



APPLICANT: Boos Development Group, Inc.

PETITION NO: Z-24

PHONE#: \_\_\_\_\_ EMAIL: eflynn@boosdevelopment.com

HEARING DATE (PC): 03-01-16

REPRESENTATIVE: John H. Moore

HEARING DATE (BOC): 03-15-16

PHONE#: 770-429-1499 EMAIL: jmoore@mijs.com

PRESENT ZONING NRC, R-20

TITLEHOLDER: Mason Wayne Miller & Mary K. Miller

PROPOSED ZONING: NRC with Stipulations

PROPERTY LOCATION: Intersection of the northwesterly side of Brownsville Road and the easterly side of Pine Valley Road.

PROPOSED USE: Retail

ACCESS TO PROPERTY: Brownsville Road and Pine Valley Road

SIZE OF TRACT: 2.01 acres

DISTRICT: 19

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped acreage

LAND LOT(S): 1263

PARCEL(S): 1

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

COMMISSION DISTRICT: 4

**CONTIGUOUS ZONING/DEVELOPMENT**

NORTH: R-20/Church  
SOUTH: R-20/Millers Creek Subdivision  
EAST: R-20/Millers Creek Subdivision  
WEST: R-20/Millers Creek Subdivision

***Adjacent Future Land Use:***

North: Very Low Density Residential (VLDR) and Neighborhood Activity Center (NAC)  
Southeast: Very Low Density Residential (VLDR)  
West: Very Low Density Residential (VLDR)

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

**PLANNING COMMISSION RECOMMENDATION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

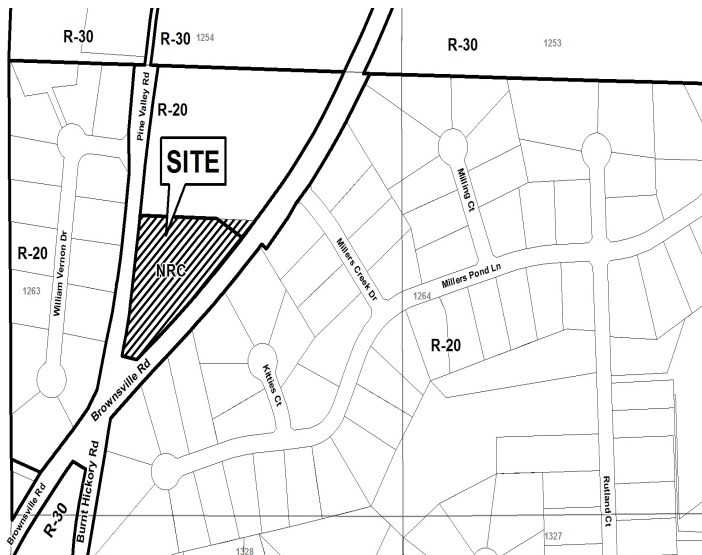
**BOARD OF COMMISSIONERS DECISION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

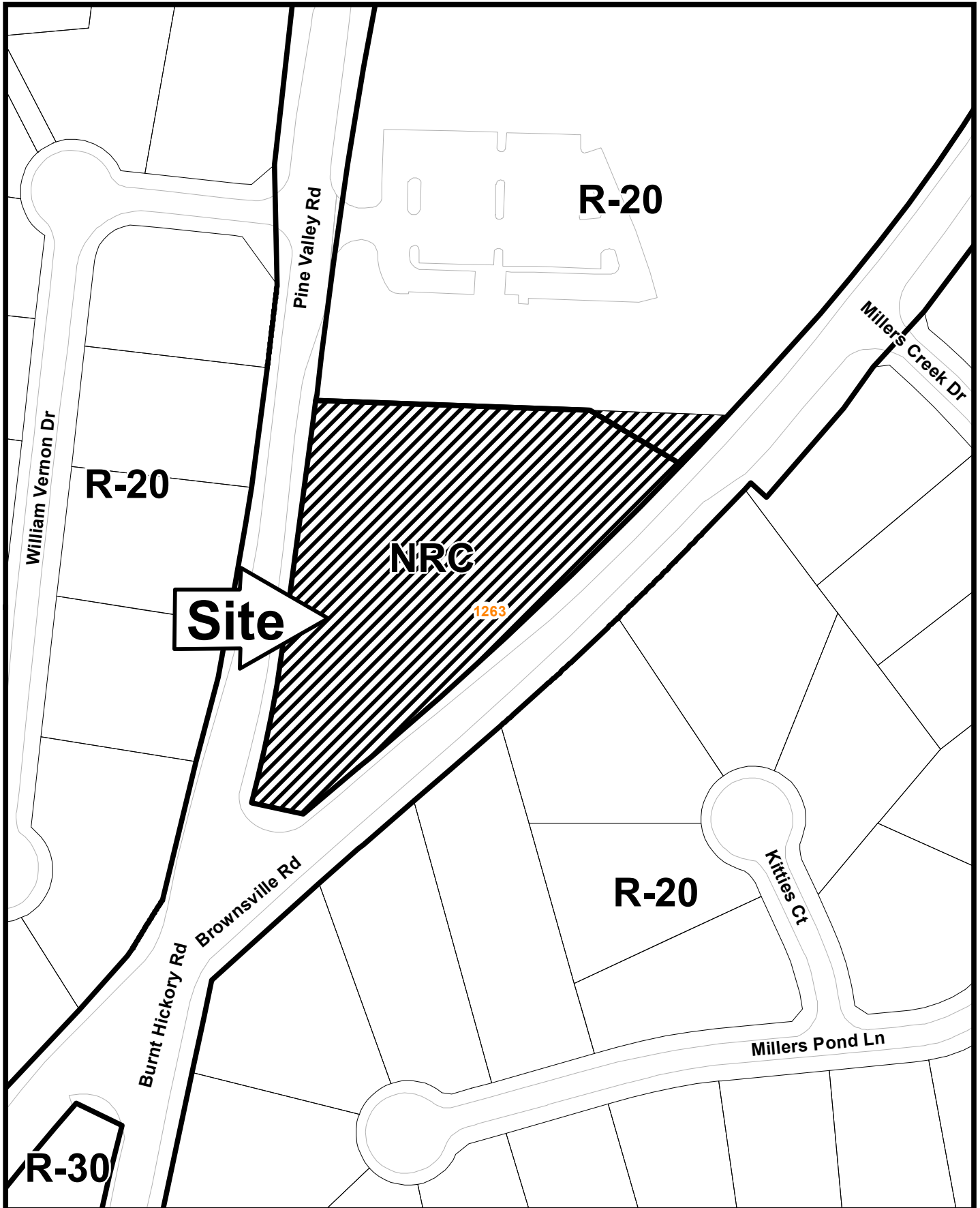
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

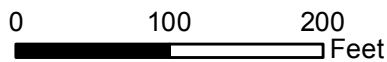
STIPULATIONS:





# Z-24



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Boos Development Group, Inc.

**PETITION NO.:** Z-24

**PRESENT ZONING:** NRC, R-20

**PETITION FOR:** NRC W/S

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**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 8,320

**F.A.R.:** .094      **Square Footage/Acre:** 4,137

**Parking Spaces Required:** 41      **Parking Spaces Provided:** 42

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of developing the property for a single retail store. The hours of operation will be Sunday through Saturday from 8 a.m. until 10 p.m. The building will be traditional/four-sided brick. The subject property was rezoned as part of a larger tract that was part of Z-100 of 1996. The property has remained zoned NRC and has never been developed. At the time in 1996, the subject parcel was planned to be a convenience store.

**Cemetery Preservation:** No comment.

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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: Boos Development Group, Inc.

PETITION NO.: Z-24

PRESENT ZONING: NRC, R-20

PETITION FOR: NRC W/S

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from NRC to NRC with Stipulations for the purpose retail. The 2.01 acre site is located at the intersection of the northwesterly side of Brownsville Road and the easterly side of Pint Valley Road.

**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 future land use category, with NRC 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:            Very Low Density Residential (VLDR) and Neighborhood Activity Center (NAC)  
Southeast:      Very Low Density Residential (VLDR)  
West:            Very Low Density Residential (VLDR)

**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?

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PETITION FOR: NRC W/S

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**PLANNING COMMENTS:** (Continued)

**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.

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)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Boos Development Corp

PETITION NO. Z-024

PRESENT ZONING NRC, R-20

PETITION FOR NRC with Stips

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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): 8" DI / W side of Brownsville Rd

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.

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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: 4,000' E

Estimated Waste Generation (in G.P.D.): A D F= 333 Peak= 832

Treatment Plant: Septic

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 Permit from Health Dept required for use of 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.

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PRESENT ZONING: NRC, R-20

PETITION FOR: NRC w/ stips

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sweetwater 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 downstream receiving systems.



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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. This parcel is located just north of the intersections of Pine Valley and Brownsville Roads. The site is almost entirely open with slopes less than 5%. The site drains to the north to the rights-of-way of Pine Valley and Brownsville Roads via the existing roadside drain ditches.

**APPLICANT: Boos Development Group, Inc.**

**PETITION NO.: Z-24**

**PRESENT ZONING: NRC, R-20**

**PETITION FOR: NRC with Stipulations**

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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
Brownsville Road	12,900	Arterial	45 mph	Cobb County	100'
Pine Valley Road	6500	Minor Collector	25 mph	Cobb County	60'

*Based on 2005 traffic counting data taken by Cobb County DOT for Brownsville Road.  
Based on 2010 traffic counting data taken by Cobb County DOT for Pine Valley Road.*

**COMMENTS AND OBSERVATIONS**

Brownsville Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Pine Valley Road is classified as a minor 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.

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 west side of Brownsville Road, a minimum of 50' from the roadway centerline.

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 Pine Valley Road, a minimum of 30' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Brownsville Road and Pine Valley Road frontages.

As necessitated by this development, recommend Brownsville Road access include deceleration lane and left turn lane. Recommend design be determined during plan review, subject to Cobb County DOT approval.

Recommend relocating the driveway on Pine Valley a minimum of 250 feet from the intersection of Brownsville Road for full access. If this cannot be achieved, the access will be restricted to right-in/ right-out only.

## STAFF RECOMMENDATIONS

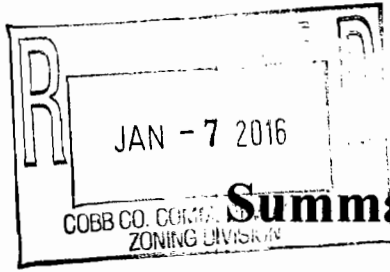
### **Z-24 BOOS DEVELOPMENT GROUP, INC.**

- 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. Nearby properties are zoned for institutional (church), and single-family 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 proposed use will be less intense than the uses planned in 1996 when the property was rezoned to NRC.
- 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 as being in the Neighborhood Activity Center land use category for uses that serve neighborhood residents and businesses. The property to the north is used and developed as a place of worship and the subject property was rezoned in 1996 to NRC, with an anticipated convenience store. The NRC property was never developed and the applicant is requesting NRC with stipulations in order to utilize the property under the NRC zoning and NAC land use category. The NRC zoning district is compatible with the NAC land use category and the proposed use is permitted under NRC.
- 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 has been zoned NRC since 1996. The proposed use at that time was never developed and the property has not ever been rezoned back to residential. The requested zoning and land use are compatible. With limited hours of operation, the proposed retail store will be less intense than a convenience store that is open 24 hours seven days per week.

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

1. Site plan received by the Zoning Division on January 7, 2016, with the District Commissioner approving minor modifications;
2. Fire Department comments and recommendations;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Department of Transportation comments and recommendations;
6. 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; and
7. Building architecture to be approved by the District Commissioner.

**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-24 (2016)

Hearing Dates: 03/01/2016  
03/15/2016

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): Not Applicable
- 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): Retail
- b) Proposed building architecture: Traditional/Four-sided brick
- c) Proposed hours/days of operation: Sunday - Saturday;  
8:00 a.m. - 10:00 p.m.
- d) List all requested variances: None known at this time  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**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?**

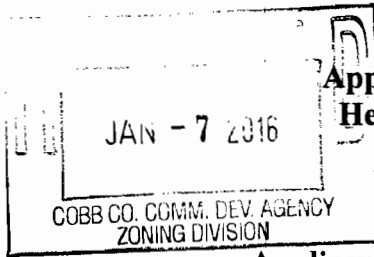
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

No, to the best of our knowledge,  
information, and belief.

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

**ATTACHMENT TO APPLICATION FOR REZONING**

**IMPACT ANALYSIS STATEMENT**



**Application No.:** Z- 24 (2016)  
**Hearing Dates:** March 1, 2016  
March 15, 2016

**Applicant:** Boos Development Group, Inc.  
**Titleholders:** Mason Wayne Miller and Mary K. Miller

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The property which is the subject of the Application for Rezoning is a 2.01 acre tract located at the intersection of the northwesterly side of Brownsville Road and the easterly side of Pine Valley Road, Land Lot 1263, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). The Subject Property is currently zoned Neighborhood Retail Commercial ("NRC"), and was included in the rezoning of a larger tract for residential and retail use (Z-100 (1996)). The Property has been zoned to the NRC category since 1996 but has remained undeveloped. Applicant now proposes to construct a single retail store on the Property, and rezoning same to the NRC category to revise stipulations and conditions previously approved is necessary. Even though the Subject Property is surrounded by residentially zoned properties, its triangular shape and frontage on two major area roads, Brownsville Road and Pine Valley Road, make it difficult for any use other than retail or commercial development. Also, the Property is located only a few hundred feet from the Cobb/Douglas County line. The modification of the existing NRC zoning, and the stipulations applicable to development, would allow a use suitable for the Property without adversely impacting the uses and development of adjacent and nearby properties.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed development will have required fencing and buffering along its boundaries which will minimize any impact and effect; if any, upon adjacent residentially zoned properties.. The revised and additional stipulations to be proposed by Applicant will allow for greater protection to residentially zoned properties; and, therefore, lessen any impact. Therefore, the requested rezoning will have a minimal, if any, impact on surrounding properties.
- (c) The Property as zoned does not have a reasonable economic use. Approval of the requested rezoning will allow for development to a more reasonable economic use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia.
- (f) The Subject Property was rezoned by the Board of Commissioners in 1996 to its existing NRC classification. To allow for rezoning and development as proposed in the present Application for Rezoning would allow for development to a more reasonable and economic retail use. The proposal would not provide a more quality development, but also would allow for buffering and stipulations favorable to surrounding residents.