

APPLICANT: Austell Road Development Associates
(770) 436-0752

PETITION NO: Z-20

REPRESENTATIVE: Eric Johansen, RLA c/o Inland Group
(678) 571-4843

HEARING DATE (PC): 06-07-11

HEARING DATE (BOC): 06-21-11

TITLEHOLDER: Austell Road Development Associates

PRESENT ZONING: PSC, GC

PROPOSED ZONING: CRC

PROPERTY LOCATION: On the north side of the East-West Connector, east of Austell Road

PROPOSED USE: Retail and Restaurant Uses

ACCESS TO PROPERTY: East-West Connector

SIZE OF TRACT: 1.27 acres

PHYSICAL CHARACTERISTICS TO SITE: Wooded lot

DISTRICT: 19

LAND LOT(S): 930, 931

PARCEL(S): 8

TAXES: PAID DUE

FUTURE LAND USE MAP: Community Activity Center

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/Bank
- SOUTH:** CRC/Developed retail center - Target and Lowe's
- EAST:** East-West Connector and commercial developments
- WEST:** GC/TitleMax

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

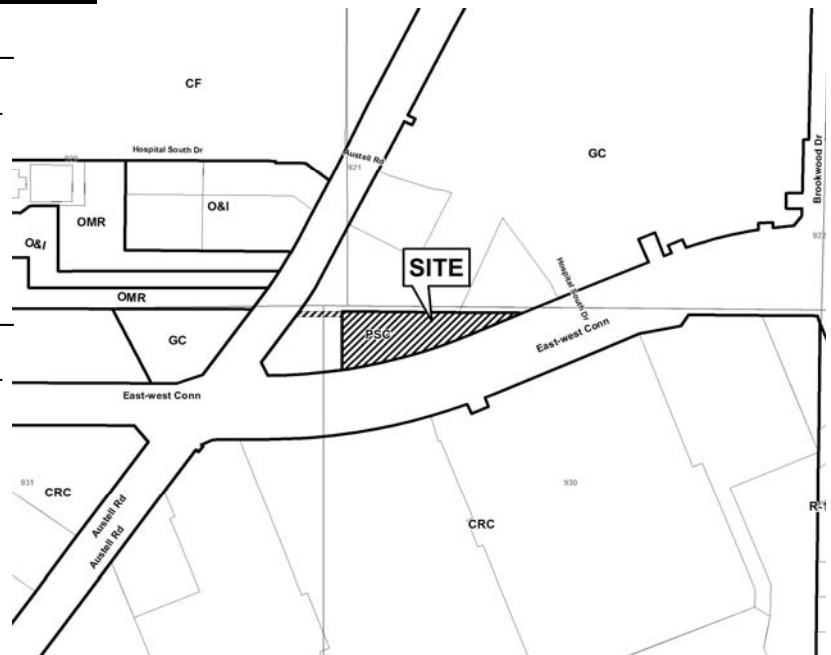
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

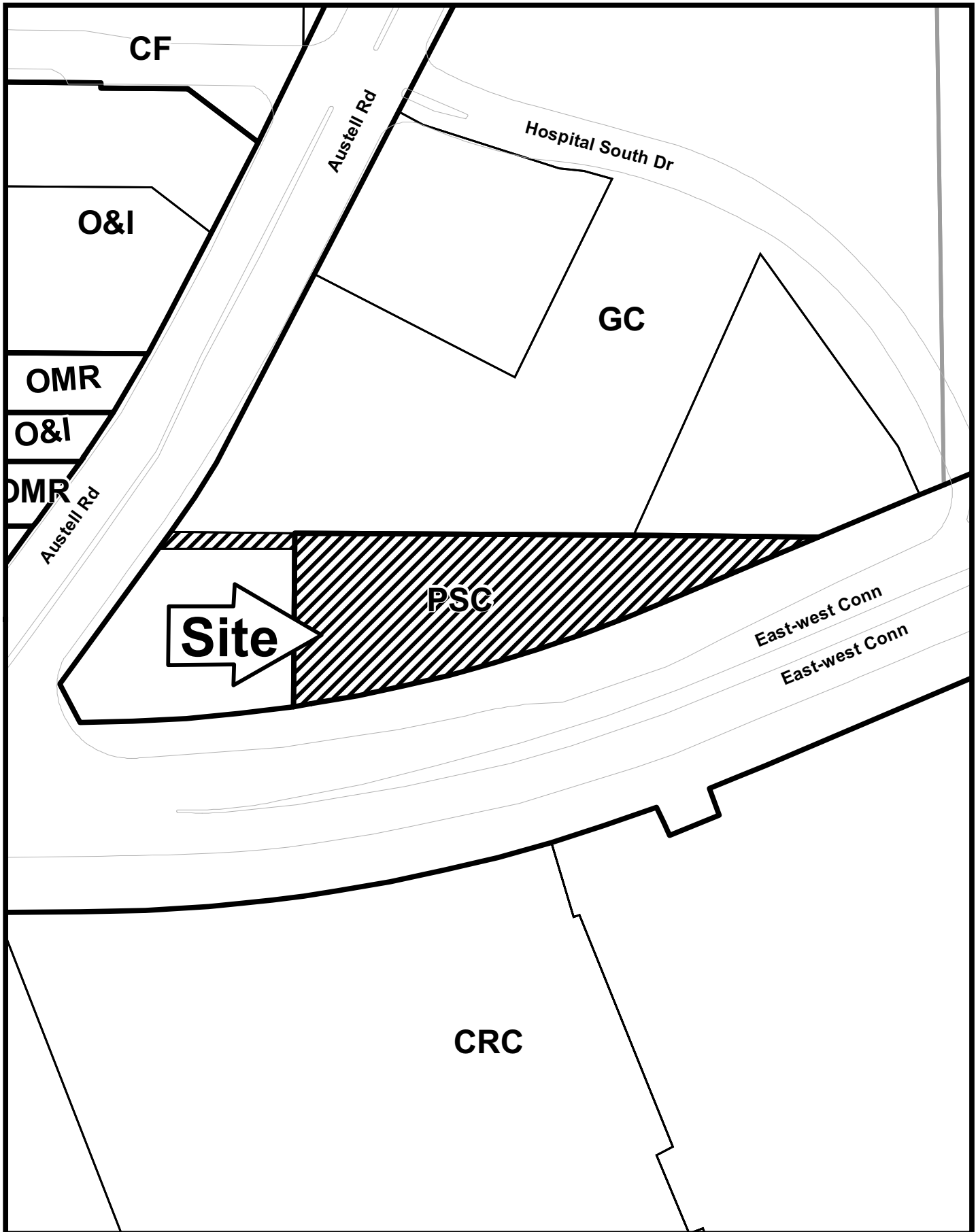
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

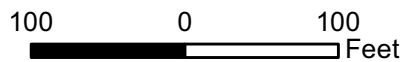
STIPULATIONS:



Z-20



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



- City Boundary
- Zoning Boundary

APPLICANT: Austell Road Development Associates

PETITION No.: Z-20

PRESENT ZONING: PSC, GC

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 1

Total Square Footage of Development: 7,300

F.A.R.: 0.133

Square Footage/Acre: 5,793

Parking Spaces Required: 44

Parking Spaces Provided: 44

Applicant is requesting the CRC category in order to develop the property. The property can not be developed under the current PSC zoning category. Applicant is proposing a 7,300 square-foot building that will contain a mixture of commercial, retail and restaurant uses. The building will be masonry and glass with metal accents and EIFS accents/trim. The hours of operation will be as early as 6 a.m. to 11 p.m. or midnight, seven days per week.

Applicant will also require contemporaneous variances that include:

1. Reducing the 10' landscape strip to a 5' landscape strip;
2. Reducing the rear building setback from 30' to 20';
3. Reducing the front drive aisle width from 24' to 22'; and
4. Allowing the enclosed dumpster to be to the side of the proposed building.

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: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT Austell Road Development Assoc.

PETITION NO. Z-020

PRESENT ZONING PSC and GC

PETITION FOR CRC

WATER COMMENTS: NOTE: Comments reflect only what facilities 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): 8" DI / E side of Austell Rd

Additional Comments: Also 12" D/ S side of EW Connector

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: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: 85' S of Austell Rd frontage (private pumping required)

Estimated Waste Generation (in G.P.D.): **A D F** 730** **Peak=** 1825**

Treatment Plant: **S Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: 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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments: **Additional sewer flow for restaurants based on seating. Sewer also 500' or 600' S with easements, or 900' E in ROW.

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

DRAINAGE BASIN: Buttermilk 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 site will be required to provide an onsite underground stormwater management facility to include stormwater detention as well as channel protection and water quality volume. It may be possible to accommodate the required site stormwater management within the existing Lowes/Target Center master facility located on the south side of the East-West Connector. A stormwater management and shared maintenance agreement would need to be provided as well as a revised master hydrology study.

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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
Austell Rd /SR 5	31500	Arterial	45 mph	Georgia DOT	100'
East-West Connector	36300	Arterial	45 mph	Cobb County	100'

*Based on 2009 traffic counting data taken by Georgia DOT (Austell Road)
Based on 2009 traffic counting data taken by Georgia DOT (East-West Connector)*

COMMENTS AND OBSERVATIONS

Austell 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.

East-West Connector is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

GDOT permits will be required for all work encroaching upon state right-of-way.

Recommend that the owner/developer/applicant consider interparcel access with adjacent properties.

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

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STAFF RECOMMENDATIONS

Z-20 AUSTELL ROAD DEVELOPMENT ASSOCIATES

- 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 property is surrounded by developed commercial/retail uses and the proposed development is similar to the surrounding 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 applicant is proposing a development for commercial, retail and restaurant uses that will be similar to other uses in the area.
- 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 as being in the Community Activity Center 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 property can not be developed under its current PSC category. The PSC category requires a minimum lot size of five acres. The applicant's proposal is consistent with the land use plan and compatible with other uses in the area.

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

- Site plan received by the Zoning Division on April 7, 2011, with the District Commissioner approving minor modifications;
- 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.

Summary of Intent for Rezoning

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Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

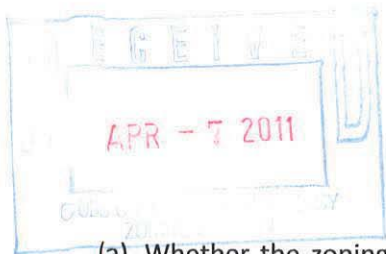
- a) Proposed use(s): Commercial, Retail, Restaurant uses
- b) Proposed building architecture: Masonry, Glass, Metal accents, and EIFS accents/trim
- c) Proposed hours/days of operation: As early as 6am to 11pm or midnight, 7 days a week
- d) List all requested variances: 1. Reduce 10' landscape strip to a 5' landscape strip. 5' landscape strip to be planted in same manner as 10' strip.
2. Reduce the Rear Building Setback from 30' to 20'.

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

- 1. The Subject Property, as zoned PSC, cannot be developed due to the acreage requirement of 5 acre minimum tracts for development.
- 2. The Subject Property is completely surrounded by other commercial uses, and has frontage on the 4-lane East/West Connector.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

No, all privately owned by the Applicant.



Z-20
2011

East West Connector Rezoning Application
Applicant Responses to Proposed Zoning Impacts

- (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The proposed rezoning of the Subject Property from PSC to CRC should not present any issues for the surrounding and adjacent commercially developed properties. The Subject Property is a remnant commercial tract that is simply "left over" from the creation of the East West Connector and surrounding commercial developments.

- (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The proposed rezoning of the Subject Property will not affect the existing use or usability of the adjacent and nearby properties, as all of the adjacent and nearby properties are commercially zoned.

- (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The Subject Property does NOT have a reasonable economic use as currently zoned PSC. Due to the underlying zoning of PSC and the respective minimum acreage size for development prohibits the Subject Property from being developed as currently zoned. Therefore, as stated previously, the Subject Property has NO economic value as currently zoned.

- (d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of the existing streets, transportation facilities, utilities, or schools;

The proposed commercial use will not result in a use that is burdensome to the above mentioned items as the property and all is already commercially zoned.

- (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;

The zoning proposal is in conformity with the policy and intent of the land use plan as the Subject Property and immediate and surrounding area is all commercially zoned and used for commercial purposes.

- (f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either the approval or disapproval of the zoning proposal;

As previously stated, the Subject Property is commercially zoned PSC and completely surrounded by other commercial uses. Due to the Subject Property being a remnant tract of land left over from previous development in the immediate and surrounding corridor, and being ±1.27 acres in size, the Subject Property cannot be developed under its current zoning due to Cobb County Zoning and Development restrictions. The zoning request to change from PSC to CRC will provide the Subject Property a reasonable zoning district that permits future development, as all other properties surrounding it have been previously afforded.