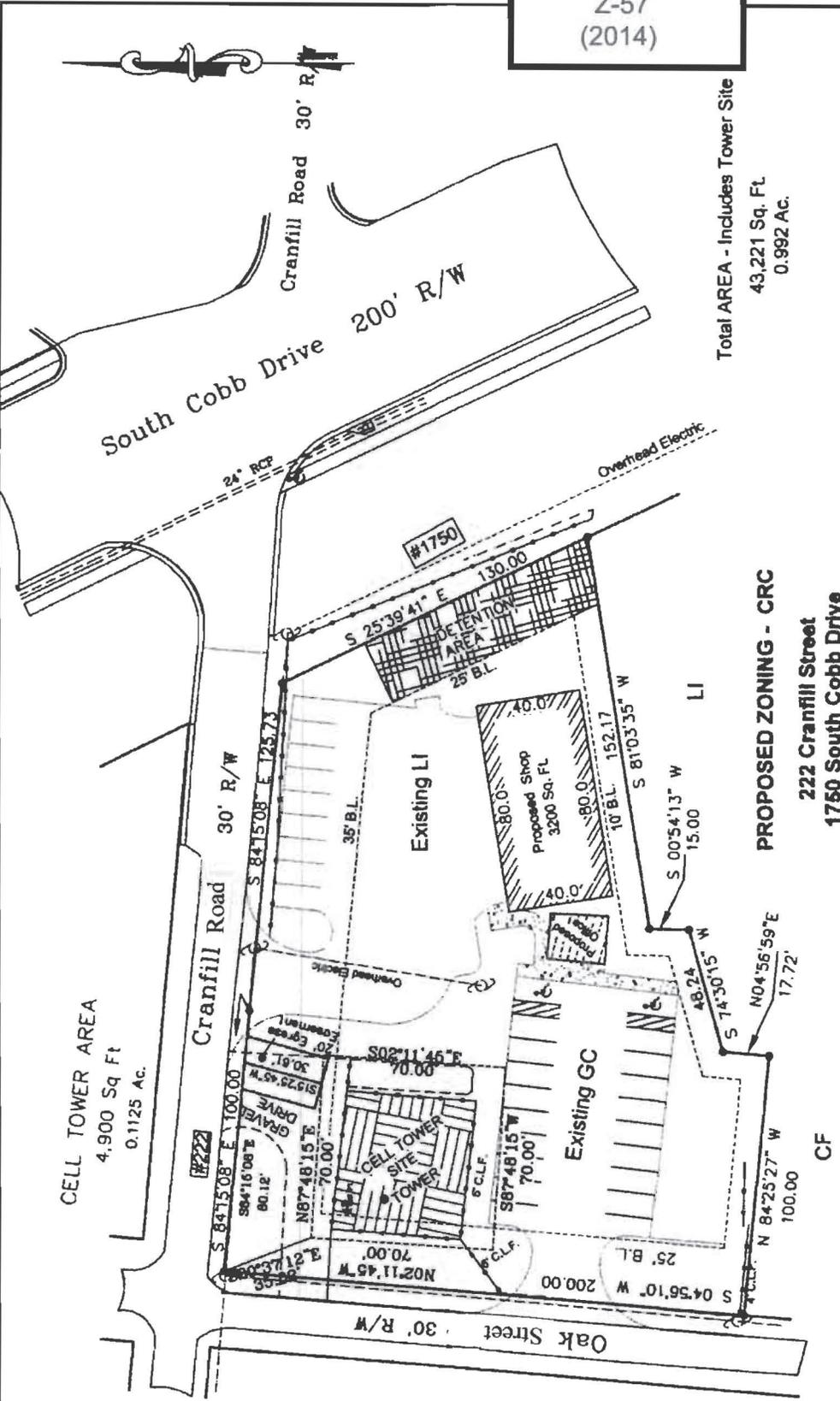


Z-57
(2014)



CELL TOWER AREA
4,900 Sq Ft
0.1125 AC.

Cranfill Road 30' R/W

Cranfill Road 30' R/W

South Cobb Drive 200' R/W

Total AREA - Includes Tower Site
43,221 Sq. Ft.
0.992 AC.

PROPOSED ZONING - CRC
222 Cranfill Street
1750 South Cobb Drive

- LEGEND**
- X-X = Barbed Wire
 - = Bolister
 - = Concrete
 - C.O. = Sewer Cleanout
 - ⊕ FH = Fire Hydrant
 - ⊕ PP = Power Pole
 - ⊕ IPP = Iron Pin Placed
 - ⊕ JPF = Iron Pin Found
 - ⊕ LP = Lamp Post
 - POB = Point of Beginning
 - CTP = Crimp Top Pin Found
 - BC = Back of Curb
 - C/L = Centerline
 - = Chain Link Fence
 - ⊕ = Sewer Manhole
 - SS = Sanitary Sewer
 - SSE = Sanitary Sewer Easement
 - PL = Property Line
 - CMP = Corrugated Metal Pipe
 - WV = Water Valve
 - WM = Water Meter
 - R/W = Right of Way
 - o- = Power Line

This plat may be based on a recorded plat from iron pins referenced on said plat for closure to it.
According to F.J.R.M. Community Plat # _____, dated _____, this property is not located in an area having special flood hazards.

Drawn by: _____ of _____
Checked by: KJN Date Revised: _____
Party Chief: KJN
Date Surveyed: 08-02-14

GRAPHIC SCALE
0 20 40
SCALE: 1" = 40'

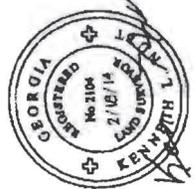
Job #: 008014

Zoning Application Survey for FERNANDO FUNES
Marietta, Georgia
Land Lot: 279 District: 17th 2nd Section
Cobb County, Georgia

Plat Book: _____
Deed Book: 13524 Page: 3667

- All iron pins are 1/2" Rebar unless otherwise noted.
- Equipment used: Topcon GTS Total Station
- This field data upon which this plat is based has a closure precision of 1 foot in 25,000 feet and an angular error of 03 seconds per angle point, and was adjusted using CompuSue Rule.
- This plat has been calculated for closure and is found accurate within one foot in 273,873 feet.
- This plat subject to all easements public and private.

Perimeter Surveying Co., Inc
1006 Sandtown Road, Marietta, GA 30068
Phone: (770) 425-8024 Fax: (770) 425-6788



REVISED

JUN 12 2014

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

APPLICANT: Claudia Rivero
PHONE#: (404) 933-0681 **EMAIL:** cl-rivero@yahoo.com
REPRESENTATIVE: Claudia Rivero
PHONE#: (404) 933-0681 **EMAIL:** cl-rivero@yahoo.com
TITLEHOLDER: Fernando Funes

PETITION NO: Z-57
HEARING DATE (PC): 08-05-14
HEARING DATE (BOC): 08-19-14
PRESENT ZONING: LI, GC
PROPOSED ZONING: CRC

PROPERTY LOCATION: Southwest corner of South Cobb Drive and Cranfill Road, and on the east side of Oak Street (A.K.A. Oak Avenue) (1750 South Cobb Drive and 222 Cranfill Road).

PROPOSED USE: Auto Repair

ACCESS TO PROPERTY: Cranfill Road

SIZE OF TRACT: 0.992 acre

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Vacant commercial building and cell tower

LAND LOT(S): 279

PARCEL(S): 36, 64

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** LI & GC/Auto Service
- SOUTH:** LI & GC/Storage Facility and CF/Single-family House
- EAST:** GC/Used Auto Dealer
- WEST:** RM-12/Merritt & Oastler Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

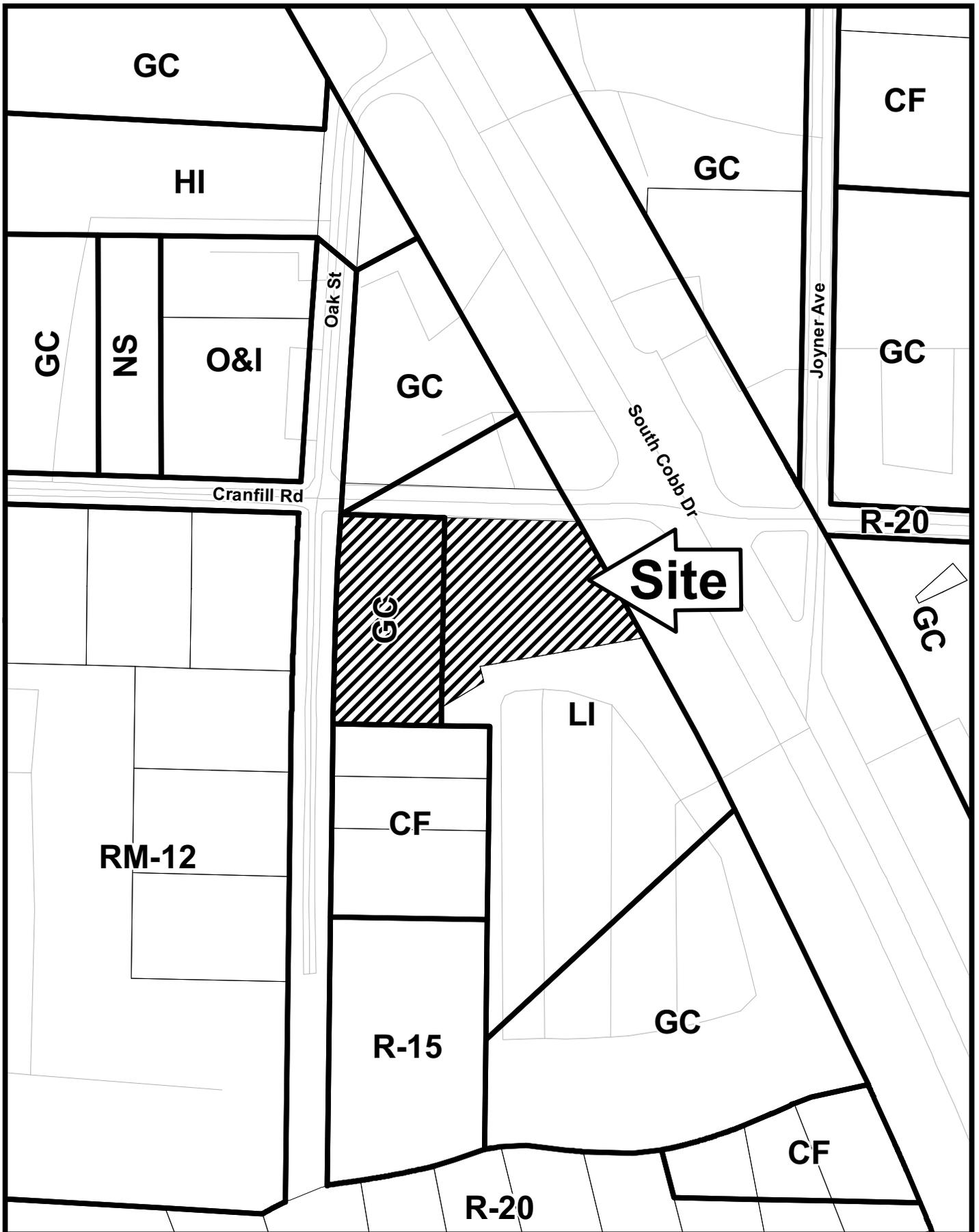
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

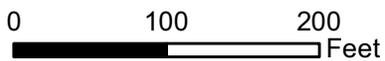
STIPULATIONS:



Z-57



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Claudia Rivero

PETITION NO.: Z-57

PRESENT ZONING: LI, GC

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Community Activity Center (CAC)

Proposed Number of Buildings: 2 **Total Square Footage of Development:** 3,600

F.A.R.: 0.83 **Square Footage/Acre:** 3,629

Parking Spaces Required: 15 **Parking Spaces Provided:** 27

Applicant is requesting the Community Retail Commercial (CRC) zoning category for the purpose of developing a light auto repair business. The proposed building will be one-story, metal, and have four roll-up bay doors. The hours of operation will be Monday through Friday from 9 a.m. to 5:30 p.m., Saturday from 9 a.m. to 2 p.m. and closed on Sundays. The proposed business expects to open with three employees. The property has been used commercially for over 30 years, including a cell tower approved as ETP-5-98 on December 15, 1998, but cannot be developed under its current LI and GC zonings under the current land use category of CAC.

Cemetery Preservation: No comment.

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: Claudia Rivero

PETITION NO.: Z-57

PRESENT ZONING: LI, GC

PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from LI and GC to CRC for auto repair. The 0.992 acre site is located on the southwest corner of South Cobb Drive and Cranfill Road, east side of Oak Avenue.

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category, with a LI and GC zoning designations. The purpose of the CAC category is for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department 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?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT Claudia Rivero

PETITION NO. Z-057

PRESENT ZONING LI & GC

PETITION FOR CRC

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): 6" DI / E side of Oak Street

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: In Oak St and Cranfill Rd ROWs

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

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:

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: Claudia Rivero

PETITION NO.: Z-57

PRESENT ZONING: GC & LI

PETITION FOR: CRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack 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 existing receiving system.

APPLICANT: Claudia Rivero

PETITION NO.: Z-57

PRESENT ZONING: GC & LI

PETITION FOR: CRC

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. All site runoff must be directed to the proposed detention facility. The detention pond must be designed to tie directly into the existing stormwater system with the right-of-way.

APPLICANT: Claudia Rivero

PETITION NO.: Z-57

PRESENT ZONING: LI & GC

PETITION FOR: CRC

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
South Cobb Drive	29,700	Arterial	45 mph	Georgia DOT	100'
Cranfill Road	N/A	Local	25 mph	Cobb County	50'
Oak Street	N/A	Local	25 mph	Cobb County	50'

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

COMMENTS AND OBSERVATIONS

South Cobb Drive is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Cranfill 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.

Oak Street 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 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 south side of Cranfill Road, a minimum of 25' from the roadway centerline.

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 Oak Street, a minimum of 25' from the roadway centerline.

Recommend no access to South Cobb Drive.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend the driveways meet the Cobb County Development Standards for commercial driveways and be paved with a treated hardened surface for a minimum distance of 25 feet.

Recommend curb and gutter along the Cranfill Road frontage.

Oak Street is a substandard street. Recommend improving Oak Street from proposed driveway to the intersection with Cranfill Road to comply with Cobb County Development Standards if access is permitted.

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

STAFF RECOMMENDATIONS

Z-57 CLAUDIA RIVERO

- 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. Nearby properties are similarly zoned for the same use and other automotive and storage 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 property has been used commercially for many years, but cannot be developed under the current zonings and land use categories on the property.
- 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 Community Activity Center land use category. The CRC zoning request is allowed in the CAC land use category and light auto repair is a permitted use under CRC.
- 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 is near many automotive uses along this section of South Cobb Drive, specifically to the north and to the east across South Cobb Drive. The existing cell phone tower on the property was approved in 1998 and will remain, and if this request is approved the applicant will be able to develop the remainder of the property for light auto repair.

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

- REVISED site plan received by the Zoning division on June 12, 2014, with the District Commissioner approving minor modifications;
- All repairs to be done inside building;
- No outdoor storage or outdoor displays;
- No junk cars kept on site;
- No access to Oak Street;
- 20-foot landscape buffer along Oak Street;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation 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.

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Application #: Z57
PC Hearing Date: 8-5-14
BOC Hearing Date: 8-19-14

2014 JUN -5 PM 4: 14

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): Auto Repair Shop
- b) Proposed building architecture: Metal Building
- c) Proposed hours/days of operation: Monday to Friday 09:00 to 5:30^{AM} pm
Saturday 09:00 am to 2:00 pm - Sunday closed
- 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). NO

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: [Signature] Date: 6/5/2014

Applicant name (printed): CLAUDIA Rivero

QUESTION # 9 RESPONSE

2014 JUL -5 PM 4: 15

...COUNTY ...

- A) All of the lots that are adjacent are currently commercial, next is a Storage Building, in the other side an Emission Shop, in front of the street a Gas Station and we want to put a Car Repair Shop.
- B) This property will not affect the existing use or usability of adjacent or nearby property. It has been used and zoned commercial for more than 35 years.
- C) There is no economic use due to current zoning.
- D) Would not have any excessive or burdensome use of existing streets or transportation facilities, utilities or schools.
- E) It would be in conformity with the policy and intent of the zoning.
- F) The property can not be development under the current zoning and land uses.