

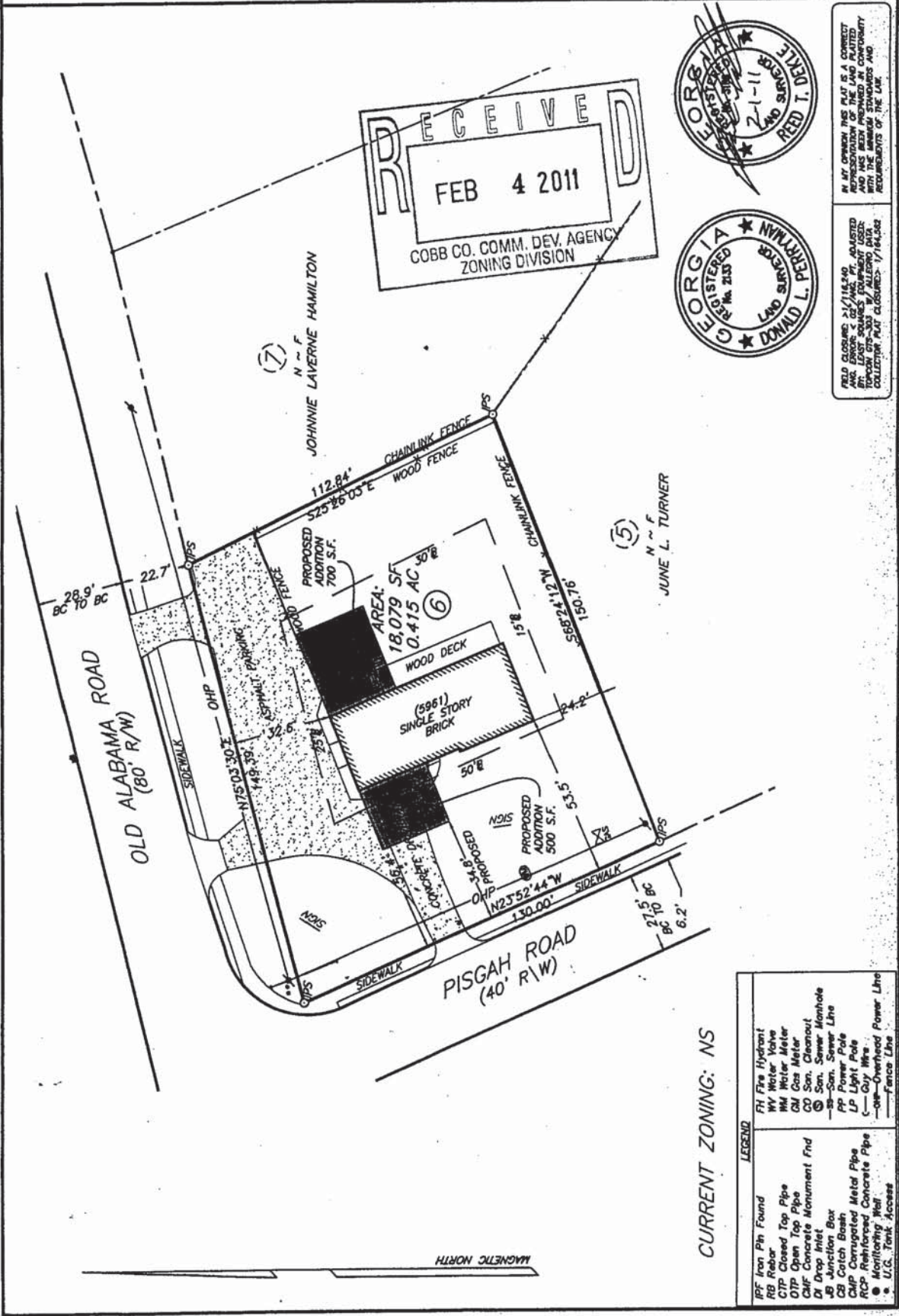
LOCATED IN
LAND LOTS 79
18TH DISTRICT
2ND SECTION
COBB COUNTY,
GEORGIA

Z-15
(2011)

SURVEYS PLUS INC.
1985 SOUTH COBB DR., S.E.
SMYRNA, GEORGIA 30080
PHONE (770) 444-8738
FAX (770) 444-8739

#4442

VARIANCE PLAT OF:
LOT 5, R.H. LUMMUS JR. & R.H. LUMMUS SR. S/D FOR:
TARA GRACE
5961 PISGAH ROAD
PB: 19, PG: 191



RECEIVED
FEB 4 2011
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



FIELD CLOSURE: 2/1/11, 11:40 AM. ADJUSTED AND ERROR: 5' OF 1/4" IN. PT. ADJUSTED BY: LEIST SQUARES EQUIPMENT USER. THIS PLAT IS SUBJECT TO ALL RECORDS AND COLLECTION PLAT CLOSURES: 1/14/2003

NO PORTION OF THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAW.

CURRENT ZONING: NS

LEGEND	
RF Iron Pin Found	RH Fire Hydrant
RF Rebar	WM Water Valve
CTP Closed Top Pipe	WM Water Meter
CTP Open Top Pipe	CM Gas Meter
CMF Curved Monument Fnd	CO Gas Meter
DI Drap Inlet	CS-Son. Sewer Manhole
JB Junction Box	SS-Son. Sewer Line
CB Catch Basin	PP Power Pole
CMP Corrugated Metal Pipe	LP Light Pole
RCP Reinforced Concrete Pipe	CG Guy Wire
Monitoring Well	OW-Overhead Power Line
U.C. Tank Access	Fence Line

MAGNETIC NORTH

APPLICANT: Tara Grace
770-575-0130

REPRESENTATIVE: Tara Grace
770-575-0130

TITLEHOLDER: William T. Thornton

PROPERTY LOCATION: At the southeast intersection of Pisgah Road and Old Alabama Road.

ACCESS TO PROPERTY: Pisgah Road and Old Alabama Road

PHYSICAL CHARACTERISTICS TO SITE: Existing daycare

PETITION NO: Z-15

HEARING DATE (PC): 04-05-11

HEARING DATE (BOC): 04-19-11

PRESENT ZONING: NS

PROPOSED ZONING: LRO

PROPOSED USE: Daycare

SIZE OF TRACT: 0.415 acre

DISTRICT: 18

LAND LOT(S): 79

PARCEL(S): 48

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Single-family Houses
- SOUTH:** R-20/Single-family Houses
- EAST:** R-20/Single-family Houses
- WEST:** GC/Existing Commercial Development

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

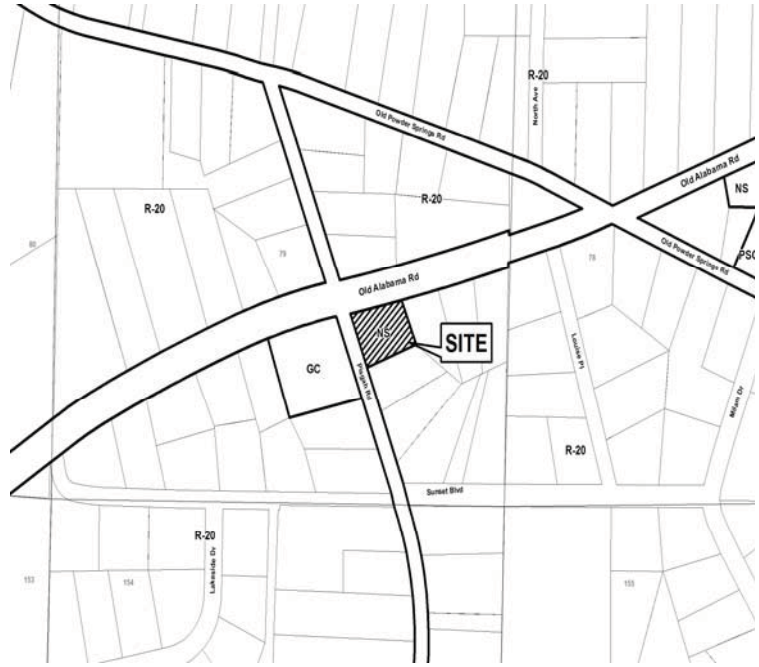
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

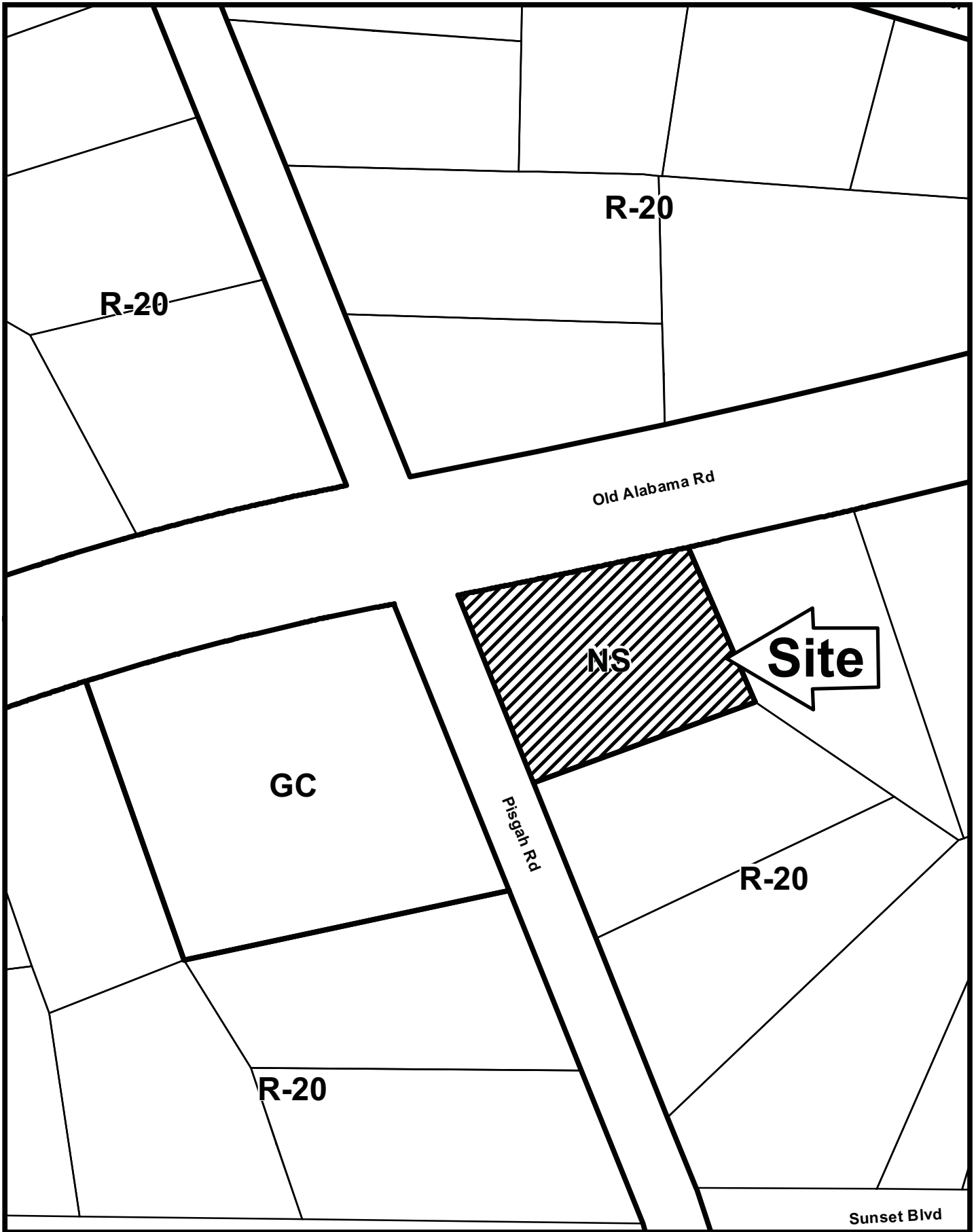
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

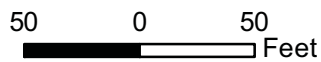
STIPULATIONS:





Z-15



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Tara Grace

PETITION NO.: Z-15

PRESENT ZONING: NS

PETITION FOR: LRO

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Low Density Residential (1-2.5 units per acre)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 2,787

F.A.R.: 0.154 **Square Footage/Acre:** 6,716

Parking Spaces Required: 20 **Parking Spaces Provided:** Not striped

Applicant is proposing to rezone the subject property to the LRO category in order to make additions to the existing daycare center. The property was rezoned to the NS category for a daycare in 1976 (Z-131) and the minutes are attached for your review. The property was recently brought in for a building permit for additions to the existing daycare center. The existing daycare with its NS zoning can not be further developed under the Low Density Residential land use category. The applicant plans to add 700 square feet to the building on the northeast side and 500 square feet to the northwest side. The additions will be wood siding to match the existing building. The hours of operation are 5 a.m. until 12 a.m., Monday through Friday. The applicant has submitted a zoning impact analysis, which is attached for review.

As a contemporaneous variance, applicant is also requesting to waive the front setback from the required 40 feet along Pisgah Road to 34 feet.

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:

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. (Reference: Ti Ti Lil Totz Academy, 5961 Pisgah Rd.)

APPLICANT Tara Grace

PETITION NO. Z-015

PRESENT ZONING NS

PETITION FOR LRO

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): 12" CI W / side Pisgah Rd

Additional Comments: Also 12" DI N / side Old Alabama

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: Records show address connected

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 Comments: Records show 5961 Pisgah Rd as 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.

APPLICANT: Tara Grace

PETITION NO.: Z-15

PRESENT ZONING: NS

PETITION FOR: LRO

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Gordon 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 _____.

APPLICANT: Tara Grace

PETITION NO.: Z-15

PRESENT ZONING: NS

PETITION FOR: LRO

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. This parcel is already zoned commercial and the impervious increase associated with the proposed building additions is less than 5000 square feet and not enough to trigger the requirement for formal stormwater management. However, the surrounding properties as well as the adjacent lot to the south that receives runoff from this parcel are residential. The total proposed impervious coverage for this site is approximately 40% which is well over the maximum allowed for the surrounding R-20 subdivisions. To mitigate the increase in runoff proposed for this site, the roof drains from the new additions should be captured by a dry well or similar infiltrator system.

APPLICANT: Tara Grace

PETITION NO.: Z-15

PRESENT ZONING: NS

PETITION FOR: LRO

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
Old Alabama Road	4300	Major Collector	45 mph	Cobb County	80'
Pisgah Road	4400	Minor Collector	25 mph	Cobb County	60'

*Based on 2006 traffic counting data taken by Cobb County DOT (Old Alabama Road)
Based on 2010 traffic counting data taken by Cobb County DOT (Pisgah Road)*

COMMENTS AND OBSERVATIONS

Old Alabama is classified as a Major Collector and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Pisgah 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

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

Recommend closing and removing the western most access point (driveway closest to intersection) on Old Alabama Road.

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

STAFF RECOMMENDATIONS

Z-15 TARA GRACE

- 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 subject property was rezoned for this use in 1976 (Z-131) and the property to the west is zoned GC and is developed with a commercial use.
- 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 has been on the property for decades and is proposed to continue with the new additions to the building.
- 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 the Low Density Residential land use category. While not in conformity with the *Cobb County Comprehensive Plan*, the property has had the same use since 1976 and the only reason the request is being made is to continue to allow the existing use with the additions as proposed on the current site plan.
- 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. Rezoning to the Low Rise Office (LRO) category can allow the continued use of the daycare (only).

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

- Site plan received by the Zoning Division on February 4, 2011, with the District Commissioner approving minor modifications;
- Daycare use only;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management 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.

NO. 131

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application 10/28/76 Date of Hearing, Wed. 12/1/76 1:00 P.M.

Titleholder King Realty Co. /s/ *[Signature]*

Address 791 Old Ala. Rd., Mableton, Ga. Phone 941-3210

Applicant King Realty Co. /s/

Address 791 Old Ala. Rd Mableton, Ga. Phone 941-3210

To Zone From R-20 To G-C LAND USE new under

FOR THE PURPOSE OF Day Care Center

Land Lot (s) 79, District 18th, Sec., 2nd Cobb County, Ga.

CONTAINING 1/4 acres

LOCATED 791 Old Ala. Rd. corner of Pisgah Rd, Mableton

This property being more particularly described as follows: Flat attached as exhibit "A"

BEGINNING at a point at the Southeasterly intersection of Old Alabama Road and Pisgah Road; thence South 78 degrees 43 minutes East 150 feet along the South side of Old Alabama Road; thence South 22 degrees 08 minutes East 112 feet to a point; thence South 71 degrees 45 minutes West 152 feet to a point on the East side of Pisgah Road; thence Northwesterly along said road 130 feet to the Point of Beginning.

Recommendation of Planning Commission: 12-1-76, Planning Commission recommended application be approved subject to deleting to NS with a 10 ft. buffer along the east and south property lines, and install a 6 ft. privacy fence. Motion by Fowler, seconded by Diemer; carried 7-0.

[Signature], Chairman

Final Decision of Board of Commissioners: 12-1-76, Board of Commissioners approved application as stated above. Motion by Jimmy Jones, seconded by Barrett; carried 5-0.

[Signature], Chairman