Fire D	Department Code. This will be resolved
in the Plan Review Process.				
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SEWER COMMENTS: NOTE: Commen	nts reflect	only what fac	ilities were	in existence at the time of this review.
In Drainage Basin:		Yes		No
At Development:		Yes		] No
Approximate Distance to Nearest Sewer:	At site in	Atlanta Rd		
Estimated Waste Generation (in G.P.D.):	A D F	+0 new		<b>Peak=</b> +0 new
Treatment Plant:		So	uth Cobb	
Plant Capacity:	V	Available	🗌 N	ot Available
Line Capacity:	$\checkmark$	Available	🗆 N	ot Available
Proiected Plant Availability:	$\checkmark$	0 - 5 vears	□ 5	- 10 vears
Drv Sewers Reauired:		Yes	V N	lo la
Off-site Easements Required:		Yes*	V N	<ul> <li>*If off-site easements are required, Developer must submit easements to CCWS for</li> </ul>
Flow Test Required:		Yes	V N	review/enprovel as to form any stipulations
Letter of Allocation issued:		Yes	V N	property owners All easement acquisitions
Septic Tank Recommended by this Departme	ent:	Yes	V N	o
Subject to Health Department Approval:		Yes	✓ N	Ő
Additional <u>Additional SDF may be asses</u> Comments:	sed depe	ending upon s	alon desig	<u>n</u>

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 offsite easements, dedication of on and/or offsite 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
<ul> <li>DRAINAGE BASIN: <u>Chattahoochee River</u> FLOOD HAZARD INFO: Zone X</li> <li>FEMA Designated 100 year Floodplain Flood.</li> <li>Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.</li> <li>Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.</li> <li>Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.</li> </ul>
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 ( <u>undisturbed</u> buffer each side).
Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
<ul> <li>Georgia DNR Variance may be required to work in 25 foot streambank buffers.</li> <li>County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.</li> </ul>
County Burner Ordinance. 50, 75, 100 of 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 mus	st evaluate the	impact of	f increased	volume	of runoff	generated	by the	proposed	project
on downstream									

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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).
- $\boxtimes$  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 improvements are proposed at this time. It is anticipated that DOT will require removal of the parking spaces that are currently located within the Atlanta Road right-of-way. The Stormwater Management Division would support this stipulation and request that this pavement be removed to help reduce the impervious impact of the site. Any redevelopment or site improvements will require meeting the full stormwater management code requirements.

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PRESENT ZONING: GC

PETITION FOR: <u>NRC</u>

### **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	31600	Arterial	45 mph	Cobb County	100'

Based on 2009 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.

The existing driveway to Atlanta Road shall remain right-in/ right-out.

#### RECOMMENDATIONS

Recommend existing driveway to Atlanta Road remain right-in/ right-out.

Recommend no parking on the right-of-way.

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

# **STAFF RECOMMENDATIONS**

## Z-21 TIMOTHY F. PILGRIM

- 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. Adjacent and nearby properties are used as commercial, residential, office and restaurant.
- 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. Applicant's proposal is less intense than the previous used car lot and convenience store on the subject 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be in the Medium Density Residential land use category. Additionally, the property would be too small to develop residentially.
- 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 property to the south has been used commercially for a number of years and there are other commercial, office and restaurant uses in the area.

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

- Stipulation letter dated June 18, 2010, received in the Zoning Division on June 25, 2010;
- 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.

June 18, 2010

Jason A. Campbell Planner, Zoning Division Cobb County Community Development Agency Suite 400 1150 Powder Springs Road Marietta, Ga. 30064



Z-22 (2010)

# RE: Application for Rezoning – Application No. Z-21 Applicant / Owner: Timothy F. Pilgrim Property: 3689 Atlanta Rd, Smyrna, Ga. 30080, Land Lot 743, 17<sup>th</sup> District, Cobb County, Georgia

Dear Mr. Campbell,

We are currently in the rezoning process in regards to the above reference property. The property has an existing building and parking area, which was originally a convenience store and then converted into a used car lot. We have live across from the property for 10+ years and have recently purchased the property in the hopes to convert it into a high-end Salon and Spa, of which my Wife will be the owner and operator of the new salon. Currently she owns and operates a successful salon in the Smyrna area and wishes to expand.

We plan to utilize the existing structure and parking lot, by making substantial renovations to the front exterior elevation of the structure and the interior. We are not planning to add on to the existing structure at this time nor make any changes to the site lay-out, with exception of the items listed below. We have met with our neighborhood subdivision associations and presented our plans to the property and they are pleased with the changes.

We would like to submit this letter of agreeable stipulations and conditions which, if the Application of Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

1. Applicant seeks rezoning of the Subject Property from General Commercial to the proposed zoning category of Neighborhood Retail Commercial ("NRC").

- 2. The Subject property shall be renovated for retail use as a high end Salon and Spa. Applicant desires to create an aesthetically pleasing overall renovation from the current dilapidated structure to bring it to a level of excellence that will attract the type of clientele that patronizes a high end salon. The overall effect of this endeavor will improve and add value to the community.
- 3. The chain link fencing in the front and side of the property will be removed.
- 4. The overgrowth on the property with be cleared and will maintained.
- 5. We will Instruct Georgia Power to turn off the high intensity lighting located on the power poles on the property.
- 6. Make repairs or install new asphalt roofing shingles.
- 7. New landscaping will be put in place at the front islands and around the monument sign and maintained. Plans will be mutually agreed too by Community Development and Applicants.
- 8. The existing parking lot will receive an additional 2" of asphalt topping and the parking layout will conform to County requirements.
- 9. There will be no outside storage facilities.
- 10. Applicant will stain the wood fence between the Paces-High-Park Subdivision and the applicant's property with Sherwin Williams, Deckscapes Exterior Semi Transparent Color 3512 Cider Mill.
- 11. All exterior lighting will be designed to prevent any stray light from protruding outside the property to prevent light from penetrating onto surrounding properties.
- 12. There will be no outside speaker systems.
- 13. The monument sign will remain the same size as existing, but will be re-designed and the base will be refurbished to be complementary with the building and landscaping will be placed around the base.

- 14. The hours and days of operation will be from 9:00 am to 9:00 pm and open Monday to Saturday. We anticipate anywhere from 50 to 75 clients per day. The Salon will be closed on Sunday.
- 15. The will be no dumpster on site, only rolling trash containers will be utilized for weekly service, which will not be visible from any public right-of-way.
- 16. The HVAC units will be located in the rear of the building and will not be visible from any public right-of-way.
- 17. There will be no vehicles of any type parked in front of the proposed Salon and Spa containing advertising signage.
- 18. Signage on the building will be in conformance with all County sign ordinances.
- 19. The front exterior elevation of the building will be renovated per the attached conceptual rendering, any substantial changes will be submitted for approval. The Construction materials will include structural metal studs framing for the column box-in and parapet walls. The finish material on the new framing will be EIFS/Stucco material. The existing brick on the front will also be re-finished with EIFS/Stucco material. A new aluminum storefront system will be put in place with decorative entrance doors. The front entrance concrete pad will be recoated.
- 20. The sides and the rear of the building will be patched, cleaned and painted to match the color of the front elevation to blend in.
- 21. The interior renovations of the proposed Salon and Spa will be designed and constructed to bring it to a level of excellence that will attract the type of clientele that patronizes a high end salon.
- 22. The applicant's home resident is directly across the street from the property and they not only has a vested invested in making this business venture as success, but as a direct interest and desire to improve the quality and value of their community.
- 23. Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvement.

We believe the requested rezoning, pursuant to the reference Rezoning Plan and the stipulations contained herein, is an appropriate use of the Subject Property and shall be an enhancement to the Subject property as well as to the local community.

Thank you for your consideration in this request.

Sincerely,

Golente Velegue

Timothy F. Pilgrim

Yolanda Pilgrim

Cc: Cobb County Board of Commissioners: George W. "Woody" Thompson, Chairman Helen C. Goreham Robert Ott Thea Powell (With Copies of Attachments)

> Cobb County Planning Commissioners: Murray Homan, Chairman Judy Williams Bob Hovey Christi S. Trombetti Mike Terry (With Copies of Attachments)

Mr. John P. Pederson, AICP, Zoning Administrator, Cobb County Community Development Agency. (With Copies of Attachments)

Robert Huggins, President Owner Home Owner Association, 2000 Vinings (With Copies of Attachments)

Chris Godwin, President Owner Home Owner Association, Vinings High West (With Copies of Attachments)



Collaborative



Z-22 (2010) Exhibit "B"

# Analysis of impact

May 28, 2010

Mr. John P. Peterson, AICP Zoning Administrator Cobb County Community Development Agency Suite 400 1150 Powder Springs Road Marietta, Ga. 30064

2010

# RE: 3689 Atlanta Rd, Rezoning Proposal, Item #9 of Re-zoning Requirements.

Below is the analysis of impact of the proposed re-zoning of 3689 Atlanta Road as required in item # 9 of the requirements for re-zoning application.

**Item (a).** The surrounding properties are approximately 75% residential and 25% commercial. The proposed re-zoning of Neighborhood Retail Commercial for the proposed business of a Salon and Spa will provide a low traffic neighborhood services for the community.

**Item (b).** No adverse effects to adjacent to nearly properties. The building and parking are existing structures for over 20 years.

**Item (c).** The property has been zoned general commercial and the existing structures and asphalt parking has been in place and has been operating businesses for over 20 years. It has direct access from Atlanta Rd. and if would be unreasonable for the property to re-classified as medium density residential and uneconomical.

**Item (d).** No adverse effects, the building and parking are existing structures and have been in place for over 20 years.

**Item (e).** The building and parking are existing structures and have been in place for over 20 years.

**Item (f).** The building and parking are existing with direct access to Atlanta Road, The property has been previously zoned general commercial and residential use of the property is imprudent.

Sincerely,

Timothy F. Pilgrim