

APPLICANT: TAK Real Estate Investors, LLC
770-933-9844

PETITION NO: Z-47

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP
John H. Moore 770-429-1499

HEARING DATE (PC): 10-07-08

HEARING DATE (BOC): 10-21-08

TITLEHOLDER: Litchfield Holdings, LLC

PRESENT ZONING: R-20

PROPOSED ZONING: LI

PROPERTY LOCATION: Located on the west side of Deen Road,
north of Jamerson Road.

PROPOSED USE: Office/Warehouse

ACCESS TO PROPERTY: Deen Road

SIZE OF TRACT: 9.52 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Existing house on a
large wooded lot

LAND LOT(S): 59, 60

PARCEL(S): 1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** HI, LI/ Blue Circle Concrete, Cook Fence Company
- SOUTH:** GC, R-20/Citgo, Canton-Jamerson Plaza, single-family house
- EAST:** R-20/ Single-family houses
- WEST:** GC/ The Right Stuff gas station, Charlie's Beer, Wine & Spirits

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

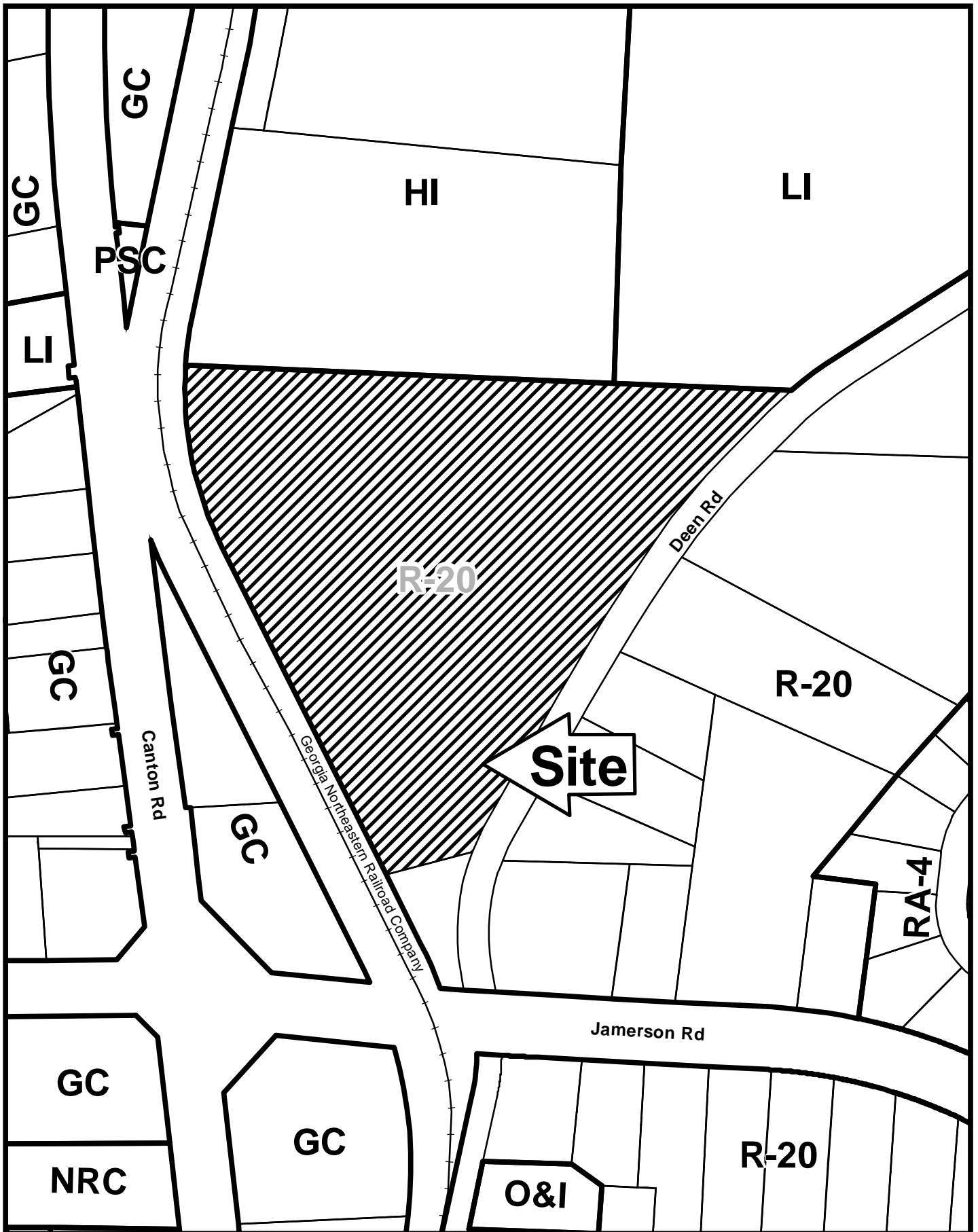
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

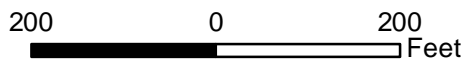
STIPULATIONS:



Z-47



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



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PETITION NO.: Z-47

PRESENT ZONING: R-20

PETITION FOR: LI

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 11 **Total Square Footage of Development:** 109,500

F.A.R.: 0.26 **Square Footage/Acre:** 11,502

Parking Spaces Required: 121 **Parking Spaces Provided:** 167

The applicant is requesting the LI zoning district to develop a business park for small industrial uses, light manufacturing, distribution, storage and office-warehouses. The buildings would all be one-story in height with metal exteriors and masonry accents. The users for the business park are anticipated to have business hours of 7:30 a.m. to 6:30p.m., Monday through Saturday. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A".

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.

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.

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot paved radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT TAK Real Estate Investors, LLC

PETITION NO. Z-047

PRESENT ZONING R-20

PETITION FOR LI

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 6" CI / E side Deen Rd

Additional Comments: Master meter to be at entrance

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:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: 260' NE in Deen Rd

Estimated Waste Generation (in G.P.D.): **A D F** 10,950 **Peak** 27,375

Treatment Plant: Noonday

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- Flow Test Required? Yes No
- Septic Tank Recommended by this Department? Yes No
- Subject to Health Department Approval? 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Flow estimate based on office/retail; industrial use could be higher.
Easements may be necessary depending upon road ROW access available

Notes FYI:

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 off site easements, dedication of on and/or off site 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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PETITION NO.: Z-47

PRESENT ZONING: R-20

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DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rubes 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 system.

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PETITION NO.: Z-47

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DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The extensive existing tree stand and undergrowth provide significant air/water quality, soil stabilization and storm flow mitigation benefits for this watershed. Construction of this project will eliminate the vast majority of this vegetation and increase pavement, storm runoff and non-point source pollution. To compensate, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).
2. Runoff from the upstream adjacent commercial developments to the north must be adequately accommodated through the site.

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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
Jamerson Road	NA	Arterial	45 mph	Cobb County	100'
Dean Road	NA	Local	35 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Dean Road is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Jamerson Road is identified in the 2005 SPLOST as a widen project.

Dean Road at Jamerson Road is identified as a realignment project. The realignment will improve safety and operational concerns with the existing at-grade rail road crossing. However, this portion of the project is not funded.

As necessitated by this development for egress from Dean Road, a deceleration lane will be required at the proposed access drive.

Install sidewalk, curb and gutter along all road frontages.

RECOMMENDATIONS

Recommend applicant coordinate with Cobb County Department of Transportation prior to development plan approval to ensure compatibility with the proposed road improvements.

Recommend a deceleration lane on Dean Road at the proposed entrance.

Recommend installing sidewalk, curb and gutter along all road frontages.

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

STAFF RECOMMENDATIONS

Z-47 TAK REAL ESTATE INVESTORS, LLC

- 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. The west side of Deen Road contains properties zoned Light Industrial, which are used for fence company and a general contractor.

- 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 applicant's proposal would be consistent with other light industrial development on the west side of Deen Road. To reduce conflicts with the residential property on the east side of Deen Road, Staff would suggest heavy landscaping with a berm along Deen Road. Additionally, to improve aesthetics, Staff would suggest that the building sides that face Deen Road contain brick facades.

- 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 an Industrial Compatible Land Use Category.

- 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 approval the applicant's rezoning proposal. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal is located in an area that contains other Light Industrial Development. The house currently on the property is in a state of disrepair, with junk strewn about the property; the applicant's proposal would clean-up this nuisance. Staff is concerned about the residential property on the other side of Deen Road, and would recommend a higher standard of landscaping and building architecture along the road to help reduce the impact of the proposal.

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

- Site plan received by the Zoning Division August 7, 2008, with the District Commissioner approving minor modifications;
- District Commissioner approve and landscape plan and building architecture (with an emphasis on the buildings that face Deen Road);
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT 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.

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT

Application No.: Z- 47 (2008)
Hearing Dates: October 7, 2008
October 21, 2008

Applicant: TAK Real Estate Investors, LLC
Titleholder: Litchfield Holdings, LLC

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

- (a) Applicant and Property Owner are requesting rezoning of approximately 9.52 acres located at 4879 Deen Road (hereinafter the "Property" or the "Subject Property") from the existing R-20 zoning category to the Light Industrial ("LI") zoning category for the purpose of allowing for the construction of an office and warehouse facility. The requested category of LI will permit a use that is more suitable in view of the use and development of adjacent and nearby properties. The Subject Property is in close proximity to Canton Road and is bounded on the westerly side by the CSX Railroad and on the north, to the Cobb/Cherokee border, by properties being used in industrial capacities. Thus, the Subject Property is undesirable to be developed for residential uses.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed development should have a lesser impact on surrounding properties. The proposed rezoning should have a very positive effect in light of changes, usage, and development of properties in the immediate vicinity in recent years. If approved and developed according to the request, the adjacent and nearby property owners should benefit in higher land values.
- (c) The Subject Property as presently zoned does not have a reasonable economic use. The proposed zoning will allow for a higher and better use of the Subject Property.

- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Industrial development has almost no effect on schools, minimal effect on utilities and transportation facilities.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as well as in conformity with the policy and intent of the Land Use Plan.
- (f) This zoning proposal is consistent with the current conditions affecting the development of this property. As previously stated, the Subject Property is located adjacent to railroad tracts, a major thoroughfare, and existing industrially zoned property. The rezoning proposed in the Application for Rezoning would allow for a more suitable and economic use without high impact into any nearby residential areas.