

COBB COUNTY GEORGIA
FILED IN OFFICE

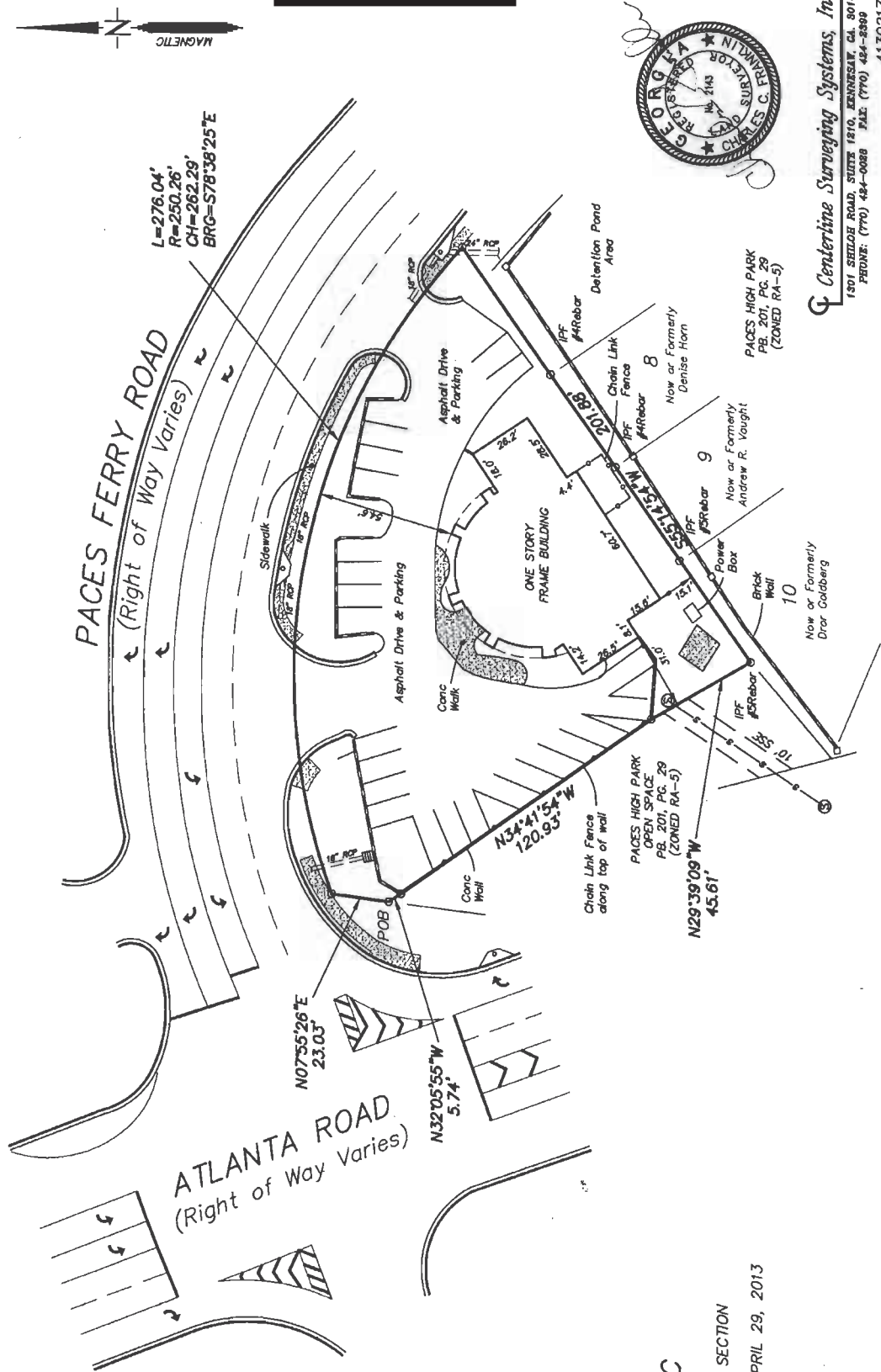
THE PURPOSE OF THIS PLAT IS FOR SUBMITTAL AS A PART OF A REZONING APPLICATION AND IS NOT FOR RECORDING PURPOSES OR FOR CONVEYANCE OF TITLE. THE EXCLUSIVE USE OF THIS PLAT IS EXTENDED ONLY TO 2110 PACES LLC.

THIS PROPERTY IS NOT LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO COBB COUNTY F.I.R.M. PANEL 0226 G, COMMUNITY NUMBER 130052, DATED: DECEMBER 16, 2008.

2013 MAY -2 PM 4:17

COBB COUNTY ZONING DIVISION

TRAVERSE CLOSURE - 1:20,000+
ANGULAR ERROR - 2 SEC'S/STA.
ADJUSTMENT - COMPASS RULE
EQUIPMENT - TOPCON 303 TOTAL STATION
PLAT CLOSURE - 1:130,755
ALL MATTERS OF TITLE EXCEPTED.



TRACT CONTAINS
±0.61 ACRES

REFERENCE DEED:

DB: 14989, PG. 465

PROPERTY ADDRESS:

2110 PACES FERRY ROAD
SMYRNA, GEORGIA 30080

PARCEL # 17074300090

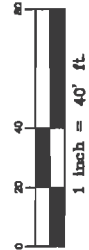
EXISTING PARKING:

24 SPACES

REZONING SURVEY FOR:

2110 PACES LLC

LOCATED IN LAND LOT 743
IN THE 17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA
SCALE: 1" = 40' DATE: APRIL 29, 2013



Centerline Surveying Systems, Inc.
1301 SHILOH ROAD, SUITE 1510, KENNESAW, GA. 30144
PHONE: (770) 484-0888 FAX: (770) 484-8889
413021Z

APPLICANT: 2110 Paces LLC

PETITION NO: Z-38

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

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: GC

TITLEHOLDER: 2110 Paces LLC

PROPOSED ZONING: NRC

PROPERTY LOCATION: Southeast corner of Paces Ferry Road
and Atlanta Road
(2110 Paces Ferry Road).

PROPOSED USE: Retail/Office

ACCESS TO PROPERTY: Paces Ferry Road

SIZE OF TRACT: 0.61 acre

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Existing office
building

LAND LOT(S): 743

PARCEL(S): 9

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/Convenience store with fuel sales
- SOUTH:** RA-5/Paces High Park Subdivision
- EAST:** RM-12/Multi-family Residential
- WEST:** RA-6/2000 Paces Ferry Subdivision

OPPOSITION: NO. OPPOSED PETITION NO: SPOKESMAN

PLANNING COMMISSION RECOMMENDATION

APPROVED MOTION BY
 REJECTED SECONDED
 HELD CARRIED

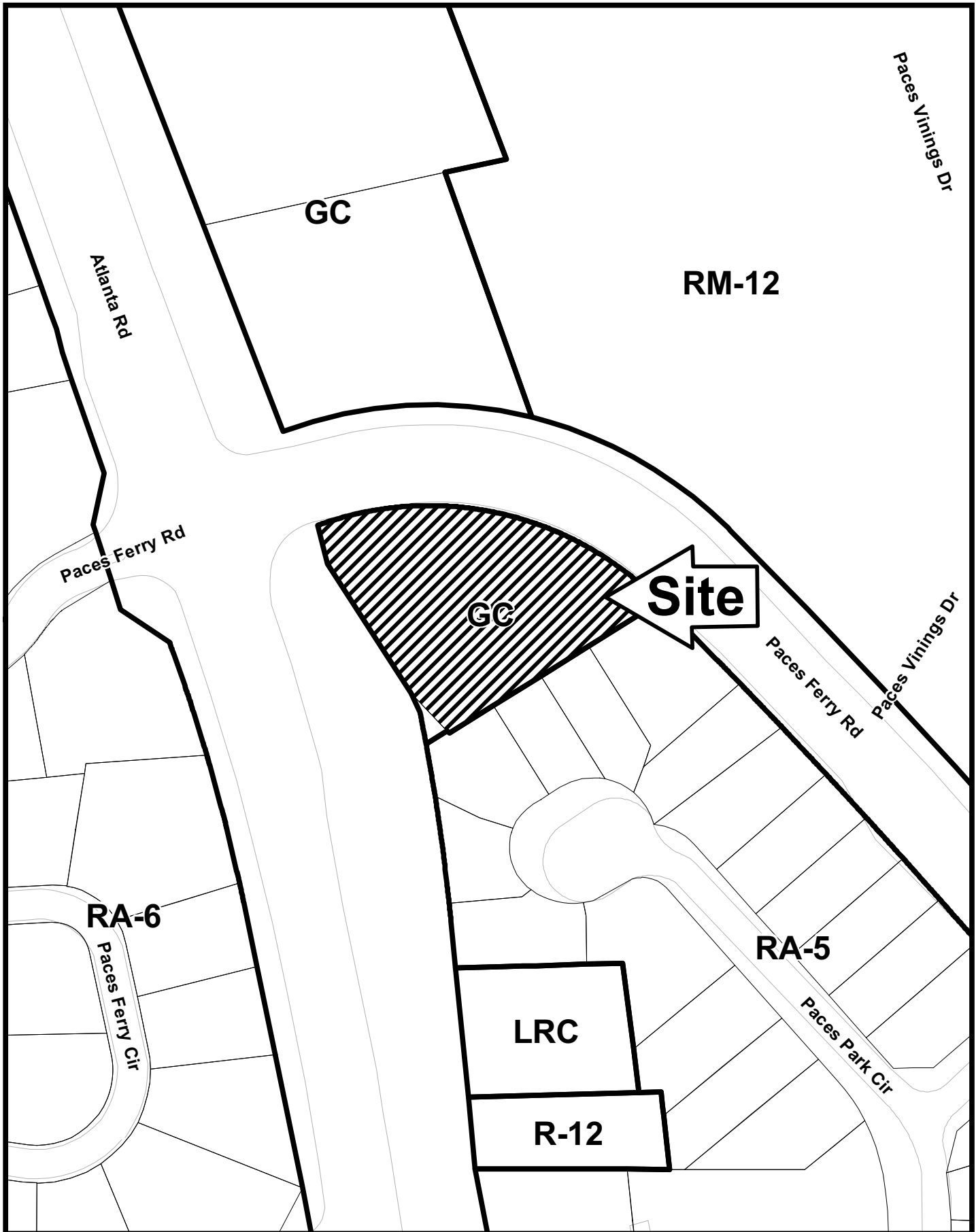
BOARD OF COMMISSIONERS DECISION

APPROVED MOTION BY
 REJECTED SECONDED
 HELD CARRIED

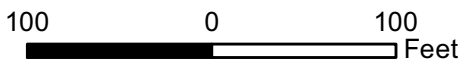
STIPULATIONS:





Z-38



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



-  City Boundary
-  Zoning Boundary

APPLICANT: 2110 Paces LLC

PETITION NO.: Z-38

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Medium Density Residential (2.5--5 units per acre)

Proposed Number of Buildings: 1/Existing **Total Square Footage of Development:** 4,324

F.A.R.: 0.162 **Square Footage/Acre:** 7,088

Parking Spaces Required: 15 **Parking Spaces Provided:** 24

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning category for the purpose of utilizing the existing office building. The existing General Commercial (GC) zoning category is not compatible with the Medium Density Residential (MDR) land use category. The property was rezoned in 1985 (Z-198, minutes and site plan attached) to the GC category and the land use recommendation at that time was "Commercial Usage". The property has been used for retail and office uses through the years since that rezoning, but due to the current land use category of MDR, new retail/office tenants are not able to locate in the building. The GC category needs to be within a Community Activity Center (CAC) or a Regional Activity Center (RAC) in order to continue, have new uses or be redeveloped.

Cemetery Preservation: No comment.

FIRE COMMENTS:

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

APPLICANT: 2110 Paces LLC

PETITION NO.: Z-38

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to NRC for purpose of retail/office use. The 0.61 acre site is located on the southeast corner of Paces Ferry Road and Atlanta Road.

Comprehensive Plan

The parcel is within a Medium Density Residential (MDR) future land use category, with GC zoning designations. The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

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?

APPLICANT 2110 Paces LLC

PETITION NO. Z-038

PRESENT ZONING GC

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 / S side of Paces Ferry 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: **On site**

Estimated Waste Generation (in G.P.D.): **A D F +0** **Peak= +0**

Treatment Plant: **South 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 Existing sewer customer
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: 2110 Paces LLC

PETITION NO.: Z-38

PRESENT ZONING: GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Tributary to Chattahoochee River 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 _____.

APPLICANT: 2110 Paces LLC

PETITION NO.: Z-38

PRESENT ZONING: GC

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. This is an existing facility and no site improvements are proposed. Therefore, no stormwater management measures will be required at this time. Any future site improvements or redevelopment must meet current stormwater management requirements.

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
Atlanta Road	32,700	Arterial	45 mph	Cobb County	100'
Paces Ferry Road	21,770	Arterial	35 mph	Cobb County	100'

*Based on 2007 traffic counting data taken by Cobb DOT (Atlanta Road)
Based on 2011 traffic counting data taken by Georgia DOT (Paces Ferry 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.

Paces Ferry 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 south side of Paces Ferry Road, a minimum of 50' from the roadway centerline.

Recommend constructing continuous sidewalk for the Atlanta Road and Paces Ferry Road frontages.

Recommend converting western most driveway (driveway closest to Atlanta Road intersection) to an in-only access.

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

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

STAFF RECOMMENDATIONS

Z-38 2110 PACES 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 was rezoned to General Commercial in 1985 and has been used for office and retail.
- 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 has been utilized over 20 years for retail and office uses. The same, similar retail and office uses are planned for the existing building.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Medium Density Residential land use category, for densities ranging from 2.5 – 5 units per acre. However, at the time the property was rezoned to General Commercial in 1985, the land use recommendation from Z-198 was for “Commercial Usage”.
- 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 was previously rezoned and developed for office/retail use. New tenants are not permitted due to the property's current General Commercial (GC) zoning designation in the Medium Density Residential (MDR) land use category. Recent rezoning cases for properties in the similar situation of the subject property (commercial zonings and uses in the Medium Density Residential – MDR – land use category) have been rezoned to Limited Retail Commercial (LRC). Those cases were rezoned to LRC, with LIMITED commercial uses and numerous stipulations, and included case Z-21 of 2010 (Timothy F. Pilgrim) and the most recent was Z-13 of 2013 (Michael McMillen and Justin McMillen), both of which are located on the east side of Atlanta Road, south of the subject property.

Based on the above analysis, Staff recommends **DELETING** the request to Limited Retail Commercial (LRC) subject to the following conditions:

- Site plan received by the Zoning Division on May 2, 2013, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- 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.

July

2013 MAY -2 PM 4: 16

COBB COUNTY ZONING DIVISION

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/Office
- b) Proposed building architecture: Utilizing existing building located on
Subject Property
- c) Proposed hours/days of operation: _____
- d) List all requested variances: None known at this time

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

None at this time

.....
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). None known at this time.

***Applicant specifically reserves the right to amend any information set forth within the Summary of Intent for Rezoning, or any other part of the Application for Rezoning, at any time during the rezoning process.**

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 MAY -2 PM 4:16

ATTACHMENT TO APPLICATION FOR REZONING

COBB COUNTY ZONING DIVISION

IMPACT ANALYSIS STATEMENT

Application No.: Z-38 (2013)
Hearing Dates: July 8, 2013
July 16, 2013

Applicant/Titleholder: 2110 Paces LLC

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The Application for Rezoning requests rezoning of a 0.61 acre parcel, with an existing structure and parking area located thereon, located at 2110 Paces Ferry Road (at the southeasterly intersection of Paces Ferry Road and Atlanta Road) (hereinafter "Subject Property" or "Property"). The Property is currently zoned General Commercial ("GC") and has been utilized for many years for retail and offices. Due to a change in tenants to lease the Property, Applicant is now required to seek rezoning in order to accommodate the proposed tenant.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The use of the Subject Property for offices will not change from its present use under the proposed NRC zoning classification. Therefore, rezoning of the Subject Property to the NRC zoning classification will have a minimal, if any, impact on surrounding properties.
- (c) The property as zoned does have a reasonable economic use. Approval of the requested rezoning will allow for reasonable, economic use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (e) The zoning proposal is not in conformity with the Land Use Map of Cobb County, Georgia, as well as the policy and intent of the Land Use Plan as evidenced by the existing zoning category of General Commercial.
- (f) The Subject Property is currently zoned to the GC category outside of a Neighborhood Activity Center. Granting the requested rezoning will allow for the Property to be utilized for the proposed retail and office uses.

Gaster

Z-38 (2013)
Previous Minutes

APPLICATION FOR REZONING
TO THE
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
AND THE
COBB COUNTY PLANNING COMMISSION
(type or print clearly)

Application No. 198

Hearing Date _____

Applicant ByW Carry-out, Inc. Business Phone 435-9970 Home Phone 255-5208
(business name)

Goedon F. Ward, Sr. Address 3670 So. ATLANTA RD., SUWANA, GA 300
(representative's name, printed)

Goedon F. Ward Sr. Business Phone 435-9970 Home Phone 255-5208
(representative's signature)

Titleholder ByW Carry-out, Inc. Business Phone 435-9970 Home Phone 255-5208

Signature Goedon F. Ward Sr. Address 398 COCHRAN DR., NW ATLANTA, GA 30327
(attach additional signatures, if needed)

Zoning Request From NEIGHBORHOOD SHOPPING To GENERAL COMMERCIAL
(present zoning) (proposed zoning)

For the Purpose of GROCERY, DELI, GAS PUMPS Size of Tract .64 acre(s)
(subdivision, restaurant, warehouse, apts., etc.)

Location 825 PACES FERRY ROAD, SUWANA, GA 30080
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 743 District 17th

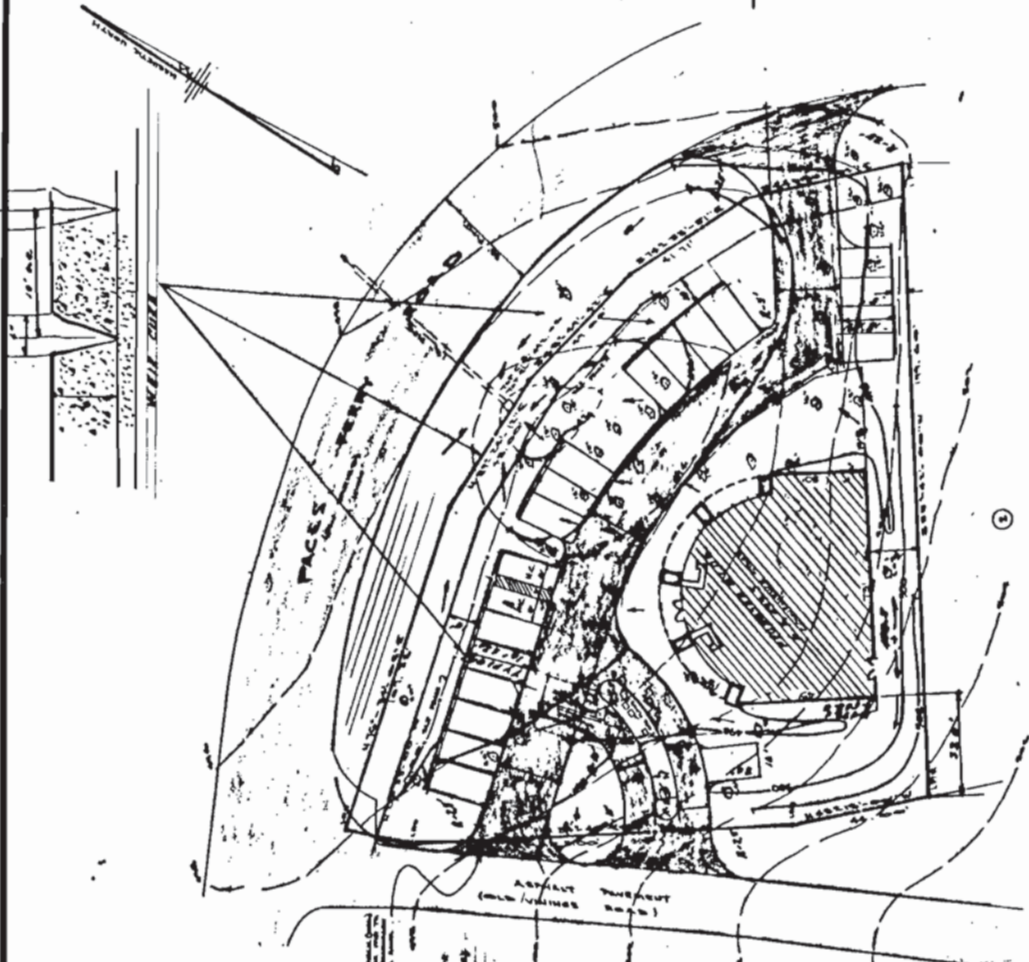
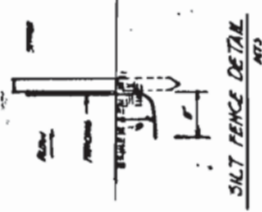
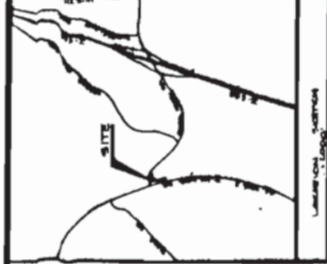
Recommendation of Planning Commission 6-11-85, Planning commission recommended application
be approved subject to final approval by the Cobb Department of Transportation. Motion by
Thompson, seconded by Brown: carried 5-0.

Henry A. Williams Chairman

Board of Commissioners' Decision 6-11-85, Board of commissioners approved application
as stated above. Motion by Williams, seconded by Paschal: carried 5-0.

Carl E. Smith Chairman

Z-38 (2013)
 Site Plan from
 Previous
 Rezoning Case
 Z-198 of 6/11/85



SITE DEVELOPMENT PLAN

ANALYSIS

FOR

B. & W. GROCERIES, INC.

LAND LOT 7 - 1/4 S. SECTION 13-38
 COUNTY - COCONA
 STATE - ARIZONA

DATE 11-11-85 SCALE 1/4" = 1' 0"

PERIMETER SURVEYING COMPANY, INC.
 2375 FEDERAL ROAD
 SADDON, ARIZONA
 PHONE 438-3377

Notes on Survey: ...

ASPHALT DRIVEWAY (WALKWAY)

LEGEND

1. ...

2. ...

3. ...

4. ...

5. ...

6. ...

7. ...

8. ...

9. ...

10. ...

NO.	DESCRIPTION	DATE	BY	DATE	BY

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