

Z-37
(2011)

THIS PLAT WAS CALCULATED FOR ERROR AND IS ACCURATE TO BETTER THAN 1:100,000. EQUIPMENT USED ON THIS PROJECT WAS A TRIMBLE 5600.

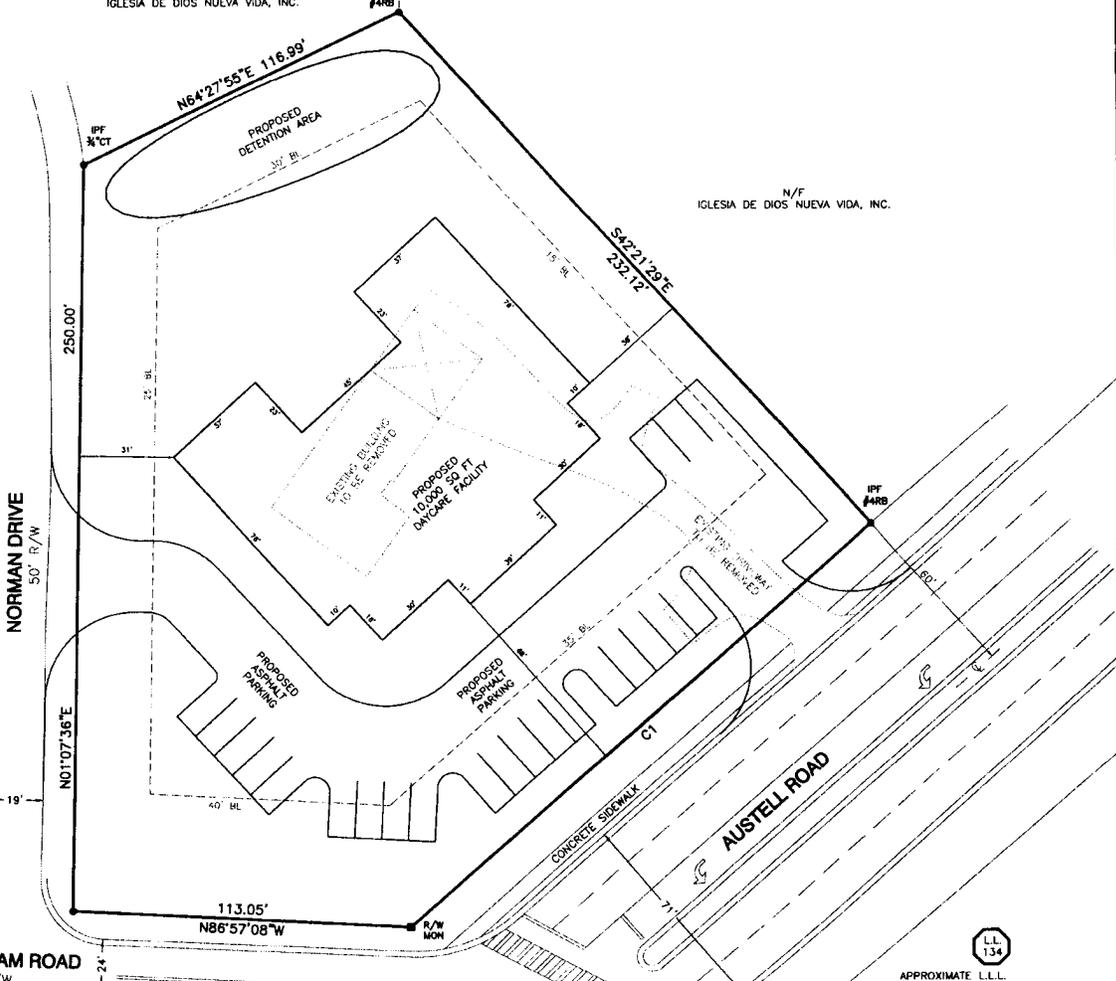
N/F IGLESIA DE DIOS NUEVA VIDA, INC.

IPF #ARB



AREA
54172 SQ. FT.
1.24 ACRES

N/F IGLESIA DE DIOS NUEVA VIDA, INC.



CUNNINGHAM ROAD
50' R/W

AUSTELL ROAD

LL 134

LL 133

C1
A=204.70'
R=11403.06'
Δ=01°01'43"
C LEN=204.70'
BRG=S 48°47'13" W

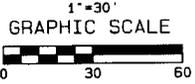
AUG - 4 2011
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

ZONING PLAT FOR

KAPTON KOFI

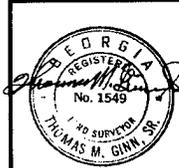
LOCATED IN:
L.L. 134
17th DISTRICT, 2nd SECTION
COBB COUNTY, GA

1940 AUSTELL ROAD
MARIETTA, GA 30066



F.I.A. OFFICIAL FLOOD HAZARD MAP COMMUNITY NUMBER 130052 PAGE 1128 - DATED 12/18/2008 SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

ALL MATTERS OF TITLE ARE EXCEPTED.



SOUTHERN SURVEYING & MAPPING COMPANY, INC.

4076 EBENEZER ROAD, N.E., MARIETTA, GA. 30066
PHONE: (770) 926-7759

DATE: 8/2/2011 SCALE: 1"=30' C KR21-11

APPLICANT: Kapton Kofi

404-680-2301

REPRESENTATIVE: Raymond Palermo

404-786-3732

TITLEHOLDER: Kapton Kofi

PROPERTY LOCATION: At the northwest intersection of Austell Road and Cunningham Road; and at the northeast intersection of Norman Drive and Cunningham Road.

ACCESS TO PROPERTY: Austell Road and Norman Drive

PHYSICAL CHARACTERISTICS TO SITE: Single-family house

PETITION NO: Z-37

HEARING DATE (PC): 10-04-2011

HEARING DATE (BOC): 10-18-2011

PRESENT ZONING: NS

PROPOSED ZONING: NRC

PROPOSED USE: Daycare Center

SIZE OF TRACT: 1.24 acres

DISTRICT: 17

LAND LOT(S): 134

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NRC/Iglesia De Dios Nueva Vida, Inc.

SOUTH: R-20/Single-family house; NS/Single-family house; & RA-6/Summer Lake Subdivision

EAST: NRC/Iglesia De Dios Nueva Vida, Inc. and NS/Single-family house

WEST: R-20/J.B. Norman Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

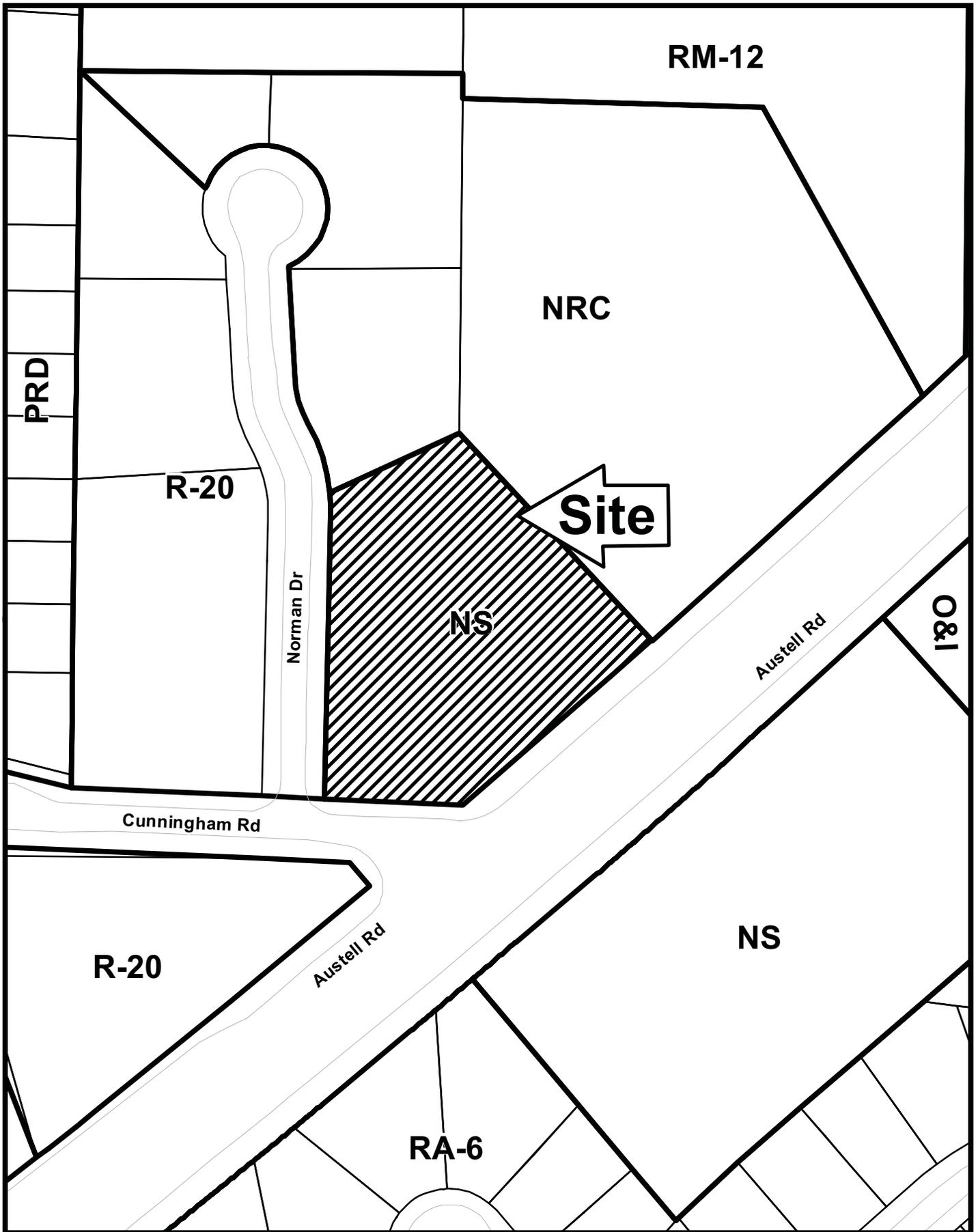
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

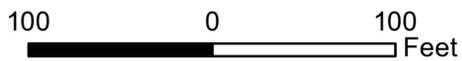
STIPULATIONS:



Z-37



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Kapton Kofi

PETITION NO.: Z-37

PRESENT ZONING: NS

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 10,000

F.A.R.: 0.184 **Square Footage/Acre:** 8,064

Parking Spaces Required: 20 **Parking Spaces Provided:** 22

Applicant is requesting the NRC zoning category in order to develop a 10,000 square-foot daycare facility. The property cannot be developed under its current Neighborhood Shopping (NS) category in its present land use category of Neighborhood Activity Center (NAC). The NRC zoning category is compatible with the NAC land use category and a daycare facility is a permitted use under the NRC zoning. The building will be a single-story with brick/siding and a gable roof. The hours of operation will be Monday through Friday from 6 a.m. until 6 p.m., closed on weekends and the applicant has indicated that there will be 175 students. The applicant has submitted the attached Summary of Intent and Exhibit for your review.

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 Kapton Kofi

PETITION NO. Z-037

PRESENT ZONING NS

PETITION FOR NRC

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): 12" DI / NW side of Austell Road

Additional Comments: Records show existing residential water meter

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: 320' NE on 1920 Austell Road property

Estimated Waste Generation (in G.P.D.): **A D F=** 2100 **Peak=** 5250

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: Sewer may be available in ROW w/o easements in Ridgestone Landing, depending on grade, approx 650' LF.

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.

APPLICANT: **Kapton Kofi**

PETITION NO.: Z-37

PRESENT ZONING: NS

PETITION FOR: NRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Olley 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.

APPLICANT: Kapton Kofi

PETITION NO.: Z-37

PRESENT ZONING: NS

PETITION FOR: NRC

● *****

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 majority of this parcel drains to the northeast into the adjacent church parcel. The nearest drainage channel is located approximately 30 feet onto the church property. There is currently no defined conveyance 1 from the subject parcel to this channel, therefore a drainage easement agreement will need to be negotiated with the church to accommodate the concentrated discharge from the proposed detention pond.

APPLICANT: Kapton Kofi

PETITION NO.: Z-37

PRESENT ZONING: NS

PETITION FOR: NRC

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 Road	31200	Arterial	45 mph	Georgia DOT	110'
Cunningham Road	4500	Minor Collector	35 mph	Cobb County	60'
Norman Drive	N/A	Local	25 mph	Cobb County	50'

*Based on 2009 traffic counting data taken by Georgia DOT (Austell Road)
Based on 2005 traffic counting data taken by Cobb County DOT (Cunningham Road)*

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.

Cunningham Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Norman 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.

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 north side of Cunningham Road, a minimum of 30' from the roadway centerline.

Recommend no access to Cunningham Road.

Recommend installing sidewalk along the Cunningham Road frontage.

Recommend installing curb and gutter along Norman Drive frontage.

Recommend installing sidewalk along Norman Drive from Cunningham Road to Norman Drive access driveway.

Norman Drive is a substandard street. Recommend improving Norman Drive from Cunningham Road to property line to comply with Cobb County Standards.

Recommend upgrading driveway on Austell Road to the commercial standard.

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

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

STAFF RECOMMENDATIONS

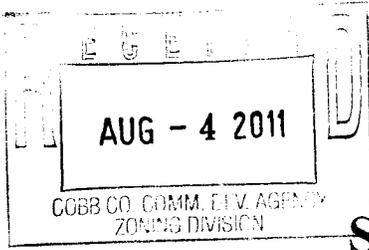
Z-37 KAPTON KOFI

- 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 along this area of Austell Road are zoned commercially for office/institutional 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. Nearby properties are zoned for residential, neighborhood retail uses and office/institutional uses. Applicant has indicated that customers of the daycare will be from the neighborhood and consequently are already traversing Austell Road.
- 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 Neighborhood Activity Center (NAC) land use category. NRC is a compatible zoning category for the NAC land use category, and a daycare facility is a permitted use under NRC.
- 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. Adjacent and nearby properties have been rezoned for office/institutional uses and the daycare anticipates customers from the neighborhood.

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

- Site plan received by the Zoning Division on August 4, 2011, with the District Commissioner approving minor modifications;
- No access to Cunningham Road;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Cobb County DOT comments and recommendations; and
- 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.



Application No. 2-37

Oct.
2011.

Summary of Intent for Rezoning

.....
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)

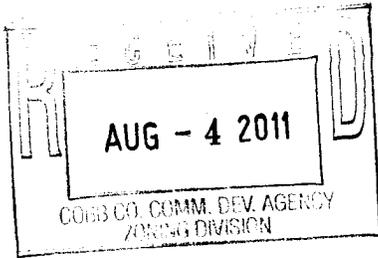
- a) Proposed use(s): DAY CARE CENTER.
 - b) Proposed building architecture: SINGLE STORY - BRICK/SIDING
GABLE ROOF
 - c) Proposed hours/days of operation: 6AM - 6PM - MONDAY - FRIDAY
 - d) List all requested variances: _____
- _____

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

.....
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



Request for Re-zoning (#9 Requirements for Re-Zoning)

Re: 1940 Austell Rd. Marietta

Owner: Kapton Kofi

The property known as 1940 Austell Rd. Marietta (Cobb County) is zoned "NS". The "NS" designation is antiquated and no longer in use by Cobb County. Under the current Land Use Plan the property is designated as: "NRC".

We propose building a child care center on the property. This use is consistent with the Zoning criteria. This use is also consistent with the adjacent property which has already been re-zoned to "NRC". Since the property is currently an unoccupied residential property. The property is assessed and taxed as a commercial property and it has no economic feasibility at its current use. Austell Rd. is a major artery and is certainly capable of handling the minimum impact of traffic generated by our use. In addition, the customers of the center will be from the neighborhood and consequently are already traversing Austell Rd. The zoning proposal is in complete compliance and conformity to the intent of the Land Use Plan as well as the Cobb County Zoning Regs. The re-zoning and construction of this child care facility would improve and enhance the neighborhood.

We respectfully request that the commission approve our application to change the zoning from the antiquated "NS" to the current "NRC" as dictated by the current Land Use Plan.