

ACME AMERICAN, L.L.C.  
 20 North St. SE, Suite 200, Marietta, Georgia 30060  
 Architects, Construction Managers, Engineers  
 Phone: (770) 425-6800 - Fax: (770) 425-5777

Z-6  
 (2010)

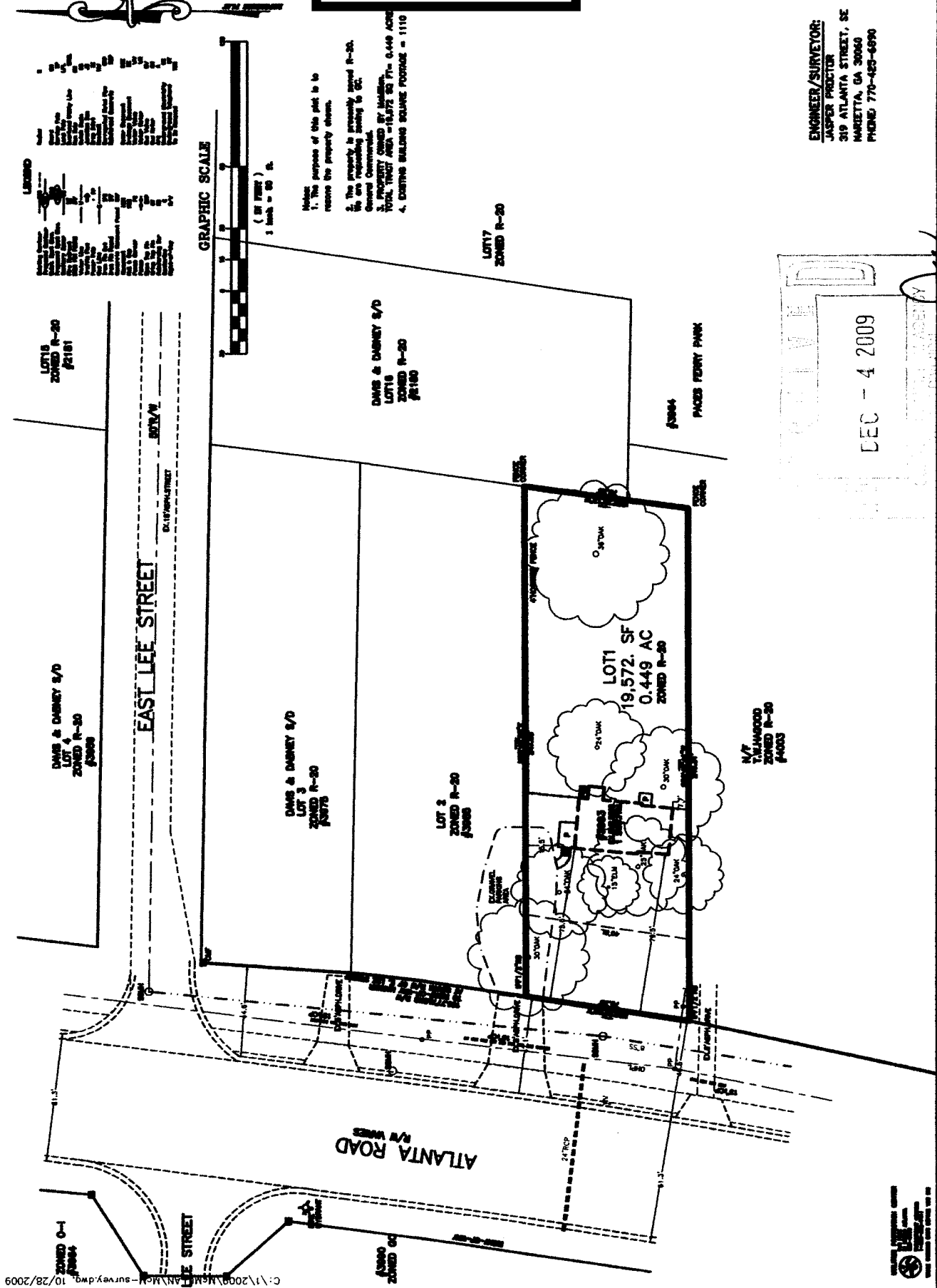
Project: [Blank]  
 Title: [Blank]  
 Date: [Blank]  
 Scale: [Blank]

Professional Engineer Seal: [Blank]  
 Professional Surveyor Seal: [Blank]

REGISTERED PROFESSIONAL ENGINEER  
 REGISTERED PROFESSIONAL SURVEYOR

DATE: 08-28-09  
 DRAWN BY: JS  
 CHECKED BY: JWP

C-1



DEC - 4 2009

ENGINEER/SURVEYOR:  
 JASPER PROCTOR  
 319 ATLANTA STREET, SE  
 MARIETTA, GA 30060  
 PHONE: 770-425-6800

11:45

APPLICANT: Justin McMillen

404-786-4225

REPRESENTATIVE: Hilton Dupree, Jr.

770-424-7171

TITLEHOLDER: Justin McMillen

PROPERTY LOCATION: Located on the east side of Atlanta Road,  
north of Gilmore Road.

ACCESS TO PROPERTY: Atlanta Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house

PETITION NO: Z-6

HEARING DATE (PC): 2-02-10

HEARING DATE (BOC): 2-16-10

PRESENT ZONING: R-20

PROPOSED ZONING: UVC

PROPOSED USE: Counseling

SIZE OF TRACT: 0.45 acre

DISTRICT: 17

LAND LOT(S): 745

PARCEL(S): 16

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

COMMISSION DISTRICT: 2

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/ Single-family house
- SOUTH:** R-20/ Single-family house
- EAST:** R-20, PRD/ Single-family house, Paces Ferry Park
- WEST:** GC/ Meineke car care center

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

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

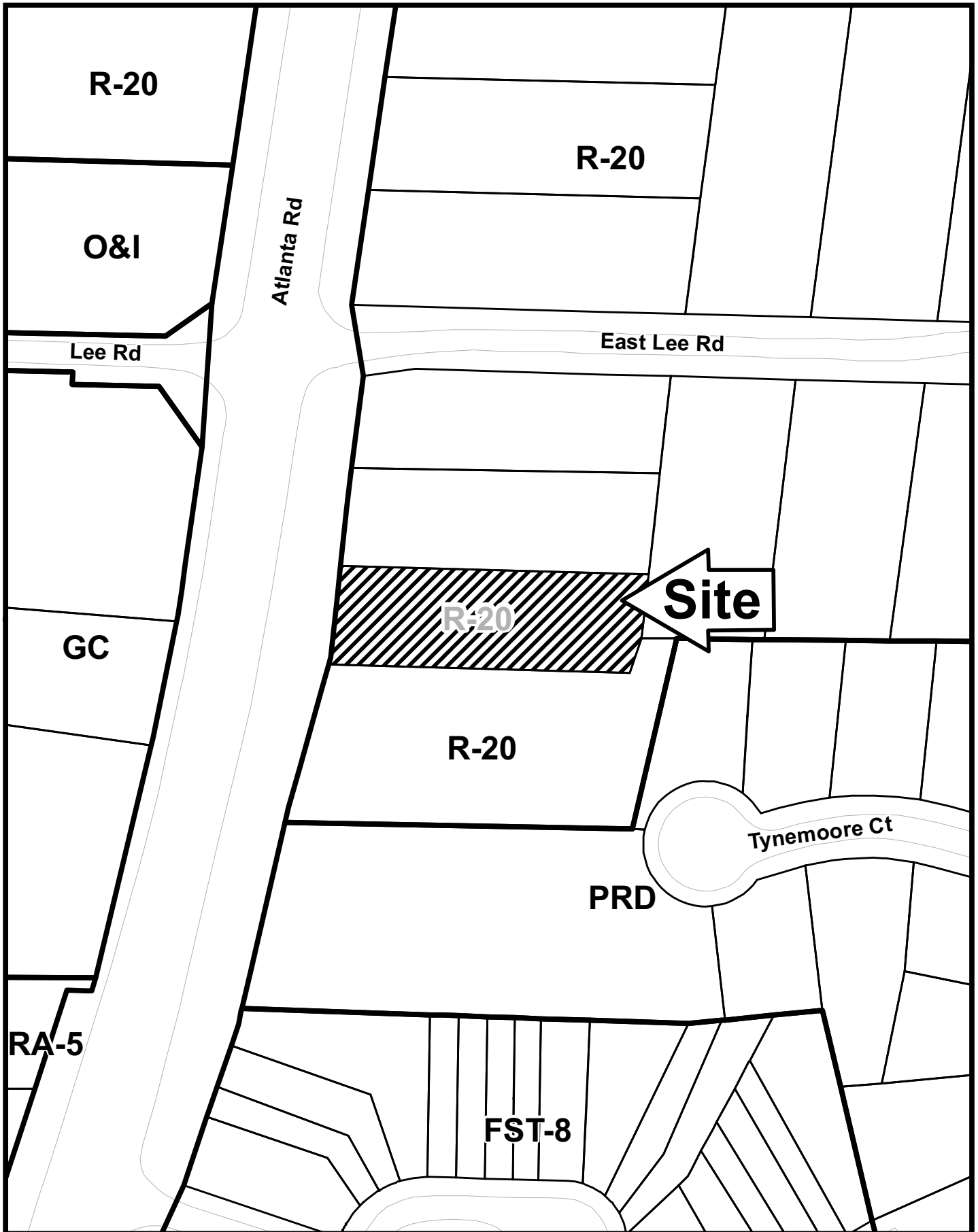
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

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

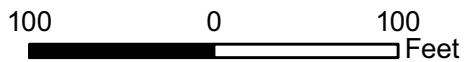
STIPULATIONS:



# Z-6



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



City Boundary  
Zoning Boundary

APPLICANT: Justin McMillen

PETITION NO.: Z-6

PRESENT ZONING: R-20

PETITION FOR: UVC

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**PLANNING COMMENTS:** **Staff Member Responsible:** John P. Pederson, AICP

**Land Use Plan Recommendation:** High Density Residential (5-12 units per acre)

**Existing Number of Buildings:** 1 **Total Square Footage of Development:** 1,200

**F.A.R.:** 0.06 **Square Footage/Acre:** 2,614

**Parking Spaces Required:** 3 **Parking Spaces Provided:** 3

The Urban Village Commercial (UVC) zoning district is being requested by the applicant to operate a counseling business/ residence at this property. The counseling is done via psychic readings. The existing house will be utilized and will be aesthetically upgraded on the interior and exterior. The applicant will live in the house. The business will be open seven days a week, from 9:00 am to 7:00 pm. All clients are seen by appointment only. This is a family business that has other locations in the County. In addition, the applicant would need a side yard setback variance from an existing encroachment, from required 10-feet to 7-feet. The applicant has submitted a Zoning Impact Analysis for review (see 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:** No comment.

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**FIRE COMMENTS:**

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

APPLICANT Justin McMillen

PETITION NO. Z-006

PRESENT ZONING R-20

PETITION FOR UVC

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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) 20" DI / E side Atlanta Rd

Additional Comments: Records show address connected (inactive)

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:**

In Drainage Basin?  Yes  No

At Development?  Yes  No

Approximate Distance to Nearest Sewer: At site

Estimated Waste Generation (in G.P.D.): **A D F** 400 **Peak** 1000

Treatment Plant: Sutton

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:

Records show address connected (inactive)

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.

APPLICANT: Justin McMillen

PETITION NO.: Z-6

PRESENT ZONING: R-20

PETITION FOR: UVC

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River 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 \_\_\_\_\_.

**APPLICANT: Justin McMillen**

**PETITION NO.: Z-6**

**PRESENT ZONING: R-20**

**PETITION FOR: UVC**

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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.

ADDITIONAL COMMENTS

1. The applicant proposes to utilize the existing structure and no significant increase in impervious area is anticipated. Any future improvement or redevelopment will be require meeting full stormwater management requirements.

**APPLICANT: Justin McMillen**

**PETITION NO.: Z-6**

**PRESENT ZONING: R-20**

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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
Atlanta Road	31600	Arterial	45 mph	Cobb County	100'

*Based on 2005 traffic counting data taken by Cobb County DOT.*

**COMMENTS AND OBSERVATIONS**

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

**RECOMMENDATIONS**

Recommend no additional access to Atlanta Road.

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



## STAFF RECOMMENDATIONS

### Z-6 JUSTIN MCMILLEN

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. There is not any commercially zoned property on this side of Atlanta Road, north of Gilmore Road. There is residentially zoned property on three sides of the property.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The area has been transitioning to residential uses the last few years. The commercial uses have been confined to the commercial nodes on Atlanta Road, which provides for an orderly use of property.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities or utilities. 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 a High Density Residential 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 denying the applicant's rezoning proposal. The applicant's proposal is on a residential portion of Atlanta Road. The applicant's proposal would not be compatible with the residentially used property to the north, south, and east. The applicant's proposed UVC zoning district may not be compatible with the adjacent single-family houses; UVC is a flexible zoning district that allows a variety of uses. Staff is concerned what may happen to the property if the proposed use does not last. Staff does recognize that the proposed use is not that intense, and would suggest the applicant be granted a Temporary Land Use Permit (LUP) to operate their proposed use. The LUP would allow the applicant the use of their property, and would allow time for an assemblage of all the property for a unified development.

Based on the above analysis, staff recommends DELETION to a LUP subject to:

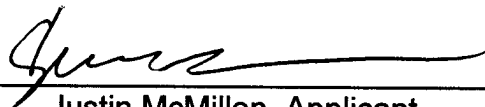
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

**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.**

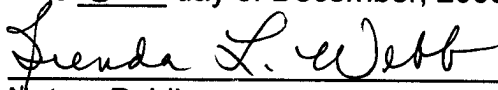
## ANALYSIS OF THE IMPACT OF PROPOSED REZONING

- A. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Applicant and his family intend to live in the residence and to conduct an in-home occupation in the home.
- B. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The subject property is located on a heavily traveled thoroughfare, Atlanta Road. Immediately across from the subject property is property that is used and zoned general commercial. Property adjacent to the subject property is rental property that had been recently submitted to the Cobb Commission for rezoning to a non-residential use.
- C. The effective property does not have reasonable economic use as currently zoned. This property is located on a highly traveled road and is in a transitional area and has been unoccupied for some period of time. The applicant intends to expend substantial funds to make the subject property habitable and of use for the purposes set forth in the rezoning application.
- D. The zoning proposal will not add to nor otherwise cause a burden on the existing streets, transportation facilities, utilities or schools. The property is presently zoned R-20 and the applicant and his family intend on residing in the home. The additional use of in-home occupation will not create any adverse use of the streets, transportation facilities, utilities or schools.
- E. The requested zoning is in conformity with the policy intent of the land use plan.
- F. The transitional nature of the area supports grounds for the approval of the rezoning proposal.

Submitted this 3<sup>rd</sup> day of December, 2009.

  
Justin McMillen, Applicant

Sworn to and subscribed before me,  
This 3<sup>rd</sup> day of December, 2009.

  
Notary Public

