

Rezoning Plat

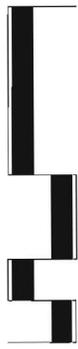
1336 Atlanta Road

Cobb County, Georgia Land Lot 295, 17th District, 2nd Section

prepared for:
KW, LLC.

DGM
LAW PLANNING
CONSULTANTS

3775 Cox Lane
Buckhead
Kennesaw
GA 30142
770-511-8000
FAX 511-8481



Scale: 1" = 20'

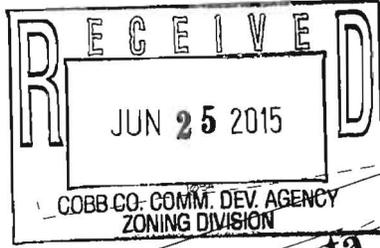
June 24, 2015



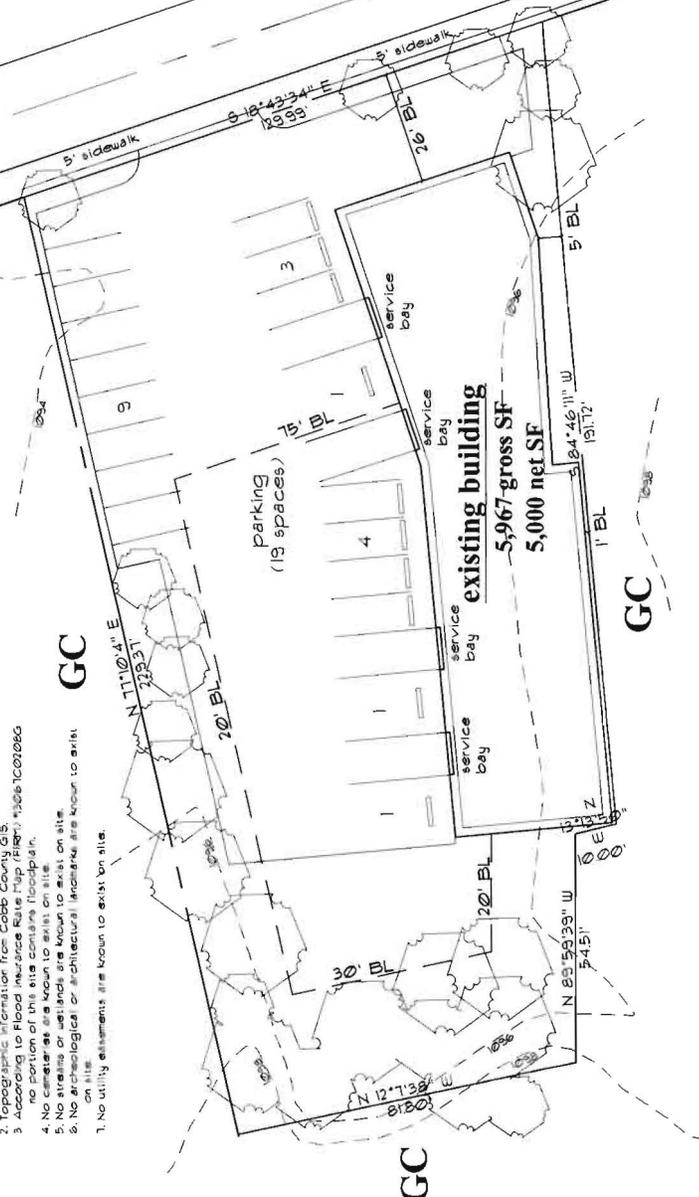
Site Data

Total Site Area: .596 AC
Existing Zoning: GC
Proposed Zoning: LI
Total Building Area Shown: 5,967 SF ± (5,000 SF net)
Parking Required: 14 (3 spaces/service bay + 1 space/employee)
Parking Provided: 19 spaces
GC Building Setbacks:
front: 75' (arterial) (26' existing)
side: 20' (1' existing)
rear: 30'

- Notes:
1. Boundary prepared from Harrison Surveying and Design Inc., dated May 9, 1994.
 2. Topography taken from Cobb County GIS.
 3. Refer to Flood Insurance Rate Map (FIRM) #35061C020265. No portion of this site contains floodplain.
 4. No contours are known to exist on site.
 5. No streams or wetlands are known to exist on site.
 6. No archeological or architectural landmarks are known to exist on site.
 7. No utility easements are known to exist on site.



Atlanta Road
(100' r/w, arterial)



GC

GC

GC

APPLICANT: KW, LLC

PETITION NO: Z-70

PHONE#: (678) 594-0508 EMAIL: Sjn218@bellsouth.net

HEARING DATE (PC): 08-04-15

REPRESENTATIVE: Garvis L. Sams, Jr.

HEARING DATE (BOC): 08-18-15

PHONE#: (770) 422-7016 EMAIL: gsams@slhb-law.com

PRESENT ZONING: GC

TITLEHOLDER: Georgia 5, LLC

PROPOSED ZONING: LI

PROPERTY LOCATION: West side of Atlanta Road, south of

Austell Road

PROPOSED USE: Auto Repair Shop

(1336 Atlanta Road)

ACCESS TO PROPERTY: Atlanta Road

SIZE OF TRACT: 0.596 ac

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: One story brick

LAND LOT(S): 295

and metal building

PARCEL(S): 22

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: GC/ Commercial lot

SOUTH: GC/ Cemetery

EAST: HI/ Dobbins Air Reserve Base

WEST: GC, R-20/ Residential lot

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

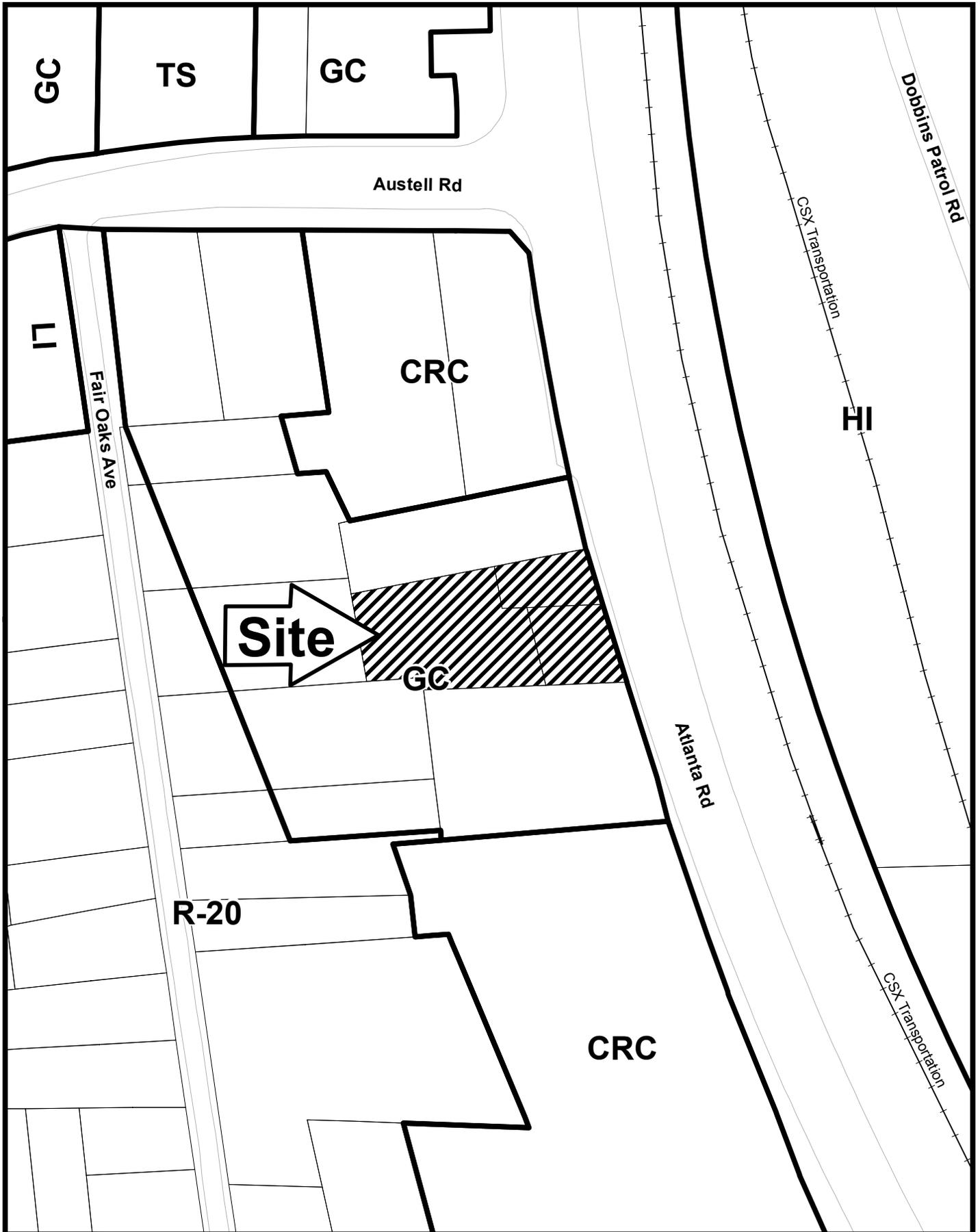
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

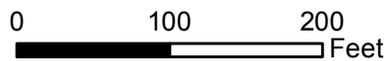
STIPULATIONS:



Z-70



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



-  City Boundary
-  Zoning Boundary

APPLICANT: KW, LLC

PETITION NO.: Z-70

PRESENT ZONING: GC

PETITION FOR: LI

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Industrial Compatible (IC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 5,967 sq. ft.

F.A.R.: 0.23 **Square Footage/Acre:** 10,011.74 sq. ft.

Parking Spaces Required: 14 **Parking Spaces Provided:** 19

The applicant is requesting a rezoning of the subject site from the GC general commercial district to the LI light industrial district for the purpose of light automotive repair (primarily foreign made automobiles). The existing, as-built structure will be utilized. Hours of operation will be 9:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 2:00 p.m. on Saturday, being closed on Sunday. There will be two (2) full time employees. The applicant has submitted a letter of agreeable stipulations including a Spill/Pollution Prevention Plan and Protocol. Signage shall be in general conformity to submitted renderings.

The following variances are being requested contemporaneously with this request:

1. A waiver of the required lot size from 40,000 square feet to 24,829 square feet;
2. A waiver of the front setback from 75 feet to 26 feet; and
3. A waiver of the south side setback from 20 feet to one (1) foot.

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:

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: KW, LLC

PETITION NO.: Z-70

PRESENT ZONING: GC

PETITION FOR: LI

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to LI for purpose of an auto repair shop. The 0.596 acre site is located on the west side of Atlanta Road, south of Austell Road (1336 Atlanta Road).

Comprehensive Plan

The parcels are within an Industrial Compatible (IC) future land use category, with GC zoning designation. The purpose of IC category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

Adjacent Future Land Use

- North: Industrial Compatible (IC)
- East: Industrial Compatible (IC) – across Atlanta Road
- South: Industrial Compatible (IC)
- West: Industrial Compatible (IC)

Master Plan/Corridor Study

The property is located within the boundary of Atlanta Road Corridor Study

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 N/A
- Does the current site plan comply with the design requirements? N/A

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>.

APPLICANT: KW, LLC

PETITION NO.: Z-70

PRESENT ZONING: GC

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 the property within the Six Flags Special Services District?

Yes No

APPLICANT KW, LLC

PETITION NO. Z-070

PRESENT ZONING GC

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): 16" DI / W side of Atlanta Rd

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: On site

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

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 Existing sewer customer
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.

APPLICANT: KW, LLC

PETITION NO.: Z-70

PRESENT ZONING: GC

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rottenwood 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 existing receiving system.

APPLICANT: KW, LLC

PETITION NO.: Z-70

PRESENT ZONING: GC

PETITION FOR: LI

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. This site has previously been utilized for automotive repair. The existing site discharges to the Atlanta Road R/W infrastructure. No significant site improvements are proposed. Upon redevelopment or substantial improvement the site must meet full stormwater management requirements.
2. All repairs must be performed inside the building. A copy of the Stormwater Pollution Prevention Plan must be provided to the Stormwater Management Division.

APPLICANT: KW, LLC

PETITION NO.: Z-70

PRESENT ZONING: GC

PETITION FOR: LI

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	21,900	Arterial	45 mph	Cobb County	100'

Based on 2008 traffic counting data taken by Cobb DOT (Atlanta Road)

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.

RECOMMENDATIONS

Recommend replacing disturbed curb, gutter, and sidewalk along the Atlanta Road frontage.

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

STAFF RECOMMENDATIONS

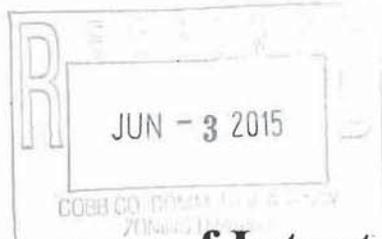
Z-70 KW, LLC

- 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. Nearby properties along Atlanta Road have a long established history of commercial usage just as does the subject property. Directly across Atlanta Road lies Dobbins Air Reserve Base.
- 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. With commercial properties to the north and south along Atlanta Road and Dobbins across the road, the subject property's intended use will not have an adverse effect on neighboring properties.
- 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*. The *Plan* identifies this property as IC industrial compatible, a category which seeks to provide for areas that can support light industrial uses. Following recommendations that activities should be located inside and not produce substantial noise, vibration, or noxious by-products, the current request can serve to allow a use that also serves as a transitional use between the more intensive use of Dobbins Air Reserve Base directly across Atlanta Road to the east.
- 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 request will allow the continued use and upkeep of the established commercial/industrial property on this portion of Atlanta Road utilizing a zoning category that is consistent with the intended use as well as the future land use plan. The property will be utilized as it has been for many years with the variances being requested only those necessary to recognize current, as-built conditions.

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

- Revised site plan received by the Zoning Division on June 25, 2015 with District Commissioner approving minor modifications;
- Letter of Agreeable Stipulations from Mr. Garvis L. Sams, Jr. dated June 25, 2015;
- Spill/Pollution Prevention Plan and Protocol to be approved by Stormwater Management Division;
- Fire Department Comments and Recommendations;
- Water and Sewer Division Comments and Recommendations;
- Stormwater Management Division Comments and Recommendations; and
- Department of Transportation 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.



Application No. Z-70

PC Hearing: August 4, 2015

BOC Hearing: August 18, 2015

Summary of Intent for Rezoning *

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

- a) Proposed unit square-footage(s): N/A
 - 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): Auto Repair Shop
 - b) Proposed building architecture: Existing structure (as-built)
 - c) Proposed hours/days of operation: 9:00 a.m. - 6:00 p.m. - Monday - Friday
10:00 a.m. - 2:00 p.m. Saturday (Closed Sundays)
 - d) List all requested variances: 1) As-built minimum lot size from 40,000 sq. ft. to 26,136 sq. ft.; 2) As-built front setback from 75' to 26' (existing); 3) As-built side setback (south) from 20' to 1'; 4) Signage
- _____

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

The subject property is located within the confines of an Industrial Compatible ("IC") area under Cobb County's Future Land Use Map. The continued utilization of the subject property for an Automotive Repair Shop is appropriate and Rezoning of the subject property to the Light Industrial zoning district is similarly appropriate.

.....
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).

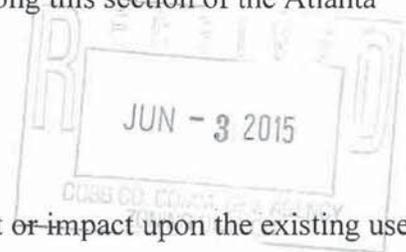
N/A

* The Applicant reserves the right to revise this Summary of Intent for Rezoning during the pendency of the Application.

ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF KW, LLC,
A GEORGIA LIMITED PARTNERHIP

COMES NOW, KW, LLC, A GEORGIA LIMITED PARTNERSHIP,
and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this
Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Atlanta Road Corridor.
- B. The zoning proposal will have no adverse effect or ~~impact~~ upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is within an area designated as Industrial Compatible (“IC”) under Cobb County’s Future Land Use Map. The property is adjacent to a multiplicity of industrial, commercial and retail uses, including the Dobbins Air Reserve Base across Atlanta Road which is zoned HI.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. The subject property formerly enjoyed a non-conforming “grandfathered” exemption; however, after the statutory period of time, the subject property lost its present entitlement to be used under the GC classification.



- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

- E. The zoning proposal is located within an Industrial Compatible (“IC”) Future Land Use Category and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.

- F. There is no substantial relationship between the existing zoning classification of General Commercial (“GC”) which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this area of the Atlanta Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 3rd day of June, 2015.

SAMS, LARKIN HUFF AND BALLI, LLP

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



28" 6MM D-BOND ALUMINUM COMPOSITE
CUT OUT NUMBERS 120" WIDE TOTAL
4X10 6MM D BOND COMPOSITE ALUMINUM PANEL

FOR INFORMATION ONLY
NOT TO BE USED FOR CONSTRUCTION



28" 6MM D-BOND ALUMINUM COMPOSITE
CUT OUT NUMBERS 120" WIDE TOTAL
4X10 6MM D BOND COMPOSITE ALUMINUM PANEL

