

Z-50
(2011)

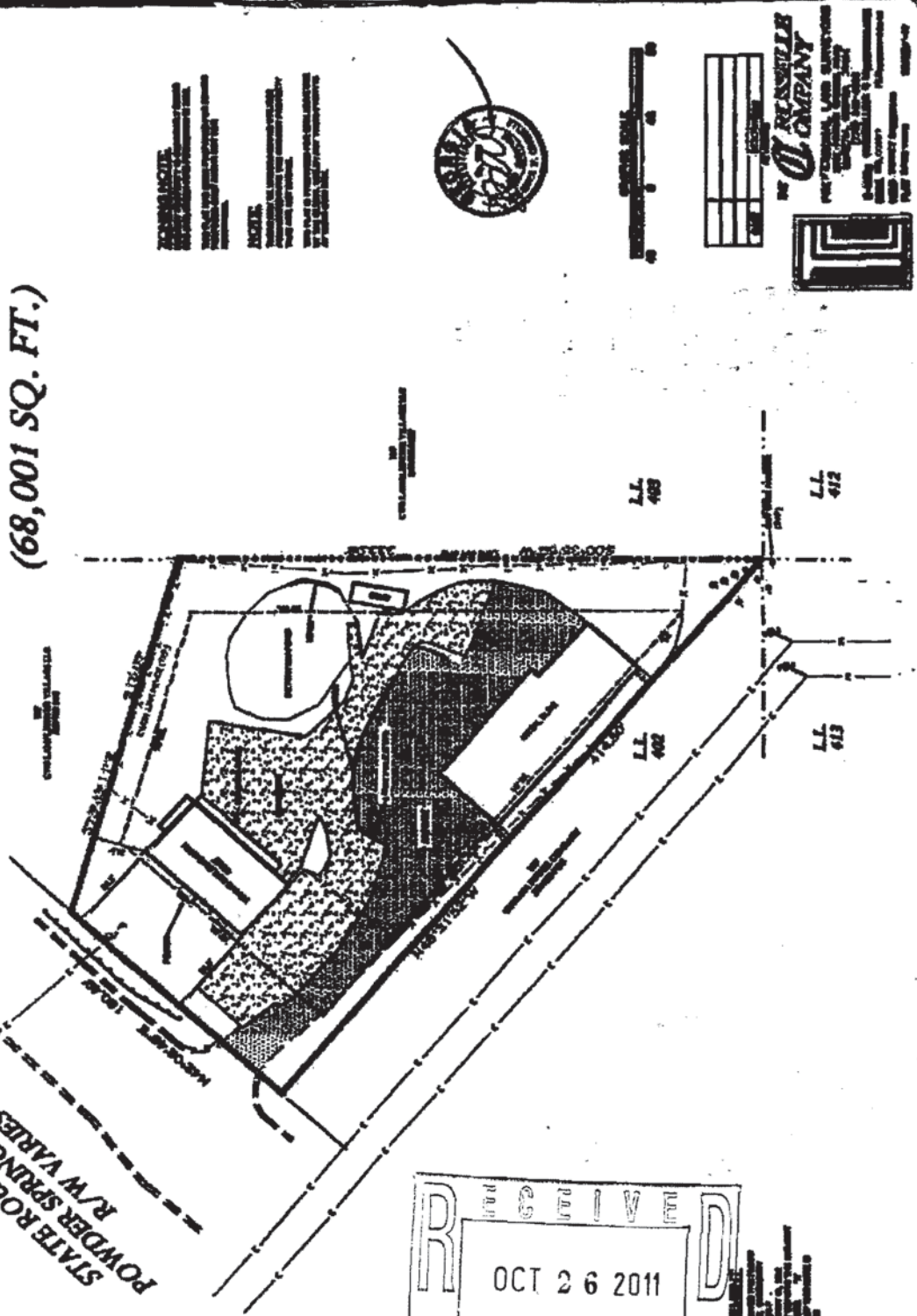
Plan To Accompany Zoning Application For

LIONEL D. HOBSON, JR.

LOCATED IN LAND LOT 402, 1ST DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA

AREA = 1.561 ACRES
(68,001 SQ. FT.)

STATE ROUTE 360
POWDER SPRINGS ROAD
R/W VARIES



COMMERCIAL
 1. ALL AREAS SHOWN ARE SUBJECT TO THE ZONING ORDINANCES OF COBB COUNTY, GEORGIA.
 2. THE ZONING DISTRICT IS Z-50.
 3. THE ZONING DISTRICT IS COMMERCIAL.
 4. THE ZONING DISTRICT IS COMMERCIAL.
 5. THE ZONING DISTRICT IS COMMERCIAL.

NOTES
 1. ALL AREAS SHOWN ARE SUBJECT TO THE ZONING ORDINANCES OF COBB COUNTY, GEORGIA.
 2. THE ZONING DISTRICT IS Z-50.
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DE WANSVILLE COMPANY
 1000 WANSVILLE AVENUE
 WANSVILLE, GA 30187
 PHONE: 770-426-1111
 FAX: 770-426-1112
 WWW: WWW.DEWANSVILLE.COM

RECEIVED
 OCT 26 2011
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 10/26/2011 BY 60322
 (U)

APPLICANT: Tina Thomas

PETITION NO: Z-50

REPRESENTATIVE: Kimberly Dumett

HEARING DATE (PC): 12-05-11

678-290-1613

HEARING DATE (BOC): 12-13-11

TITLEHOLDER: Big Mountain Properties, LLC

PRESENT ZONING: NRC

PROPOSED ZONING: CRC

PROPERTY LOCATION: On the southeasterly side of Powder

Springs Road, southwest of Oxford Road

PROPOSED USE: Doggy Daycare,

Grooming, Boarding

ACCESS TO PROPERTY: Powder Springs Road

SIZE OF TRACT: 1.561 acres

DISTRICT: 19

PHYSICAL CHARACTERISTICS TO SITE: Existing sign business

LAND LOT(S): 402

and retail space

PARCEL(S): 5

TAXES: PAID DUE

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: NRC/Battle Ridge Shopping Center
- SOUTH: CRC/Battlefield Village Retail Center
- EAST: MHP/Lamplighters Cove Mobile Home Park
- WEST: NRC/Retail Center and Restaurant

OPPOSITION: NO. OPPOSED PETITION NO: SPOKESMAN

PLANNING COMMISSION RECOMMENDATION

APPROVED MOTION BY

REJECTED SECONDED

HELD CARRIED

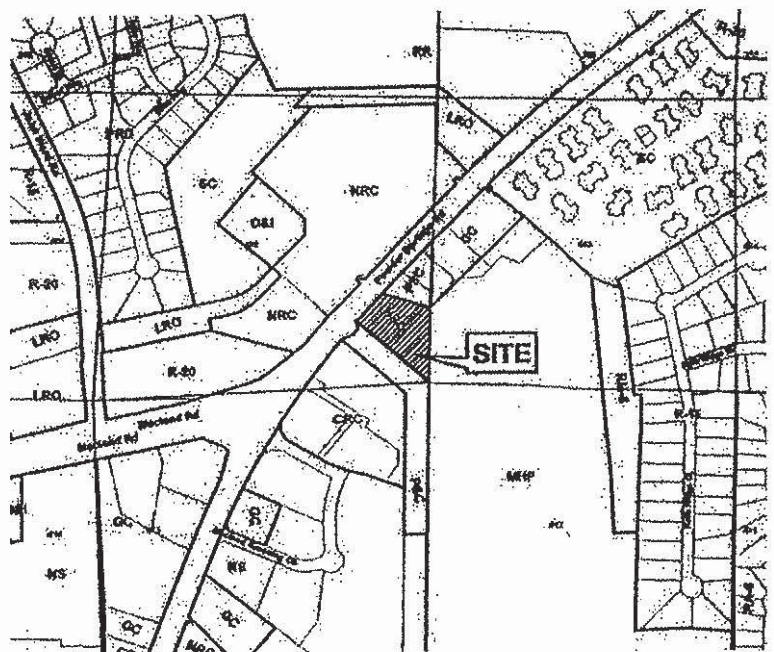
BOARD OF COMMISSIONERS DECISION

APPROVED MOTION BY

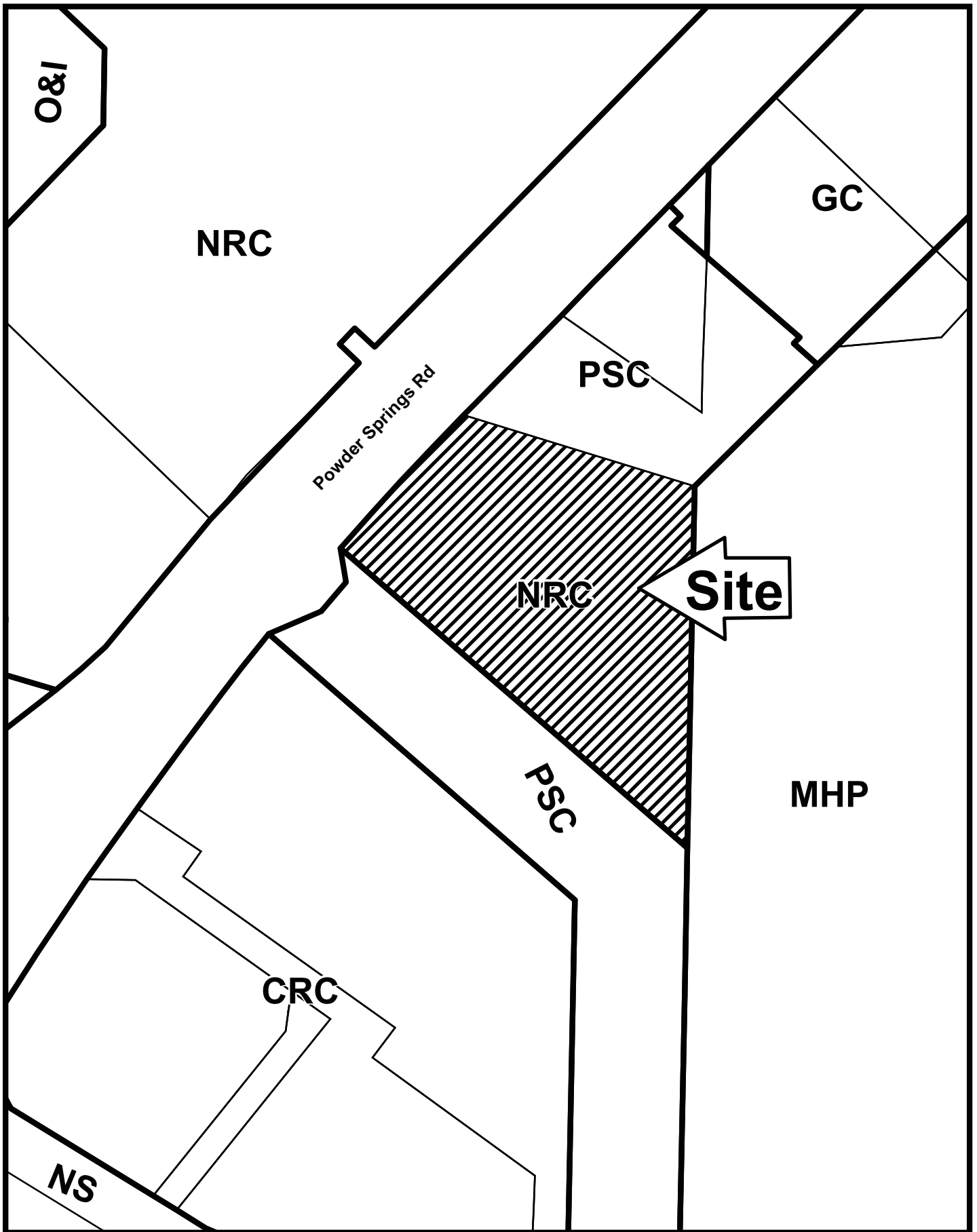
REJECTED SECONDED

HELD CARRIED

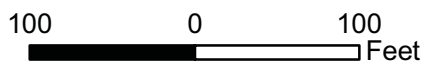
STIPULATIONS:





Z-50



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Tina Thomas

PETITION NO.: Z-50

PRESENT ZONING: NRC

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 2 (Existing) Total Square Footage of Development: 8,850

F.A.R.: 0.083 Square Footage/Acre: 5,669

Parking Spaces Required: 14 Parking Spaces Provided: 14

Applicant is requesting to be rezoned to the Community Retail Commercial (CRC) category in order to allow the additional use of a dog daycare, grooming and boarding business. The hours of operation will be Monday through Friday from 6:30 a.m. until 6:30 p.m.; Saturday from 7 a.m. until 5 p.m.; and Sunday from 10 a.m. until 5 p.m. This business will be housed in the building at the front of the property.

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: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process. (1691 Powder Springs Rd)

APPLICANT Tina Thomas

PETITION NO. Z-050

PRESENT ZONING NRC

PETITION FOR CRC

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): **10" DI / S side Powder Springs Rd**

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: **270' S if elevations allow**

Estimated Waste Generation (in G.P.D.): **A D F= 100 Peak= 250**

Treatment Plant: **South Cobb**

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: Continued use of septic system is acceptable to CCWS, unless expansion of system is required by Health Dept.

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: Tina Thomas

PETITION NO.: Z-50

PRESENT ZONING: NRC

PETITION FOR: CRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Olley 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: Tina Thomas

PETITION NO.: Z-50

PRESENT ZONING: NRC

PETITION FOR: CRC

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. The existing site has been in existence for some time and has an existing detention facility. There is currently a sign business operating on the rear of the parcel. The proposed use for the front structure and portion of the property is a Dog Daycare, Grooming and Boarding operation. The majority of the animal activity will be inside the building, but there is an outdoor play area that has been created by fencing in a graveled area over a portion of the concrete parking lot. This area drains directly to an adjacent drainage structure that discharges to the existing detention pond.
2. The existing detention pond is heavily overgrown and needs maintenance. The brushy overgrown needs to be removed and grass established to provide suitable vegetative cover to allow for proper stormwater quality treatment.

APPLICANT: Tina Thomas **PETITION NO.: Z-50**

PRESENT ZONING: NRC **PETITION FOR: CRC**

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
Powder Springs Road	38500	Arterial	45 mph	GDOT	100'

Based on 2006 traffic counting data taken by Cobb DOT (Powder Springs Road)

COMMENTS AND OBSERVATIONS

Powder Springs 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 constructing a deceleration lane at time of site redevelopment.
- Recommend installing sidewalk, curb and gutter along the road frontage at time of site redevelopment.
- Recommend GDOT permits for all work that encroaches upon the State 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-50 TINA THOMAS

- 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. Properties in the area are also zoned CRC and contain a mixture of retail, restaurant and office uses.
- 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 property is currently used as commercial and the existing sign company will remain at the property. The rezoning request is only to allow the additional use of the current request.
- 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 the within the Community Activity Center (CAC) land use category. The requested zoning category of Community Retail Commercial (CRC) is compatible with the CAC land use category and the proposed business is a permitted use under the CRC zoning 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 approving the applicant's rezoning proposal. The property had been zoned to the NRC category with stipulations and had to come back to the District Commissioner for approval of certain businesses. The proposed rezoning is for the CRC category which allows the requested use with limitations. The building has been used for other retail businesses in the past.

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

- Site plan received by the Zoning Division on October 26, 2011, with the District Commissioner approving minor modifications;
- Indoor boarding kennel only, no outside runs, approval of county health department, must not create a nuisance as defined by state law, and the building is to be soundproofed, internal air exchange system required (excluding air conditioning system);
- 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.

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Application No. Z-50

Dec. 2011

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

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

- a) Proposed use(s): Doggy Daycare, Grooming & Boarding facility
- b) Proposed building architecture: FENCING - CAGE FREE RUNS & DIVIDERS
- c) Proposed hours/days of operation: (M-F) 630am - 630pm
(S) 7am - 5pm (S) 10am - 5pm
- d) List all requested variances: _____

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

All information listed on this page and all requests are for front building only.

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 these properties are located).

NO

ORIGINAL DATE OF APPLICATION: 08-19-08APPLICANTS NAME: LIONEL DAVID HOBSON, JR.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERSBOC DECISION OF 02-16-10 ZONING HEARING:OTHER BUSINESS ITEM #5 – TO CONSIDER AMENDING THE STIPULATIONS FOR MS. KIMBERLY DUMETT REGARDING Z-35 (LIONEL DAVID HOBSON, JR.) OF AUGUST 19, 2008

To consider amending the stipulations for Ms. Kimberly Dumett regarding Z-35 (LIONEL DAVID HOBSON, JR.) of August 19, 2008, for property located in Land Lot 402 of the 19th District on the southerly side of Powder Springs Road, north of Macland Road.

By consensus, the Board deemed this to be a minor amendment. Mr. Mark Danneman, Zoning Division Manager, provided information regarding stipulation amendments. Following presentations and discussions, the following motion was made:

MOTION: Motion by Thompson, second by Olens, to approve Other Business Item #5 to amend stipulations for Ms. Kimberly Dumett regarding Z-35 (LIONEL DAVID HOBSON, JR.) of August 19, 2008, for property located in Land Lot 402 of the 19th District on the southerly side of Powder Springs Road, north of Macland Road, **subject to:**

- agreeable conditions contained in request letter dated January 14, 2010 from Ms. Kimberly Dumett (attached and made a part of these minutes)
- District Commissioner approval of final design of the proposed addition (produce awning) to the existing building
- allowance of a produce stand, with District Commissioner approval of other uses allowed within the NRC zoning district (omitting uses on the stipulated list of excluded uses and requiring those uses to be approved by the Board of Commissioners), list attached and made a part of these minutes
- delay of Cobb Department of Transportations required improvements until such time as the property is redeveloped or there are substantial additions/renovations
- other previously approved conditions/stipulations not in conflict with this request to remain in effect

VOTE: **ADOPTED** unanimously

Meeting Date February 11, 2010



13

January 14, 2010

Mr. Mark Danneman
Cobb County Zoning
191 Lawrence Street
Marietta, GA 30064

Re: 1691 Powder Springs Rd.

Dear Mr. Danneman,

I would like to thank you in advance for meeting with Mr. Murrey Holman and Mr. Woody Thompson and discussing the Zoning issues with my property located at 1691 Powder Springs Rd., Marietta GA 30064. As Mr. Holman informed you we are happy to have the opportunity to sign a rental lease with Joanne and Charles Lindsay of J & J Produce. We want to be sure that J & J Produce will be able to conduct their business in the front building located on our property. The Lindsay's have agreed to make sure that all cash transactions will be handled from the store area inside the building. They also have agreed to add a permanent awning, designed to complement the existing structure in either wood or aluminum with a shingled roof. The awning will not protrude more than 12' from the building. Pursuant to a request from Mr. Holman, I will also be happy to make some landscaping improvements on the easement located on our property. We will cut down the existing vegetation maintain it at least once per quarter and plant 18-20 saplings at 5' centers. We will also remove the silt fence.

As I know you are aware we purchased the property over a year ago and at that time the property was re-zoned to NRC with (15) stipulations. The purpose of the rezoning was to allow the relocation of our business, Southern Sign Systems, Inc., as a renter in the back warehouse and to utilize the front building for other purposes allowable with the NRC district. Unfortunately, we have had extreme difficulty leasing and would greatly appreciate having the wording clarified and thereby allowing us to utilize the property as intended.

Sincerely,

Kimberly Dumett
Co-Owner Big Mountain Properties, LLC

Cc: Mr. Murrey Holman
Mr. Woody Thompson
Joanne & Charles Lindsay

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 3
July 3, 2008

Petition No. 2-35
Meeting Date 9-16-08
Continued

PAGE 7 OF

Map No. 59 Position No. 035
Doc. Type request letter

Meeting Date February 16, 2010

PAGE 14 OF 14

11. The following otherwise permitted uses under the NRC classification shall be prohibited:
- a. Video arcades as a primary business.
 - b. Tattoo parlors and body piercing shops.
 - c. Billiard parlors.
 - d. Pawn shops, title pawn shops or checking cashing establishments.
 - e. Shooting ranges.
 - f. Houses of worship.
 - g. Any business which principally features sexually explicit products or drug-related paraphernalia.
 - h. Commercial produce and agricultural product stands.
 - i. Community fairs.
 - j. Designated recycling and collection locations.
 - k. Emissions and inspection stations.
 - l. Group homes.
 - m. In-home day care.
 - n. Rest homes, personal care homes or convalescent homes.
 - o. Self service laundry facilities.

ORIGINAL DATE OF APPLICATION: 08-19-08APPLICANTS NAME: LIONEL DAVID HOBSON, JR.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 09-16-08 ZONING HEARING:**

LIONEL DAVID HOBSON, JR. (owner) requesting Rezoning from **NRC with Stipulations** to **NRC with Stipulations** for the purpose of a Sign Company in Land Lot 402 of the 19th District. Located on the southerly side of Powder Springs Road, north of Macland Road.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** Rezoning to the **NRC with Stipulations** zoning district subject to:

- site plan received by the Zoning Division June 4, 2008, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- letter of agreeable conditions from Mr. Garvis L. Sams, Jr., dated July 3, 2008 *with the following change* (attached and made a part of these minutes):
 - Item No. 6 - Add to end of paragraph: *“The LED sign will have light detector/photocell technology by which the brightness can be dimmed when ambient light conditions darken.”*
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED** unanimously

Plat To Accompany Zoning Application For

LIONEL D. HOBSON, JR.

LOCATED IN LAND LOT 402, 19TH DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA

AREA = 1.561 ACRES
(68,001 SQ. FT.)

ZONING NOTE.
SUBJECT PROPERTY IS CURRENTLY ZONED RMC (MS) WHICH WAS RECLASSIFIED IN 2002. THIS PLAT HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT FOR RECORDING.

NOTE.
THIS MAP WAS PREPARED BY THE SURVEYOR ASSOCIATED WITH THE SUBJECT PROPERTY THAT ARE NOT SHOWN. THIS PLAT IS PREPARED FOR USE UNDER THE BY THE CLIENT. USE BY ANY THIRD PARTY IS AT THEIR OWN RISK.



DATE	REVISION

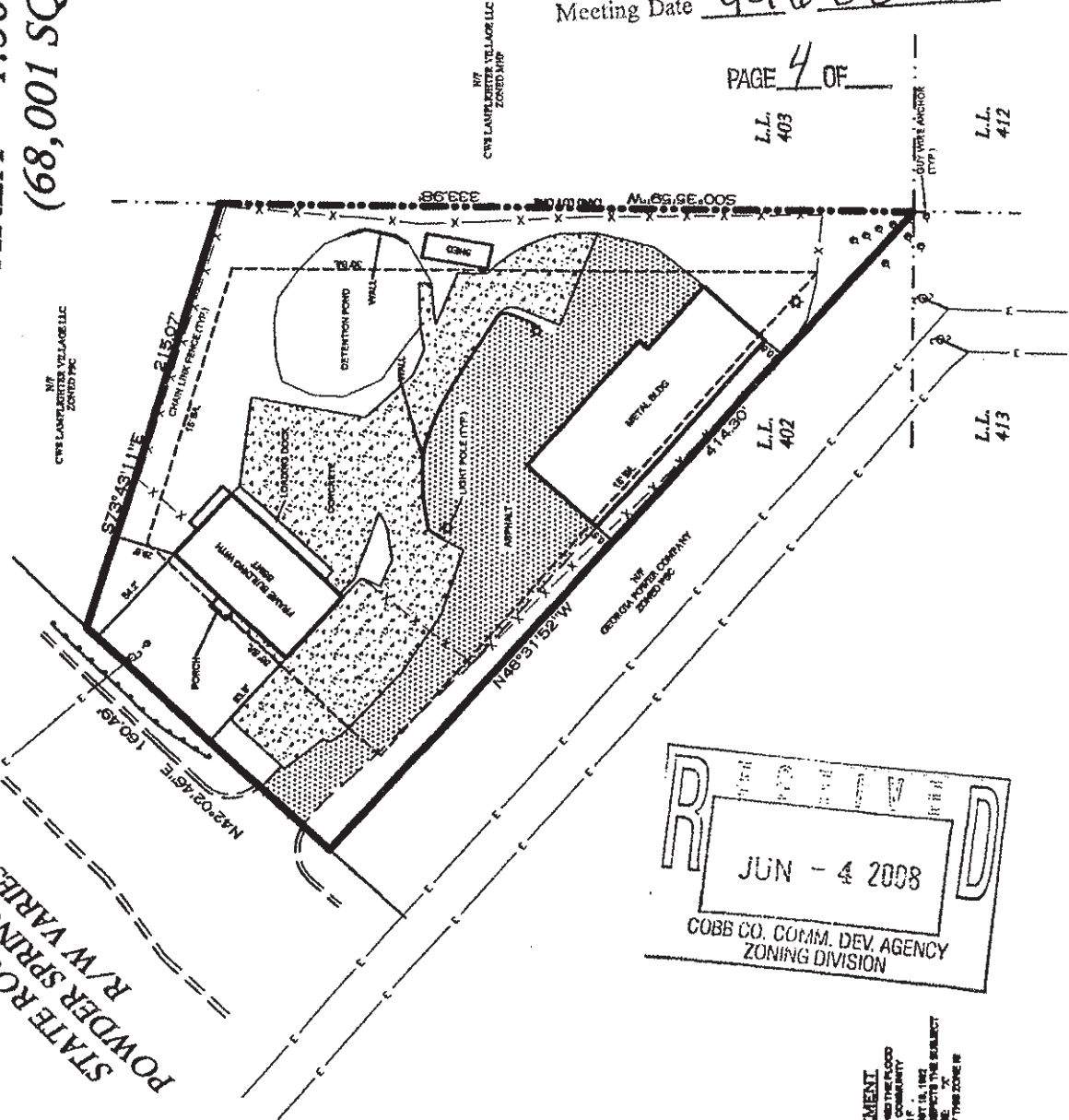
THE RUSSELL COMPANY
PROFESSIONAL LAND SURVEYORS
1170 W. HENRY ROAD
ALPHARETTA, GA 30201
TEL: 404.487.2828
FAX: 404.487.2828
FIELD SERVICE BY APPOINTMENT
PLAT DRAWN BY: [Signature]
SCALE: 1"=40'

Min. Bk. 56 Petition No. 2-35
Doc. Type Side plan
Meeting Date 9-16-08

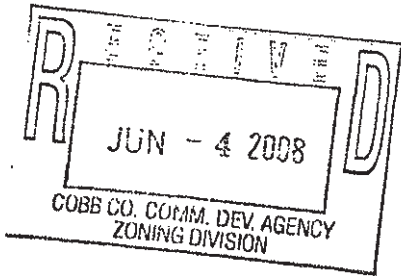
PAGE 4 OF

L.L. 403

L.L. 412



STATE ROUTE 360
POWDER SPRINGS ROAD
R/W VARIES



FLOOD STATEMENT
I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAP, COMMUNITY FLOOD HAZARD IDENTIFICATION MAP, AND EFFECTIVE DATE. I HAVE THEREBY DETERMINED THE SUBJECT PROPERTY TO BE IN ZONE. THE MAP INDICATES THAT THE SUBJECT PROPERTY IS IN ZONE. I AM NOT PROVIDING THIS INFORMATION TO YOU WITHOUT THE 10 YEAR FLOOD PLAN.



SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

Min. Bk. 56 Petition No. Z-35
Doc. Type letter of
stipulations
Meeting Date 9-14-08

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARIS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN
JUSTIN H. MEEKS

July 3, 2008

770-422-7016
TELEPHONE
770-426-6583
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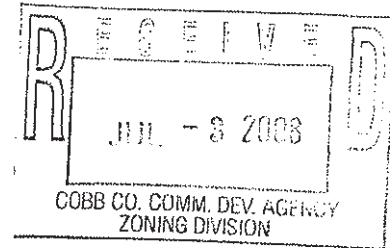
SAMSLARKINHUFF.COM

*ALSO LICENSED TO PRACTICE
IN ALABAMA

PAGE 5 OF

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



Re: Application of Lionel "David" Hobson, Jr., to Rezone a 1.56 Acre
Tract from Conditional NRC to Conditional NRC (No. Z-35)

Dear John:

You will recall that this firm represents the applicant who is also the property owner concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on August 5, 2008 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on August 19, 2008.

In accordance with direction received from the County's professional staff and consistent with our ongoing dialogue with area business owners, I have been authorized by my client to submit this letter of agreeable stipulations which, if the application for rezoning is approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. Rezoning of the subject property shall be from Conditional NRC to Conditional NRC in substantial conformity to that certain site plan, prepared for Lionel D. Hobson, Jr. by The Crusselle Company which was submitted contemporaneously with the Application for Rezoning.

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
July 3, 2008

3. The subject property¹ will be utilized as the principal place of business of Southern Sign Systems, Inc. which is relocating from the adjacent retail shopping center (1651 Powder Springs Road). Southern Sign Systems intends on utilizing the subject property in its "as-built" configuration. However, the building which is oriented toward Powder Springs Road shall be aesthetically enhanced.
4. The hours of operation shall be Monday through Friday from 8:00 a.m. until 6:00 p.m.
5. There will be approximately six (6) employees working in the building fronting on Powder Springs Road and approximately four (4) to six (6) employees working in the rear building which is located next to the Lamplighter Village Mobile Home Community.
6. Signage for the sign company shall be ground-based, monument style, with finished materials and color being in substantial conformity to the aesthetic upgrades to the building fronting on Powder Springs Road. Signage shall be in conformity with the Cobb County Sign Ordinance and may consist of LED/electronic components. There shall be no roof signs, exterior temporary signs or banners.
7. Any newly installed lighting shall be environmentally sensitive, low level luminaries fitted with non-glare lenses to prevent illumination from penetrating outside the boundaries of the subject property.
8. Any newly installed security lighting on the buildings shall be fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.
9. The building located on the rear of the subject property will contain a MultiCam 3000 Series CNC Router used in connection with the sign business. The Router shall be fully enclosed within the building which will be insulated.
10. Any dumpsters servicing the sign company shall be enclosed and shielded from view. All dumpsters will have rubber lids to minimize noise.

¹ The subject property was rezoned to its present NRC classification for the purposes of a Walgreen's pharmacy in December, 2002 (No. Z-155); however, Walgreen's chose a different location.

VIA E-MAIL and
HAND DELIVERY

Petition No. 2-35
Meeting Date 9-16-08
Continued

PAGE 7 OF

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 3
July 3, 2008

11. The following otherwise permitted uses under the NRC classification shall be prohibited:
- a. Video arcades as a primary business.
 - b. Tattoo parlors and body piercing shops.
 - c. Billiard parlors.
 - d. Pawn shops, title pawn shops or checking cashing establishments.
 - e. Shooting ranges.
 - f. Houses of worship.
 - g. Any business which principally features sexually explicit products or drug-related paraphernalia.
 - h. Commercial produce and agricultural product stands.
 - i. Community fairs.
 - j. Designated recycling and collection locations.
 - k. Emissions and inspection stations.
 - l. Group homes.
 - m. In-home day care.
 - n. Rest homes, personal care homes or convalescent homes.
 - o. Self service laundry facilities.

VIA E-MAIL and
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12. Compliance with recommendations from the Cobb County Department of Transportation that any substantive redevelopment of the subject property, other than aesthetic upgrades or utilization as built, will require the installation of sidewalk, curb and gutter on the subject property's frontage and the installation of a deceleration lane with a taper at the subject property's point of ingress and egress.
13. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on site detention and water quality.
14. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
15. Compliance with the recommendations of the Cobb County Water System with respect to the availability of water and sewer to service the subject property.
16. Minor modifications to the site plan and this letter of agreeable stipulations/conditions may be approved by the District Commissioner during the Plan Review process.

Please do not hesitate to call should you require additional information or documentation prior to the formulation of your staff analysis and recommendations. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc
cc: Shown on next page.

VIA E-MAIL and
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cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail
Mr. Mark A. Danneman, Manager – VIA Hand Delivery
Mr. John M. Morey – VIA E-Mail and First Class Mail
Mr. David Breaden – VIA E-Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Mr. L. David Hobson
Ms. Kimberly Dumett, Southern Sign Systems – VIA E-Mail

APPLICANT: Lionel David Hobson, Jr.

PETITION NO.: Z-35

PRESENT ZONING: NRC with stipulations

PETITION FOR: NRC with stip.

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 2(existing) Total Square Footage of Development: 8,850

F.A.R.: 0.083 Square Footage/Acre: 5,669

Parking Spaces Required: 14 Parking Spaces Provided: 14

The applicant is requesting rezoning to operate a sign company from the existing commercial buildings on the property. The building in the front of the property is one-story in height with lap-board siding, and asphalt shingles. This building would be used for the retail and the office portion of the business. The rear building is a one-story metal shop, and would be used for sign fabrication and storage. The business would be open Monday through Friday, from 8:00 a.m. until 6:00 p.m. The property was rezoned in 2002 for a Walgreen's and retail out parcel, which have not been built; the 2002 zoning stipulations prohibit the applicant from operating the business. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A", and a letter of agreeable stipulations attached as Exhibit "B".

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: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE DEPARTMENT COMMENTS:

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT Lionel David Hobson, Jr

PETITION NO. Z-035

PRESENT ZONING NRC w/stips

PETITION FOR NRC w/stips

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) 10" DI / S side Powder Springs Rd

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:

In Drainage Basin? Yes No
At Development? Yes No

Approximate Distance to Nearest Sewer: 320' S if elev's allow

Estimated Waste Generation (in G.P.D.): **A D F** 100 **Peak** 250

Treatment Plant: S Cobb

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:

Existing septic system. Acceptable to CCWS for proposed sign company, provided no additions or expansions of existing buildings or intensification of use

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: Lionel David Hobson, Jr.

PETITION NO.: Z-35

PRESENT ZONING: NRC w/ stips

PETITION FOR: NRC w/ stips

DRAINAGE COMMENTS

FLOOD HAZARD: [] YES [X] NO [] POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Olley Creek FLOOD HAZARD INFO: Zone X

- [] FEMA Designated 100 year Floodplain Flood.
[] Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
[X] 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 [X] 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 [X] 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: Lionel David Hobson, Jr.

PETITION NO.: Z-35

PRESENT ZONING: NRC w/ stips

PETITION FOR: NRC w/ stips

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. No site modifications are proposed for this site. However, there is an existing detention pond located on the property. Any maintenance issues associated with the pond and outlet control structure must be addressed prior to occupancy.

APPLICANT: Lionel David Hobson, Jr.

PETITION NO.: Z-35

PRESENT ZONING: NRC with stipulations

PETITION FOR: NRC with stipulations

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
Powder Springs Rd	38500	Arterial	45 mph	GDOT	100'

Based on 2006 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Powder Springs 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.

Construct a deceleration lane at time of site redevelopment.

Install sidewalk, curb and gutter along the road frontage at time of site redevelopment.

GDOT permits will be required for all work that encroaches upon the State right-of-way.

RECOMMENDATIONS

Recommend constructing a deceleration lane at time of site redevelopment.

Recommend installing sidewalk, curb and gutter along the road frontage at time of site redevelopment.

Recommend GDOT permits for all work that encroaches upon the State right-of-way.

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