

Z-7  
(2016)

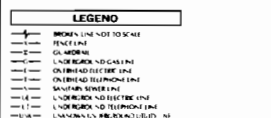
GENERAL NOTES

ACCORDING TO SECTION 17-1-1 OF THE GEORGIA CONSTITUTION AND SECTION 17-1-1 OF THE GEORGIA CODE, THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY. THE SURVEYOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY.

SPECIAL NOTES

THE SURVEYOR HAS REVIEWED THE RECORDS OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS AND HAS DETERMINED THAT THE SURVEYOR IS A LICENSED PROFESSIONAL SURVEYOR. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS AND HAS DETERMINED THAT THE SURVEYOR IS A LICENSED PROFESSIONAL SURVEYOR.

VICINITY MAP

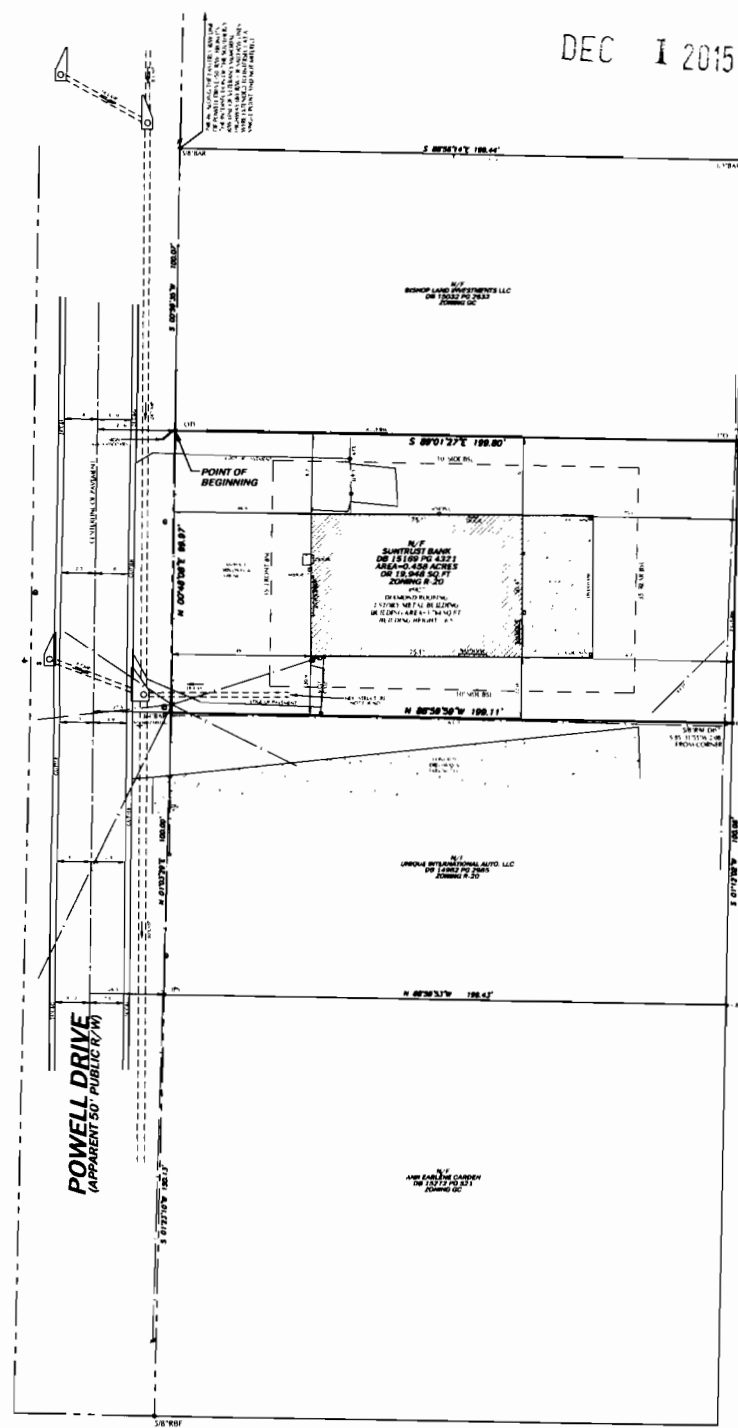


LEGEND

- Legend symbols for various features: BROWN LINE NOT TO SCALE, FENCE LINE, CLUTTER, UNDEVELOPED LAND, CONCRETE DRIVE, ELECTRIC LINE, WATER LINE, etc.

LEGAL DESCRIPTION (BASED ON THIS SURVEY)

All that tract or parcel of land lying and being in Land Lot 34 of the 18th Land Survey, 2nd Section, Cobb County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. Land 115, 000, (Survey No. 433-000), bearing the seal of the State of Georgia, the Registered Land Surveyor 433-000, and being more particularly described with bearings and distances to said Georgia State Zone, as follows:



DEC 1 2015

DIAMOND ROOFING COMPANY  
LAND SURVEYING AND DESIGN, COBB COUNTY, GEORGIA

VA  
VALENTINO & ASSOCIATES, INC.  
LAND SURVEYORS

Table with 2 columns: REVISIONS, Description of revisions.

UTILITY WARNING

INFORMATION REGARDING THE REPORTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO WARRANTY FOR THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED BY THE USER AT HIS OWN RISK. THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND IT SHALL BE CONSIDERED BY THE USER AT HIS OWN RISK.



FIELD DATES: 11/11/15 - 11/16/15

STATE OF GEORGIA PLAT ACT CERTIFICATION

THIS PLAT WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYING IN GEORGIA AS SET FORTH IN CHAPTER 1803 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT OF O.C.G.A. 18-1-1. I CERTIFY THAT THIS PLAT WAS DONE UNDER MY SUPERVISION, SINCE I AM A LICENSED PROFESSIONAL SURVEYOR AND I AM A MEMBER OF THE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS. I HAVE REVIEWED THE PLAT AND I HAVE DETERMINED THAT IT IS ACCURATE WITHIN ONE FOOT IN 1000 FEET AT THE DATUM ACCURACY OF THE PLAT. ONE FOOT IN 1000 FEET.

Professional seal for Valentino & Associates, Inc. and a table with fields for DATE, JOB NUMBER, FILE NUMBER, and PLOTTED.

APPLICANT: Diamond Roofing Company, Inc.

PETITION NO: Z-7

PHONE#:                      EMAIL:                     

HEARING DATE (PC): 02-02-16

REPRESENTATIVE: Parks F. Huff

HEARING DATE (BOC): 02-16-16

PHONE#: (770) 422-7016 EMAIL: phuff@slhb-law.com

PRESENT ZONING R-20

TITLEHOLDER: SunTrust Bank

PROPOSED ZONING: LI

PROPERTY LOCATION: East side of Powell Drive, south of

PROPOSED USE: Contractor's Office

Veterans Memorial Highway

(5827 Powell Drive).

ACCESS TO PROPERTY: Powell Drive

SIZE OF TRACT: 0.458 acre

DISTRICT: 18

PHYSICAL CHARACTERISTICS TO SITE:                     

LAND LOT(S): 34

PARCEL(S): 16

TAXES: PAID X DUE                     

COMMISSION DISTRICT: 4

**CONTIGUOUS ZONING/DEVELOPMENT**

NORTH: GC/ Machine Shop  
SOUTH: R-20/ Subject of Z-7, February 2016  
EAST: LI/ Wooded, Undeveloped  
WEST: GC/ Automotive Repair

***Adjacent Future Land Use:***  
North: Neighborhood Activity Center (NAC)  
East: Neighborhood Activity Center (NAC)  
South: Neighborhood Activity Center (NAC)  
West: Neighborhood Activity Center (NAC)

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

**PLANNING COMMISSION RECOMMENDATION**

APPROVED            MOTION BY                     

REJECTED            SECONDED                     

HELD                      CARRIED                     

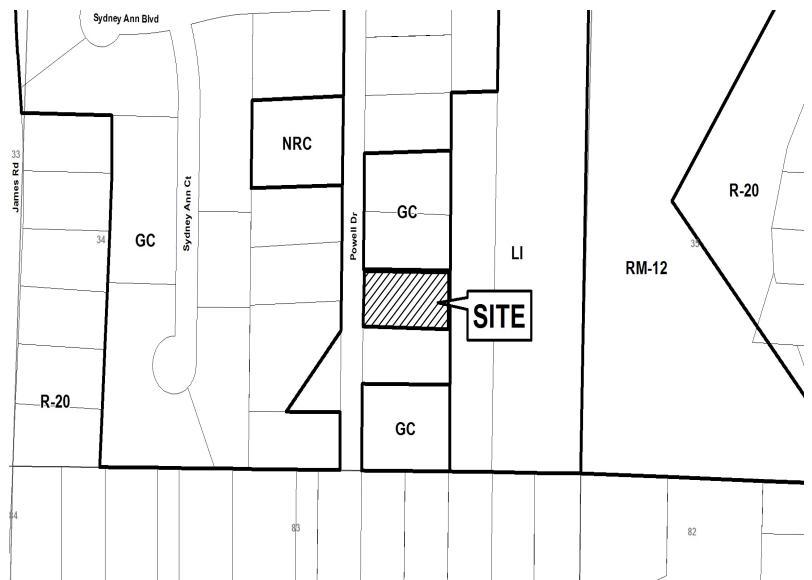
**BOARD OF COMMISSIONERS DECISION**

APPROVED            MOTION BY                     

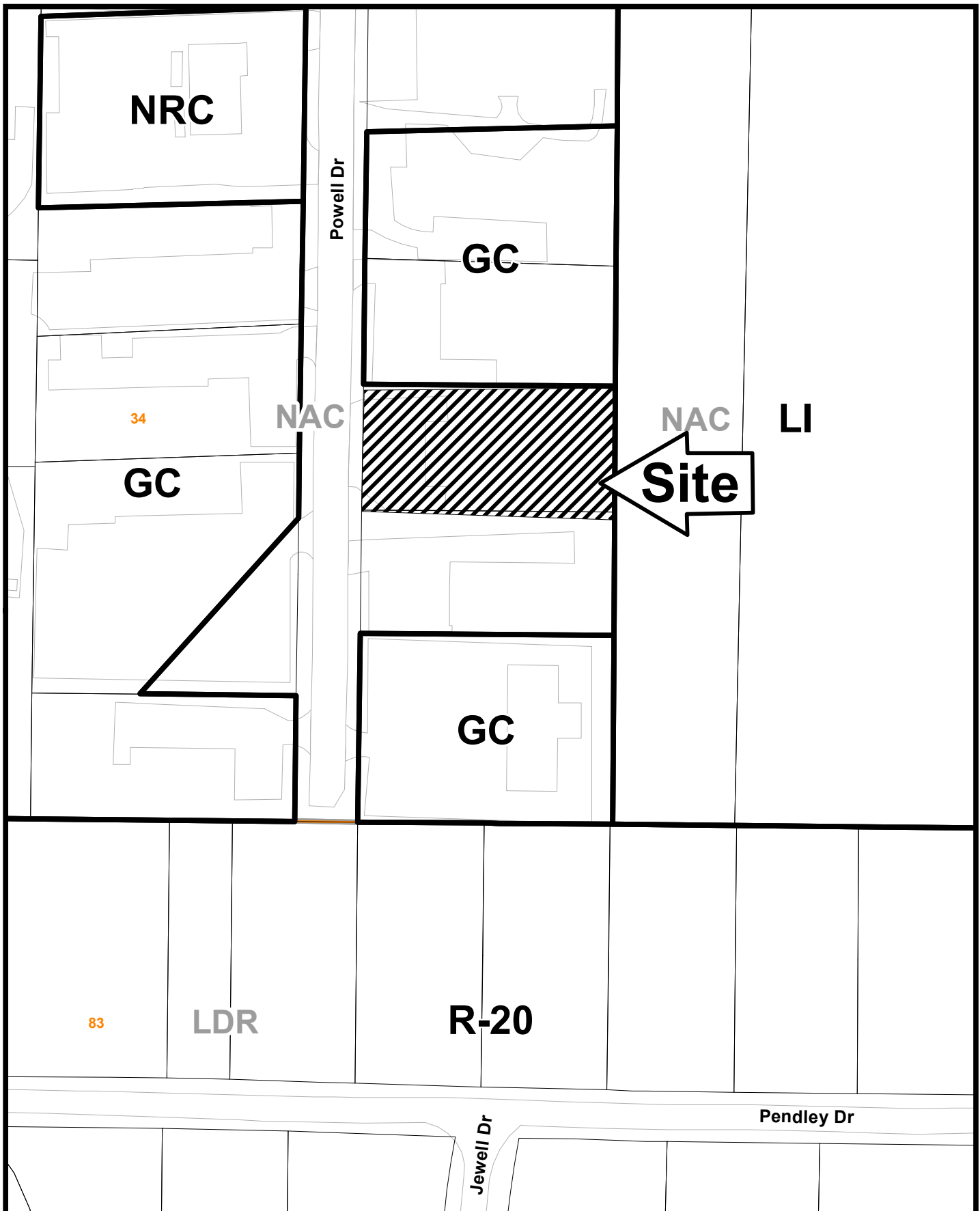
REJECTED            SECONDED                     

HELD                      CARRIED                     

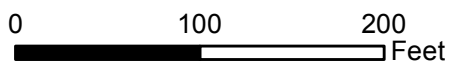
**STIPULATIONS:**





# Z-7



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Diamond Roofing Company, Inc.

**PETITION NO.:** Z-7

**PRESENT ZONING:** R-20

**PETITION FOR:** LI

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**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** Neighborhood Activity Center (NAC)

**Proposed Number of Buildings:** 1 **Total Square Footage of Development:** 3,784 sq. ft.

**F.A.R.:** 0.19 **Square Footage/Acre:** 8,262 sq. ft.

**Parking Spaces Required:** 10 **Parking Spaces Provided:** unstriped, room for 10

The applicant is requesting a rezoning of the subject property from the current R-20 single-family residential district to the LI light industrial district in order to operate a contractor’s office. The existing commercial building will be utilized and proposed hours are Monday through Friday 7:00 a.m. to 7:00 p.m.

The applicant’s request would require the following variance:

1. Waive the minimum lot size from the required 40,000 square feet to 19,948 square feet.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

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**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: Diamond Roofing Company, Inc.

PETITION NO.: Z-7

PRESENT ZONING: R-20

PETITION FOR: LI

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to LI for the purpose of a contractor’s office. The .458 acre site is located on the east side of Powell Drive, south of Veterans Memorial Highway.

**HB-489 Intergovernmental Agreement Zoning Amendment Notification:**

Is the application site within one half (1/2) mile of a city boundary?  Yes  No  
If yes, has the city of \_\_\_\_\_ been notified?  Yes  No / N/A

**Comprehensive Plan**

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with R-20 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.

**Specific Area Policy Guidelines:**

There are no specific policy guidelines for this area in the Comprehensive Plan.

**Adjacent Future Land Use:**

North: Neighborhood Activity Center (NAC)  
East: Neighborhood Activity Center (NAC)  
South: Neighborhood Activity Center (NAC)  
West: Neighborhood Activity Center (NAC)

**Master Plan/Corridor Study**

The property is not located within the boundary of a Plan or Corridor Study

**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.

APPLICANT: Diamond Roofing Company, Inc.

PETITION NO.: Z-7

PRESENT ZONING: R-20

PETITION FOR: LI

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**PLANNING COMMENTS:** (Continued)

Is the property within an Enterprise Zone?  Yes  No

The South Cob 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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

**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

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

If so, which particular safety zone is this property within?

CZ (Clear Zone)  APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

APPLICANT Diamond Roofing Company

PETITION NO. Z-007

PRESENT ZONING R-20

PETITION FOR LI

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**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 / W side of Powell Drive

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.

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**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: 400' W at Sydney Ann Court

Estimated Waste Generation (in G.P.D.): A D F= 200 Peak= 500

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. No site changes proposed.

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: Diamond Roofing, Inc.

PETITION NO.: Z-7

PRESENT ZONING: R-20

PETITION FOR: LI

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Pine 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 any proposed site improvements on downstream receiving system.



APPLICANT: Diamond Roofing, Inc.

PETITION NO.: Z-7

PRESENT ZONING: R-20

PETITION FOR: LI

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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.

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 significant site improvements are currently proposed. Any site improvement or expansion must meet current stormwater management requirements.

**APPLICANT: Diamond Roofing Company, Inc.**

**PETITION NO.: Z-7**

**PRESENT ZONING: R-20**

**PETITION FOR: LI**

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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
Powell Drive	N/A	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

Powell Drive is classified as a local and according to the available information the existing right-of-way may 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.

Recommend sidewalk along the Powell Drive frontage.

Recommend no parking on the right-of-way.

## STAFF RECOMMENDATIONS

### **Z-7 DIAMOND ROOFING COMPANY, INC.**

- A. It is Staff's opinion that the applicant's rezoning proposal has the potential to permit other uses that are not suitable in view of the use and development of adjacent and nearby properties. Recent rezonings in the Powell Drive area have followed the NAC future land use designation and resulted in a shift to less intense uses.
- B. It is Staff's opinion that the applicant's rezoning proposal as requested may have an adverse affect on the usability of adjacent or nearby property. The requested industrial district would result in potential uses that would further exacerbate existing adverse circumstances in the Powell Drive corridor.
- C. It is Staff's opinion that the applicant's rezoning proposal may 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*. The property is located in an area delineated as NAC neighborhood activity center which seeks to encourage small offices, limited retail and similar stores that serve neighborhood residents and businesses. While the applicant's proposed use of contractor's office may fit the NAC objectives, other potential LI permitted uses would not.
- 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 deleting the applicant's rezoning proposal. Just as recent rezonings in the area have evidenced, a rezoning to a less intense retail commercial category is more appropriate for the property. The applicant's requested use of contractor's office can be permitted under a more appropriate zoning district that is in keeping with the NAC designation while disallowing other, more potentially intense and adverse uses.

Based on the above analysis, Staff recommends **DELETION TO NRC** subject to the following conditions:

1. Site plan received by the zoning division on December 1, 2015 recognizing the existing lot size;
2. No outside storage allowed;
3. Fire Department comments and recommendations;
4. Department of Transportation comments and recommendations;
5. Water and Sewer Division comments and recommendations; and
6. Stormwater Management Division 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.**

## 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): \_\_\_\_\_ DEC 1 2015
- d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

- a) Proposed use(s): Contractor's Office
- b) Proposed building architecture: Existing commercial building
- c) Proposed hours/days of operation: 7:00 a.m. - 7:00 p.m. (Monday - Friday)
- d) List all requested variances: To reduce lot size from 40,000 to 19,000 for an existing lot.
- \_\_\_\_\_
- \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

**ZONING IMPACT STATEMENT FOR THE REZONING**  
**APPLICATION OF DIAMOND ROOFING COMPANY, INC.**

COMES NOW, DIAMOND ROOFING COMPANY, INC., and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:


DEC 1 2015

- A. Diamond Roofing Company, Inc. proposes to use the subject property for a contractor’s office for a commercial roofing contractor. The office will house the staff that manages bidding, billing, payroll and other administrative tasks for the roofing company. The company specializes in commercial projects such as hospitals and large office buildings. Some trucks and equipment may be parked on-site at times but most equipment and material is delivered to each job site. The proposed use is suitable in relation to development along the Powell Drive Corridor. Although the subject property is zoned Residential R-20 it is located within an area designated as Neighborhood Activity Center (“NAC”) under Cobb County’s Future Land Use Map. Additionally, this site has been used commercially for years and is adjacent to existing GC and LI zoned properties and multiple locations used for vehicle repair and/or storage along with other heavily commercial operations.
  
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is adjacent to various industrial, commercial, and automobile uses.
  
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. The property is developed for commercial use and has been used commercially for over thirty (30) years. It cannot be used residentially.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
  
- E. The zoning proposal is located within a Neighborhood Activity Center (“NAC”) Future Land Use Category but is adjacent to predominantly GC and LI zoned properties.
  
- F. There is no substantial relationship between the existing zoning classification of R-20 which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this area of Powell Drive, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 1 day of December 2015.

SAMS, LARKIN, HUFF & BALLI, LLP

By:  \_\_\_\_\_

PARKS F. HUFF  
Attorney for Applicant  
Ga. Bar No. 375010