



RKS Green
 Consulting Group
 Architecture Engineering
 114 Pickle Ferry Road
 Cumming, GA 30040
 Phone 770.617.2305
 Fax 770.654.0876
 www.RKSGreen.com

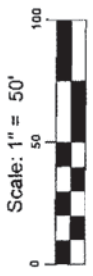
NEW RETAIL STORE

**Z-5
 (2012)**

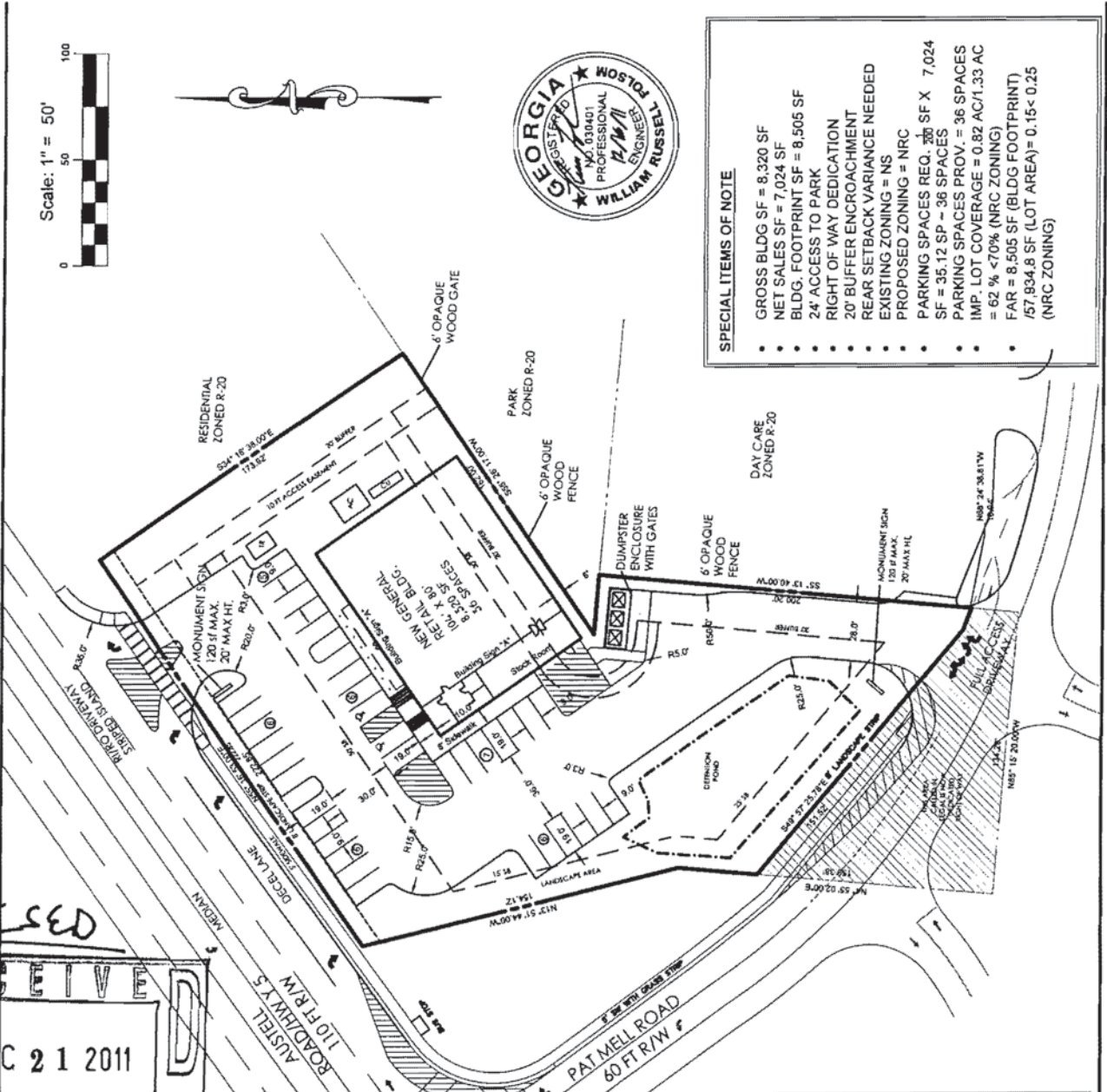
DESIGNED: WRF	DATE: 12/15/11
DRAWN: WRF	DESCRIPTION: ORIGINAL SUBMITTAL DATE
PROJ. NO.: 11-CC-041	

**CONCEPTUAL
 SITE PLAN**

1 of 1
C-001



- SPECIAL ITEMS OF NOTE**
- GROSS BLDG SF = 8,320 SF
 - NET SALES SF = 7,024 SF
 - BLDG. FOOTPRINT SF = 8,505 SF
 - 24' ACCESS TO PARK
 - RIGHT OF WAY DEDICATION
 - 20' BUFFER ENCROACHMENT
 - REAR SETBACK VARIANCE NEEDED
 - EXISTING ZONING = NS
 - PROPOSED ZONING = NRC
 - PARKING SPACES REQ. 300 SF X 7,024 SF = 35.12 SP - 36 SPACES
 - PARKING SPACES PROV. = 36 SPACES
 - IMP. LOT COVERAGE = 0.82 AC/1.33 AC
 - FAR = 8,505 SF (BLDG FOOTPRINT) / 57,934.8 SF (LOT AREA) = 0.15 < 0.25 (NRC ZONING)



REVISED

RECEIVED

DEC 21 2011

**COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION**

LEGAL DESCRIPTION

BEGINNING at an iron pin on the northerly right-of-way of Pat Mell Road, a distance of 455.0 feet easterly, as measured along said right-of-way, from its intersection with the easterly right-of-way of Austel Road; running thence north 04 degrees 55 minutes 02 seconds East a distance of 150.38 feet to an iron pin; running thence North 13 degrees 51 minutes 44 seconds West a distance of 154.12 feet to an iron pin on the southeasterly right-of-way of Austel Road; running thence north 55 degrees 16 minutes 53 seconds East a distance of 222.85 feet to an iron pin; running thence South 34 degrees 16 minutes 30 seconds East a distance of 173.02 feet to an iron pin; running thence South 55 degrees 26 minutes 17 seconds West a distance of 162.0 feet to an iron pin; running thence easterly 0. distance of 28.5 feet, more or less, to an iron pin; running thence South 05 degrees 13 minutes 40 seconds West a distance of 200.20 feet to an iron pin on the northerly right-of-way of Pat Mell Road; running thence North 85 degrees 15 minutes 20 seconds West a distance of 334.29 feet to an iron pin and the point of beginning, being 1.534 acres, all as more fully shown on survey prepared by Sadler and Associates, R.L.S., dated March 5, 2001.

NOTES

TOTAL SITE AREA WITHOUT RW = 5771.66 SF = 1.33 AC

NEW BUILDING WILL GENERAL COMMERCIAL

NEW BUILDING WILL 8320 SF

BASED ON VISUAL INSPECTION THERE ARE NO WETLANDS OR WATERS OF THE STATE ON THIS PROPERTY

BASED ON VISUAL INSPECTION THERE ARE NO CEMETERIES, ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS ON THIS PROPERTY.

BASED ON FEMA FIRM PANEL 13067C0114G THIS SITE DOES NOT LIE WITHIN FLOOD PLAIN ZONE

APPLICANT: Garrard Development Services, LLC
(770) 822-1944

REPRESENTATIVE: John H. Moore (770) 429-1499
Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Sylvia Park and Chong Bu Park

PROPERTY LOCATION: At the northeasterly intersection of
Austell Road and Pat Mell Road.

ACCESS TO PROPERTY: Austell Road, Pat Mell Road

PHYSICAL CHARACTERISTICS TO SITE: Vacant, undeveloped

PETITION NO: Z-5

HEARING DATE (PC): 02-07-12

HEARING DATE (BOC): 02-21-12

PRESENT ZONING: NS

PROPOSED ZONING: NRC

PROPOSED USE: Retail

SIZE OF TRACT: 1.33 acres

DISTRICT: 17

LAND LOT(S): 84, 133

PARCEL(S): 5

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** RM-12/ apartments
- SOUTH:** GC/ commercial
- EAST:** R-20/ single family home
- WEST:** NS/ commercial

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

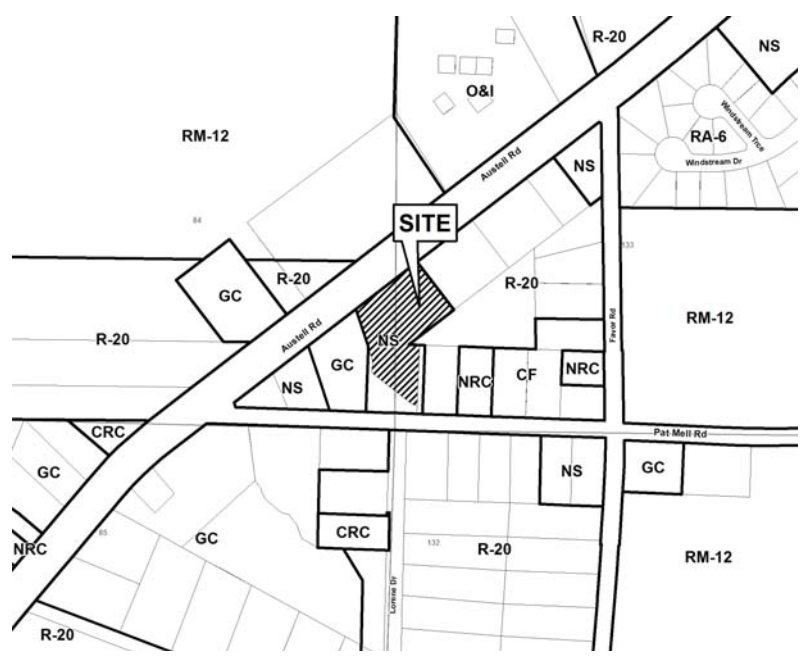
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

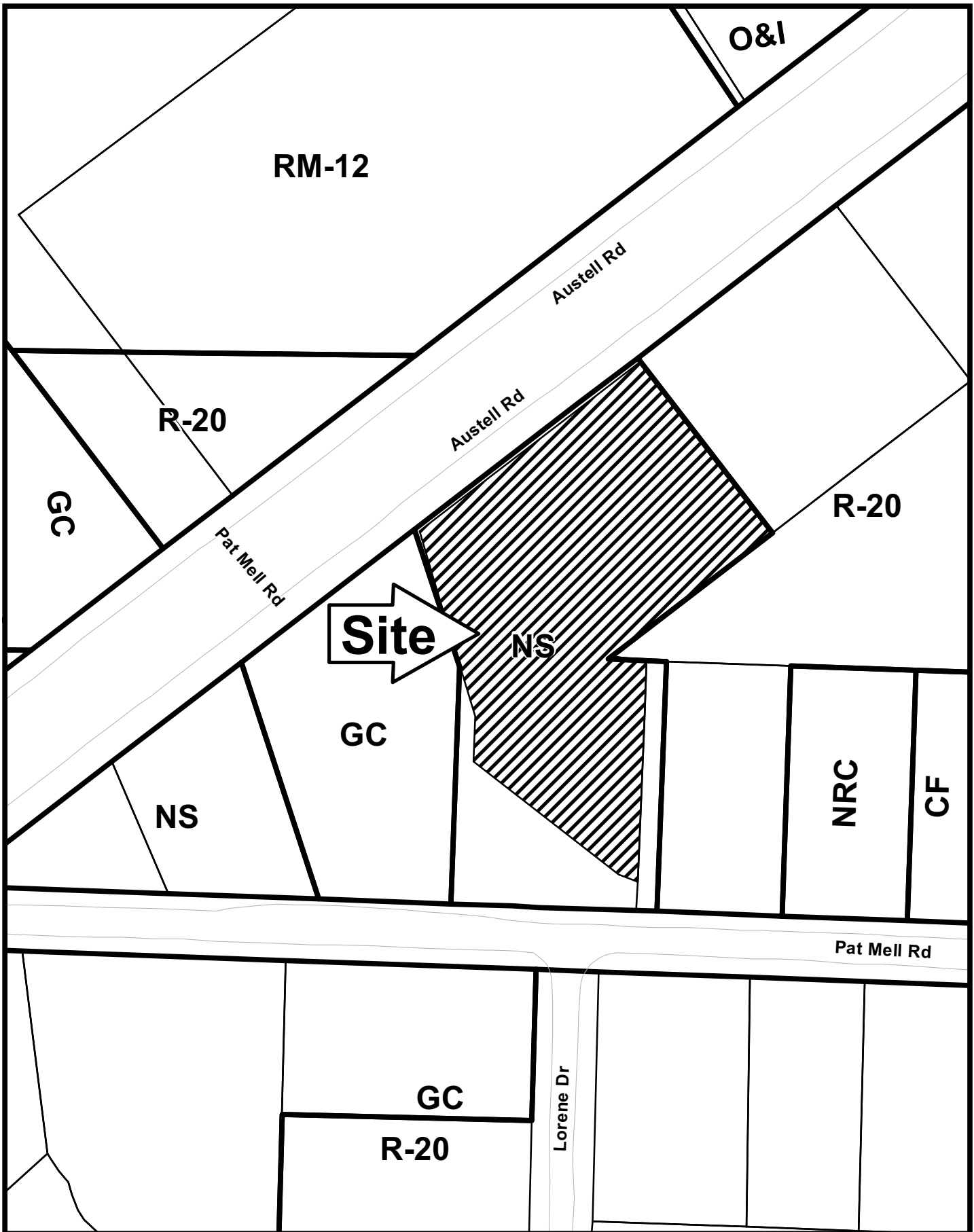
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

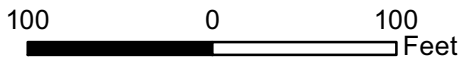
STIPULATIONS:



Z-5



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



City Boundary
Zoning Boundary

APPLICANT: Garrard Development Services, LLC PETITION NO.: Z-5

PRESENT ZONING: NS PETITION FOR: NRC

ZONING COMMENTS: Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: CAC community activity center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 8,320 sq. ft.

F.A.R.: .15 **Square Footage/Acre:** 6,400 sq. ft.

Parking Spaces Required: 36 **Parking Spaces Provided:** 36

The applicant is requesting a rezoning from NS neighborhood shopping district to NRC neighborhood retail commercial district for an 8,320 sq. ft. new general retail building and associated parking. The proposed building will be three (3) sided brick with block in rear painted to match the brick color. The proposed hours of the business will be from 8:00 a.m. to 10:00 p.m., seven (7) days per week. As proposed, the applicant is requesting a reduction of the rear building setback for the building as well as a reduction in the required landscape buffer adjacent to neighboring residential property for both the building as well as dumpster enclosure.

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:

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 Garrard Development Services, LLC

PETITION NO. Z-005

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): **8" DI / S side Austell Rd**

Additional Comments: Also 12" CI / S side Pat Mell Rd

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: **South in Pat Mell Rd ROW**

Estimated Waste Generation (in G.P.D.): **A D F= 832 Peak= 2080**

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 Sewer also in Austell Rd ROW at intersection
Comments:

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: Garrard Development Services, LLC

PETITION NO.: Z-5

PRESENT ZONING: NS

PETITION FOR: NRC

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.

APPLICANT: Garrard Development Services, LLC

PETITION NO.: Z-5

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 proposed detention pond discharge must be tied directed to the existing system within the Pat Mell Road right-of-way.

APPLICANT: Garrard Development Services, LLC

PETITION NO.: Z-5

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	31300	Arterial	45 mph	Georgia DOT	100'
Pat Mell Road	9800	Major Collector	35 mph	Cobb County	80'

*Based on 2010 traffic counting data taken by Georgia DOT (Austell Road)
Based on 2006 traffic counting data taken by Cobb DOT (Pat Mell 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.

Pat Mell Road is classified as a major collector and according to the available information the existing right-of-way does not 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 Pat Mell Road, a minimum of 40' from the roadway centerline.

Recommend applicant verify that minimum intersection sight distance is available for Pat Mell Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390'.

Recommend replacing disturbed sidewalk along the Austell Road and Pat Mell Road frontages.

Recommend inter-parcel access with a shared driveway to the property to the east on Pat Mell Road.

Recommend providing an access easement to county owned parcel.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

STAFF RECOMMENDATIONS

Z-5 Garrard Development Services, LLC

- 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 located directly at the intersection of Austell and Pat Mell Roads in an area that is home to other commercial as well as multifamily residential 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. Immediately adjacent to the recently relocated right-of-way of Pat Mell Road, this property is currently zoned commercial as are neighboring properties in the area. Those adjacent properties that are zoned residential may be adequately buffered with necessary Code mandated landscape buffers.
- 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*. The request adheres to those goals of the *Plan* to encourage low to medium intensity office, retail, and commercial services as well as locating retail uses on properties where direct access is available.
- 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 approval of the applicant's rezoning proposal. The property, already zoned commercial, is intended to be developed for general retail use once rezoned. While reductions in the setbacks and buffers are being requested, adequate buffering may still be achieved where appropriate to that property immediately adjacent on Austell Rd. The necessary parking is anticipated to be met adequately and the building architecture is proposed to be three (3) sided brick. Furthermore, the subject property, which lies within an area delineated as CAC community activity center by the *Cobb County Comprehensive Plan*, proposes a use that is in line with those anticipated by the *Plan* on such parcels adjacent to major roadways and their intersections.

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

- Site plan received by Zoning Division on December 21, 2011, with District Commissioner approving minor modifications;
- Landscape plan to ensure adequate buffering to be reviewed by County Arborist during Plan Review and approved by District Commissioner;
- Fire Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer comments and recommendations;
- 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.

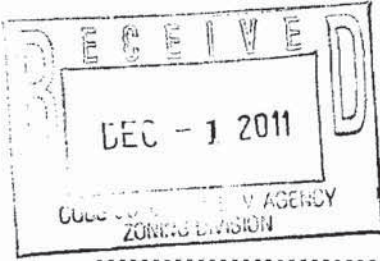
THIS

PAGE

INTENTIONALLY

LEFT

BLANK



Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Not Applicable.
- 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): Retail
- b) Proposed building architecture: 3 sides brick, block in rear painted to match the brick color.
- c) Proposed hours/days of operation: Proposed: 8:00 a.m. to 10:00 p.m. / 7 days per week
- d) List all requested variances:
 - 1. Reduction of rear building setback.
 - 2. Reduction of the rear buffer for the building and dumpster enclosure.
 - 3. Increase F.A.R. for property.

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

- 1. Garrard has an agreement with the adjacent property owner on Pat Mell Road to share the driveway located on Pat Mell Road.
- 2. The property to the rear of the proposed building location is owned by Cobb County.

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.

***Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.**