

APPLICANT: James E. Edwards and Marjorie V. Edwards
(770) 943-3962

REPRESENTATIVE: James E. Edwards and Marjorie V. Edwards
(770) 943-3962

TITLEHOLDER: James E. Edwards and Marjorie V. Edwards

PROPERTY LOCATION: Southwest corner of Powder Springs Road
and Carter Road
(3441 Powder Springs Road).

ACCESS TO PROPERTY: Powder Springs Road and
Carter Road

PHYSICAL CHARACTERISTICS TO SITE: Vacant wooded
acreage

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** City of Powder Springs/Convenience Store with Fuel Sales and Wooded Acreage
- SOUTH:** R-20/Single-family House
- EAST:** City of Powder Springs /Preston Place Subdivision
- WEST:** City of Powder Springs/Single-family House

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:

PETITION NO: Z-41

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: LI

PROPOSED ZONING: NRC, R-15

PROPOSED USE: Commercial and
Residential

SIZE OF TRACT: 5.344 acres

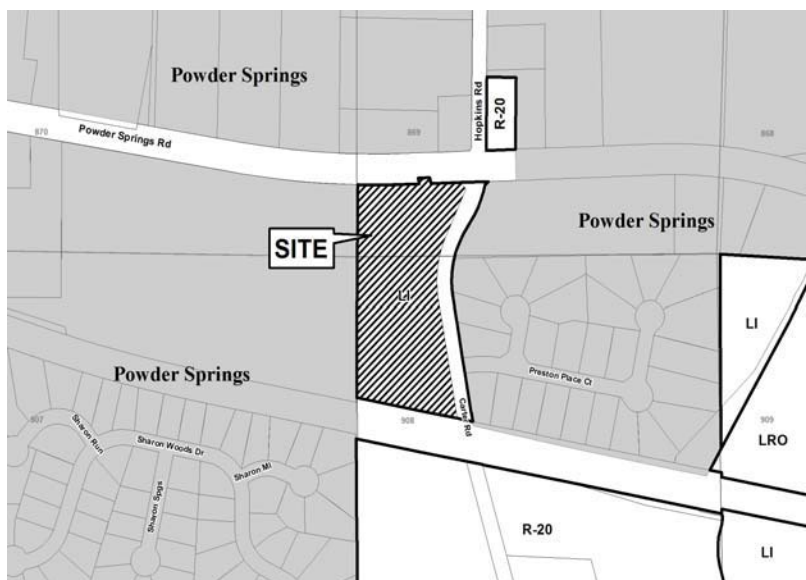
DISTRICT: 19

LAND LOT(S): 869, 908

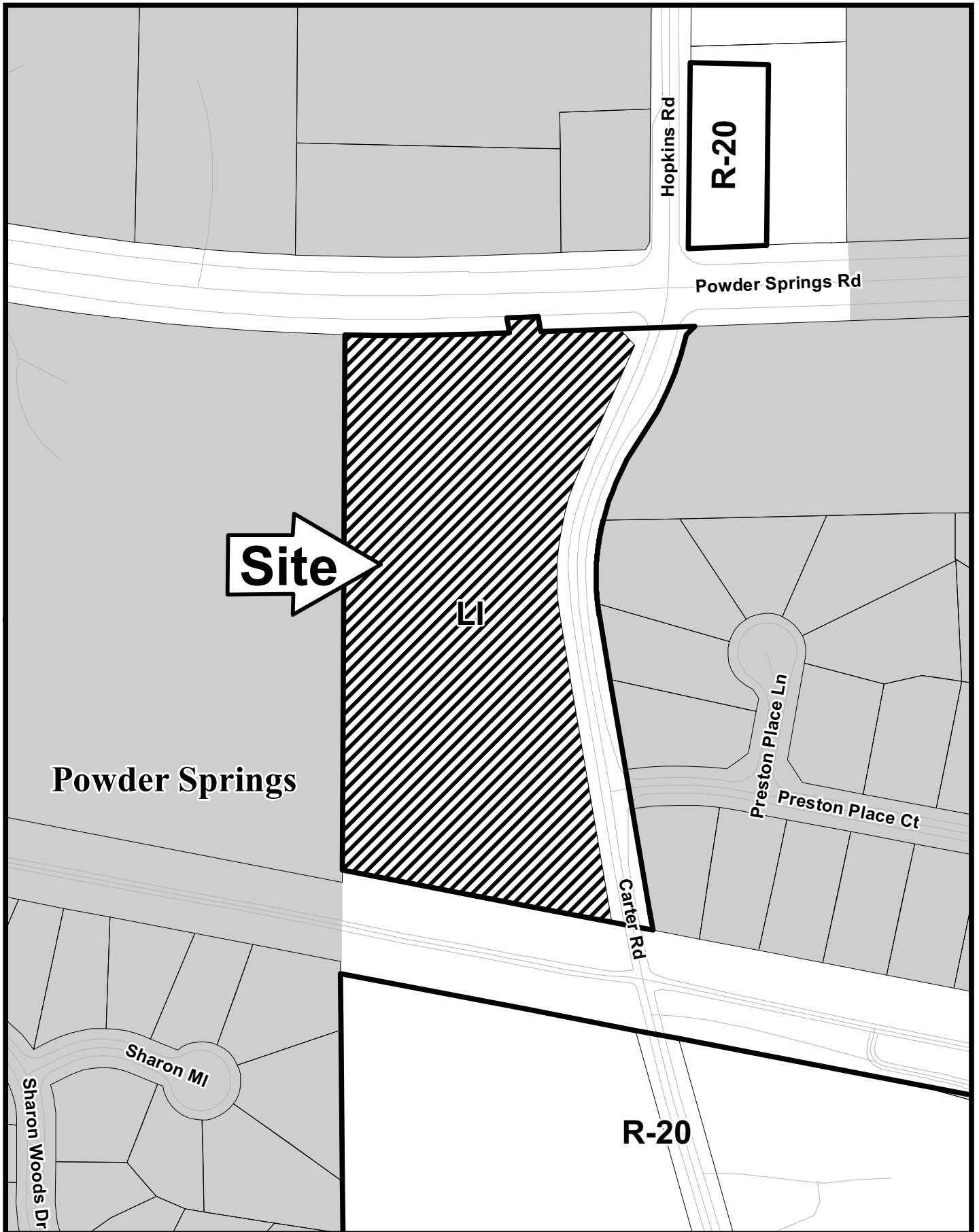
PARCEL(S): 14

TAXES: PAID X **DUE**

COMMISSION DISTRICT: 4



Z-41



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

100 0 100 Feet



City Boundary
Zoning Boundary

APPLICANT: James E. Edwards and Marjorie V. Edwards

PETITION NO.: Z-41

PRESENT ZONING: LI

PETITION FOR: NRC and R-15

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center and Medium Density Residential

Proposed Number of Units: None **Overall Density:** N/A **Units/Acre**

Present Zoning Would Allow: 0 **Units** **Increase of:** 0 **Units/Lots**

Applicant is requesting to rezone the subject property to the Neighborhood Retail Commercial (NRC) and R-15 zoning categories. The NRC zoning is for the northern portion of the property and the R-15 zoning is for the southern portion. A rezoning case from 1997 (Z-135) was submitted and approved. The zoning code/overlay for this case was inadvertently placed on the zoning map on the subject property, which is across Carter Road on the west. This application is requesting to be rezoned to the same categories of NRC and R-15.

Cemetery Preservation: No comment.

APPLICANT: James E. Edwards and Marjorie V. Edwards

PETITION NO.: Z-41

PRESENT ZONING: LI

PETITION FOR: NRC and R-15

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

Additional Comments:

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: James E. Edwards and Marjorie V. Edwards

PETITION NO.: Z-41

PRESENT ZONING: LI

PETITION FOR: NRC and R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from LI to NRC and R-15 for purpose of commercial and residential uses. The 5.344 acre site is located at the southwest corner of Powder Springs Road and Cater Road.

Comprehensive Plan

The parcel is within Neighborhood Activity Center (NAC) and Medium Density Residential (MDR) future land use category, with LI zoning designation. The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores. 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 James E. and Marjorie V. Edwards

PETITION NO. Z-041

PRESENT ZONING Li

PETITION FOR NRC, R-15

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): *Available from City of Powder Springs Public Works*

Additional Comments:

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: *Available from City of Powder Springs Public Works*

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

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

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 City of Powder Springs water and sewer service area
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: James E. & Marjorie V. Edwards

PETITION NO.: Z-41

PRESENT ZONING: LI

PETITION FOR: NRC & R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noses 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 _____.

APPLICANT: James E. & Marjorie V. Edwards

PETITION NO.: Z-41

PRESENT ZONING: LI

PETITION FOR: NRC & R-15

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit any 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 future development must meet current stormwater management requirements.

APPLICANT: James E. Edwards and Marjorie V. Edwards **PETITION NO.: Z-41**

PRESENT ZONING: LI **PETITION FOR: NRC and R-15**

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
Powder Springs Road	28,740	Arterial	45 mph	Cobb County	100'
Carter Road	N/A	Local	25 mph	Cobb County	N/A

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

COMMENTS AND OBSERVATIONS

Powder Springs 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.

Carter Road 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 curb, gutter, and sidewalk along the Powder Springs Road frontage.

Recommend driveways be paved with a treated hardened surface for a length of 25' or to the edge of the County right-of-way, whichever is greater.

Recommend access be determined in Plan Review.

Recommend curb, gutter, and sidewalk along the Carter Road frontage.

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

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STAFF RECOMMENDATIONS

Z-41 JAMES E. EDWARDS AND MARJORIE V. EDWARDS

- 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. Other properties in the area have commercial and 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. The commercial request is for the portion of the property at the immediate southwest intersection of Powder Springs Road and Carter Road, while the R-15 request is for the lower portion of the property along Carter 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 to be within the Neighborhood Activity Center (NAC) and Medium Density Residential (MDR) land use categories. The NRC and R-15 portions of the request match the land use designations.
- 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 application proposes the NRC portion to be at the southwest intersection of Powder Springs Road and Carter Road and the R-15 portion along Carter Road. This layout will allow the commercial development along Powder Springs Road similar to other properties on Powder Springs Road and transition to residential along Carter Road, similar to other properties along Carter Road.

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

- District Commissioner to approve final site plan;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- DOT 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.

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Application No. Z-41

July 2013

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): N/A
- 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): N/A
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

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

REZONE THE LAND TO COMPLY WITH THE
ATTACHED CERTIFICATION OF ZONING
DATED NOVEMBER 6, 2006

.....
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



**COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY**

191 Lawrence Street
Marietta, Georgia 30060-1689
(770) 528-2125 • fax: (770) 528-2126
Email: rhosack@cobbcounty.org

Rob Hosack, AICP
Director

Certification of Zoning

This is to certify the following described property, located in land lot(s) 869 & 908 of the 19th District, 2nd Section, Cobb County, Georgia, is in the **NRC & R-15** zoning classification(s). The zoning of this property is recorded in the official records of the Cobb County Community Development Agency, Zoning Division.

The property is more particularly described as follows:

See Exhibit "A"; PLAT OF SURVEY FOR

L. O. ABERNATHY
MARY GERALDINE CURTIS

See Exhibit "B"; Zoning Hearing Minutes (Z-135) date of hearing 10-21-97, for stipulations applicable to the property described in Exhibit "A".


See Exhibit "C"; Copy of Zoning District regulations, **Sec134-213. NRC neighborhood retail commercial**, applicable to the property described in Exhibit "A".

See Exhibit "D"; Copy of Zoning District regulations, **Sec134-198. R-15 single-family residential district**, applicable to the property described in Exhibit "A".

NOTE: SEE COPY OF SURVEY EXHIBIT "A" FOR LOCATION OF DIFFERENT ZONING DESIGNATIONS.

THIS CERTIFICATION IS NOT FOR OBTAINING A BUILDING PERMIT

Date: November 6, 2006


Timothy D. Pearce
Geographic Information System Tech.

NOTE: IF YOU HAVE ANY QUESTIONS CONCERNING THIS CERTIFICATE PLEASE CONTACT THE ZONING DIVISION AT 770-528-2005

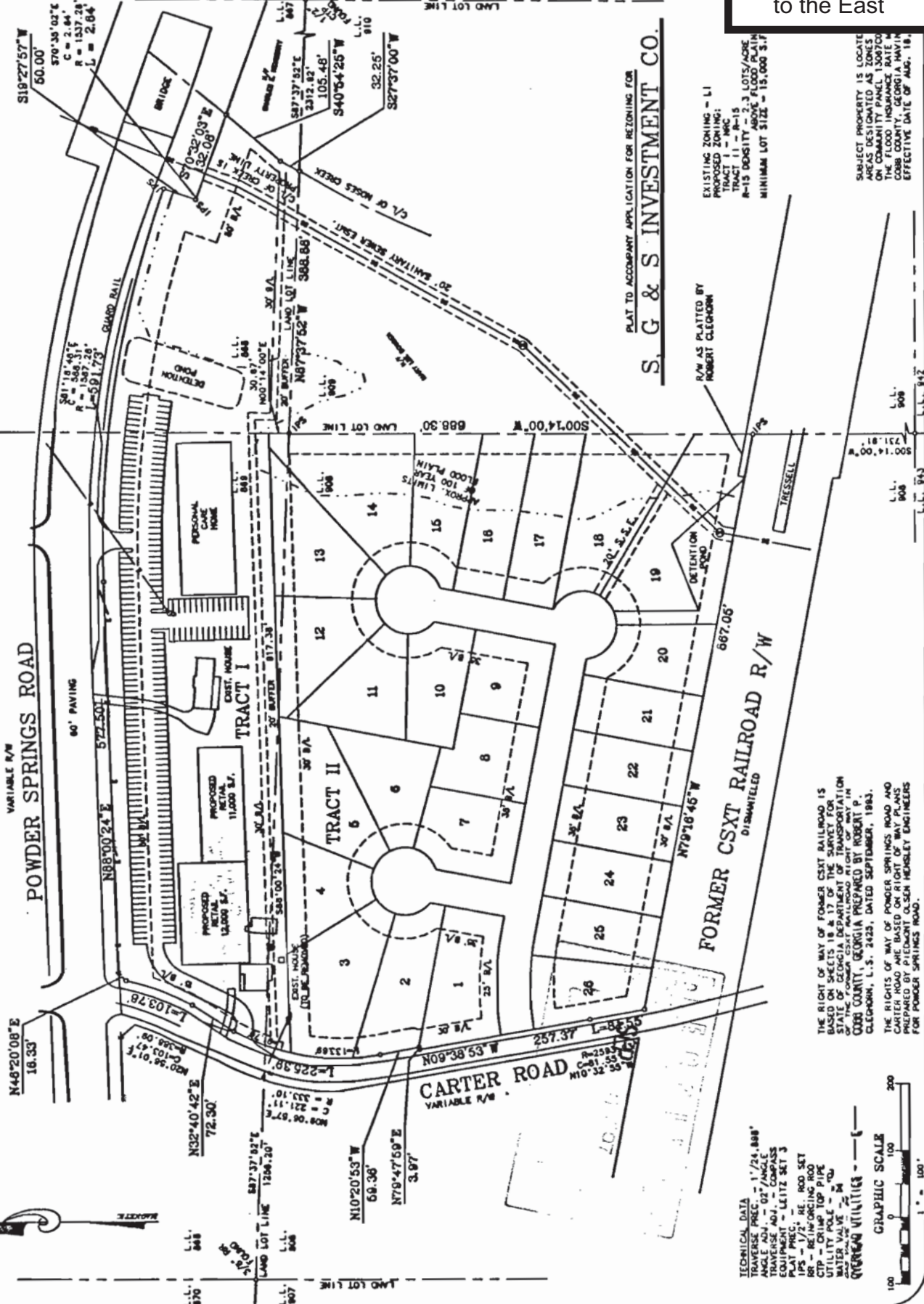
CARLTON RAKESTRAW & ASSOCIATES
 REGISTERED LAND SURVEYORS
 1105 MARKET STREET, SUITE 200
 ATLANTA, GEORGIA 30339
 404-443-2300

LAND LOTS 868, 869 & 908, 19TH DISTRICT,
 2ND SECTION, COBB COUNTY, GEORGIA
 LOCATED IN

7-FIELDING



TRACT I = 7.105 ACRES
 PROPOSED MHC ZONING CONTAINING 1.5 ACRES IN FLOOD PLAIN
 TRACT II = 12.732 ACRES
 PROPOSED R-18 ZONING CONTAINING 1.8 ACRES IN FLOOD PLAIN
TOTAL = 19.837 ACRES



PLAT TO ACCOMPANY APPLICATION FOR REZONING FOR
S. G. & S INVESTMENT CO.

EXISTING ZONING - L1
 PROPOSED ZONING:
 TRACT I - MHC
 TRACT II - R-18
 R-15 DENSITY - 2.3 LOTS/ACRE
 ABOVE FLOOD PLAIN
 MINIMAL LOT SIZE - 15,000 S.F.

SUBJECT PROPERTY IS LOCATED
 IN AREAS DESIGNATED AS ZONES
 MHC AND R-18 OF THE
 FLOOD INSURANCE RATE MAP
 FOR COBB COUNTY, GEORGIA. THE
 EFFECTIVE DATE OF AUG. 18,

THE RIGHTS OF WAY OF FORMER CSXT RAILROAD IS
 BASED ON SHEETS 18 & 17 OF THE SURVEY FOR
 STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION
 OF THE FORMER CSXT RAILROAD RIGHT OF WAY IN
 COBB COUNTY, GEORGIA PREPARED BY ROBERT P.
 CLECHORN, L.S. 2425, DATED SEPTEMBER, 1983.
 THE RIGHTS OF WAY OF POWDER SPRINGS ROAD AND
 CARTER ROAD ARE BASED ON RIGHT OF WAY PLANS
 PREPARED BY PIEDMONT OLSEN HENSLEY ENGINEERS
 FOR POWDER SPRINGS ROAD.

TECHNICAL DATA
 TRAVERSE PREC. - 1/24, 888"
 TRAVELING SURV. INSTRUMENT
 EQUIPMENT - LEITZ SET 3
 PLAT PREC. - 1/25 RE. ROD SET
 GPS - BENCH MARK
 UTILITY POLE - M
 WATER VALVE - M
 SIGN - M

GRAPHIC SCALE
 0 100 200
 1" = 100'

Z-41 (2013)
Previous
Minutes and
Map for Property
to the East

Z-135

CITY
LIMITS

R-20

PSC R-20

POWDER SPRINGS RD

CITY

LIMITS

SITE

CSX
RR

R-20

L1

