

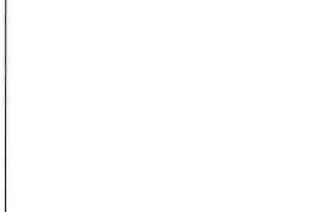
Z-33
(2011)

OWNER/DEVELOPER:
DONALD K. NIX ET AL.
5295 CHAYERSHAM LANE
CUMMINGS, GA 30092
(770) 652-3575

DATE:
08/17/2011

PARCEL #: 16053900140
DISTRICT: 16TH
LAND LOT: 539
COBB COUNTY, GEORGIA
4290 FREEMAN ROAD
DONALD K. NIX, et al.

WARD: 08
FILE NAME: PRZ2



Engineering, Inc.

280 HERITAGE WALK
WOODSTOCK, GEORGIA 30189
PHONE: (770) 442-0999

SUBMITTALS

REVISIONS

S.E.T.B.L.A.C.K.S.
ROUTING: PRZP, NRC
PRINT: 1/8\"/>



SHEET: 1
SITE PLAN

SITE NOTES:

1. ALL UTILITIES SHOWN ON THIS PLAN ARE THE PROPERTY OF THE UTILITIES COMPANY. THE OWNER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.
2. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.
3. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.
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19. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.
20. ALL UTILITIES SHALL BE DEEPER THAN THE PROPOSED FOUNDATION.

PROPOSED ZONING: MFC
FRONT BSL: 40'
SIDE BSL: 15'
REAR BSL: 40'
MIN. LOT AREA: 20,000 SF
MAX. BLDG HEIGHT: 35'

CURRENT ZONING: GC

OFFICE
AREA: ±1,060 SF

4290 FREEMAN ROAD
AREA: ±6,940 SF
PROPOSED ZONING: MFC
SITE AREA: 1.00 AC

40' LANDSCAPE SCREENING BUFFER

30' REAR BSL

40' LANDSCAPE SCREENING BUFFER

PROPOSED
LANDSCAPE BUFFER WITH HORIZONTAL SLATS

PROPOSED
LANDSCAPE BUFFER WITH HORIZONTAL SLATS

PROPOSED
LANDSCAPE BUFFER WITH HORIZONTAL SLATS

NOTE: THE PROPOSED LANDSCAPE BUFFER SHALL BE INSTALLED TO THE PROPERTY LINE OR TO THE ADJACENT PROPERTY LINE, WHICHEVER IS THE MOST RESTRICTIVE. ALL SPACES SHALL BE PAINTED WHITE BELOW THE SITE MARK.

RECEIVED
!!! - 7 2011
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



PROPOSED ZONING: MFC
FRONT BSL: 40'
SIDE BSL: 15'
REAR BSL: 40'
MIN. LOT AREA: 20,000 SF
MAX. BLDG HEIGHT: 35'

RECEIVED
!!! - 7 2011
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

24 HOUR EMERGENCY CONTACT: MR. DON NIX (770) 652-3575

APPLICANT: Donald K. Nix
770-652-3575

PETITION NO.: Z-33

REPRESENTATIVE: Garvis L. Sams, Jr. 770-422-7016
Sams, Larkin & Huff

HEARING DATE (PC): 09-08-2011

HEARING DATE (BOC): 09-20-2011

TITLEHOLDER: Donald K. Nix and Fred Doty

PRESENT ZONING: GC

PROPERTY LOCATION: South side of Freeman Road, east of
Johnson Ferry Road

PROPOSED ZONING: NRC

ACCESS TO PROPERTY: Freeman Road

PROPOSED USE: Light Auto Repair

PHYSICAL CHARACTERISTICS TO SITE: Vacant parcel

SIZE OF TRACT: 1.0 acre

DISTRICT: 16

LAND LOT(S): 539

PARCEL(S): 4

TAXES: PAID **DUE**

FUTURE LAND USE MAP: Neighborhood Activity Center

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NRC/Existing Retail Center
- SOUTH:** R-15/Alpine Lakes Subdivision
- EAST:** R-15/Byrons Pond Subdivision
- WEST:** GC/Existing Plant Nursery

OPPOSITION: No. **OPPOSED:** **PETITION No.:** **SPOKESMAN:**

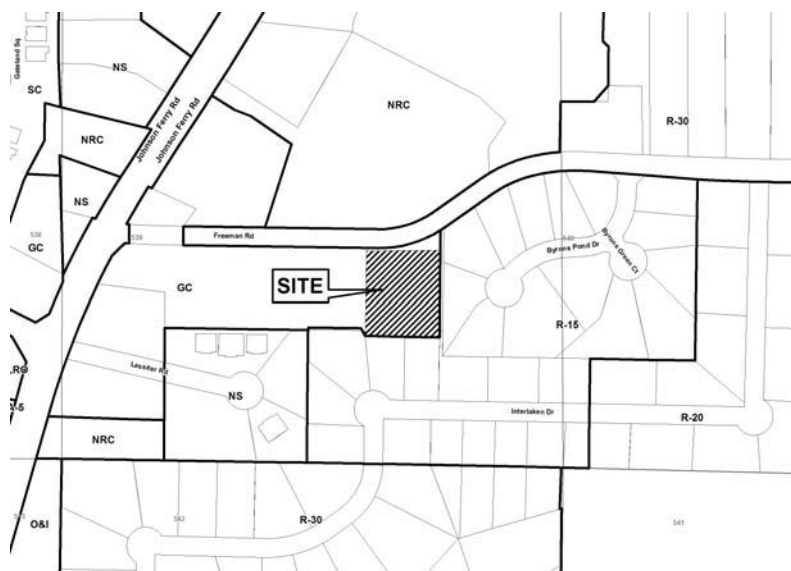
PLANNING COMMISSION RECOMMENDATION

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

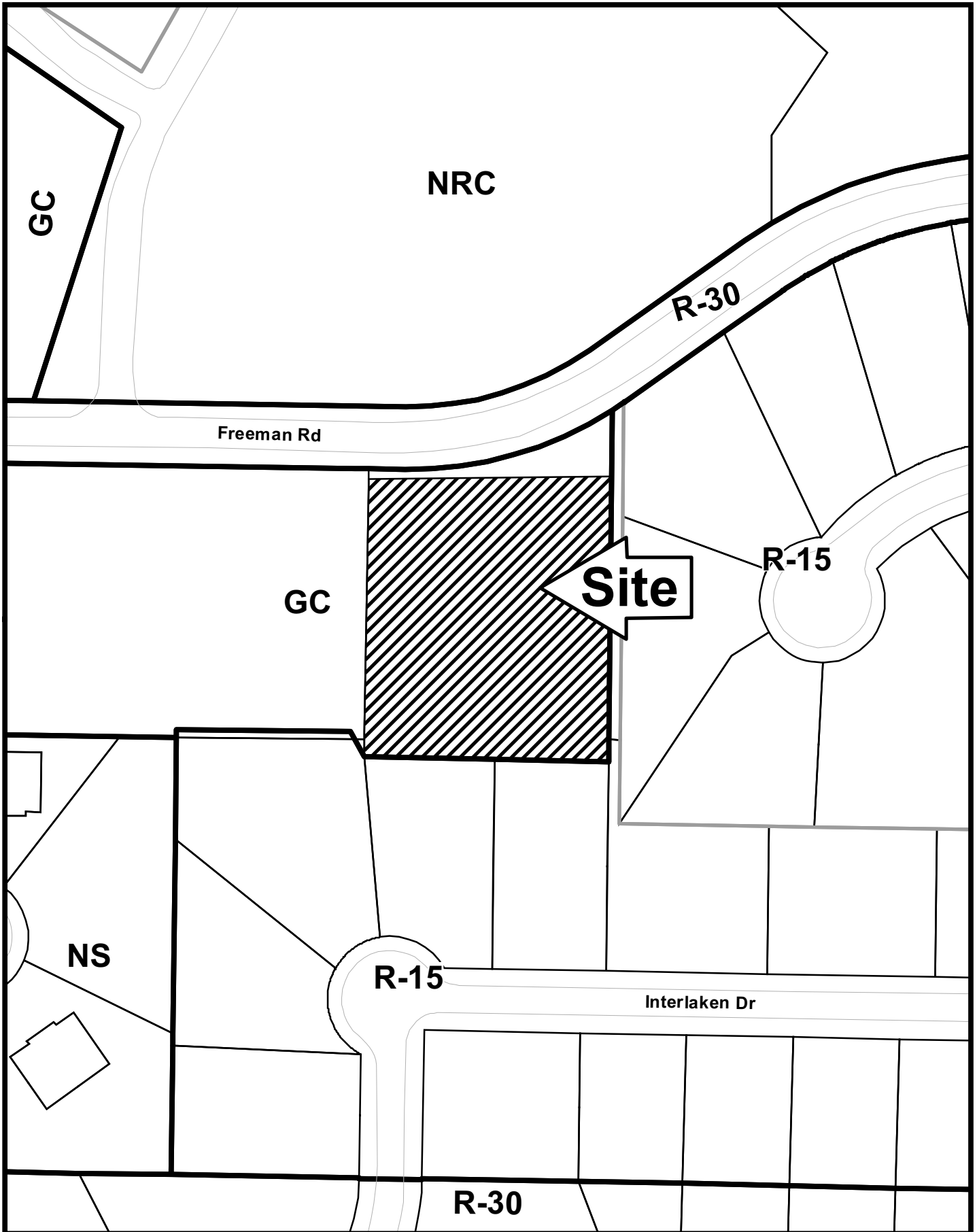
BOARD OF COMMISSIONERS DECISION

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

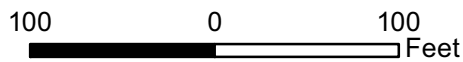
STIPULATIONS:





Z-33



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Donald K. Nix

PETITION No.: Z-33

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1

Total Square Footage of Development: 8,000

F.A.R.: 0.18

Square Footage/Acre: 8,000

Parking Spaces Required: 29

Parking Spaces Provided: 29

Applicant is requesting the NRC zoning category for the purpose of developing a light auto repair facility primarily for Mercedes vehicles. The existing GC zoning cannot be developed under the Neighborhood Activity Center (NAC) land use category. The applicant is proposing a building containing 1,060 square feet of office space and 6,940 square feet of auto repair area. The building will be constructed to appear as offices as indicated on the attached elevation renderings and will consist of seven bays and the business will have eight employees. The hours of operation will be Monday through Friday from 8 a.m. until 6 p.m., with limited (if any) Saturday activity. The business will be closed on Sundays. Applicant's representative has indicated that during the construction period, there shall be no stacking or parking of construction trucks/vehicles on Freeman Road or surrounding subdivision streets and sidewalks. Construction hours will be from 7 a.m. until 7 p.m. Monday through Friday, and 9 a.m. until 6 p.m. on Saturday, with no construction on Sunday. Applicant has also submitted the attached Impact Analysis, Summary of Intent and Landscape Plan for review.

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:

GATE: Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access (Knox Switch). Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office. (Cobb County Development Standards 401.08.02.1)

APPLICANT Donald K. Nix

PETITION NO. Z-033

PRESENT ZONING GC

PETITION FOR NRC

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): **6" DI / S side of Freeman Road**

Additional Comments:

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: **165' E in Byrons Pond Drive w/easement(s)**

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

Treatment Plant: **Big Creek**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drv 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: Possibly available 670' W in Johnson Ferry Rd without easements, depending on grade

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: Donald K. Nix

PETITION NO.: Z-33

PRESENT ZONING: GC

PETITION FOR: NRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Harmony Grove 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 - **Byron's Pond (< 500 ft 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. There is limited capacity in the pipe system leading from the site through the existing residential lots to the downstream Byron's Pond S/D lake/detention facility.

APPLICANT: Donald K. Nix

PETITION NO.: Z-33

PRESENT ZONING: GC

PETITION FOR: NRC

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

APPLICANT: Donald K. Nix

PETITION NO.: Z-33

PRESENT ZONING: GC

PETITION FOR: NRC

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
Freeman Road	1400	Local	25 mph	Cobb County	50'

Based on 2010 traffic counting data taken by Cobb County DOT (Freeman Road)

COMMENTS AND OBSERVATIONS

Freeman 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.

RECOMMENDATIONS

Recommend installing curb, gutter, and sidewalk along the road frontage.

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

STAFF RECOMMENDATIONS

Z-33 DONALD K. NIX

- 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 applicant's property is located in an area that contains residential, offices, and retail.
- 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 subject property is bordered by residential subdivisions on the east and south sides. Staff believes the proposed use will be too intense for the area.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 the Neighborhood Activity Center (NAC) land use category. While the requested NRC zoning category is allowed in the NAC land use category, staff believes the proposed use will be too intense for the surrounding residential neighborhoods.
- 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 the Low Rise Office (LRO) category, given the close proximity to residential subdivisions. While the applicant's requested zoning category of NRC is in compliance with the *Cobb County Comprehensive Plan*, being in a Neighborhood Activity Center, staff believes the proposed use will be too intense and that deleting the request to the LRO zoning category will serve better as a transitional zoning between residential and commercial.

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

- Professional office use only;
- District Commissioner to approve the final plan;
- Building architecture to be approved by the District Commissioner;
- 20-foot landscape buffer adjacent to residentially zoned properties;
- Water and Sewer comments and recommendations;
- Stormwater Management Division 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.

**ZONING IMPACT STATEMENT FOR THE
REZONING APPLICATION OF DONALD K. NIX**

1111 - 7 2011

COMES NOW, DONALD K. NIX, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Johnson Ferry Road Corridor Neighborhood Activity Center.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, many of which are commercial developments located within the confines of a Neighborhood Activity Center (NAC).
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present nonconforming classification of GC.

- 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.
- E. The zoning proposal is located within a Neighborhood Activity Center (NAC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing nonconforming zoning classification of GC which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Johnson Ferry Road Corridor, there are no established land use planing principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 7th day of July, 2011.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

Sept.
2011

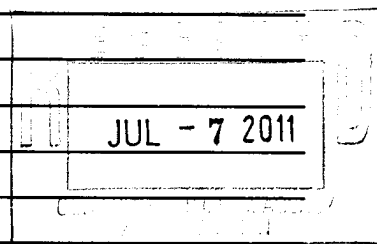
Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

Proposed unit square-footage(s): _____

Proposed building architecture: _____

Proposed selling prices(s): _____



a) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

a) Proposed use(s): Light automotive repair (primarily Mercedes vehicles).

b) Proposed building architecture: Refer to elevation/rendering submitted contemporaneously herewith.

c) Proposed hours/days of operation: Monday through Saturday 8:00 a.m. to 6:00 p.m. and

d) List all requested variances: None

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The subject property is presently zoned General Commercial (GC) and is located within the confines of a Neighborhood Activity Center (NAC).

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where those properties are located.)

N/A

*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

TREE SURVEY

TITLE
SCALE
DATE
PROJECT
SHEET

FREEMAN ROAD DEVELOPMENT
MARIETTA, GEORGIA

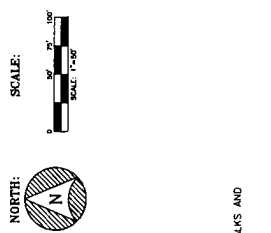
FRAWLEY
LANDSCAPE ARCHITECTS
925 SHERWOOD AVE (SUITE 101)
ATLANTA, GA 30307 (404) 874-3081
www.frawleylandscape.com



JUL - 7 2011

REVISIONS:

#1	DATE	DESCRIPTION



SEE SHEET L-2 FOR COBB COUNTY NOTES AND DETAILS

PARKING LOT TREE REQUIREMENT:
MIN. 3" CAL SHADE TREE PER EACH 1,140sf OF PARKING BAY AREA.
MIN. 5" CAL SHADE TREE PER EACH 1,140sf OF PARKING BAY AREA.
PARKING SPACES AREA = 29,919 PARKING SPACES PROPOSED = 4,959sf
PARKING PLANTERS AREA = 735sf (SEE PLAN)
REQUIRED WITH 5 PARKING TREES PROPOSED - SITE COMPLETES

CONVEYANCE TREE TREE REQUIREMENTS:
ONE 3" TREE PER 210' OF ROAD FRONTAGE REQUIRED, EXCLUDING DRIVEWAYS, SIDEWALKS AND SIGHT TRIANGLES.
SITE: 210' OF ROAD FRONTAGE LESS 34' OF DRIVE = 176'
176' ÷ 35' = 5 TREES REQUIRED
4 NEW & 1 EXISTING TREE = SITE COMPLETES

PARKING LOT		CONVEYANCE		TOTAL	
# OF SPACES	SPACE AREA	# TREES	SPACE AREA	# TREES	SPACE AREA
29	4,959sf	5	735sf	5	735sf
SUMMARY		TOTAL		TOTAL	
4,959sf	735sf	5	735sf	5	735sf
5,698sf	1,140sf	5		5	

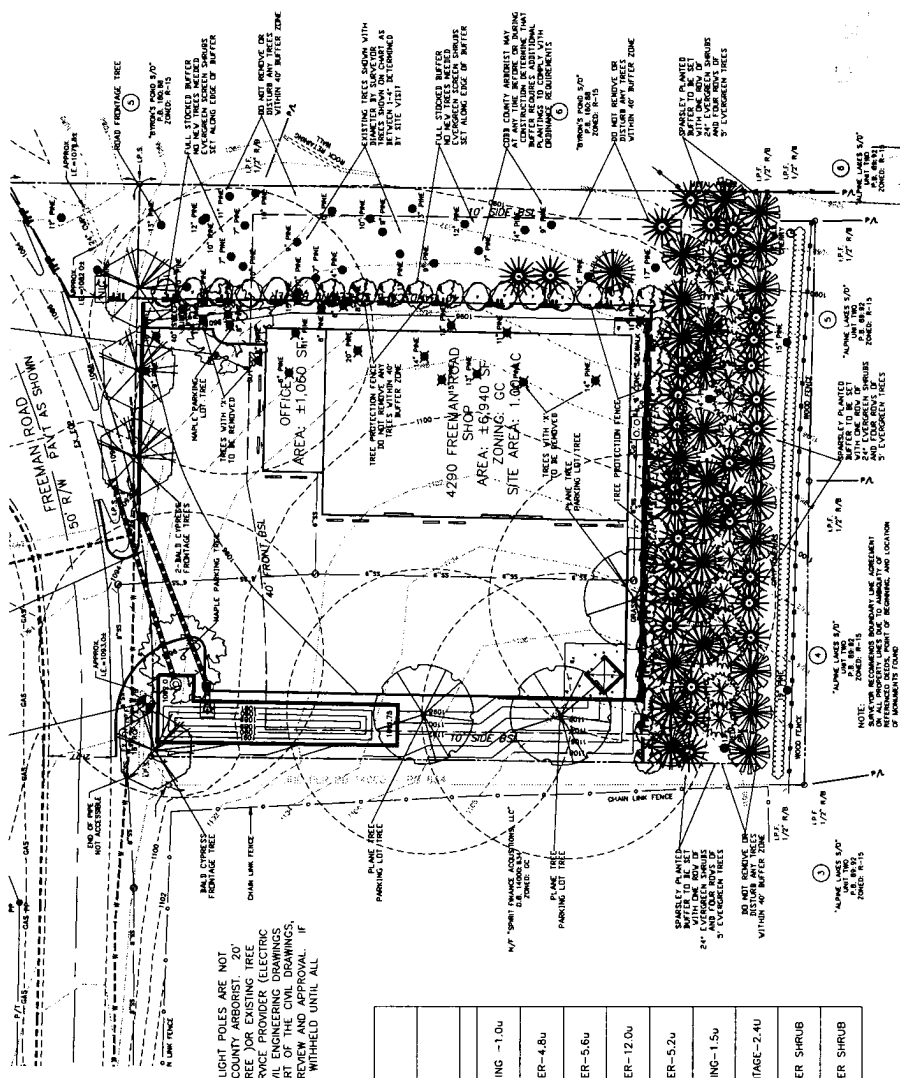
EXISTING DENSITY FACTOR (EDF):
3.3 (BASED ON TREE INVENTORY & SURVEY)
REQUIREMENT: 15 UNITS/ACRE
TOTAL SITE AREA: 1,000ac
20.14 ÷ 13.04 = 1.54 EXCESS EDF UNITS
REQUIREMENT DENSITY FACTOR (RDF):
NONE REQUIRED - 3.19 PROVIDED

EXISTING DENSITY FACTOR (EDF) CHART

QUANTITY	DENSITY FACTOR (DF)	TOTAL UNITS
0	0	0.0
1	0.1	0.5
2	0.2	1.0
3	0.3	1.5
4	0.4	2.0
5	0.5	2.5
6	0.6	3.0
7	0.7	3.5
8	0.8	4.0
9	0.9	4.5
10	1.0	5.0
11	1.1	5.5
12	1.2	6.0
13	1.3	6.5
14	1.4	7.0
15	1.5	7.5
16	1.6	8.0
17	1.7	8.5
18	1.8	9.0
19	1.9	9.5
20	2.0	10.0
21	2.1	10.5
22	2.2	11.0
23	2.3	11.5
24	2.4	12.0
25	2.5	12.5
26	2.6	13.0
27	2.7	13.5
28	2.8	14.0
29	2.9	14.5
30	3.0	15.0
31	3.1	15.5
32	3.2	16.0
33	3.3	16.5
34	3.4	17.0
35	3.5	17.5
36	3.6	18.0
37	3.7	18.5
38	3.8	19.0
39	3.9	19.5
40	4.0	20.0

SPECIMEN TREES:
NO SPECIMEN TREES ON SITE

THE COBB COUNTY ARBORIST OR LANDSCAPE ARCHITECT MUST APPROVE THE SITE LIGHTING PLAN. LIGHT POLES ARE NOT PERMITTED IN PARKING PENINSULAS, ISLANDS AND MEDIANS WITHOUT THE PRIOR APPROVAL OF THE COUNTY ARBORIST. 20' MINIMUM SPACING IS REQUIRED BETWEEN THE TRUNK OF ANY PROPOSED HARDWOOD TREE OR EXISTING TREE COUNTED FOR TREE ORNAMENT CREDIT AND ANY EXISTING OR PROPOSED LIGHT POLE. IF THE SERVICE PROVIDER (ELECTRIC COMPANY) PRODUCES A LIGHTING PLAN, IT MUST ADHERE TO THE LIGHTING PLAN SHOWN IN THE CIVIL ENGINEERING DRAWINGS. THE LIGHTING PLAN DESIGNER MUST SUBMIT A PLAN TO THE ARBORIST/LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL. IF THE LIGHTING IS INSTALLED WITHOUT AN APPROVED PLAN, THE CERTIFICATE OF OCCUPANCY WILL BE WITHHELD UNTIL ALL CONFLICTING POWER POLES ARE MOVED. CALL 770-528-2124.



PLANT LIST

QTY.	BOTANICAL NAME - COMMON NAME	MIN. SIZE	CONT.	SPACING	USE
2	Acer rubrum 'Red Sunset' - Red Maple	2-2.5" CAL.	B&B	AS SHOWN	PARKING - 1.0u
2	Cyclopenthera japonica - Cyclopenthera	5' HT.	B&B	AS SHOWN	BUFFER - 4.8u
14	Magnolia grandiflora 'D.D. Blanchard' - Southern Magnolia	5' HT.	B&B	AS SHOWN	BUFFER - 5.6u
30	Pinus virginiana - Virginia Pine	5' HT.	B&B	AS SHOWN	BUFFER - 12.0u
3	Juniperus virginiana - Eastern Red Cedar	5 min. HT.	B&B	AS SHOWN	BUFFER - 5.2u
7	Platanus occidentalis - Sycamore	2-2.5" CAL.	B&B	AS SHOWN	PARKING - 1.5u
4	Taxodium distichum - Bald Cypress	3" CAL.	B&B	AS SHOWN	FRONTAGE - 2.4u
16	Cleyera japonica - Japanese Cleyera	24" HT.	CONT.	AS SHOWN	BUFFER SHRUB
18	Myrica cerifera - Wax Myrtle	24" HT.	CONT.	AS SHOWN	BUFFER SHRUB

