

Originally platted 8-14-1946 Lot was 100' x 200'

ADDI ICANTA The	Calvin Cuntia I as P	avacable Tougt & The Laurine	PETITION NO:	Z-43
Higginbotham Lee 1		evocable Trust & The Loraine	HEARING DATE (PC):	
		Huff, LLP	HEARING DATE (BOC):	
KETKESENTATIV		Jr. 770-422-7016	PRESENT ZONING:	
TITLEHOLDER:			TRESENT ZONING	<u> </u>
_		ble Trust	PROPOSED ZONING:	GC with
22		hwesterly side of Atlanta	TROTOSED ZOMMO.	Stipulations
Road, northwesterly			PROPOSED USE: R	-
(1782 Atlanta Road).			Service and Repair, and	
ACCESS TO PROP			SIZE OF TRACT:	-
			DISTRICT:	
PHYSICAL CHAR	ACTERISTICS TO	SITE: One (1) story stucco	LAND LOT(S):	
with basement			PARCEL(S):	51
			TAXES: PAID X	
CONTIGUOUS ZO	NING/DEVELOPN	MENT	COMMISSION DISTRIC	T: _4
NORTH:	HI/warehouse/au	to repair		
SOUTH:	R-20/Green Acre	es Subdivision		
EAST:	TS/auto repair			
WEST:	LI/warehouse			
OPPOSITION: NO PLANNING COMM APPROVED REJECTED	MISSION RECOMM	$\overline{}$	MANGC	
HELD			11/11/12 13/11/11	The state of the s
BOARD OF COMM	MISSIONERS DEC	ISION	30	HI 423

SITE

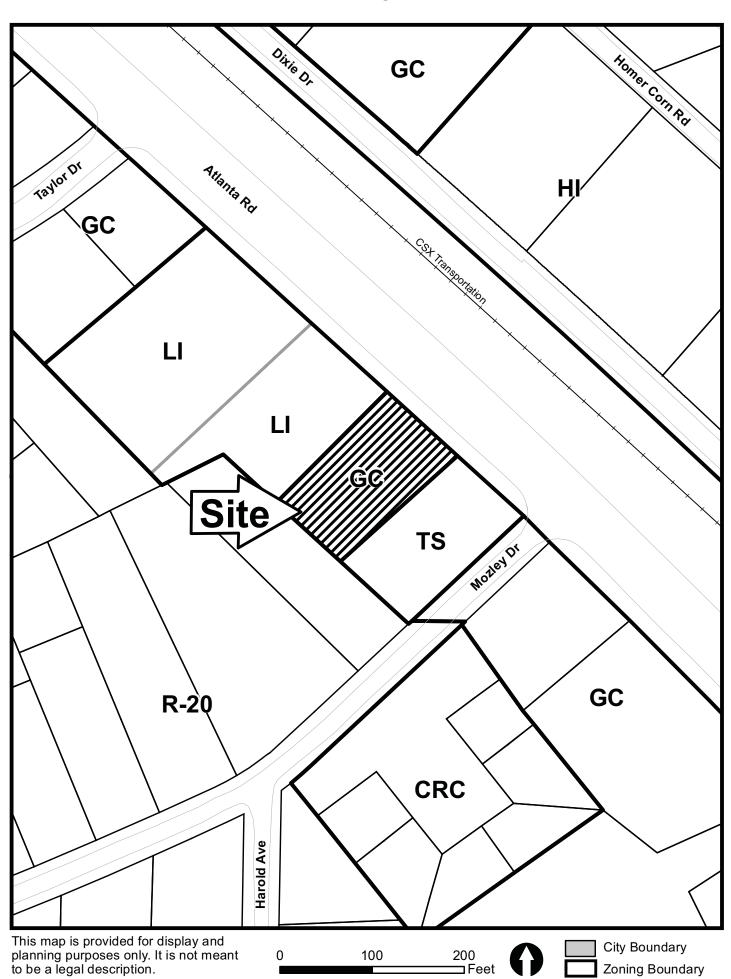
CRC

GC

STIPULATIONS:

APPROVED MOTION BY REJECTED SECONDED

HELD____CARRIED____



APPLICANT: _	The Calvin	Curtis Lee Revocable Trust & The	PETITION NO.:	Z-43
]	Loraine Higgin	botham Lee Revocable Trust		
PRESENT ZONII	NG :G	C	PETITION FOR:	GC with stipulations
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ZONING COMM	ENTS:	Staff Member Responsible:	Terry Martin, MPA	
		I		
Land Use Plan Re	commendat	ion: IC Industrial Compatible		
Proposed Number	of Building	s:1 Total Square Foot	age of Development:	3,291 sq. ft.
F.A.R.: 19	Square Fo	ootage/Acre: 8,228 sq. ft	•	
Parking Spaces R	equired: <u>16</u>	Parking Spaces Provided	: 0	
to reutilize the proindustrial compatible anticipated addition size (17,581.6 sq.	operty that hole future land and for the ant ft. existing	zoning from GC general comme as lost its grandfathered status d use area. The existing structu icipated use of retail, auto repair 20,000 sq. ft. required) and separking spaces shown on the site	by nature of its being re and property will be t, etc. The existing properbacks (front setback	located within an IC utilized as-is with no perty is deficient in lot
Cemetery Preserv	<u>ation</u> : No c	comment.		
* * * * * * * * * * *	* * * * * * *	* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * *	* * * * * * * * *
FIRE COMMEN	ITS:			

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

APPLICANT: _	The Calv	vin Curtis Lee Revocable Trus	t & PETITION NO.:	Z-43
	he Loraine	Higginbotham Lee Revocable	Trust	
PRESENT ZONII	NG:	GC	PETITION FOR	GC with stipulation
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PLANNING CO	MMENTS	S:		
	.4 acre site i		stipulations for purposes of retail erly side of Atlanta Road, northwe	
purpose of the IC cat	an Industria egory is to p		nd use category with a GC zoning apport light industrial, office/ward distribution centers.	, .
<u>Master Plan/Corrido <mark>Atlanta Road Corrid</mark></u>				
location maps, staff	ous county linds that no		historic maps, archaeology survey resources appear to be affected b ime.	
	ea with Desi	ign Guidelines? ■ Yes	□ No	
If yes, design guideli	nes area			
Does the current site	plan compl	y with the design requireme	ents?	
• Pedestrian ad ☐ Yes	ccess to buil No	dings ☐ Not applicable		
• Streetscape e	elements	☐ Not applicable		
Building Fro □ Yes	ntage	☐ Not applicable		
• Parking Stan □ Yes	dard No	☐ Not applicable		
• Architecture ☐ Yes	standard No	☐ Not applicable		

APPLICANT The Calvin Curtis Lee Revocable Trust

PETITION NO. Z-043

PRESENT ZONING GC **PETITION FOR** GC w/stips 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): 16" DI / W side of Atlanta Road Additional Comments: Existing water customer 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: At site Estimated Waste Generation (in G.P.D.): +0Peak = +0A D F South Cobb Treatment Plant: **✓** Available ☐ Not Available Plant Capacity: Line Capacity: ✓ Available ☐ Not Available \checkmark 0 - 5 years Projected Plant Availability: ☐ 5 - 10 years over 10 years ✓ No Dry Sewers Required: Yes

Additional Existing sewer customer

Subject to Health Department Approval:

Septic Tank Recommended by this Department:

Off-site Easements Required:

Letter of Allocation issued:

Flow Test Required:

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.

Yes*

Yes

Yes

Yes

Yes

✓ No

✓ No

✓ No

✓ No

✓ No

*If off-site easements are required, Developer

prior to the execution of easements by the property owners. All easement acquisitions

must submit easements to CCWS for review/approval as to form and stipulations

are the responsibility of the Developer

APPLICANT: Calvin C Lee Revocable Trust & PETITION NO.: <u>Z-43</u>

Loraine H Lee Revocable Trust

STORMWATER MANAGEMENT COMMENTS

No site improvements are proposed for this existing facility, therefore no stormwater management measures will be required at this time, except as noted below. Any future improvements must be submitted to Plan Review and subject to current Stormwater Management requirements.

If automotive service and repair is the intended use, then some type of stormwater quality best management practice will need to be installed. Since there are no existing stormwater management controls for this site and automotive service facilities are considered a stormwater quality "hotspot" due to the potential for discharge of contaminated runoff the installation of an oil/water separation device will be required to treat runoff from the site.

APPLICANT: '	<u>The Calvin Cu</u>	rtis Lee and Loraine Higginbotham	PETITION NO.: <u>Z-43</u>
	Lee Revocable	e Trust	
PRESENT ZON	NING: GC	PETITION FOR: GC with Stip	oulations
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COBB COU	NTY DEPART	CMENT OF TRANSPORTATION RI	ECOMMENDATIONS

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	16,100	Arterial	45 mph	Cobb County	100'

Based on 2011 traffic counting data taken by Georgia DOT (Atlanta Road)

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.

RECOMMENDATIONS

Recommend closing and removing one of the driveways on Atlanta Road.

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

STAFF RECOMMENDATIONS

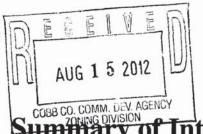
Z-43 THE CALVIN CURTIS LEE REVOCABLE TRUST & THE LORAINE HIGGINBOTHAM LEE REVOCABLE TRUST

- 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. Having an established history of commercial use, the property is located within an IC industrial compatible future land use area along Atlanta Road surrounded by other commercial and industrial uses fronting on this arterial roadway.
- 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. As noted, neighboring properties along Atlanta Road are zoned commercially and industrially. If necessary, buffering can be required to the rear of the property to protect adjacent residential properties to the southwest.
- 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 proposed use is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The subject parcel is located within an Industrial Compatible future land use area (IC) that seeks to encourage office/warehouse and other light industrial uses with appropriate screening of outdoor storage areas. Staff recommends deleting the request to the Tourist Services (TS) zoning category because of the anticipated retail and auto repair uses for the property. The TS zoning category is consistent with the IC 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 deleting the applicant's rezoning proposal to TS. The property, located within an IC future land use area along Atlanta Road has a history of commercial usage. With buffering, if deemed necessary, it can continue to support the goals of the *Comprehensive Plan*.

Based on the above analysis, Staff recommends DELETING the request to TS subject to the following conditions:

- Landscape buffer to be installed on rear southwest portion of property adjacent to residentially zoned properties subject to County Arborist approval;
- Fire Department comments and recommendations;
- Planning Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer Division comments and recommendations; and
- Department of Transportation 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.



Application No. 243

Summary of Intent for Rezoning *

	ential 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:
	esidential Rezoning Information (attach additional information if needed)
a)	Proposed use(s): Retail, automotive related and ancillary uses
a)	Troposed use(s).
b)	Proposed building architecture: As-built
c)	Proposed hours/days of operation: Monday through Saturday; 7 AM - 7 PM
d)	List all requested variances: None
3. Oth	er Pertinent Information (List or attach additional information if needed)
The	Subject Property is within an area under Cobb County's Future Land Use
Map	which is denominated as Industrial Compatible ("IC").
Is an	y of the property included on the proposed site plan owned by the Local, State, or Federal Gove
	y of the property included on the proposed site plan owned by the Local, State, or Federal Gove se_list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc.,

^{*}The applicant reserves the right to amend the Summary of Intnet for Rezoning and the preliminary information provided therein at any time during the rezoning process.

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

JUSTIN H. MEEKS

Suite 100 376 Powder Springs Street Marietta, Georgia 30064-3448 770•422•7016 TELEPHONE 770•426•6583 FACSIMILE

SAMSLARKINHUFF.COM

October 12, 2012

VIA EMAIL AND FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division Community Development Agency 1150 Powder Springs Road, Suite 400 Marietta, GA 30064

Re: Application of The Calvin Curtis Lee Revocable Trust &

The Loraine Higginbotham Lee Revocable Trust

To Rezone a 0.404± Acre Tract from Conditional GC to Conditional GC

No. Z-43

Dear John:

As you know, this firm has been engaged by and represents the Applicants which are also the Property Owners concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on November 6, 2012 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 20, 2012.

With respect to the foregoing and consistent with the dialogue which has been established with the County's professional staff, I have been authorized to submit this letter of agreeable stipulations. Upon approval of the Application for Rezoning, the following stipulations shall become conditions, a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

VIA EMAIL AND FIRST CLASS MAIL

Mr. John P. Pederson, AICP. Manager Cobb County Zoning Division Community Development Agency October 12, 2012 Page 2

2. Rezoning of the subject property shall be from Non-Conforming General Commercial to Conditional General Commercial ("GC") in substantial conformity to that certain rezoning site plan, dated July 2, 2012, prepared by Larry D. Neese, PLS which was filed contemporaneously with the Application for Rezoning.¹

- 3. The total site area of the subject property (0.404 acres) ² shall be utilized for any of the purposes allowable under the GC zoning classification except those uses hereinafter specifically prohibited.
- 4. The architectural style and composition of the building shall remain in substantial conformity to the as-built architectural style and composition except with respect to certain exterior and interior retrofitting and rehabbing to suit a specific user.
- 5. Additional signage which may be erected along the Atlanta Road Corridor may be ground-based, monument-style, with finished materials and colors being in substantial conformity to the as-built architectural style as aforementioned. The Applicants shall be allowed to retain their existing roof sign; however, there shall be no exterior temporary signs or banners nor shall there be any flashing sign components. Temporary signage announcing the grand opening, signage indicating a coming development and signage related to leasing opportunities shall be allowed.
- 6. Parking area and security lighting shall be environmentally sensitive in order to prevent illumination from penetrating outside of the boundaries of the subject property.
- 7. Dumpsters servicing the subject property shall be enclosed on at least three (3) sides with an opaque wooden door on the access side which shall remain in a closed position except when the dumpsters are being emptied. All dumpsters shall have rubber lids to minimize noises.

¹ The subject property is within an area under Cobb County's Future Land Use Map and Comprehensive Land Use Plan which is denominated as Industrial Compatible ("IC") and which is surrounded by a multiplicity of Commercial and Industrial uses fronting on the Atlanta Road Corridor.

² Pursuant to § 134-31(d), the Zoning Division Manager was provided with documentation demonstrating that the lot size deficiency was caused by the conveyance to Cobb County of Right-of-Way as shown on the Cobb County Right-of-Way Deed recorded in Deed Book 11146, Page 338, Cobb County, Georgia Records.

VIA EMAIL AND FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division Community Development Agency October 12, 2012 Page 3

8. The following otherwise permitted uses under the GC classification shall be prohibited:

- a. Video arcades as a primary business.
- b. Tattoo parlors and body piercing shops.
- c. Shooting ranges.
- d. Any business which principally features sexually explicit products or drug related paraphernalia.
- e. Designated recycling and collection locations.
- f. Group homes.
- g. In-home day care.
- h. Rest homes, personal care homes or convalescent homes.
- i. Adult entertainment or adult uses.
- j. Billiard and pool halls as a primary use.
- k. Rooming houses and boarding houses.
- l. Aerial, portable or inflatable billboards.
- m. Vehicles parked along the subject property's frontage with advertising.
- 9. Compliance with recommendations from the Cobb County Department of Transportation.³

³ Cobb County DOT is not requiring additional Right-of-Way.

VIA EMAIL AND FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division Community Development Agency October 12, 2012 Page 4

- 10. Compliance with recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on-site detention, water quality and downstream considerations.⁴
- 11. Compliance with recommendations from the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.
- 12. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
- 13. Minor modifications to the site plan, architecture and this letter of stipulations/conditions may be reviewed and approved by the District Commissioner during Plan Review or thereafter.

In view of the fact that the subject property is located in an IC District under the Future Land Use Map and is surrounded by a multiplicity of Commercial, Industrial and Institutional uses, the zoning proposal is entirely appropriate from a land use planning perspective. Please let me know if you need any additional information or documentation prior to the formulation of your Staff Analysis and Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr. gsams@samslarkinhuff.com

GLS,Jr./dsj

⁴ The Stormwater Management Division is not requesting that any detention or water quality infrastructure be added to the property. However, if there is an expansion of the existing building's footprint or other improvements to the property, such may trigger the necessity for detention or other components for purposes of stormwater management.

VIA EMAIL AND FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division Community Development Agency October 12, 2012 Page 5

ce: Members, Cobb County Board of Commissioners (via email)

Members, Cobb County Planning Commission (via email)

Mr. Robert L. Hosack, Jr., AICP Director (via email)

Mr. Terry Martin, MPA Planner II (via email)

Ms. Jane Stricklin, P.E. (via email)

Mr. David Breaden, P.E. (via email)

Ms. Karen King, Assistant County Clerk (via email)

Ms. Lori Presnell, Deputy County Clerk (via email)

Mrs. Loraine H. Lee

Mr. Ted G. Jones, Avesta Realty (via email)

ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION OF THE CALVIN CURTIS LEE REVOCABLE TRUST & THE LORAINE HIGGINBOTHAM LEE REVOCABLE TRUST

COMES NOW, THE CALVIN CURTIS LEE REVOCABLE TRUST &

THE LORAINE HIGGINBOTHAM LEE REVOCABLE TRUST, and pursuant to

Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this their Zoning

Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property that is suitable in the context of the development and existing zonings along this section of the Atlanta Road Corridor. The subject property is on the southwest side of Atlanta Road, northwest of Mosley Drive. The predominant zonings and developments in the Atlanta Road Corridor are industrial and commercial developments which serve the surrounding communities and members of the public who travel Atlanta Road.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The preponderance of the properties adjacent to the subject property are zoned Industrially and Commercially and the proposed development does not conflict with those land use designations.

SAMS, LARKIN & HUFF ALIMITED LIABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA, GA 30064 770. 422.7016 2012

- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility.
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools. The proposed use will primarily serve the traffic that travels this transportation corridor.
- E. The zoning proposal is consistent with Cobb County's Comprehensive Land Use
 Plan and Future Land Use Map which is denominated as Industrial Compatible
 (GC).
- F. There is no substantial relationship between the existing zoning classification of Conditional GC which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of Atlanta Road, there is no established land use planning principles or political consideration which would vitiate the zoning proposal.

SAMS, LARKIN & HUFF ALIMITED LIABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA, GA 30064 770, 422, 7016 Respectfully submitted, this 57day of Cingut, 2012.

SAMS, LARKIN & HUFF, LLP

By:

GARVIS L. SAMS, JR. Attorney for Applicants

Ga. Bar No. 623950