

APPLICANT: Michael McMillen

(770) 333-9622

REPRESENTATIVE: Hylton B. Dupree, Jr.

(770) 424-7171

TITLEHOLDER: Michael McMillen and Justin McMillen,

JTWROS

PROPERTY LOCATION: On the east side of Atlanta Road, south
of Paces Ferry Road.

ACCESS TO PROPERTY: Atlanta Road

PHYSICAL CHARACTERISTICS TO SITE: Vacant commercial
metal building, former Georgia Auto Electric building

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: LRC/Hair Salon

SOUTH: RA-5/Paces High Park Subdivision

EAST: RA-5/Paces High Park Subdivision

WEST: RA-6/2000 Paces Ferry Subdivision

PETITION NO: Z-1

HEARING DATE (PC): 02-01-11

HEARING DATE (BOC): 02-15-11

PRESENT ZONING: GC

PROPOSED ZONING: UVC

PROPOSED USE: Psychic Readings and
a Residence

SIZE OF TRACT: 0.3 acre

DISTRICT: 17

LAND LOT(S): 743

PARCEL(S): 26

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

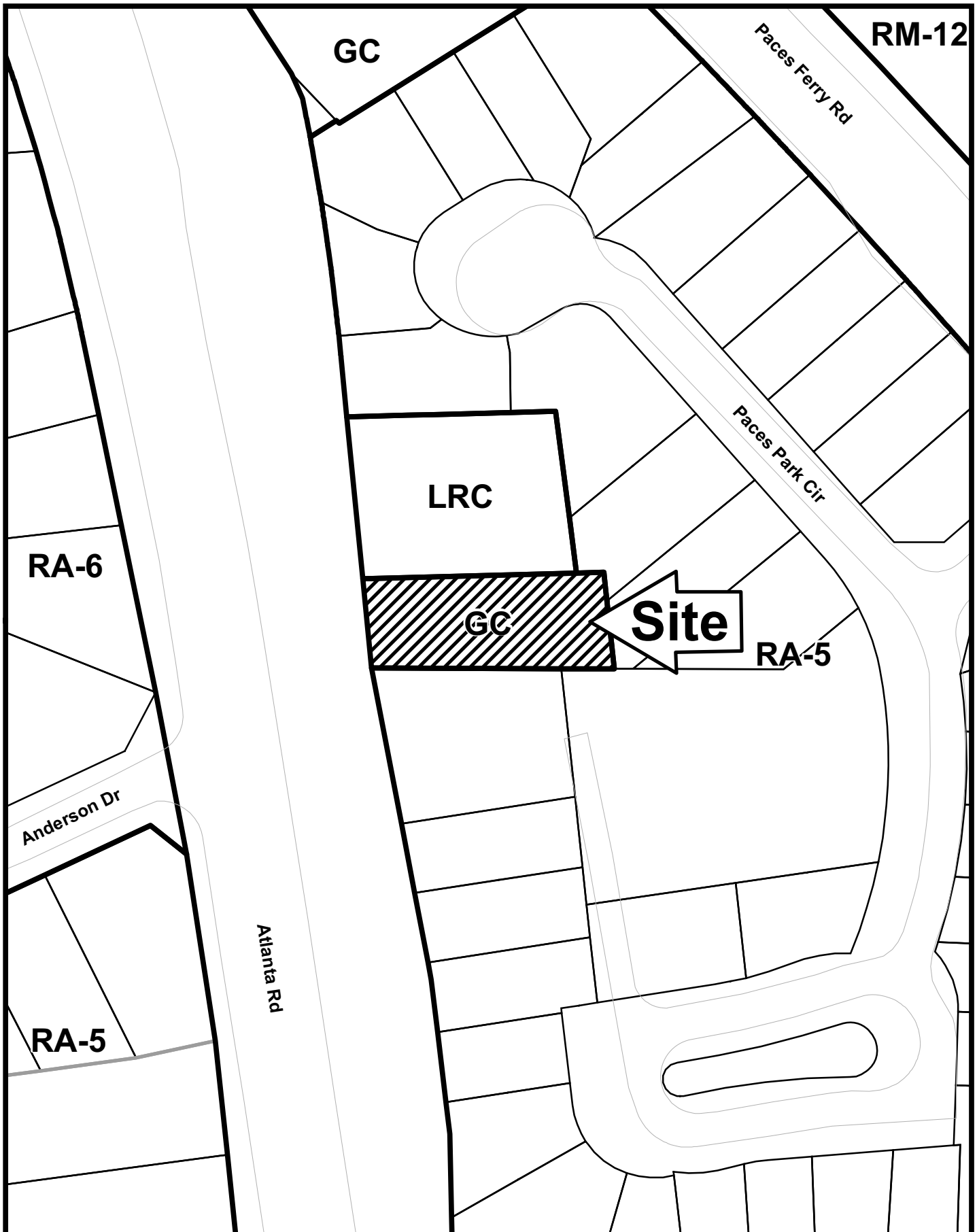
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-1



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: Michael McMillen

PETITION NO.: Z-1

PRESENT ZONING: GC

PETITION FOR: UVC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Medium Density Residential (2.5-5 upa)

Proposed Number of Buildings: 1 Total Square Footage of Development: 2,934

F.A.R.: .253 Square Footage/Acre: 9,780

Parking Spaces Required: 10 Parking Spaces Provided: 11

The applicant is requesting rezoning to UVC in order to use this property for a residence and a psychic reading business. The existing structure will be upgraded to accommodate the two uses. The applicant did not include the proposed days and hours of operation in the submitted rezoning application. The applicant received a variance for the lot size in November 2010. The applicant would need some contemporaneous variances, which are listed below:

1. Allow this zoning district outside of a High Density Residential area and outside of a Regional, Community, or Neighborhood Activity Center;
2. Waive the rear setback from required 30 feet to 14-feet;
3. Waive the side setbacks along the northern and southern property lines from 10 feet to 9 feet;
4. Waive the 10 foot landscape screening buffer adjacent to residentially zoned property to zero foot along the eastern and southern property lines;
5. Allow the residence to occupy a ground floor;

Additionally, 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.

FIRE COMMENTS:

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

3691 Atlanta Rd.

STORMWATER MANAGEMENT COMMENTS:

Since the existing structure and pavement areas are to remain and no site improvements are proposed at the present time no stormwater management is required. However, full stormwater management must be provided upon redevelopment of the site.

APPLICANT Michael McMillen

PETITION NO. Z-001

PRESENT ZONING GC

PETITION FOR UVC

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): ***20" DI / E side Atlanta Rd.***

Additional Comments: Records show property 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: ***W side of Atlanta Rd, 90' north on E side Atlanta Rd***

Estimated Waste Generation (in G.P.D.): **A D F 293 Peak= 732**

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 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 Comments: Records show property not currently connected/billed for sewer. Must connect to sewer if not connected.

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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PETITION NO.: Z-1

PRESENT ZONING: GC

PETITION FOR: UVC

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	32700	Arterial	45 mph	Cobb County	100'

Based on 2007 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 parking in the existing 30 ft ingress and egress easement.

Recommend no advertising on right-of-way.

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

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STAFF RECOMMENDATIONS

Z-1 MICHAEL 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. The property directly north was zoned commercially in 2010. This property is too small to support commercial and residential uses on this property. Additionally, these are many variances that are needed to accommodate the applicant's request.
- 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. Mixing commercial and residential uses on such a small tract would set a precedent for the area, and approving all the needed variances would also set a bad precedent. Staff is concerned with the lack of buffering and with converting on old metal building for residential uses.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Medium Density Residential area.
- 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 to Low Rise Office (LRO). The parcel is too small to support commercial and residential activity. There would be many variances needed to fit the applicant's proposal on this lot. Staff is concerned with the intensity that UVC could allow if this business does not stay at this location. It is Staff's opinion that the most intensive zoning district for such a small tract would be LRO.

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

- Professional office use only;
- No residential use;
- Owner or developer install a 10 foot landscape buffer adjacent to residentially zoned property;
- District Commissioner approve the final site plan;
- No outdoor storage;
- Ground based monument sign only, subject to District Commissioner's approval;
- Fire Department comments;
- Water and Sewer comments;
- Stormwater Management comments; and
- Cobb D.O.T. comments.

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.

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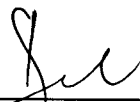
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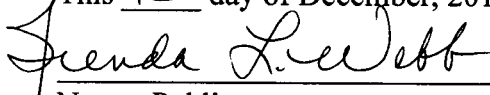
ANALYSIS OF THE IMPACT OF PROPOSED REZONING

- 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 adjacent to the subject property is property that is used and zoned NRC.
- C. The property is currently zoned general commercial, but has not been in commercial use in excess of one year. The property does have a reasonable economic use if the general commercial category is reinstated. Therefore, the property does have reasonable economic use as zoned general commercial. 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 GC 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 15th day of December, 2010.


Justin McMillen, Applicant

Sworn to and subscribed before me,
This 15th day of December, 2010.


Notary Public

