

APPLICANT: Robert L. Hollis, Jr.
(404) 307-7360

REPRESENTATIVE: Don F. DeFoor, PC
(770) 920-2175

TITLEHOLDER: Robert L. Hollis, Jr.

PROPERTY LOCATION: On the east side of Factory Shoals Road,
south of South Gordon Road
(6821 Factory Shoals Road).

ACCESS TO PROPERTY: Factory Shoals Road

PHYSICAL CHARACTERISTICS TO SITE: Existing building,
formerly used for Seth Hollis Electric, Inc.

PETITION NO: Z-15

HEARING DATE (PC): 04-03-12

HEARING DATE (BOC): 04-17-12

PRESENT ZONING: PSC and R-20

PROPOSED ZONING: NRC

PROPOSED USE: Retail

SIZE OF TRACT: 0.67 acre

DISTRICT: 18

LAND LOT(S): 413

PARCEL(S): 30

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** PSC and R-20/Single-family house
- SOUTH:** PSC and R-20/The Messiah's Temple
- EAST:** R-20/W.E. Lummus Subdivision
- WEST:** PSC/Undeveloped land

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

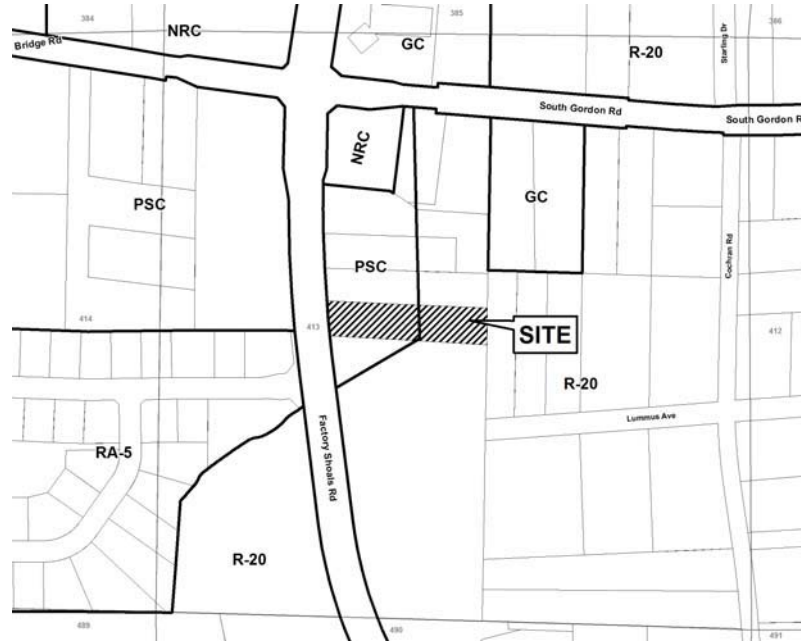
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

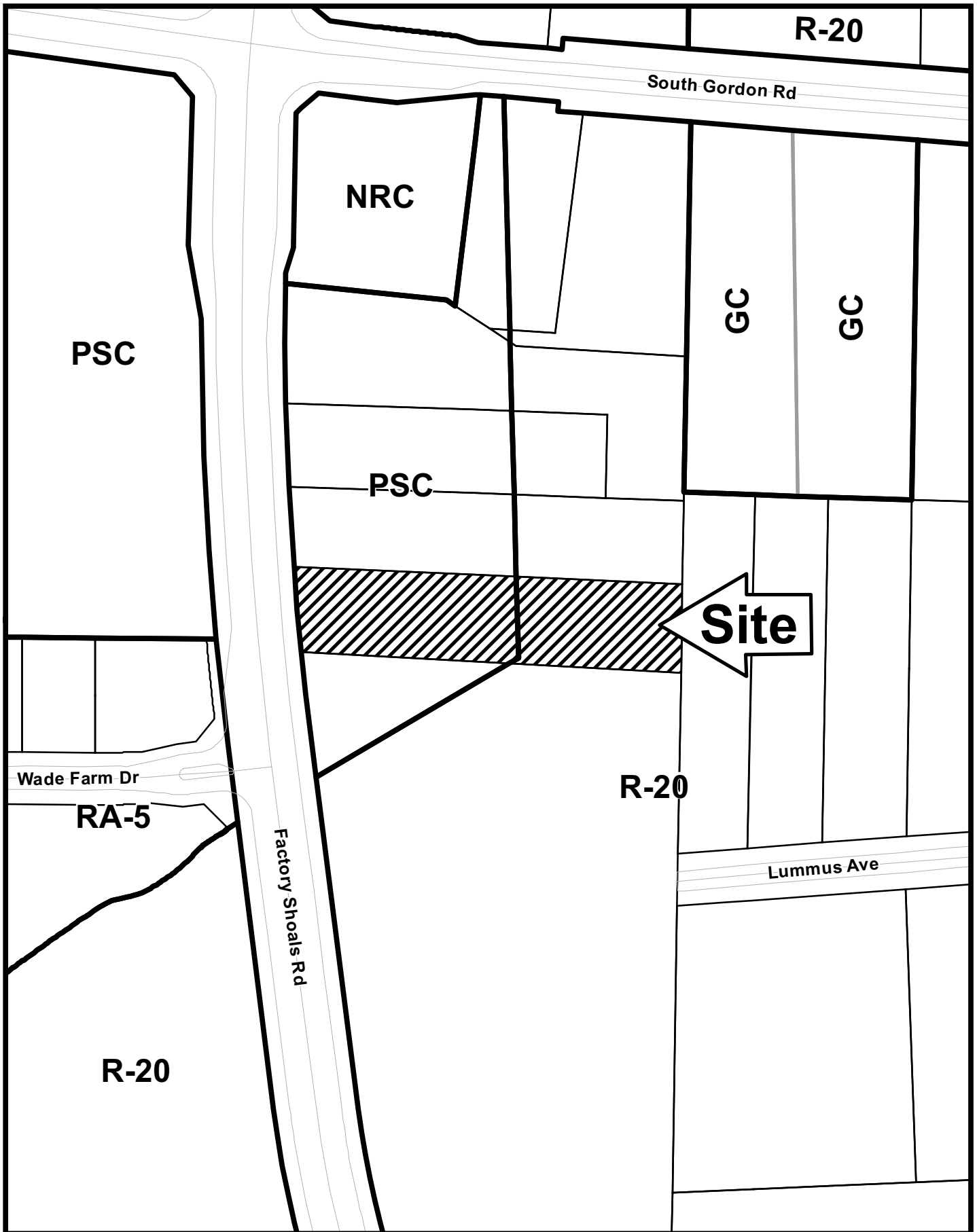
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

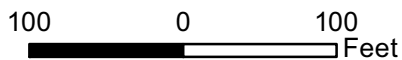
STIPULATIONS:





Z-15



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Robert L. Hollis, Jr.

PETITION NO.: Z-15

PRESENT ZONING: PSC and R-20

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: NAC (Neighborhood Activity Center)

Proposed Number of Buildings: 1/Existing **Total Square Footage of Development:** 2,000

F.A.R.: .068 **Square Footage/Acre:** 1,340

Parking Spaces Required: 7 **Parking Spaces Provided:** Gravel Parking

Applicant is requesting the NRC zoning category in order to allow the existing building to be used for retail businesses. The property was used for many years for an electric service company under its adopted PSC and R-20 zoning. The property lost its grandfathered status after being vacant for more than six months and the applicant would like to allow retail tenants to use the building. Applicant has indicated that the hours of operation will be Monday through Saturday from 8 a.m. until 6 p.m.

Applicant is requesting to be zoned to a site plan, using the existing gravel parking.

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.

FIRE COMMENTS:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

APPLICANT: Robert L. Hollis, Jr.

PETITION NO.: Z-15

PRESENT ZONING: PSC and R-20

PETITION FOR: NRC

PLANNING COMMENTS:

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category with PSC and R-20 zoning designations. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. Typical uses for these areas include small offices, limited retail and grocery stores.

Master Plan/Corridor Study

Not applicable.

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.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Yes No Not applicable

APPLICANT Robert L. Hollis, Jr.

PETITION NO. Z-015

PRESENT ZONING PSC and R-20

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 / E side of Factory Shoals Road**

Additional Comments: Existing water account

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: **325' W in Wade Farm Drive**

Estimated Waste Generation (in G.P.D.): **A D F= 400 Peak= 1000**

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

Drw 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: Health Dept approval required for continued use of existing septic system. If improvements to septic system are necessary, site must connect to sanitary sewer

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: Robert L. Hollis, Jr.

PETITION NO.: Z-15

PRESENT ZONING: PSC & R-20

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Seybert 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 _____.

APPLICANT: Robert L. Hollis, Jr.

PETITION NO.: Z-15

PRESENT ZONING: PSC & R-20

PETITION FOR: NRC

**STORMWATER MANAGEMENT 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. No site improvements are proposed at this time. Any expansion or re-development of the site will be subject to applicable stormwater management code requirements.

APPLICANT: Robert L. Hollis, Jr.

PETITION NO.: Z-15

PRESENT ZONING: PSC and R-20

PETITION FOR: NRC

COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

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
Factory Shoals Road	14700	Arterial	40 mph	Cobb County	100'

Based on 2011 traffic counting data taken by Cobb County DOT (Factory Shoals Road)

COMMENTS AND OBSERVATIONS

Factory Shoals Road is classified as an arterial 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 east side of Factory Shoals Road, a minimum of 50' from the roadway centerline.

Recommend applicant pave driveway 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-15 ROBERT L. HOLLIS, JR.

- 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 subject property is near commercial zonings and the property was previously used for an electric service company for many years in the existing building.
- 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 property was previously used for an electric service business and lost its grandfathered status under PSC and R-20 because the previous business has been gone for more than six months.
- 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 the NAC (Neighborhood Activity Center) land use category. The requested NRC zoning category is compatible with the NAC 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. Another property in the same commercial node was rezoned in 2011 and other nearby properties are zoned and used commercially.

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

- Site plan received by the Zoning Division on January 25, 2012, with the District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Stormwater Management Division 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



Application No. Z-15

April
2012

Jan 16 35

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: _____
- _____

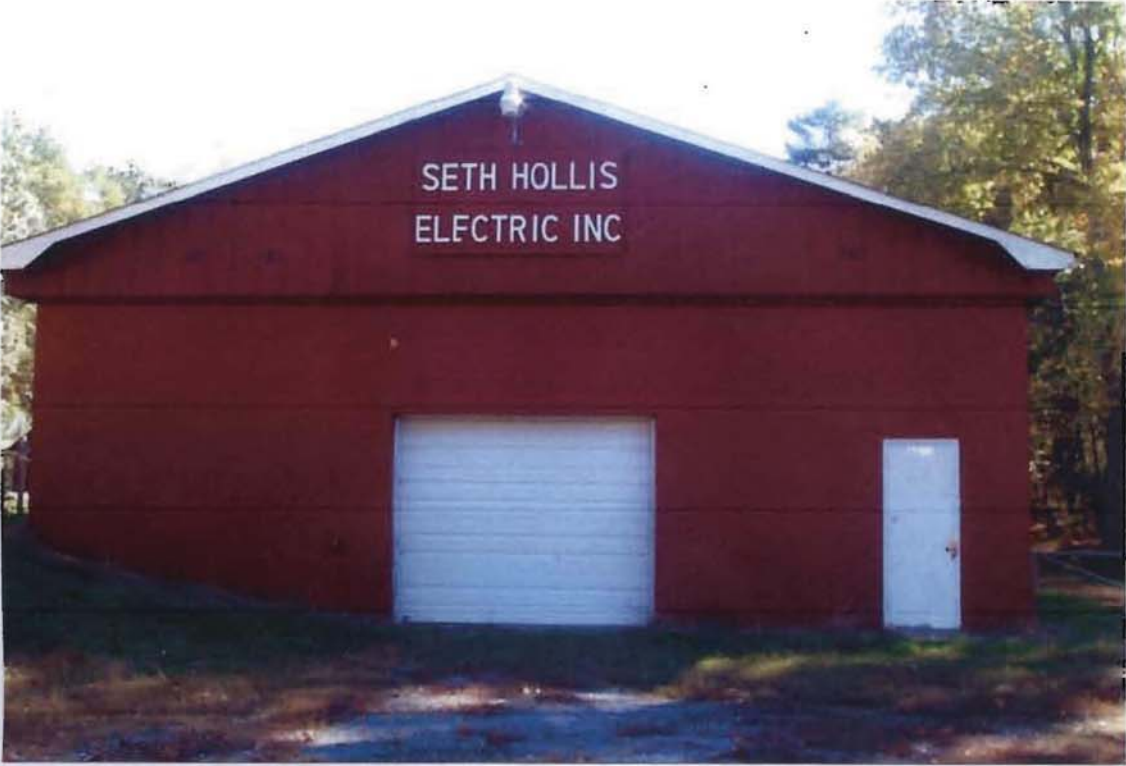
.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): NRC - Retail store
 - b) Proposed building architecture: Existing
 - c) Proposed hours/days of operation: Mon. Thru SAT
8:00 AM - 6:00 PM
 - 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).

Z-15 (2012)
Existing Building





Center for Environmental Health

January 10, 2012

ROBERT HOLLIS
12301 County Road 82
Newell, AL 36280



RE: Zoning approval for 6821 Factory Shoals Road, Austell, Georgia

To Whom It May Concern:

An inspection of the property at the above referenced address was made on January 5th, 2012, to verify the condition of the septic tank system. The inspection consisted of walking the lot and looking for evidence of septic line seepage, which is indicative of septic tank system failure.

There was no evidence of septic tank system failure at the time of the inspection. This property should be adequate for the use of a neighborhood store.

Issuance of this visual inspection letter for an on-site sewage management system shall not be construed as a guarantee that such system will function satisfactorily for a given period of time; furthermore, said representatives do not, by any action taken, assume liability for damages which are caused, or may be caused by the malfunction of such system.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Delveau".

Jennifer Delveau
Environmental Health S. S. A.

Note: Property was vacant at time of inspection.

/jdd

Existing On-site Sewage Management System Performance Evaluation Report

Z-15 (2012)
Env Health Report

Applicant: Robert Hollis		Reason for Existing Sewage Management System: (1) Loan Closure (2) Refinance (3) Home Addition (Non-bedroom) Type: _____ (4) Swimming Pool Construction (5) Structure Addition to Property Type: _____ (6) Mobile Home Relocation	
Property/System Address: 6821 FACTORY SHOALS AUSTELL, GA 30168			
Subdivision Name:	Lot:		Block:
Existing System Information: Water Supply (circle)	Number of Bedrooms/GPD:		Garbage Grinder: (circle)
<input checked="" type="radio"/> Public <input type="radio"/> Private Well <input type="radio"/> Community	0		<input type="radio"/> Yes <input checked="" type="radio"/> No

*** One of Section A, B, or C should be Completed ***
SECTION A - System on Record

<input checked="" type="radio"/> Yes <input type="radio"/> No	Existing On-site Sewage Management System inspection records indicate that all components of the system were properly constructed and installed at the time of the original inspection.	Comments: OKAY FOR ZONING APPROVAL FOR A NEIGHBORHOOD STORE
<input checked="" type="radio"/> Yes <input type="radio"/> No	A copy of the original On-site Sewage Management System Inspection Report is attached.	
<input type="radio"/> Yes <input checked="" type="radio"/> No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
<input checked="" type="radio"/> Yes <input type="radio"/> No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system.	
Evaluating Environmentalist	Title:	Date:
<i>Jennifer DeBeauvoir</i>	Environmental Health Specialist IV	05-Jan-12
I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.		

SECTION B - System Not on Record

<input type="radio"/> Yes	No inspection records are on file showing the On-site Sewage Management System was inspected and approved at the time of the installation	Comments:
<input type="radio"/> Yes <input type="radio"/> No	The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria.	
<input type="radio"/> Yes <input type="radio"/> No	Documentation from a Georgia Certified Installer has been provided as to the condition of the septic tank and its respective components, certifying its design, construction, and installation criteria. A copy is attached.	
<input type="radio"/> Yes <input type="radio"/> No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
<input type="radio"/> Yes <input type="radio"/> No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system; however, appropriateness of the sizing and installation cannot be verified since no initial inspection records exist.	
Evaluating Environmentalist	Title:	Date:
I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.		

SECTION C - System Not Approved

<input type="radio"/> Yes <input type="radio"/> No	The On-site Sewage Management System was disapproved at the time of the initial and is thus not considered an approved system.	Comments:
<input type="radio"/> Yes <input type="radio"/> No	Evaluation of the system revealed evidence of system failure or malfunction, and will therefore require corrective action in order to obtain approval of the system.	
<input type="radio"/> Yes <input type="radio"/> No	Evaluation of the system revealed conditions which would adversely affect the proper functioning of the system, and will therefore require corrective action in order to obtain approval of the system.	
Evaluating Environmentalist	Title:	Date:
I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.		

SECTION D - Addition to Property or Relocation of Home (section completed in conjunction with A, B, or C above)

<input type="radio"/> Yes <input type="radio"/> No	An existing On-site Sewage Management System is located on the property listed above and has been evaluated in accordance with Section A or B above.	Comments:
<input type="radio"/> Yes <input type="radio"/> No	A site evaluation on this date as well as the provided information indicate that the proposed construction to home or property or that the proposed relocation of the home should not adversely affect the proper functioning of the existing system provided that no additional sewage load is added to the system for the listed size home adjacent.	
		Number of Bedrooms/GPD:
		0
		Garbage Grinder: (circle)
		<input type="radio"/> Yes <input type="radio"/> No
Evaluating Environmentalist	Title:	Date:
I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.		

ATT. JASON

From Robert Hollis

9. (A) Yes

(b) No

(c) No

(d) No

(e) The Proposed use is compatible with The Land use Plan

(F) History of Property is as follows

Existing Building was built in 1970
under a General Commercial Zoning
use. At the building has included
Heating and Air Cond Company

Truck Repair Company

Camper Sales and Rentals

Automotive Motor Rebuild Shop

Electrical Contractor Business From
1988 until my retirement in 2003

