

NOTE: THE FOLLOWING REQUIREMENTS DO NOT APPLY TO THIS SITE.
BUFFER AREAS, LAKES & STREAMS, UTILITY ESMNTS., 100 YR FLD. PLAIN,
CEMETERIES, WETLANDS, ARCH. & ARCHEOLOGICAL LANDMARKS.

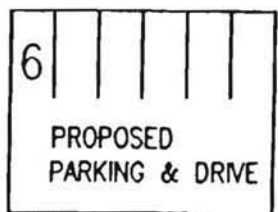
YORK PLACE
R-O-W VARIES



105.3'

.48 AC.
N/F
F.B. CLACK

197.3'



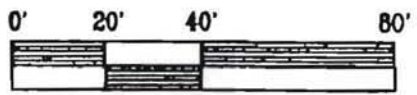
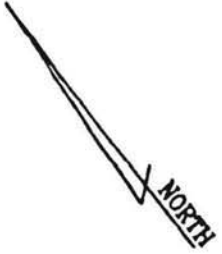
206.9'



50' B.S.L.



105.0'



WOODSTOCK ROAD
R-O-W VARIES



LOCATED IN LAND LOT 109
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA
LOT 2 OF BLOCK C
UNIT ONE OF BRIGHTON WOODS

REZONING
SITE PLAN
FOR
DR. LOUIS TOTTH



APPLICANT: Chad McMillen
(404) 427-2018

REPRESENTATIVE: Chad McMillen
(404) 427-2018

TITLEHOLDER: Bobby McMillen and Chad J. McMillen

PROPERTY LOCATION: Northeast side of Woodstock Road, east
of York Place
(4624 Woodstock Road).

ACCESS TO PROPERTY: Woodstock Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house
converted to office

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Brighton Woods Subdivision
SOUTH: R-20/Single-family House
EAST: LRO/Single-family House Zoned LRO
WEST: R-20/Brighton Woods Subdivision

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:

PETITION NO: Z-21

HEARING DATE (PC): 06-05-12

HEARING DATE (BOC): 06-19-12

PRESENT ZONING: LRO

PROPOSED ZONING: UVC

PROPOSED USE: Living/Psychic Readings

SIZE OF TRACT: 0.48 acre

DISTRICT: 16

LAND LOT(S): 109

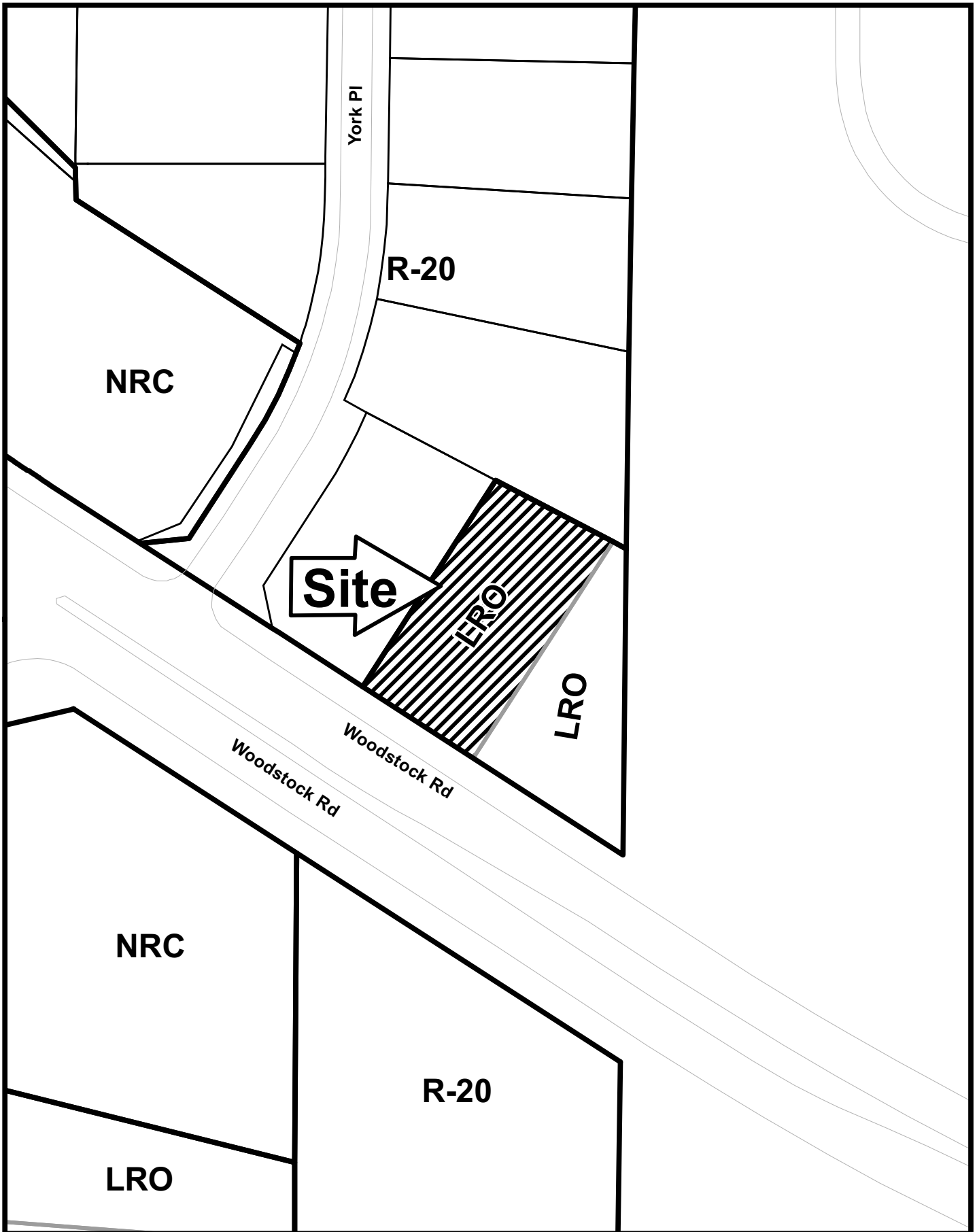
PARCEL(S): 17

TAXES: PAID X **DUE**

COMMISSION DISTRICT: 3



Z-21



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

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: Chad McMillen

PETITION NO.: Z-21

PRESENT ZONING: LRO

PETITION FOR: UVC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center

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

F.A.R. 5,208 **Square Footage/Acre**

Parking Spaces Required: 6 **Parking Spaces Provided:** 6

The Urban Village Commercial (UVC) zoning district is being requested by the applicant to operate a psychic reading business/ residence at this property. The existing house will be utilized for the business and the applicant will live in the house as well. The hours of operation for the business are anticipated to be Monday thru Saturday, from 10 a.m. to 5 p.m.

Cemetery Preservation: No comment.

PLANNING COMMENTS:

The applicant is requesting a rezoning from LRO to UVC for purposes of residence/psychic reading. The 0.48 acre site is located on the northeast side of Woodstock Road, east of York Place.

Comprehensive Plan

The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Master Plan/Corridor Study

Not applicable.

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.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Yes No Not applicable

APPLICANT: Chad McMillen

PETITION NO.: Z-21

PRESENT ZONING: LRO

PETITION FOR: UVC

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

Additional Comments:

FIRE COMMENTS:

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

APPLICANT Chad McMillen

PETITION NO. Z-021

PRESENT ZONING LRO

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): **8" DI / N side Woodstock Road**

Additional Comments: Existing water customer

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: **350' W in Mabry Road**

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

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

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: Health Dept approval required for continued use of existing septic system. If improvements to septic system are necessary, site must connect to sanitary sewer

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: Chad McMillen

PETITION NO.: Z-21

PRESENT ZONING: LRO

PETITION FOR: UVC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little River 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: Chad McMillen

PETITION NO.: Z-21

PRESENT ZONING: LRO

PETITION FOR: UVC

**STORMWATER MANAGEMENT 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 improvements are proposed at this time. Any future improvements must meet current Stormwater Management requirements.

APPLICANT: Chad McMillen

PETITION NO.: Z-21

PRESENT ZONING: LRO

PETITION FOR: UVC

COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

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
Woodstock Road	44200	Arterial	35 mph	Georgia DOT	100'
York Place	N/A				

Based on 2010 traffic counting data taken by Georgia DOT (Woodstock Road)

COMMENTS AND OBSERVATIONS

Woodstock 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.

York Place 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 GDOT permits for all work that encroaches upon State right-of-way.

Recommend no advertising on the right-of-way.

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

STAFF RECOMMENDATIONS

Z-21 CHAD 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. From the Emission station to the Fulton County line, properties have been zoned for office use, to provide a transition for the residentially zoned properties to the north, from the more intense commercial uses to the south.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse affect on the usability of adjacent or nearby property. This property was zoned LRO in 1995 and serves as the step down zoning classification for the edge of the Neighborhood Activity Center.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use that 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 or intent of the *Cobb County Comprehensive Plan*, which projects this site to be within a Neighborhood Activity Center. However, the current LRO zoning district is also consistent with the *Cobb County Comprehensive 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 denying the applicant's rezoning proposal. The applicant's proposed UVC zoning district may not be compatible with the adjacent single-family houses; UVC is a flexible zoning district that allows a variety of uses. Staff is concerned what may happen to the property if the proposed use does not last. The current zoning of the property is consistent with the *Cobb County Comprehensive Plan*, and provides the best transition for the single-family houses to the north. Staff does recognize that the proposed use is not that intense, and would suggest the applicant be granted a Temporary Land Use Permit (LUP) to operate their proposed use.

Based on the above analysis, staff recommends DELETION to a LUP for 24 months subject to:

- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management 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-21

June 2012

Summary of Intent for Rezoning

Open/2/10

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

- a) Proposed unit square-footage(s): 1500
- b) Proposed building architecture: BRICK
- c) Proposed selling prices(s): EXISTING
- d) List all requested variances: NONE

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

- a) Proposed use(s): PSYCHIC READINGS
- b) Proposed building architecture: BRICK
- c) Proposed hours/days of operation: ~~to~~ 10-8:00
- d) List all requested variances: NONE

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

.....
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).

ORIGINAL DATE OF APPLICATION: 12-19-06

APPLICANTS NAME: BOBBY MCMILLEN

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

PREVIOUS

BOC DECISION OF 12-19-06 ZONING HEARING:

BOBBY MCMILLEN (John L. Gibson, III, owner) requesting Rezoning from **LRO** to **UVC** for the purpose of Psychic Reading in Land Lot 109 of the 16th District. Located on the north side of Woodstock Road, east of York Place.

The public hearing was opened and Mr. Hylton Dupree and Mr. David Hong addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to delete to a **Land Use Permit for 24 months subject to:**

- use as psychic reading only
- exterior renovation details to be approved by District Commissioner (*SWM issues to be addressed and approved by District Commissioner before any additional renovations, if it is determined that it is not feasible to move forward – LUP will not be allowed*)
- hours of operation to be 10:00 a.m. until 5:00 p.m. Monday through Saturday
- signage to be approved by the District Commissioner
- no employees
- 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

Clerk's Note: Staff was directed to submit proposed code amendment regarding living/working at the same location.

APPLICANT: Bobby McMillen

PETITION NO.: Z-171

PRESENT ZONING: LRO

PETITION FOR: UVC

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Neighborhood Activity Center

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

F.A.R. 5,208 Square Footage/Acre

Parking Spaces Required: 6 Parking Spaces Provided: 6

The Urban Village Commercial (UVC) zoning district is being requested by the applicant to operate a psychic reading business/ residence at this property. The existing house will be utilized and will be aesthetically upgraded on the interior and exterior. The applicant will live in the house. The hours of operation for the business are anticipated to be Monday thru Saturday, from 10:00 am to 6:00 pm.

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

FIRE COMMENTS:

The applicant is responsible to ensure all Cobb County Fire and Emergency Services Code requirements are met related to this project. Plans will need to be submitted to the Cobb County Fire Marshall's Office, prior to any permits being issued.

Standard comments:

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Fire Hydrant
 - a. Commercial: Fire hydrant within 500 feet of most remote part of structure.
 - b. Residential: Fire hydrant within 500 feet of structure.
3. Fire apparatus access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor IFC 503.1 2003 Edition. **All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20-feet, 25-foot inside turning radius, 50-foot outside turning radius and unobstructed vertical clearance of not less than 13-feet 6 inches.** Dead-end access roads in excess of 150-feet shall be provided with a turn-around IFC 503.2.5 2003 Edition. Cul-de-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential cul-de-sac without island: 38-foot outside radius. Commercial cul-de-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-foot wide roadway + 45-feet).

Additional Comments:

APPLICANT Bobby McMillen

PETITION NO. Z-171

PRESENT ZONING LRO

PETITION FOR UVC

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s): 6" AC / N side Woodstock 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: 450' SW / Mabry Rd

Estimated Waste Generation (in G.P.D.): **A D F** 225 **Peak** 560

Treatment Plant: Big Creek

- 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
- Letter of Allocation issued? 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 casement acquisitions are the responsibility of the Developer.

Additional 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 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: Bobby McMillen

PETITION NO.: Z-171

PRESENT ZONING: LRO

PETITION FOR: UVC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little River Basin 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: Bobby McMillen

PETITION NO.: Z-171

PRESENT ZONING: LRO

PETITION FOR: UVC

* * * * *

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 - **must be addressed at Plan Review.**
- 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/SUGGESTIONS

1. The survey provided is not current and does not reflect existing conditions. There are separate entrance and exit drives to Woodstock Road and parking pads that have been expanded to the front and rear of the building.
2. The existing improvements already exceed 35% impervious coverage without any stormwater management controls provided. All of the gravel pad at the rear of the building and much of the rear asphalt pad must be removed to meet this limit or onsite stormwater management must be provided.

APPLICANT: Bobby McMillen

PETITION NO.: Z-171

Z-21 2012
Previous Minutes

PRESENT ZONING: LRO

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
Woodstock Road	49540	Arterial	35 mph	GADOT	100'

Based on 2004 traffic counting data taken by GADOT.

COMMENTS AND OBSERVATIONS

Woodstock 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.

The ground base monument sign appears to be in the right-of-way.

Any work within the right-of-way will require GADOT permits.

RECOMMENDATIONS

Recommend removing the sign from the right-of-way.

Recommend GDOT permits for any 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.