

APPLICANT: Chukwuma Gwude
770-324-5766

REPRESENTATIVE: Chukwuma Gwude
770-324-5766

TITLEHOLDER: Bennett Drew – Powder Springs, LLC

PROPERTY LOCATION: East side of Old Anderson Farm Road,
south of Powder Springs Road, between Powder Springs Road and
Anderson Farm Road (3595 Anderson Farm Road).

ACCESS TO PROPERTY: Access Road (private drive) off Old
Anderson Farm Road

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped lot

PETITION NO: Z-47

HEARING DATE (PC): 08-06-13

HEARING DATE (BOC): 08-20-13

PRESENT ZONING: LI

PROPOSED ZONING: NRC

PROPOSED USE: Childcare Center

SIZE OF TRACT: 1.20 acres

DISTRICT: 19

LAND LOT(S): 789, 840

PARCEL(S): 34

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** CRC/Undeveloped and GC/Bank
- SOUTH:** LI/Storage Facility
- EAST:** LI/Storage Facility
- WEST:** R-20/Colonial Pipeline Undeveloped; CRC/Retail

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

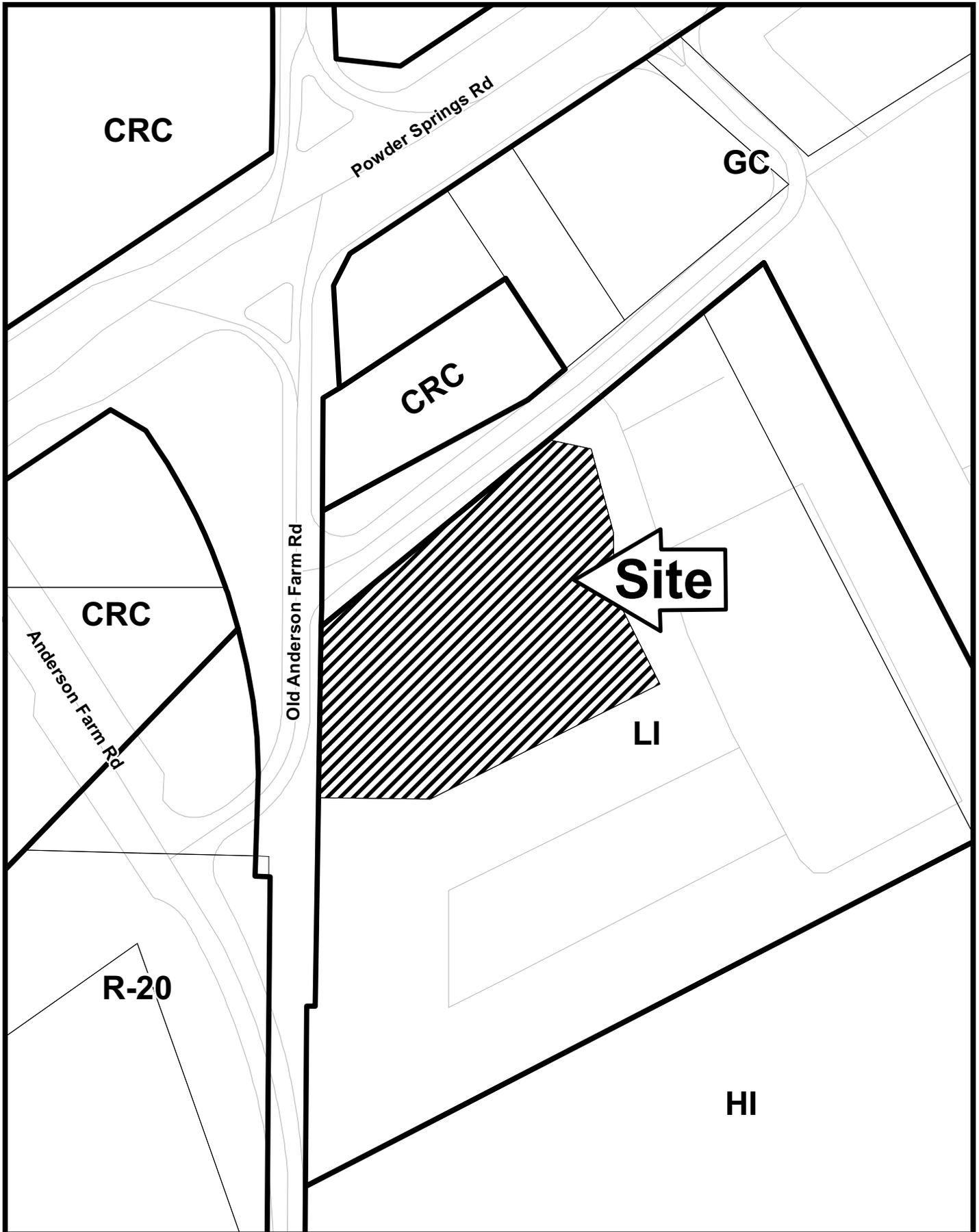
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

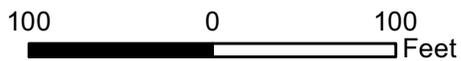
STIPULATIONS:



Z-47



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



-  City Boundary
-  Zoning Boundary

APPLICANT Chukwuma Gwude

PETITION NO.: Z-47

PRESENT ZONING: LI

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 11,400

F.A.R.: .21 **Square Footage/Acre:** 9,492

Parking Spaces Required:Daycare-20 **Parking Spaces Provided:** 59
Church-1/Four Seats in Principal Place of Worship

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning category in order to develop a childcare center. The building will be an 11,400 square-foot, one-story brick building as depicted on the attached elevations. The hours of operation will be 6 a.m. to 6:30 p.m., Monday through Friday. The applicant has indicated there will be up to 120 students. This is not a private school. Applicant has also indicated the building will serve as a church in the future while providing childcare to a majority of the worshippers. The owner has also indicated that he will be meeting with Marathon regarding an evacuation plan.

Cemetery Preservation: No comment.

FIRE COMMENTS:

NO 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 Chukwuma Gwude

PETITION NO.: Z-47

PRESENT ZONING: LI

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from LI to NRC for purpose of a Childcare Center. The 1.2 acre site is located on the East side of Old Anderson Farm Road, south of Powder Springs Road, between Powder Springs Road and Anderson Farm Road.

Comprehensive Plan

The parcel is within an Industrial Compatible (IC) future land use category, with LI zoning designation. The purpose of Industrial Compatible (IC) category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

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 Chukwuma Gwude

PETITION NO. Z-047

PRESENT ZONING LI

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 / W side of Old Anderson Farm Road**

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: **+/-1,000' E at East-West Connector**

Estimated Waste Generation (in G.P.D.): **ADF 576 Peak= 1440**

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 Comments: Private sewer may be nearer. Private easement/agreement would be necessary to utilize private 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: Chukwuma Gwude

PETITION NO.: Z-47

PRESENT ZONING: LI

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Olley 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 the master stormwater management facility.

APPLICANT: Chukwuma Gwude

PETITION NO.: Z-47

PRESENT ZONING: LI

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. Detention is to be provided in the existing master stormwater management facility. The proposed site plan must comply with the allowable design impervious coverage.

APPLICANT: Chukwuma Gwude

PETITION NO.: Z-47

PRESENT ZONING: LI

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
Old Anderson Farm Road	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Old Anderson Farm Road is classified as a local 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 Old Anderson Farm Road, a minimum of 25' from the roadway centerline.

Recommend sidewalk along the Old Anderson Farm Road frontage.

Recommend no access to Old Anderson Farm Road. All access should be off the Access Road shown on the plan.

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

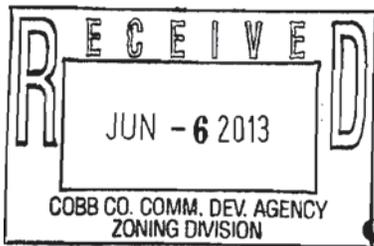
STAFF RECOMMENDATIONS

Z-47 CHUKWUMA GWUDE

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Nearby properties are zoned and developed for industrial uses, specifically a large tract for a tank farm.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. Nearby properties are zoned and developed for industrial uses. The commercial zonings and uses in the area are arranged toward Powder Springs Road. The subject property is currently zoned Light Industrial in the Industrial Compatible land use category. The subject property was rezoned in 1999 (Z-157) to the LI category to be developed as part of the abutting storage facility. This portion was not developed.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 Industrial Compatible (IC) land use category. While applicant has submitted elevations of the proposed building that comply with the previous zoning case (Z-157 of 1999), Staff believes the proposed NRC zoning and the proposed childcare facility is not compatible with the industrial uses in the area.
- 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 denying the applicant's rezoning proposal. The request is not compatible with the *Cobb County Comprehensive Plan* and the proposed use is not compatible with the abutting and nearby industrial uses. The property was previously rezoned to be part of the abutting storage facility and the *Cobb County Comprehensive Plan* indicates the property is within the IC node. Other commercially zoned properties in the area are arranged toward major roads and are in the Community Activity Center (CAC) land use category, which allows commercial/retail zonings.

Based on the above analysis, Staff recommends DENIAL.

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. Z-47

Aug. 2013

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 11,000 square feet
- b) Proposed building architecture: Bricks
- 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): Childcare
- b) Proposed building architecture: Brick Building
- c) Proposed hours/days of operation: 6:00 AM - 6:30 PM
- d) List all requested variances: _____

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

The proposed building will in future serve as Church of God while providing childcare to majority of worshipers.

.....
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

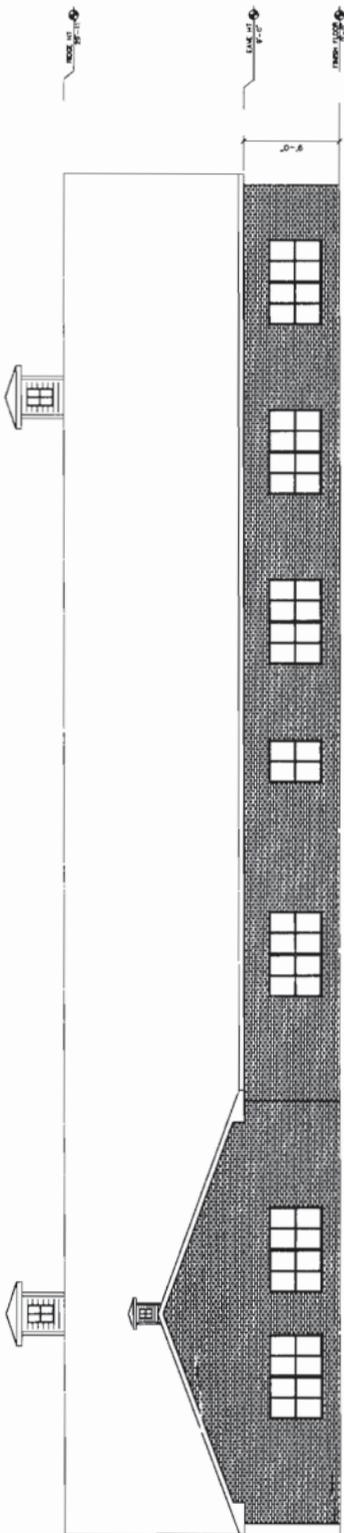
319 Atlanta Street, Unit 240, Marietta, Georgia 30060
ACME AMERICAN, L.L.C.
Architects, Construction Managers, Engineers
voice (770) 425-8890 - fax (770) 425-5777



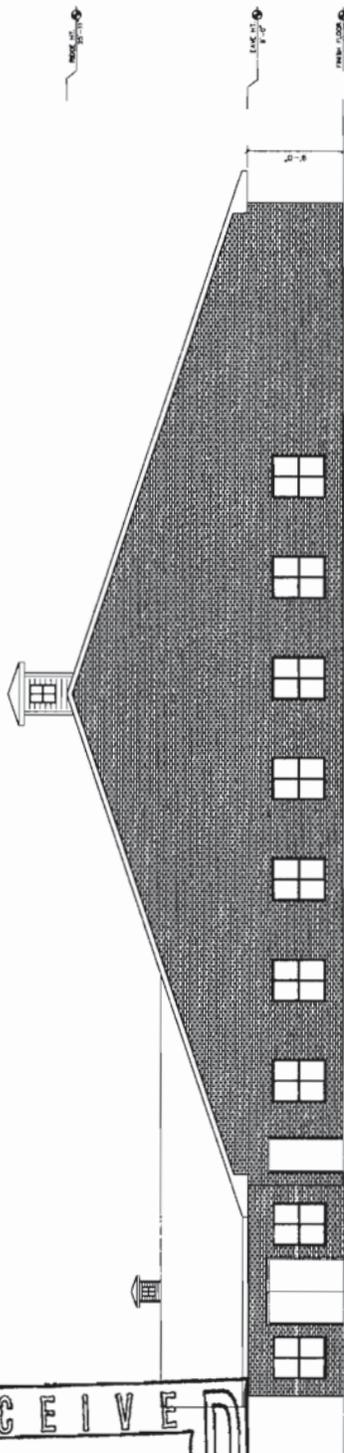
PROJECT: 13-010
DOMINION KIDS ACADEMY
3595 ANDERSON FARM ROAD
AUSTELL, GEORGIA 30106



REVISION: 3-1-13
DATE: dwg. by: chkd. b sheet: A2



FRONT ELEVATION



RIGHT ELEVATION

RECEIVED
JUN - 6 2013
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

ORIGINAL DATE OF APPLICATION: 11-16-99APPLICANTS NAME: HYNEMAN/NICOTRA, LLC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 11-16-99 ZONING HEARING:

HYNEMAN/NICOTRA, LLC. for Rezoning from **GC** to **LI** for the purpose of a Self Service Storage Facility in Land Lots 789 and 840 of the 19th District. Located on the east side of Anderson Farm Road, south of Powder Springs Road. The Board of Commissioners, as part of the Consent Agenda, **approved** Rezoning to the **LI zoning district subject to: 1) landscape plan being submitted and approved during Plan Review process by Staff; 2) all buildings to be one story in height with all visible exterior walls to be stucco and the building to have a pitch roofline; 3) Stormwater Management Division comments and recommendations; 4) Cobb DOT comments and recommendations; 5) 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; 6) sign to be ground based monument style.** Motion by W. Thompson, carried 5-0.

APPLICANT: Hyneman/Nicotra,LLC

PETITION NO.: Z-157

Z-47 (2013)
Previous Minutes

PRESENT ZONING: GC

PETITION FOR: LI

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Olley Creek FLOOD HAZARD INFO: None

- 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 Ordinance - 50' each side of Detention Ravine 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: Hyneman/Nicotra, LLC

PETITION NO.: Z-1

Z-47 (2013)
Previous Minutes

PRESENT ZONING: GC

PETITION FOR: LI

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/SUGGESTIONS

*** Irregular shape of tract + generous vehicular maneuvering area desired makes for very large pavement area. As this applicant also owns larger section recently rezoned to LI suggest holistic review of overall tract to make for more efficient use of pavement area netting less overall pavement.**

APPLICANT: Hyneman/Nicotra, LLC.

PETITION NO.: Z-157

PRESENT ZONING: GC

PETITION FOR: LI

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Anderson Farm Road	5,650	Major Collector	80'

Anderson Farm Road is classified as a Major Collector. 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 to 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 Anderson Farm Road, a minimum of 40' from the roadway centerline.

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