

Z-36  
(2015)

9-B ENGINEERING, INC.  
517 Canterbury Street  
P.O. Box 1508  
Norcross, Georgia 30051-1508  
(770) 449-1088 (Fax)

2400 HURT ROAD

REZONING PLAN

60100 & BOLET, P.C.  
2021 North Druid Hills Road, N.E.  
Suite 400



DATE	P/5/2015
REVISIONS	
NO.	DESCRIPTION
1	
SHEET	1
DRAWING NO.	15-004-RZ-1
LOCAL DISTRICT	1508
PLANNING DEPARTMENT	
REVISION	9.3.0
DATE	11/10/09
SCALE	AS SHOWN



AREA = 13936 SQ.FT.  
0.3149 ACRES

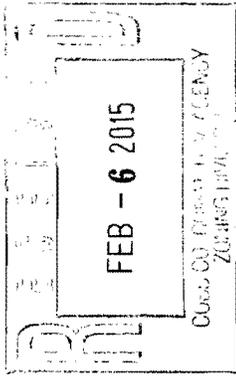
BUILDING AREA = 2,000 SQ.FT.  
PARKING REQD: 10 SPACES  
(2000 / 200 SQ.FT./ SPACE)  
PARKING PROVIDED = 10 SPACES

VARIANCES REQUIRED: 1. REDUCTION IN REAR SETBACKLINE TO 22 FEET  
2. REDUCTION IN LOT SIZE.

ZONING DESIRED: LRO: LOW-RISE OFFICE DISTRICT

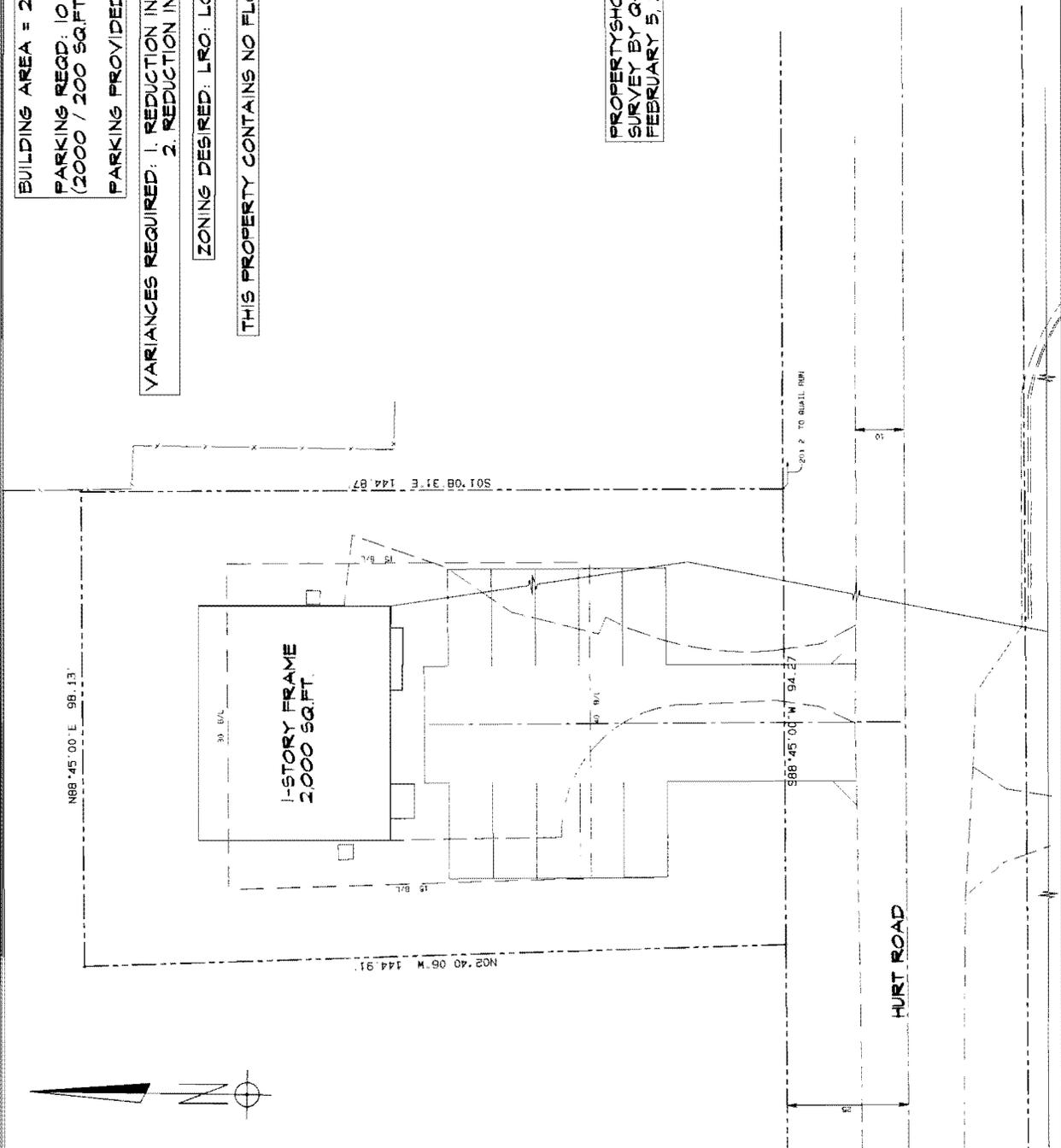
THIS PROPERTY CONTAINS NO FLOODPLAIN OR WETLANDS

PROPERTY SHOWN HEREON DENOTES BOUNDARY SURVEY BY G-B ENGINEERING, INC. PREPARED FEBRUARY 5, 2015.



FEB - 6 2015

CONSULTING ENGINEER  
ZONING PERMIT



**APPLICANT:** Herlinda M. Botello  
**PHONE#:** (770) 881-3616 **EMAIL:** lindamar@botello.us  
**REPRESENTATIVE:** Albert J. Bolet, III  
**PHONE#:** (404) 320-3456 **EMAIL:** gb@goicobolet.com  
**TITLEHOLDER:** Herlinda M. Botello

**PETITION NO:** Z-36  
**HEARING DATE (PC):** 04-07-15  
**HEARING DATE (BOC):** 04-21-15  
**PRESENT ZONING:** GC

**PROPERTY LOCATION:** North side of Hurt Road, east of Powder Springs Road  
(2400 Hurt Road).

**PROPOSED ZONING:** LRO

**PROPOSED USE:** Office

**ACCESS TO PROPERTY:** Hurt Road

**SIZE OF TRACT:** 0.3199 acre

**DISTRICT:** 19

**PHYSICAL CHARACTERISTICS TO SITE:** One story frame house

**LAND LOT(S):** 767

**PARCEL(S):** 34

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** PSC/ Single Family Home
- SOUTH:** R-20/ Single Family Home
- EAST:** PSC/ Quails Nest Subdivision
- WEST:** PSC/ Single Family Home

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

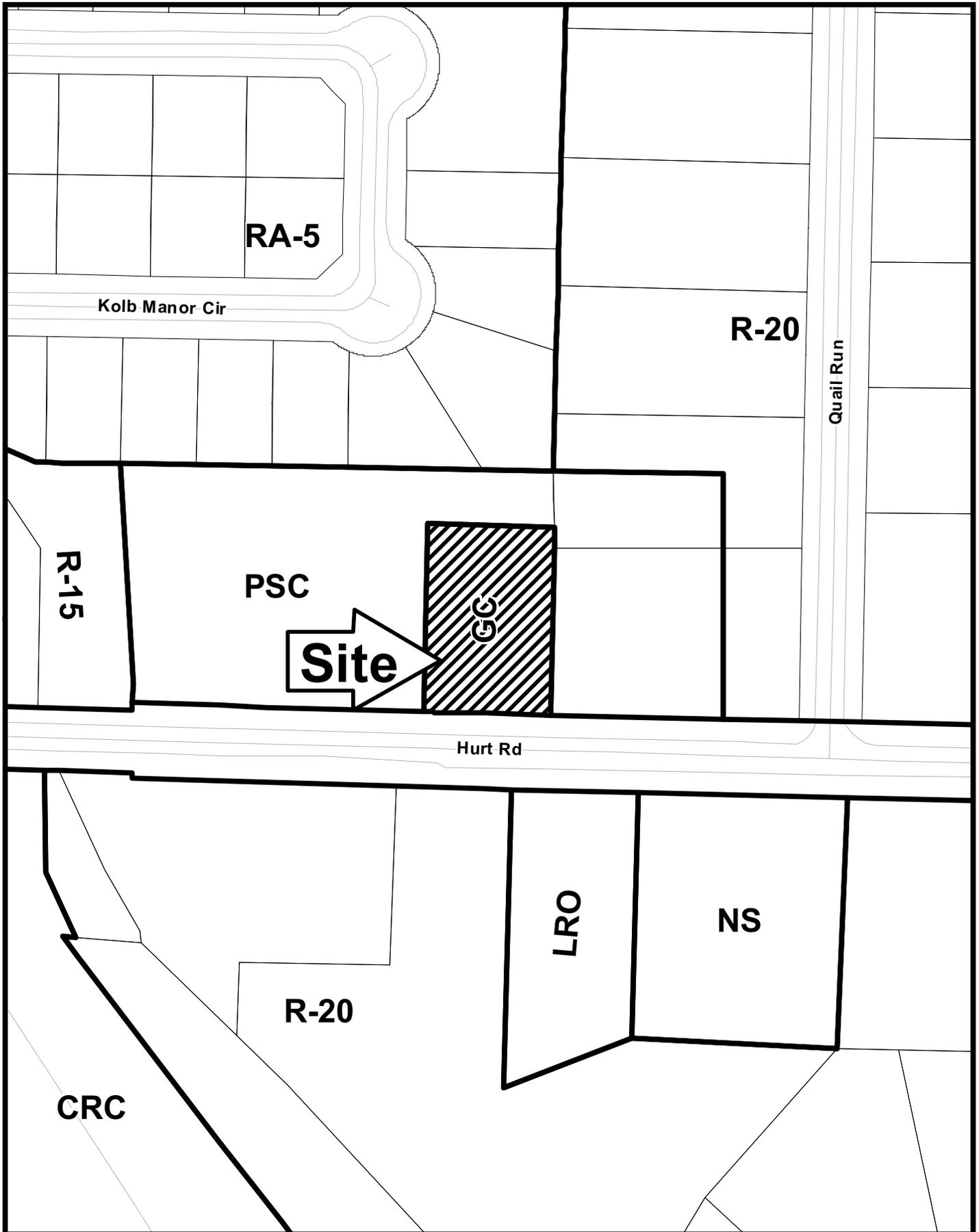
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Z-36



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



City Boundary  
Zoning Boundary

**APPLICANT:** Herlinda M. Botello

**PETITION NO.:** Z-36

**PRESENT ZONING:** GC

**PETITION FOR:** LRO

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**ZONING COMMENTS:**

**Staff Member Responsible:** Donald Wells

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

**Proposed Number of Buildings:** 1 **Total Square Footage of Development:** 2000

**F.A.R.:** .143 **Square Footage/Acre:** 6251.9

**Parking Spaces Required:** 7 **Parking Spaces Provided:** 10

The applicant is requesting a rezoning to the LRO District for use as a professional office. The property is currently zoned GC and is located outside of a community activity center or regional activity center and is deemed a grandfathered nonconforming use. The property has been used as an office for many years prior to losing its grandfathered status. The applicant intends to use the 2000 square foot 1 story house as an office. The applicant intends pave and stripe the parking area. The applicant does not expect any more than 3 employees to work at the office, hours of operation will be 7 am to 7 pm.

The applicant is requesting contemporaneous variances to reduce the minimum lot size from 20,000 square feet to 13,936, waive the rear setback from 30 feet to 22 feet, and to reduce the landscape buffer from 20 feet to 10 feet.

**Cemetery Preservation:** No comment.

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**FIRE COMMENTS:**

C/O: Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

APPLICANT: Herlinda M. Botello

PETITION NO.: Z-36

PRESENT ZONING: GC

PETITION FOR: LRO

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to LRO for purpose of office use. The 0.31 acre site is located on the north side of Hurt Road, east of Powder Springs Road.

**Comprehensive Plan**

The parcel is within a Medium Density Residential (MDR) future land use category, with GC zoning designation. 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?

**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.

APPLICANT: Herlinda M. Botello

PETITION NO.: Z-36

PRESENT ZONING: GC

PETITION FOR: LRO

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**PLANNING COMMENTS:** (Continued)

***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

Is this property within the Six Flags Special Service District?

Yes       No

APPLICANT Herlinda M Botello

PETITION NO. Z-036

PRESENT ZONING GC

PETITION FOR LRO

\*\*\*\*\*

**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" AC / N side of Hurt Rd

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: 225' E in Quail Run

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 100

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 Health Dept approval required for continued use of existing septic system.  
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: Herlinda M. Botello

PETITION NO.: Z-36

PRESENT ZONING: GC

PETITION FOR: LRO

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**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 CONDITIONS

- 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: Herlinda M. Botello**

**PETITION NO.: Z-36**

**PRESENT ZONING: GC**

**PETITION FOR: LRO**

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**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.

ADDITIONAL COMMENTS

1. The site is located to the north of Hurt Road. The entire site drains to the south to the Hurt Road R/W.
2. The applicant is proposing to use the existing structure with no significant site improvements anticipated. Full stormwater management must be provided upon redevelopment or substantial improvement of the site.

**APPLICANT: Herlinda Botello**

**PETITION NO.: Z-36**

**PRESENT ZONING: GC**

**PETITION FOR: LRO**

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**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
Hurt Road	12600	Major	35	Cobb	80'

*Based on [2007] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Hurt Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

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

Recommend applicant verify that minimum right-of-way is available for Hurt Road and if it is not, 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 north side of Hurt Road, a minimum of 40' from the roadway centerline.

Recommend the driveway be upgraded to the commercial standard.

Recommend curb, gutter and sidewalk for Hurt Road at the time of redevelopment.

Recommend taper for the Hurt Road access at the time of redevelopment.

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## STAFF RECOMMENDATIONS

### **Z-36 HERLINDA M. BOTELLO**

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant intends to provide an office including a paved parking lot. The property has been used as an office for many years.
- 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. This proposal has been operated as an office for many years without adversely affecting adjacent or nearby properties.
- 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 projects this area to be Medium Density Residential (MDR). This proposal is surrounded by the MDR and may cause conflicting land uses in the future.
- 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 to LRO. The property has been used as an office for many years.

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

- Site plan received February 6, 2015;
- Professional office use only;
- No outdoor storage;
- Applicant install a 10 foot landscape buffer adjacent to the north, west, and east property lines to be approved by the County Arborist;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Storm water Management comments and recommendations;
- Department of Transportation comments and recommendations;
- 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.**

Application No. Z-36

April 2015

# 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

a) Proposed use(s): office  
\_\_\_\_\_  
b) Proposed building architecture: existing structure  
\_\_\_\_\_  
c) Proposed hours/days of operation: 7:00 a.m. to 7:00 p.m.  
\_\_\_\_\_  
d) List all requested variances: 1. Variance reduction in rear setbackline to 22 feet  
2. Reduction in lot size  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

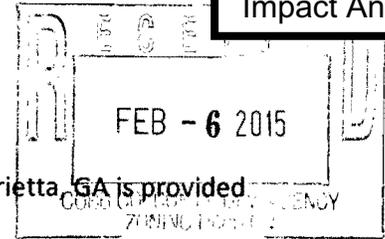
.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

**(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

\_\_\_\_\_  
\_\_\_\_\_

IMPACT ANALYSIS



9. A summary of the impact analysis for the rezoning of 2400 Hurt Road, Marietta, GA is provided below:

- (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

**The rezoning of the property will permit a use that is suitable given the existing commercial and residential use of nearby property.**

- (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

**Since the current use in the area includes commercial use and the square footage involved here is relatively small, the rezoning would not adversely affect the existing use or usability of adjacent or nearby property.**

- (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

**While the Property does have a reasonable economic use as currently zoned, this is probably not its highest and best use.**

- (d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

**Given the limited square footage involved, it is unlikely that the rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

- (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;

**The zoning proposal is not in conformity.**

- (f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

**Use in the area has changed from residential to commercial.**

Existing On-site Sewage Management System Performance Evaluation Report

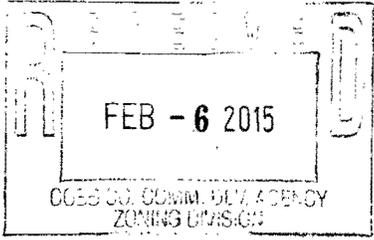
Applicant: Herlinda Botello		Reason for Existing Sewage System: (1) Loan Closing for Home (2) Refinance (3) Home Addition (Non-bedroom) Type: _____ (4) Swimming Pool Construction (5) Structure Addition to Property Type: _____ (6) Mobile Home Relocation	
Property/System Address: 2400 HURT RD MARIETTA, GA 30008			
Subdivision Name:	Lot:		Block:
Existing System Information: Water Supply (circle) <input checked="" type="radio"/> Public <input type="radio"/> Private Well <input type="radio"/> Community			Number of Bedrooms/GPD: 3/0
			Garbage Grinder: (circle) <input type="radio"/> Yes <input checked="" type="radio"/> No

\*\*\* One of Section A, B, or C should be Completed \*\*\*

SECTION A - System on Record

<input checked="" type="radio"/> Yes <input type="radio"/> No	Existing On-site Sewage Management System inspection records indicate that all components of the system were properly constructed and installed at the time of the original inspection.	Comments: APPROVED FOR OFFICE WITH THREE EMPLOYEES  <i>J. Delaney</i> 12-4-14
<input checked="" type="radio"/> Yes <input type="radio"/> No	A copy of the original On-site Sewage Management System Inspection Report is attached.	
<input type="radio"/> Yes <input checked="" type="radio"/> No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
<input checked="" type="radio"/> Yes <input type="radio"/> No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system.	
Evaluating Environmentalist	Title: <i>JAW</i>	Date: 02-Dec-14
<i>J. Delaney</i>		I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION B - System Not on Record

<input type="radio"/> Yes	No inspection records are on file showing the On-site Sewage Management System was inspected and approved at the time of the installation	Comments:  
<input type="radio"/> Yes <input type="radio"/> No	The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria.	
<input type="radio"/> Yes <input type="radio"/> No	Documentation from a Georgia Certified Installer has been provided as to the condition of the septic tank and its respective components, certifying its design, construction, and installation criteria. A copy is attached.	
<input type="radio"/> Yes <input type="radio"/> No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.	
<input type="radio"/> Yes <input type="radio"/> No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system; however, appropriateness of the sizing and installation cannot be verified since no initial inspection records exist.	
Evaluating Environmentalist	Title:	Date:
		I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION C - System Not Approved

<input type="radio"/> Yes <input type="radio"/> No	The On-site Sewage Management System was disapproved at the time of the initial and is thus not considered an approved system.	Comments:
<input type="radio"/> Yes <input type="radio"/> No	Evaluation of the system revealed evidence of system failure or malfunction, and will therefore require corrective action in order to obtain approval of the system.	
<input type="radio"/> Yes <input type="radio"/> No	Evaluation of the system revealed conditions which would adversely affect the proper functioning of the system, and will therefore require corrective action in order to obtain approval of the system.	
Evaluating Environmentalist	Title:	Date:
		I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION D - Addition to Property or Relocation of Home (section completed in conjunction with A, B, or C above)

<input type="radio"/> Yes <input type="radio"/> No	An existing On-site Sewage Management System is located on the property listed above and has been evaluated in accordance with Section A or B above.	Comments:
<input type="radio"/> Yes <input type="radio"/> No	A site evaluation on this date as well as the provided information indicate that the proposed construction to home or property or that the proposed relocation of the home should not adversely affect the proper functioning of the existing system provided that no additional sewage load is added to the system for the listed size home adjacent.	
		Number of Bedrooms/GPD: 3
		Garbage Grinder: (circle) <input type="radio"/> Yes <input checked="" type="radio"/> No
Evaluating Environmentalist	Title:	Date:
		I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.