

APPLICANT: Glen Robinson/Pete Bilson

PETITION NO: Z-50

PHONE#: (770) 419-0006 **EMAIL:** pete@bilsonassociates.com

HEARING DATE (PC): 06-02-15

REPRESENTATIVE: Pete Bilson and Glen Robinson

HEARING DATE (BOC): 06-16-15

PHONE#: (770) 419-0006 **EMAIL:** pete@bilsonassociates.com

PRESENT ZONING: R-20

TITLEHOLDER: Glen Robinson Construction, LLC

PROPOSED ZONING: LI

PROPERTY LOCATION: Northeast intersection of South Cobb

Drive and Carruth Drive

PROPOSED USE: Retail Softball Supply

(152 Carruth Drive).

ACCESS TO PROPERTY: Carruth Drive

SIZE OF TRACT: 0.488 acre

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: One Story Single

LAND LOT(S): 221

Family Home

PARCEL(S): 4

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/ Use Car Lot
- SOUTH:** LI/ Baseball Supply Store
- EAST:** R-20/Cranfill J F Subdivision
- WEST:** RM-12/ Lakefront Vista Apartment Homes

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

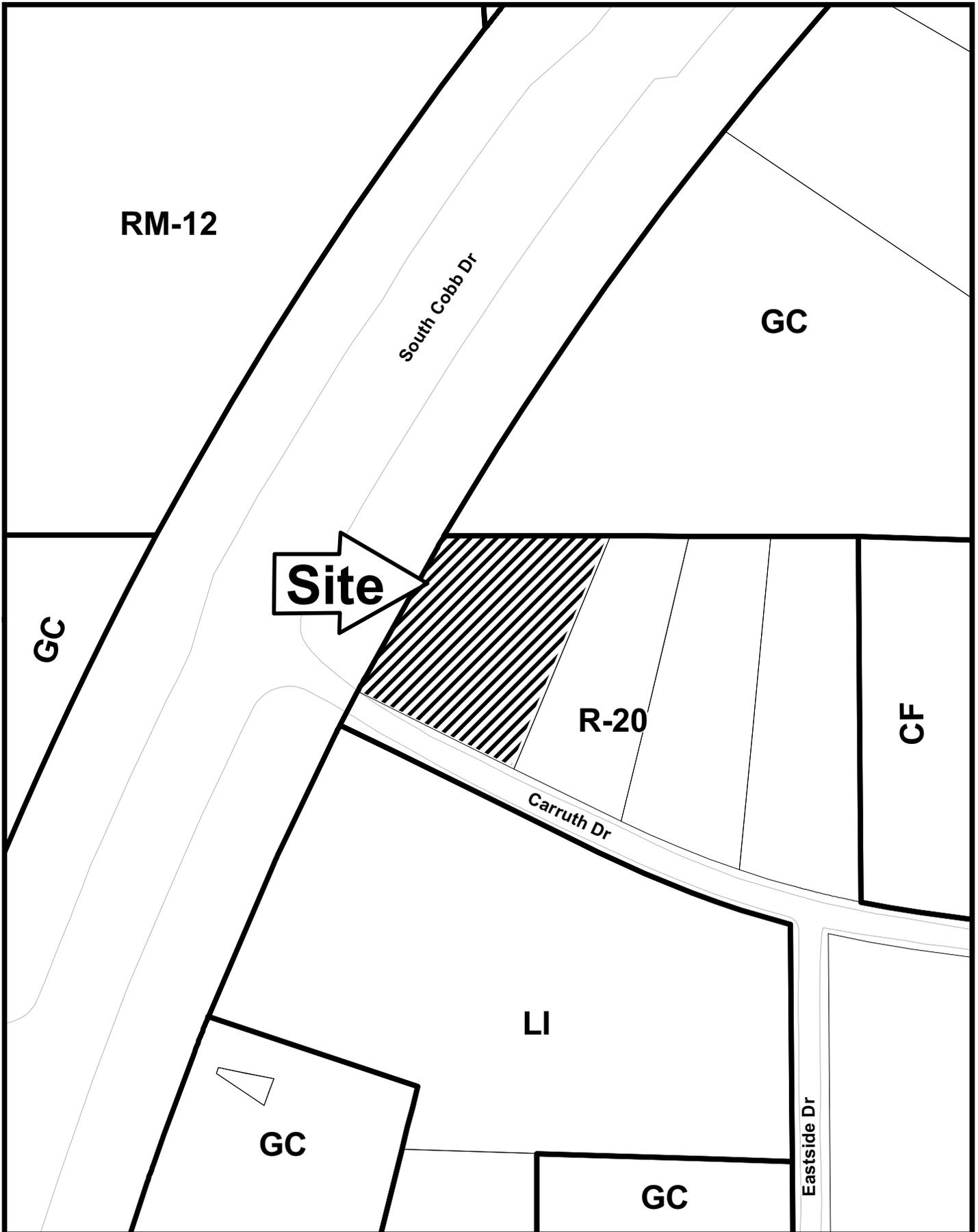
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

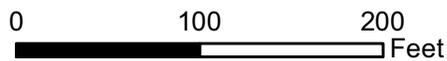
STIPULATIONS:



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: Glen Robinson/Pete Bilson

PETITION NO.: Z-50

PRESENT ZONING: R-20

PETITION FOR: LI

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Industrial Compatible (IC)

Proposed Number of Buildings: 2 **Total Square Footage of Development:** 1480

F.A.R.: .069 **Square Footage/Acre:** 2930

Parking Spaces Required: 8 **Parking Spaces Provided:** 13

The applicant is requesting rezoning to the LI zoning category to allow a retail softball supply business. The business will be similar to the Better Baseball across the street, with more of a retail component. The applicant intends to renovate the existing buildings with brick and siding to make it similar to adjacent properties. The applicant will operate Monday through Saturday 9 am to 6 pm, and Sunday 11 am to 6 pm.

Applicant is requesting the following contemporaneous variances:

1. Waive Front setback (Carruth Drive) from 75 feet to 38 feet;
2. Waive the minimum lot size from 40,000 square feet to 21,254 square feet.

Cemetery Preservation: No comment.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Glen Robinson/Pete Bilson

PETITION NO.: Z-50

PRESENT ZONING: R-20

PETITION FOR: LI

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to LI for purpose of retail softball supply. The 0.488 acre site is located on the northeast intersection of South Cobb Drive and Carruth Drive.

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category, with R-20 zoning designation. The purpose of the Community Activity Center (CAC) is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department 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?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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PRESENT ZONING: R-20

PETITION FOR: LI

PLANNING COMMENTS: (Continued)

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

Is this property within the Six Flags Special Service District?

Yes No

APPLICANT Glen Robinson/Pete Bilson

PETITION NO. Z-050

PRESENT ZONING R-20

PETITION FOR LI

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 / S side of Carruth Dr

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: In Carruth Dr ROW

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

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

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:

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.

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PETITION FOR: LI

STORMWATER MANAGEMENT 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 CONDITIONS

- 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 receiving culvert under Carruth Drive.

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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. The entire site drains to the southwest to the right-of-way of Carruth Drive. There is a culvert within the right-of-way that conveys the site runoff across Carruth Drive into the existing Better Baseball Facility and the floodplain of Olley Creek.
2. The proposed detention area show on the site plan appears adequate to accommodate the water quality volume requirements of the site, but additional underground detention will likely be required to provide detention for the development. There is sufficient area available under the parking and drive lanes to accommodate the facility.

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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
South Cobb Drive	37,600	Arterial	45 mph	Georgia DOT	100'
Carruth Drive	N/A	Local	25 mph	Cobb County	50'

Based on 2008 traffic counting data taken by Cobb DOT (South Cobb Drive)

COMMENTS AND OBSERVATIONS

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

Carruth Drive is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Carruth Drive, a minimum of 25' from the roadway centerline.

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

Recommend curb and gutter and sidewalk along Carruth Drive frontage.

Recommend driveways align on Carruth Drive.

Recommend no access to South Cobb Drive.

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 GLEN ROBINSON/PETE BILSON

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains a mixture of commercial and industrial uses, with some older residential nearby.
- 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 applicant proposal would be compatible with the area. Additionally, the applicant's proposal will help to clean up this property, which has not been maintained by the previous owners.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which identifies this property to be Industrial Compatible (IC). The applicant's request for LI does meet the policy but the use would be prohibited for a retail use.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for **DELETING** the applicant's rezoning proposal to TS. The applicant's proposal is compatible with adjacent properties. The proposal would be consistent with other commercial zonings along South Cobb Drive. The applicant will help to aesthetically upgrade the area by cleaning up the property, and introducing a new business to the area.

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

- Site plan received by the Zoning Division April 23 2015, with District Commissioner approving minor modifications;
- Building architecture to be similar to Better Baseball;
- No outdoor display of merchandise;
- County Arborist approve landscape plans along both road frontages;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- 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.

June
2015

Summary of Intent for Rezoning

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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): Retail - Softball supply business (Better Softball)
- b) Proposed building architecture: Existing building to be renovated with brick & siding - similar to adjacent property (Better Baseball)
- c) Proposed hours/days of operation: MON-SAT 9-6 SUN. 11-6
- d) List all requested variances: (1) Reduce 50' Buffer on EAST FE From 50' to 10' Landsc. Buffer
(2) Reduce rear setback from 30' to 25' - ex. bldg currently in setback.
(3) Reduce side setback from 20' to 15' - ex bldg currently in setback.
(4) Waive reqmt for min 1.0 AC. for L.I.

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

This property is located on the perimeter of the industrial land use designation.
The proposed use is low intensity and compatible with other surrounding properties and land uses.

.....
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.

IMPACT ANALYSIS

**RE: 152 Carruth Drive, NW
Marietta, Georgia 30060**

Existing Zoning: R-20

Proposed Zoning: LI

1. The applicant's zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. This area of South Cobb Drive contains a mix of uses that are zoned commercial and light industrial and land uses that include automotive uses, warehouses, restaurants, and other various commercial uses.
2. The applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. This area along South Cobb Drive is primarily commercial uses. The applicant has a business on the adjacent property that has been operating for many years as a baseball supply store. He recently purchased the subject property and would like to propose another business with a similar use and upgrade the architecture to make it more compatible with other buildings in the area.
3. 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.
4. The applicant's rezoning proposal is in conformity with the policy and intent of the Cobb County Comprehensive Plan, which delineates this property to be within the Industrial Land Use Category. This property is located on the perimeter of the industrial land use category/node. This proposal provides a use that is low in intensity and scale and will ensure compatibility with surrounding properties.
5. There are existing and changing conditions affecting the use and development of the property for the proposed use which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is consistent with the Cobb County Comprehensive Plan. This property is located on the perimeter of the industrial land use category/node. This proposal provides a use that is low in intensity and scale and will ensure compatibility with surrounding properties. The property is located in an area that contains a wide variety of land uses. The applicant's proposal would allow for a use that is compatible with the area and may help with other redevelopment efforts along South Cobb Drive.