

Rezoning Request Plan

832 Clay Road

Cobb County, Georgia

Land Lots 34, 17th District, 2nd Section, COBB COUNTY AGENCY ZONING DIVISION

prepared for:

Serah Enterprises, Inc.

DGM
LAND PLANNING
CONSULTANTS



975 Cox Plaza
Bldg. 200
Kennesaw
GA 30144
770 514-9006
Fax 514-9491



August 31, 2010

Site Data

Total Site Area: .45 AC
Present Zoning: GC & R-20
Proposed Zoning: GC

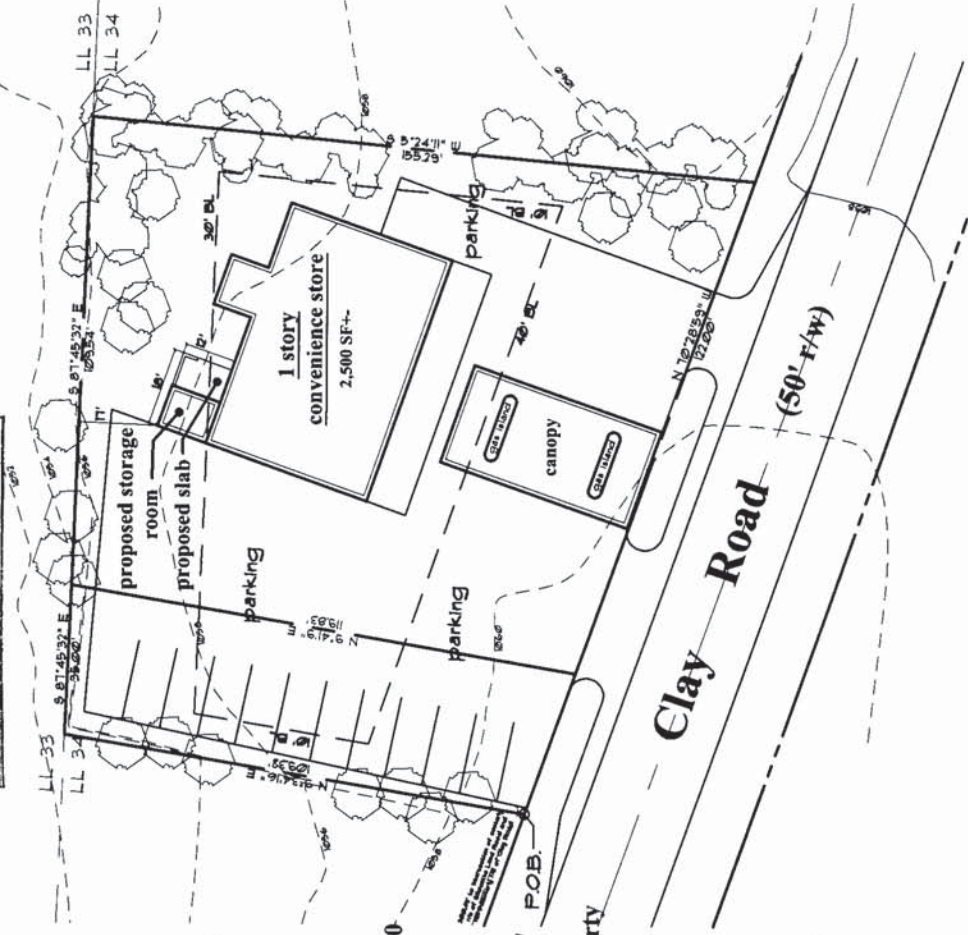
Variances Requested:

1. waive rear setback from 30 to 17' to accommodate storage room
2. waive area requirement of property from 20,000 SF to 19,659 SF



Notes:

1. Boundary survey from G.W. Crussell, Sr., P.L.S., dated June 4, 1933.
2. Topographic information by Cobb County GIS.
3. According to Flood Insurance Rate Map (FIRM) #30061C02043, dated December 16, 2008, no portion of this site contains floodplain.
4. No cemeteries are known to exist on site.
5. No streams or wetlands are known to exist on site.
6. No archaeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.
8. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.



APPLICANT: Serah Enterprises, Inc.

678-358-9693

REPRESENTATIVE: Parks F. Huff 770- 422-7016

Sams, Larkin & Huff, LLP

TITLEHOLDER: Serah Enterprises, Inc.

PROPERTY LOCATION: Located on the north side of Clay Road,
east of Silhouette Lane, west of Old Floyd Road.

ACCESS TO PROPERTY: Clay Road

PHYSICAL CHARACTERISTICS TO SITE: Existing
convenience store

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Wooded

SOUTH: CF/ South Cobb Regional Library

EAST: CF/ closed daycare

WEST: R-20/ house

PETITION NO: Z-36

HEARING DATE (PC): 11-02-10

HEARING DATE (BOC): 11-16-10

PRESENT ZONING: GC, R-20

PROPOSED ZONING: GC

PROPOSED USE: Existing Convenience
Store

SIZE OF TRACT: .45 acre

DISTRICT: 17

LAND LOT(S): 33, 34

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

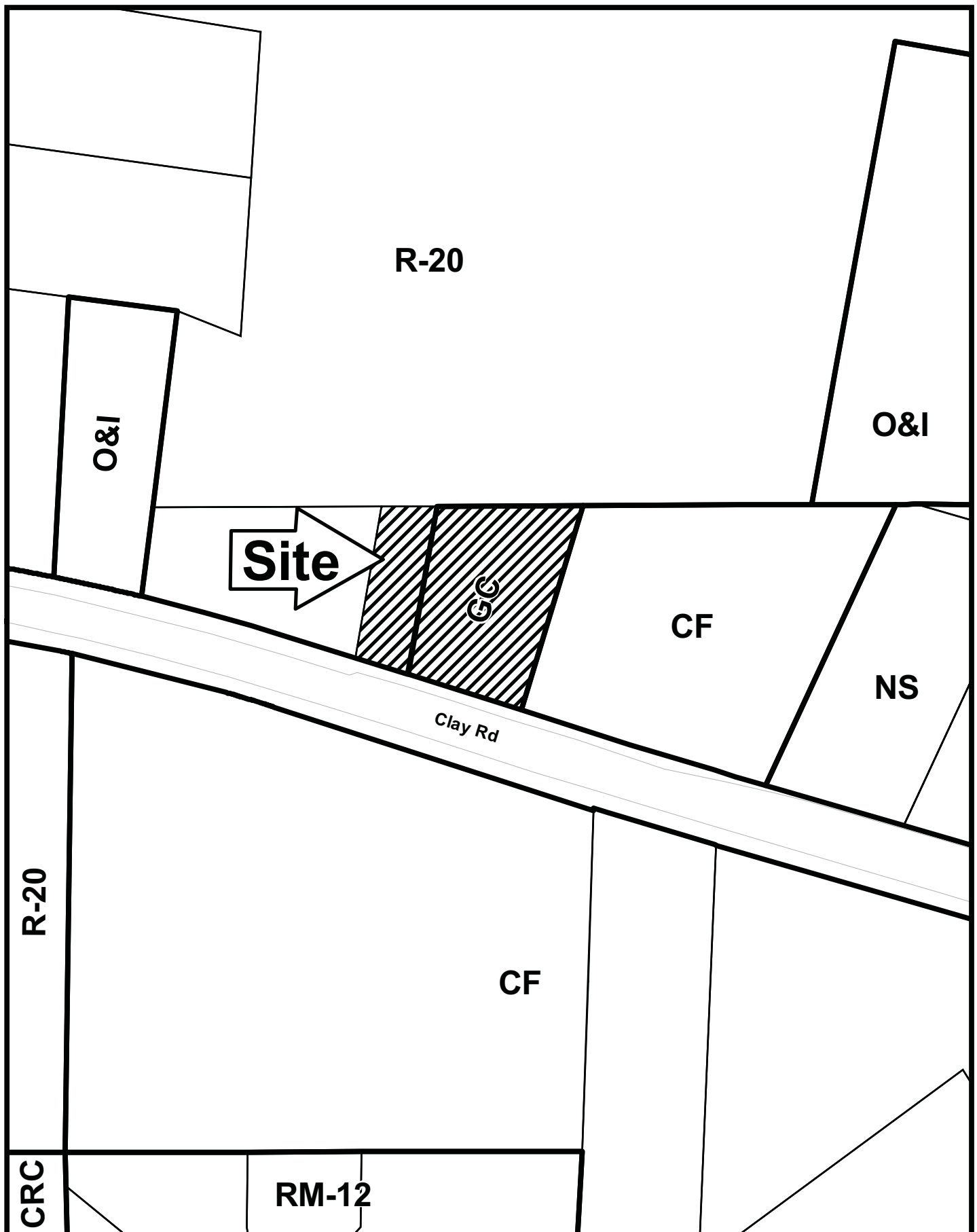
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-36



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

50 0 50 Feet



City Boundary
Zoning Boundary

APPLICANT: Serah Enterprises, Inc.

PETITION NO.: Z-36

PRESENT ZONING: GC & R-20

PETITION FOR: GC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 1 (Existing) **Total Square Footage of Development:** 2,500

F.A.R.: 0.127 **Square Footage/Acre:** 5,555

Parking Spaces Required: 5 with 1/employee **Parking Spaces Provided:** 11

Applicant is requesting the GC zoning category in order to conform all of the existing convenience store property under the same GC category. The convenience store has existed for a number of years and recently a portion of the property was discovered to be in the R-20 residential category. The proposed use is for the existing commercial building to be open seven days a week, normal convenience store hours. The applicant is requesting four contemporaneous variances with this application: 1) waive the rear setback from 30 feet to 17 feet for the proposed cooler and storage building; 2) reduce the canopy setback from the required 15 feet to zero feet for the existing canopy; 3) waive the required 40 foot landscape buffer adjacent to the north and west property lines; and 4) waive the maximum impervious surface from 70% to 77%. The applicant has submitted a Zoning Impact Analysis, which is attached 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.

FIRE COMMENTS:

No Comments (832 Clay Rd, plans approved on 5/4/10 for 216 square foot storage room).

STORMWATER MANAGEMENT COMMENTS:

With the proposed storage room and slab the impervious coverage appears to be 77%. While the proposed impervious coverage increase is fairly small (216 sf or 1.1%) there is no existing stormwater management provided for this site. The majority of the site runoff discharges from the northwest corner of the site via a makeshift flume that has been lined with riprap across the across property to the north owned by Barnes Land Investments, LLC. If approved, the adjacent property owner should be agreeable.

APPLICANT Serah Enterprises, Inc.

PETITION NO. Z-036

PRESENT ZONING GC&R20

PETITION FOR GC

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): ***16" DI / N side Clay Rd***

Additional Comments: Records show address as connected and active

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: ***At site in Clay Rd***

Estimated Waste Generation (in G.P.D.): **A D F** 0 new **Peak=** 0 new

Treatment Plant: **S Cobb**

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw 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 ans 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 Records show site as connected to sewer
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: Serah Enterprises, Inc.

PETITION NO.: Z-36

PRESENT ZONING: GC & R-20

PETITION FOR: GC

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
Clay Road	11300	Arterial	45 mph	Cobb County	100'

Based on 2005 traffic counting data taken by Cobb County DOT (Clay Road)

COMMENTS AND OBSERVATIONS

Clay 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.

Install sidewalk along Clay Road frontage.

RECOMMENDATIONS

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 north side of Clay Road, a minimum of 50' from the roadway centerline upon redevelopment.

Recommend installing sidewalk along the Clay Road frontage.

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

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STAFF RECOMMENDATIONS

Z-36 SERAH ENTERPRISES, INC.

- 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 continuance of the existing use is one of two convenience stores in the area.
- 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 subject property has been used in the same manner for many years and the plan is to continue the use with the addition of a small cooler and storage area.
- 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 a Community Activity Center.
- 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 proposal. The applicant's rezoning proposal is in accordance with the *Cobb County Comprehensive Plan*, which indicates this property is in the Community Activity Center land use category. The applicant's proposal is located in an area containing other commercial businesses and the subject property has been used many years as a convenience store with fuel sales. Staff believes deleting the request to CRC would be consistent with recent zoning decisions in the area, and would prohibit uses that are not wanted in the area.

Based on the above analysis, Staff recommends DELETING the request to the CRC zoning district subject to the following conditions:

- Site plan received by the Zoning Division on September 2, 2010, with the District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- 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.

ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF SERAH ENTERPRISES, INC.

RECEIVED
SEP 1 2010
AGENCY 134

COMES NOW, SERAH ENTERPRISES, INC., and pursuant to Section

134-121(a)(7) of the Cobb County Zoning Ordinance, files this his Zoning Impact

Statement, as follows:

- A. The zoning proposal will permit a use of the subject property that is suitable in the context of the development and existing zonings along this section of Clay Road. The subject property has historically been used as a convenience store and the proposed zoning is to rezone the property from its existing categories of GC and R-20 to GC.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The surrounding area is a mixture of existing commercial, residential and institutional uses. The proposed zoning is consistent with the historic use of the subject property and consistent with the subject property's designation as a Community Activity Center (CAC) by the Cobb County Land Use Map.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use unless without the conforming proposed zoning that allows the continuation of the historic use of the subject property as a convenience store.

- 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 because it is a rezoning to bring the property into conformity with the Cobb County Zoning Ordinance by rezoning the existing parking lot from R-20 to GC.
- E. The zoning proposal is inconsistent with the property's designation in the County's Future Land Use Map as a Community Activity Center (CAC).
- F. There is no substantial relationship between the R-20 zoning of the subject property and the public health, safety and general welfare.

Respectfully submitted, this 2 day of Sept, 2010.

SAMS, LARKIN & HUFF, LLP

By: 

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