

**JUNE 21, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM 030

PURPOSE

To consider a stipulation amendment and site plan amendment for James Towery regarding rezoning applications #321 of 1985 (Gene Hall Associates) and Z-50 of 1991 (James W. Moore, Jr.), for property located on the north side of First Drive, west of Grove Park Court, in Land Lot 629 of the 16th District.

BACKGROUND

The subject property was zoned O&I, NS and CRC site plan specific in 1985 and 1991 for a daycare use. The applicant would like to remove an old building that is used as a chiropractor’s office in order to build a 2,500 square foot addition to the existing daycare. The proposed addition would match the existing building. The applicant would also expand the parking lot by 14 more parking spaces and add playground space to the rear of proposed building addition. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

DEPARTMENT COMMENTS

Stormwater Management: Subject to Plan Review and new building to be located outside adjacent floodplain.

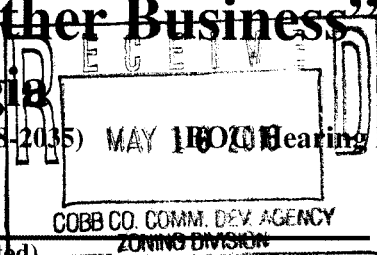
ATTACHMENTS

Other Business application and zoning stipulations.

OB-030-2016

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035) **BOC** Hearing Date Requested: 6/21/2016



Applicant: James Towey (applicant's name printed) **Phone #:** 770-605-3064

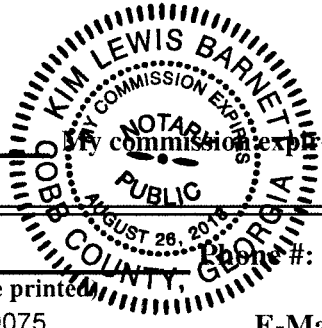
Address: 270 High Branch Way, Roswell, GA 30075 **E-Mail:** jimtowey@bellsouth.net

James Towey **Address:** 270 High Branch Way, Roswell, GA 30075
(representative's name, printed)

James Towey **Phone #:** 770-605-3064 **E-Mail:** jimtowey@bellsouth.net
(representative's signature)

Signed, sealed and delivered in presence of:

Kim Lewis Barnett **My commission expires:** 8/26/18
Notary Public



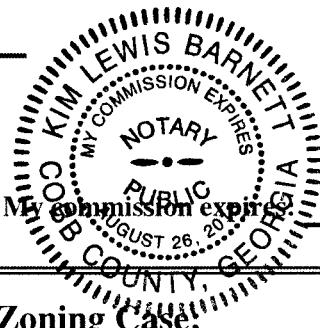
Titleholder(s) : Sprayberry Kids, LLC **Phone #:** 770-605-3064
(property owner's name printed)

Address: 270 High Branch Way, Roswell, GA 30075 **E-Mail:** jimtowey@bellsouth.net

James Towey
(Property owner's signature)

Signed, sealed and delivered in presence of:

Kim Lewis Barnett **My commission expires:** 8/26/18
Notary Public



Commission District: 3 **Zoning Case:** _____

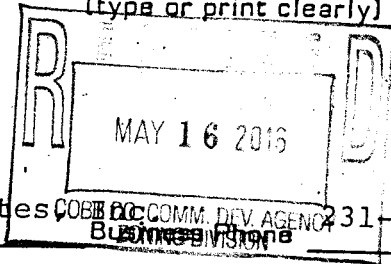
Size of property in acres: 1.49 acres **Original Date of Hearing:** _____

Location: 2531 E. Piedmont Road, Marietta, GA 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 629 **District(s):** 16

State specifically the need or reason(s) for Other Business: Property was rezoned to OI/NS in 1985. BOC approved construction of preschool in Other Business in August 1990. Request BOC permission is to now build a 2500 sq ft addition to the existing preschool and raze building at 2475 E. Piedmont Road to make room for more parking and playground space. New addition and existing building will maintain orginal usage and all stipulations when property was rezoned so zoning change is not requested.

APPLICATION FOR REZONING
TO THE
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
AND THE
COBB COUNTY PLANNING COMMISSION
(type or print clearly)



Application No. 321

Hearing Date _____

Applicant Gene Hall Associates (business name) COBB CO. COMM. DEV. AGENCY 231-0700
Business Phone Home Phone 977-8934

B. Stewart Jacobs (representative's name, printed) Address 1401 W. Paces Ferry Rd., Suite C-5

B. Stewart Jacobs (representative's signature) Business Phone 231-0700 Home Phone 977-8934

Titleholder See Attached Business Phone Home Phone

Signature _____ Address _____
(attach additional signatures, if needed)

Zoning Request From R-20 (present zoning) To NS and OI (proposed zoning)

For the Purpose of Shopping Center/Office Size of Tract 1.0 acre(s)
(subdivision, restaurant, warehouse, apts., etc.)

Location Southeast Corner - Piedmont & Sandy Plains to First Drive
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 629 and 630 District 16th

Recommendation of Planning Commission 10-15-85, Planning Commission recommended
application be rejected. Motion by Jones, seconded by Adams; carried 3-2, Thompson,
Vansant opposed.

Stanley A. Combs Chairman

Board of Commissioners' Decision 10-15-85, Board of commissioners approved
application subject to all agreeable conditions, stipulations as part of the zoning, as
well as the additional comments from our D.O.T. Motion by Williams, seconded by Smith;

carried 4-1, Burton opposed. Please see attached page for minutes of 8-21-90 Other Business
Item pertaining to this application.
Carl Smith Chairman

APPLICANT Gene Hall Associates, Inc.

PETITION NO. 321

PRESENT ZONING R-20

PETITION FOR NS & O&I

PLANNING COMMENTS:

Land Use Plan Recommendation: Low density residential usage not to exceed two units per a

Proposed Number of Buildings 8

Total Square Footage of Development 46,325 sq. ft.
(16,325 sq. ft.)

F.A.R. 4,700 sq. ft. Square Footage/Acre
per acre

(30,000 sq. ft.)
Parking Spaces Provided 256

Parking Spaces Required 202

Agreeable Conditions:

Rezone subject to site plan, as submitted (which indicates the final lay out of the shopping center site which was rezoned in July of this year).

Existing barn on site to be remodeled and used as a restaurant.

Setbacks along First Drive to be left natural and relandscaped when development of the office begin. Landscape plan to be approved by the staff prior to issuance of any permits.

No access to First Drive for any non-residential use.

Office buildings to be two and three story traditional design.

Office condominiums to be between 4,000 and 6,000 sq. ft. each.

Area to the rear of the retention pond, along First Drive to be left natural.

Additional Comments:

Approximately 3.91 acres requesting neighborhood shopping.

Approximately 5.95 acres requesting O&I.

All existing single family houses on the site to be removed, with the exception of the Spruce residents, which is part of this application, but will remain on the site at this time.

TRAFFIC COMMENTS:

	<u>Average Daily Trips</u>	<u>Classification</u>	<u>Minimum Right-of-Requirements</u>
<u>Piedmont Road</u>	<u>5,983</u>	<u>arterial</u>	<u>100'</u>
<u>First Drive</u>	<u>none</u>	<u>local</u>	<u>50'</u>

Additional Comments: The D.O.T. has had several meetings with the applicants of this project development over the last several months. The applicant clearly understands what will be required by the D.O.T. if this proposed rezoning is approved. The D.O.T. has suggested to applicant all proposed access points be channelized 100' into the site, and applicant has agreed to do so. The applicant also understands the conditions that will be required and must be met before signage will be considered for the proposed signalized access to Piedmont Road. If the residential area adjacent to First Drive changes to a more compatible land use with what is proposed on site, the applicant understands that any future plan to access First Drive would constitute a requirement to improve First Drive along the entire frontage of this property. The southern most access point, as shown on this plan, has been revised to a right-in/right-out driveway design. The applicant has presented to the D.O.T. an acceptable arrangement for additional widening of Piedmont Road that has been approved by D.O.T. Applicant understands that the required road improvements that have been presented, and agreed to by the D.O.T., will not in any way preclude a median design in the future on this frontage on Piedmont Road.

Staff Recommendations: The D.O.T. considers that this proposed development will have a significant impact to traffic on Piedmont Road; however, the plan that has been worked out, and the agreements that have been made, are considered to be, by the D.O.T., the best arrangement with the least possible impact on existing road system. The D.O.T. is concerned that this type of development should be retained at some point on Piedmont Road and not allowed to continue in a southward direction towards the future intersection with Roswell Road.

COBB COUNTY BOARD OF COMMISSIONERS
COBB COUNTY PLANNING COMMISSION

Date of Application: _____

Date of Hearing: _____

Applicant's Name: Gene Hall Associates, Inc.

Recommendation of Planning Commission (Continued from Page 1)

Chairman.

Final Decision of Board of Commissioners (Continued from Page 1)

Other Business Item of 8-21-90 For consideration by the Board of Commissioners of request for site plan amendment. At the August 21, 1990 Zoning Hearing the Board of Commissioners approved site plan amendment request subject to: 1) site plan dated 8-15-90 and marked as Exhibit "A" on file in the Zoning Offices; 2) plan showing wetland delineation marked as Exhibit "B" on file in the Zoning Offices; 3) removal of previous stipulation requiring that barn be used as a restaurant, (barn can now be removed); 4) previous stipulations amended to now read: no access to First Drive; offices to be one story in height with basements; 5) applicant to meet all permitting requirements of the Army Corp of Engineers; 6) any previous, applicable stipulations originally placed on property to remain in force. Motion by Powell, second by Secrist, carried 5-0.

Chairman

Philip L. Secrist

GENE HALL ASSOC., INC. #321 of October 1985 (Land Lots 628, 629, and 630 of the 16th District. Located on the south side of Piedmont Road and the north side of First Drive.) For consideration by the Board of Commissioners of request for site plan amendment.

At the August 21, 1990 Zoning Hearing the Board of Commissioners **approved** site plan amendment request **subject to:** 1) **site plan dated ?? and marked as Exhibit "A" on file in the Zoning Offices;** 2) **plan showing wetland delineation, dated ?? and marked as Exhibit "B" on file in the Zoning Offices;** 3) **removal of previous stipulation requiring that barn be used as a restaurant; barn can now be removed;** 4) **previous stipulations amended to now read: no access to First Drive; offices to be one story in height with basements;** 5) **applicant to meet all requirements of the Army Corp of Engineers;** 6) **any remaining, applicable stipulations placed on property to remain in force.** Motion by Powell, second by Secrist, carried 5-0.

ORIGINAL DATE OF APPLICATION: 10-85APPLICANTS NAME: GENE HALL ASSOCIATESTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 9-15-98 ZONING HEARING:****ITEM #4 -- TO CONSIDER AUTHORIZATION OF DEVELOPMENT PERMITS TO MR. DAVID PEARSON -- #321 OF 1985 (GENE HALL ASSOCIATES)**

To consider Authorizing Issuance of Development Permits to Mr. David Pearson for professional offices, regarding application #321 of October 15, 1985 (Gene Hall Associates), for property located on the north side of First Drive, east of Sandy Plains Road in Land Lots 629 and 630 of the 16th District.

Mr. Danneman gave the zoning history of site and asked for clarification of stipulations. The applicant is requesting to be allowed two curb cuts onto First Drive for access to proposed professional offices.

The Board of Commissioners **approved** applicant's request *for two curb cuts; thereby Authorizing Issuance of Development Permits* to Mr. David Pearson for professional offices, regarding application #321 of October 15, 1985 (Gene Hall Associates), for property located on the north side of First Drive, east of Sandy Plains Road in Land Lots 629 and 630 of the 16th District. Motion by Wysong, second by Byrne, carried 5-0.

Original Date of Application: 7-18-91

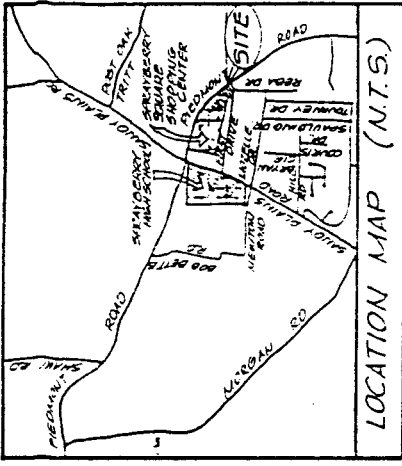
Applicant's Name: JAMES W. MOORE, JR.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY PLANNING COMMISSION AND THE COBB COUNTY BOARD OF COMMISSIONERS

PLANNING COMMISSION RECOMMENDATION 7-18-91 The Planning Commission recommended approval of application to the CRC and LRO zoning districts, subject to: 1) wetlands as defined on site plan to be deleted to Low Rise Office (LRO) district; 2) wetlands as defined on site plan to be a undisturbed, maintained, natural buffer, with sewer lines as indicated on site plan to be the only intrusion into buffer area; 3) no access to First Drive or Pinkney Drive; 4) access to Piedmont Road as indicated on site plan; 5) Development and Inspections Department comments. Motion by Jones, second by Hallinan, carried 3-0.

BOC DECISION 7-18-91 The Board of Commissioners approved application as recommended by the Planning Commission. VOTE: 3-1, Burton opposed.

Karen L. Hach
Karen L. Hach, Deputy Clerk
Cobb County Board of Commissioners

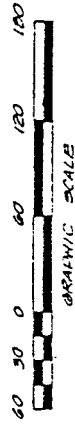


LOCATION MAP (N.T.S.)

NOTES:
 1) BOUNDARY INFORMATION FROM SURVEY FOR BANNER DEVELOPMENT PREPARED BY SOUTHERN SURVEYING AND MAPPING CO., INC. DATED 9-29-1990.
 2) PRESENT ZONING IS US AND OVI 15 SHOWN.

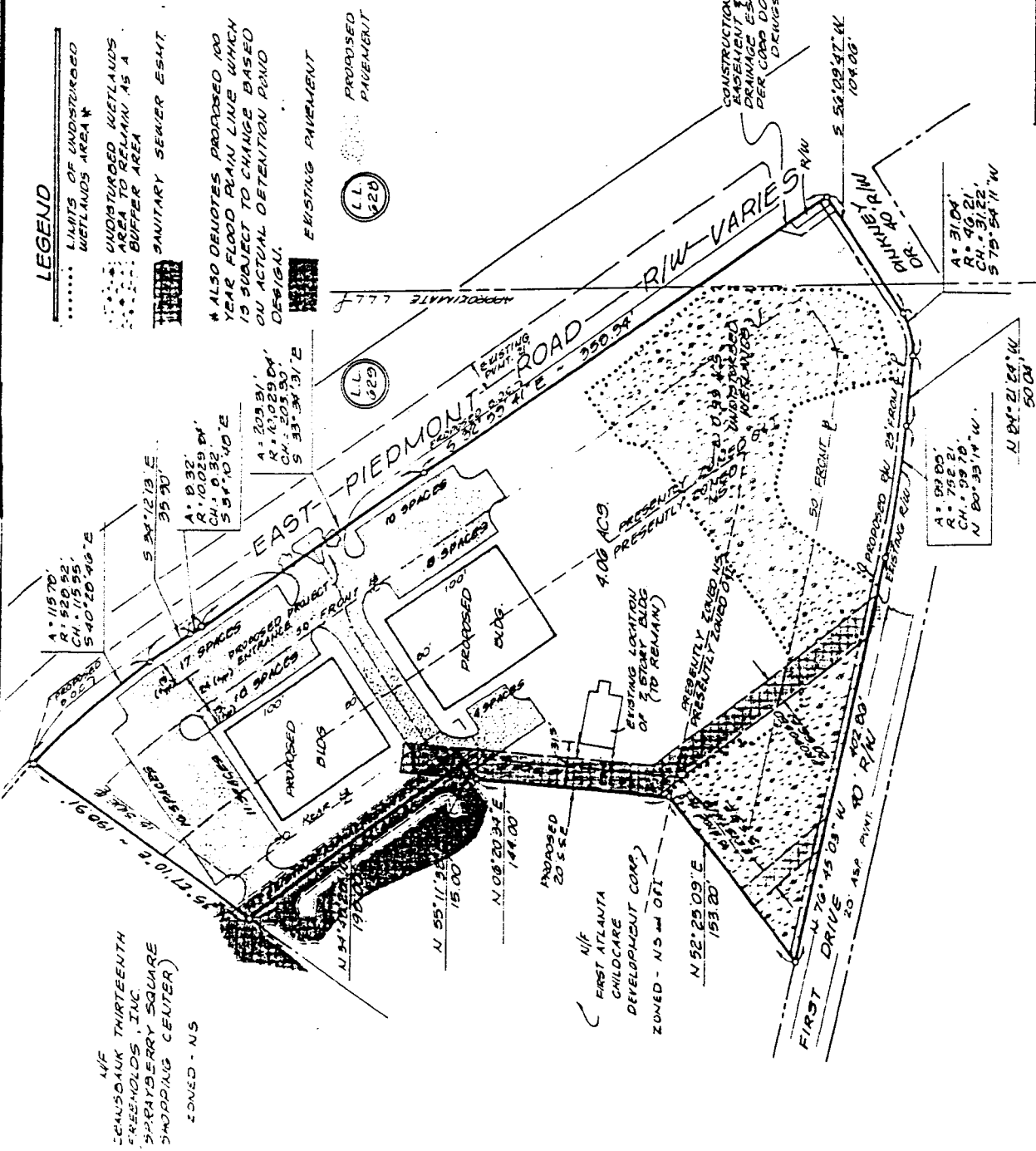
- 3) PROPOSED ZONING IS C-6C.
- 4) TRACT IS 4.00 ACRES.
- 5) UNDISTURBED WETLANDS AREA IS TO REMAIN AS A BUFFER AREA EXCEPT UTILITY CROSSINGS AS SHOWN.
- 6) GROSS BUILDING AREA SHALL BE LIMITED TO 10,000 SQUARE FEET PER ACRE OF AREA OUTSIDE OF BUFFER AREA TOTAL SHALL THEREFORE BE LIMITED TO 30,000 SF.
- 7) BUILDINGS SHOWN ARE 2 000 SF OFFICE BUILDINGS AND 1 EXISTING 2100 SF RETAIL SHOP.
- 8) REQUIRED PARKING - 67 SPACES
- 9) AVAILABLE PARKING = 76 SPACES (INCLUDES 4 HANDICAP SPACES)

REZONING PLAT FOR
JAMES W. MOORE
 LOCATED IN LAND LOTS 629 & 620
 10th DISTRICT, 2nd SECTION
 COBB COUNTY, GEORGIA



LEGEND
 LIMITS OF UNDISTURBED WETLANDS AREA
 UNDISTURBED WETLANDS AREA TO REMAIN AS A BUFFER AREA
 [Symbol] SANITARY SEWER ESMT.
 * ALSO DEVOTES PROPOSED 100 YEAR FLOOD PLAIN LINE WHICH IS SUBJECT TO CHANGE BASED ON ACTUAL DETENTION POND DESIGN.

EXISTING PAVEMENT
 PROPOSED PAVEMENT



SOUTHERN SURVEYING & MAPPING COMPANY, INC.
 4076 EBENEZER ROAD MARIETTA, GA. 30066
 PHONE: (404) 926-7759

DATE: MAY 15, 1991 SCALE: 1"=60'
 JOB C-5-91
 REVISED JULY 2, 1991

F.L.A. OFFICIAL FLOOD HAZARD MAP COMMUNITY NO. 13002E, PAGE 2010, DATED 12-1-1985 SHOWS THIS PROPERTY TO BE IN AN AREA SUBJECT TO SPECIAL FLOOD HAZARDS.