

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

COBB COUNTY GEORGIA
FILED IN OFFICE

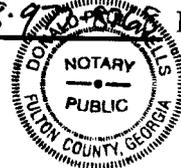
2013 JUL -5 PM 12:04
BOC Hearing Date Requested: 8/20/2013

Applicant: Timothy F. Pilgrim (applicant's name printed) Phone #: 678-977-8768

Address: 20 Old Fuller Mill Rd. NE, Marietta, GA 30067 E-Mail: tim.pilgrim@jbt.com

Address: _____
(representative's name, printed)

Timothy F. Pilgrim (representative's signature) Phone #: 678-977-8768 E-Mail: tim.pilgrim@jbt.com

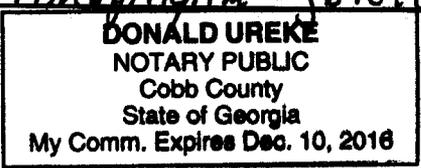


Signed, sealed and delivered in presence of:
Paul Powell Notary Public My Commission Expires: 3/24/17
March 24, 2017

Titleholder(s): Timothy F. Pilgrim (property owner's name printed) Phone #: 678-977-8768

Address: 20 Old Fuller Mill Rd. NE, Marietta, GA 30067 E-Mail: tim.pilgrim@jbt.com

Timothy F. Pilgrim (Property owner's signature)



Signed, sealed and delivered in presence of:
Donald Ureke Notary Public My commission expires: Dec 10, 2016

Commission District: 2 Zoning Case: Z-21 of 2010

Date of Zoning Decision: 8/17/10 Original Date of Hearing: 8/17/10

Location: 3689 Atlanta Rd., Smyrna, GA 30080
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 743 District(s): 17th

State specifically the need or reason(s) for Other Business: Amend Zoning Conditions and hardship sign variance.

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 08-17-10APPLICANTS NAME: TIMOTHY F. PILGRIMTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 08-17-10 ZONING HEARING:**

TIMOTHY F. PILGRIM (owner) requesting Rezoning from GC to NRC for the purpose of a Salon And Day Spa in Land Lot 743 of the 17th District. Located on the east side of Atlanta Road, south of Paces Ferry Road.

The public hearing was opened and Mr. Timothy Pilgrim addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Thompson, to delete Rezoning to the LRC zoning district subject to:

- letter of agreeable conditions from Mr. Timothy F. Pilgrim and Ms. Yolanda Pilgrim, dated July 30, 2010, *with the following additions/changes* (attached and made a part of these minutes):
 - Item No. 24 – Add to list of prohibited uses: *“used car lots, auto sales and service, banquet halls, arcades, adult entertainment, and full service gas station.”*
 - Item No. 25 – Change word “Garage” to “Garbage”
 - Add new Item No. 26 – *“Applicant will install signage indicating that the northernmost entrance will be identified as a right-in/right-out only.”*
- 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

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 JUL -5 PM 12:14
COBB COUNTY ZONING DIVISION

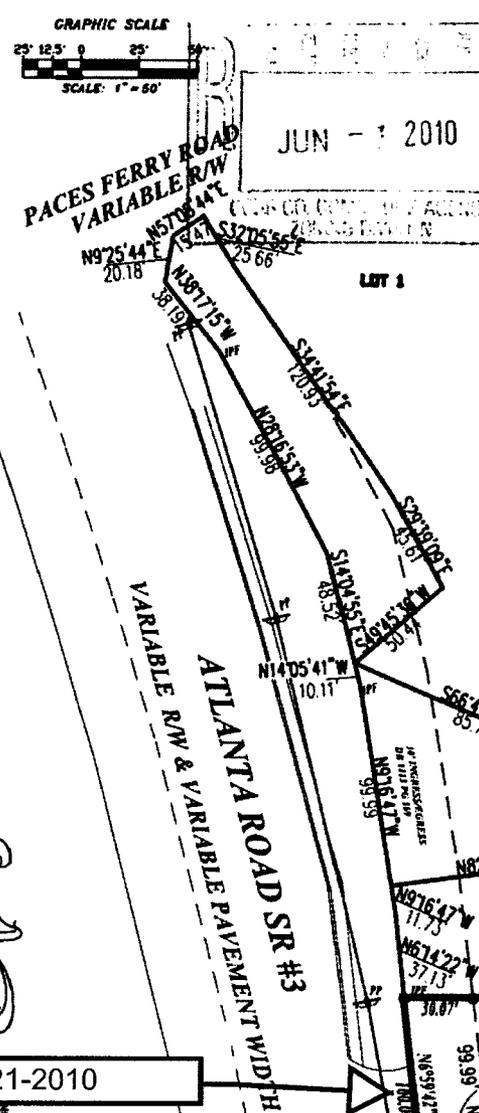
Flood Note

According to F.I.R.M. Community Panel # 13067C0226G dated 12/16/2008 this property is not located in an area having special flood hazards.

**Z-21
(2010)**

...cial). The GC district is established to provide locations for service uses which are oriented toward automotive intensive with a need for major road access and visibility, and delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Commencing January 1, 1991, no applications for rezoning to the GC district will be accepted by the board of commissioners for properties located in areas delineated within and shown on the comprehensive plan. This shall only apply to industrial-compatible and industrial areas. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial-compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in this chapter. Any existing developed GC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned GC outside of a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building permit or grading permit for such development shall be deemed to be commencing development. Due to the fact that general commercial has been the predominant commercial zoning district since its inception in 1972, the board of commissioners has determined that certain uses previously permitted are no longer appropriate for properties within an area delineated as a community activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. See section 134-227(12) for those uses no longer appropriate.

Proposed Zoning - NRC
NRC (neighborhood retail commercial). The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.



LEGEND

- x-x- = Barbed Wire
- SS = Sanitary Sewer
- FH = Fire Hydrant
- PP = Power Pole
- IPP = Iron Pin Placed
- IFP = Iron Pin Found
- MON = Monument Found
- LP = Light Pole
- EP = Edge Pavement
- POB = Point of Beginning
- CTP = Crimp Top Pin Found
- B/C = Back of Curb
- CL = Centerline
- - - = Chain Link Fence
- SSMH = Sewer Manhole
- SSE = Sanitary Sewer Ease
- JB = Junction Box
- DI = Drop Inlet
- PL = Property Line
- CMP = Corrugated Metal Pipe
- RCP = Reinforced Conc. Pipe
- DE = Drainage Easement
- WV = Water Valve
- WM = Water Meter
- R/W = Right of Way
- - - = Power Line

Z-021-2010

SURVEYOR'S NOTES

All lot corners will be marked with 1/2" rebar pins unless otherwise noted.

A Topcon Total Station was used to obtain the angular and linear measurements used in the preparation of this plat.

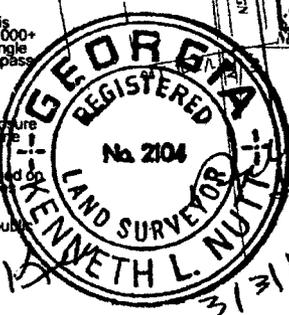
The field data upon which this plat is based has a closure one foot in 25,000+ feet and an angular error of 3" per angle point, and was adjusted using Compass Rule.

Date of field survey: 03/24/2010

This plat has been calculated for closure and is found to be accurate within one foot in 100,000± feet.

Bearings shown on this plat are based on one magnetic observation and angles turned.

This plat subject to all easements public and private.



SITE
 0.4 Acres
 16377.5 Sq.ft.

SITE
 0.3 Acres
 11583.9 Sq.ft.

2013 JUL -5 PM 12:14
 COBB COUNTY PLANNING DIVISION
 FILED IN OFFICE
 COBB COUNTY GEORGIA

Re-Zoning Survey For:
 Timothy F. Pilgrim

Land Lot 743 17th District 2nd SECTION
 COBB County, Georgia

Date: 3/30/2010 Sheet 1 of 1

Compiled by: BB Party Chief: KLN
 Drawn by: BB Date Surveyed: 3/25/2010
 Checked by: KLN Job #: 004510

REFERENCES:

Reference No.	PB/DB	Page
1		
2		

Perimeter Surveying Co., Inc

1065 Sandown Road, Marietta, GA 30008
 Phone: (770) 425-6824 Fax: (770) 425-6768

Timothy F. & Yolanda Pilgrim

July 30, 2010

Jason A. Campbell
Planner, Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Ga. 30064

FILED WITH COUNTY CLERK ~~Tim Pilgrim~~ 3rd DAY
REVISION OF August 10, 2010 ~~Tim Pilgrim~~
RE Z-21
Tim Pilgrim
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

RE: Application for Rezoning – Application No. Z-21
Applicant / Owner: Timothy F. Pilgrim
Property: 3689 Atlanta Rd, Smyrna, Ga. 30080, Land Lot 743, 17th District,
Cobb County, Georgia

Min. Bk. 61 Section No. Z-21
Doc. Type Letter of agreeable
conditions
Meeting Date 8/17/10

Dear Mr. Campbell,

We are currently in the rezoning process in regards to the above reference property. The property has an existing building and parking area, which was originally a convenience store and then converted into a used car lot. We have live across from the property for 10+ years and have recently purchased the property in the hopes to convert it into a high-end Salon and Spa, of which my Wife will be the owner and operator of the new salon. Currently she owns and operates a successful salon in the Smyrna area and wishes to expand.

We plan to utilize the existing structure and parking lot, by making substantial renovations to the front exterior elevation of the structure and the interior. We are not planning to add on to the existing structure at this time nor make any changes to the site lay-out, with exception of the items listed below. We have met with our neighborhood subdivision associations and presented our plans to the property and they are pleased with the changes.

We would like to submit this letter of agreeable stipulations and conditions which, if the Application of Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

1. Applicant seeks rezoning of the Subject Property from General Commercial to the proposed zoning category of Neighborhood Retail Commercial ("NRC").

Petition No. 2-21
Meeting Date 8/17/10
Continued

Page 2,
Application for Rezoning stipulation letter,
Dated: July 30, 2010

2. The Subject property shall be renovated for retail use as a high end Salon and Spa. Applicant desires to create an aesthetically pleasing overall renovation from the current dilapidated structure to bring it to a level of excellence that will attract the type of clientele that patronizes a high end salon. The overall effect of this endeavor will improve and add value to the community.
3. The chain link fencing in the front and side of the property will be removed.
4. The overgrowth on the property will be cleared and will be maintained.
5. We will instruct Georgia Power to turn off the high intensity lighting located on the power poles on the property.
6. Make repairs or install new asphalt roofing shingles.
7. New landscaping will be put in place at the front islands and around the monument sign and maintained. All landscaping will be approved by the county arborist, prior to placement.
8. The existing parking lot will receive an additional 2" of asphalt topping and the parking layout will conform to County requirements.
9. There will be no outside storage facilities.
10. Applicant will stain the wood fence between the Paces-High-Park Subdivision and the applicant's property with Sherwin Williams, Deckscapes Exterior Semi Transparent Color 3512 Cider Mill.
11. All exterior lighting will be designed to prevent any stray light from protruding outside the property to prevent light from penetrating onto surrounding properties.
12. There will be no outside speaker systems or bells.
13. The monument sign will remain the same size as existing, but will be re-designed and the base will be refurbished to be complementary with the building and landscaping will be placed around the base. Any changes to the sign must meet county standards.

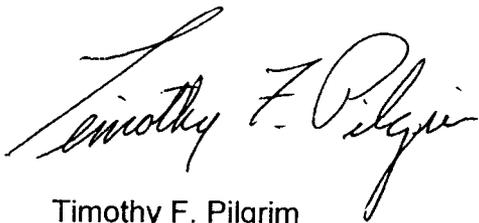
14. The hours and days of operation will be from 9:00 am to 9:00 pm, no cliental will be accepted beyond 8:00 pm and open Monday to Saturday. We anticipate anywhere from 50 to 75 clients per day. The Salon will be closed on Sunday.
15. There will be no dumpster on site, only rolling trash containers will be utilized for weekly service, which will not be visible from any public right-of-way. All trash containers shall be shielded from view and have rubber lids.
16. The HVAC units will be located in the rear of the building and will not be visible from any public right-of-way.
17. There will be no vehicles of any type parked in front of the proposed Salon and Spa containing advertising signage.
18. Signage on the building will be in conformance with all County sign ordinances. There will be no large placard or neon signs.
19. The front exterior elevation of the building will be renovated per the attached conceptual rendering, any substantial changes will be submitted to the the district commissioner for approval. The Construction materials will include structural metal studs framing for the column box-in and parapet walls. The finish material on the new framing will be EIFS/Stucco material. The existing brick on the front will also be re-finished with EIFS/Stucco material. A new aluminum storefront system will be put in place with decorative entrance doors. The front entrance concrete pad will be recoated.
20. The sides and the rear of the building will be patched, cleaned and painted to match the color of the front elevation to blend in.
21. The interior renovations of the proposed Salon and Spa will be designed and constructed to bring it to a level of excellence that will attract the type of clientele that patronizes a high end salon.
22. The applicant's home resident is directly across the street from the property and they not only has a vested interest in making this business venture as success, but as a direct interest and desire to improve the quality and value of their community.
23. Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvement.

24. Applicant agrees that any future use of the property would include the following: Pawn shops, Thrift shops, Pool Halls, Recycling centers, Tattoo Parlors, Car washes, Restaurants, Liquor/beer/wine store, Fire arms sales, Auto title pawn shops, Gas Stations, Check cashing facility, Adult novelty & bookstore shops, Convenience stores, Emission inspection stations, Laundry/dry cleaning, Auto repair, Money transfer facilities, Dog grooming, and Drive through Businesses.
25. Garage Pick up hours restricted to 6:00 am to 8:00 pm. Monday through Saturday.

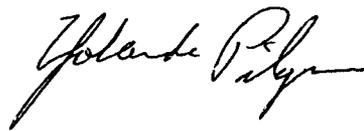
We believe the requested rezoning, pursuant to the reference Rezoning Plan and the stipulations contained herein, is an appropriate use of the Subject Property and shall be an enhancement to the Subject property as well as to the local community.

Thank you for your consideration in this request.

Sincerely,



Timothy F. Pilgrim



Yolanda Pilgrim

Cc: Cobb County Board of Commissioners: (With Copies of Attachments)
George W. "Woody" Thompson, Chairman
Helen C. Goreham
Robert Ott
Thea Powell

Cobb County Planning Commissioners: (With Copies of Attachments)
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Mike Terry

Mr. John P. Pederson, AICP, Zoning Administrator, Cobb County Community Development Agency. (With Copies of Attachments)

Robert Huggins, President Home Owner Association, 2000 Vinings

Chris Goodwin, President Home Owner Association, Vinings High Park

Atlanta Office
 3689 Atlanta Road
 Atlanta, Georgia 30345
 Tel: 770.581.8200

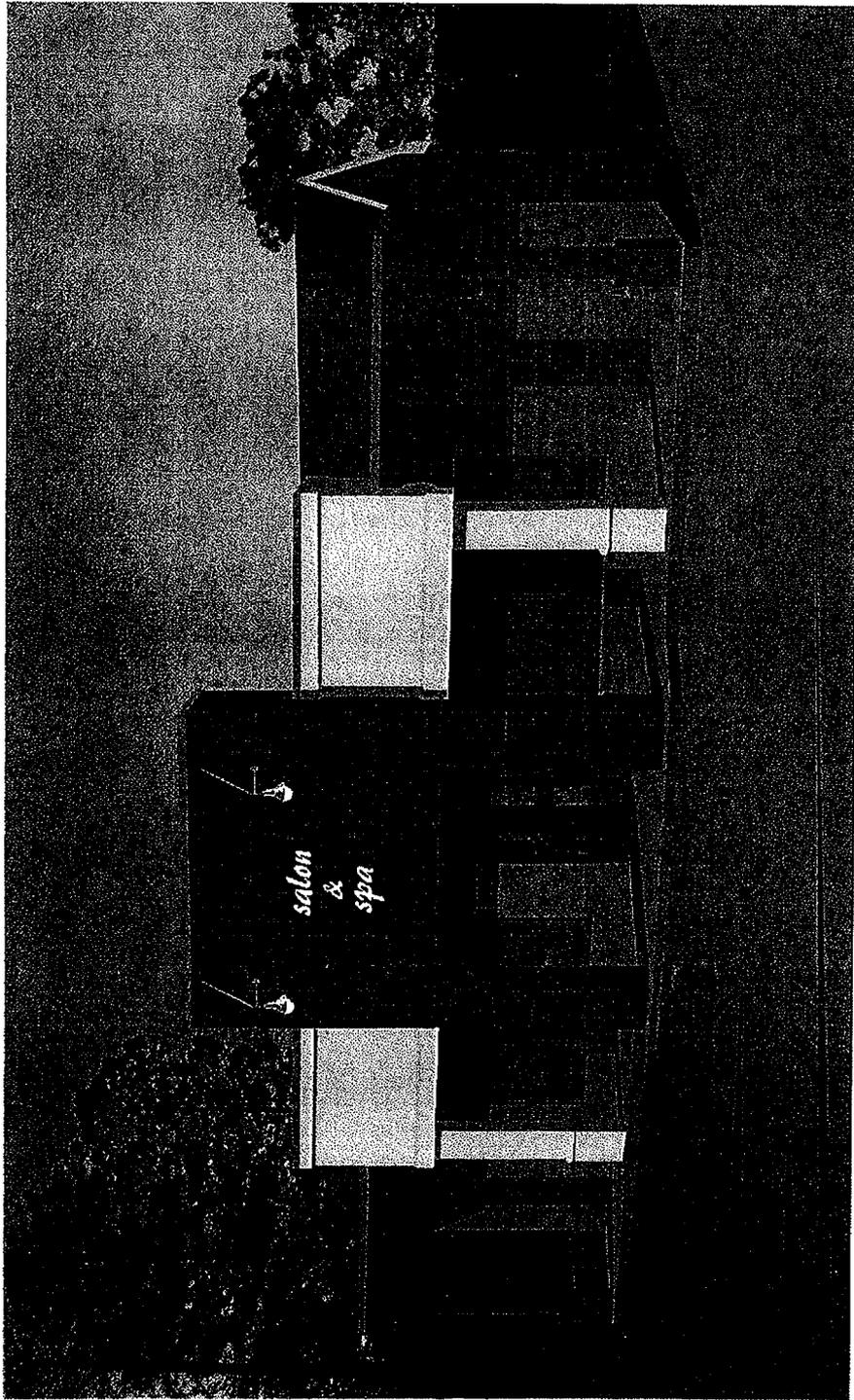
SALON & DAY SPA
 3689 Atlanta Road

NOT FOR CONSTRUCTION
 SHEET NO. 101
 DATE 10-10-12
 DRAWN BY JAC
 CHECKED BY JAC
 NAME OF FIRM/PROJECT DATE

SHEET TITLE:
ELEVATION

SHEET NUMBER:
A1.0

DATE: 10/10/12
 DRAWN BY: JAC
 CHECKED BY: JAC



Architect of Record: David Park
 1715 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 770.251.0200
 Fax: 770.251.0205



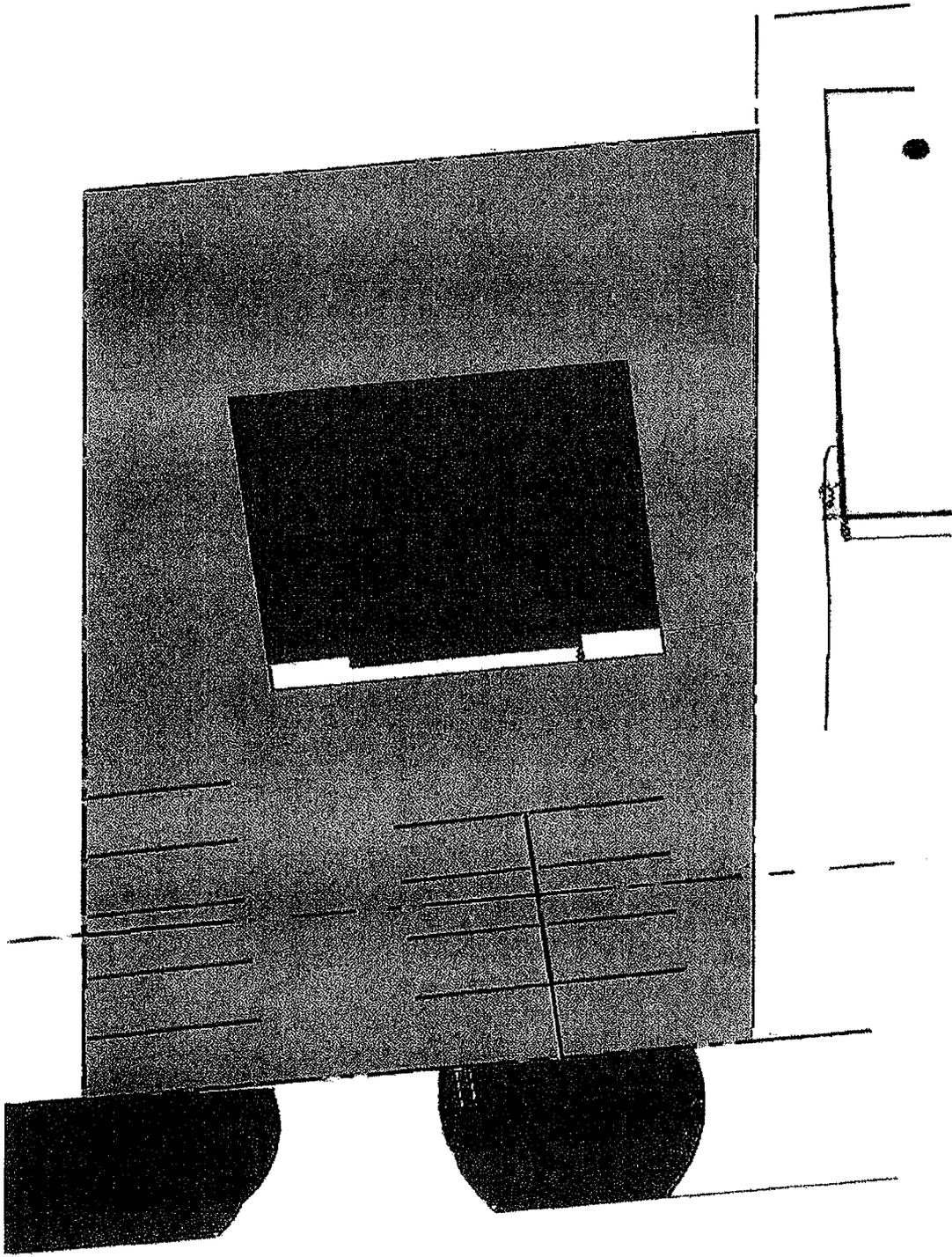
FUZZION HAIR STUDIO
 3689 Atlanta Road

NOT FOR CONSTRUCTION
 SHEET NO. _____
 SHEET TITLE: _____
 SHEET NUMBER: _____

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 PROJECT NO.: _____

SHEET TITLE:
SITE PLAN

SHEET NUMBER:
A1.0



APPLICANT: Timothy F. Pilgrim

PETITION NO.: Z-21

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Medium Density Residential

Proposed Number of Buildings: 1 (Existing) Total Square Footage of Development: 2,432

F.A.R.: 0.15 Square Footage/Acre: 6,080

Parking Spaces Required: 12 Parking Spaces Provided: 13

The applicant is requesting to rezone the property to the NRC zoning category for a salon and day spa. The subject property was originally a convenience store and was later converted to a used car lot. Applicant has indicated that the building will remain with some EFIS, painting, stone and decorative columns as referenced in the attached stipulation letter and rendering received by the Cobb County Zoning Division on June 25, 2010 and marked Exhibit "A". The proposed hours of operation are Monday through Saturday, 9 a.m. – 8 p.m. The applicant has also included the impact analysis marked 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: No comment.

FIRE COMMENTS:

Contact the Cobb County Fire Marshal's Office to submit building plans to start the Certificate of Occupancy process. (3689 Atlanta Rd)

APPLICANT Timothy F. Pilgrim

PETITION NO. Z-021

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): 20" DI / W side Atlanta Rd

Additional Comments: Records show 3689 Atlanta Rd as connected and active

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

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

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: At site in Atlanta Rd

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

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 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: Additional SDF may be assessed depending upon salon design

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: Timothy F. Pilgrim

PETITION NO.: Z-21

PRESENT ZONING: GC

PETITION FOR: NRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Chattahoochee 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: Timothy F. Pilgrim

PETITION NO.: Z-21

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

1. No site improvements are proposed at this time. It is anticipated that DOT will require removal of the parking spaces that are currently located within the Atlanta Road right-of-way. The Stormwater Management Division would support this stipulation and request that this pavement be removed to help reduce the impervious impact of the site. Any redevelopment or site improvements will require meeting the full stormwater management code requirements.

APPLICANT: Timothy F. Pilgrim

PETITION NO.: Z-21

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
Atlanta Road	31600	Arterial	45 mph	Cobb County	100'

Based on 2009 traffic counting data taken by Cobb County DOT (Atlanta Rd)

COMMENTS AND OBSERVATIONS

Atlanta Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

The existing driveway to Atlanta Road shall remain right-in/ right-out.

RECOMMENDATIONS

Recommend existing driveway to Atlanta Road remain right-in/ right-out.

Recommend no parking on the right-of-way.

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