

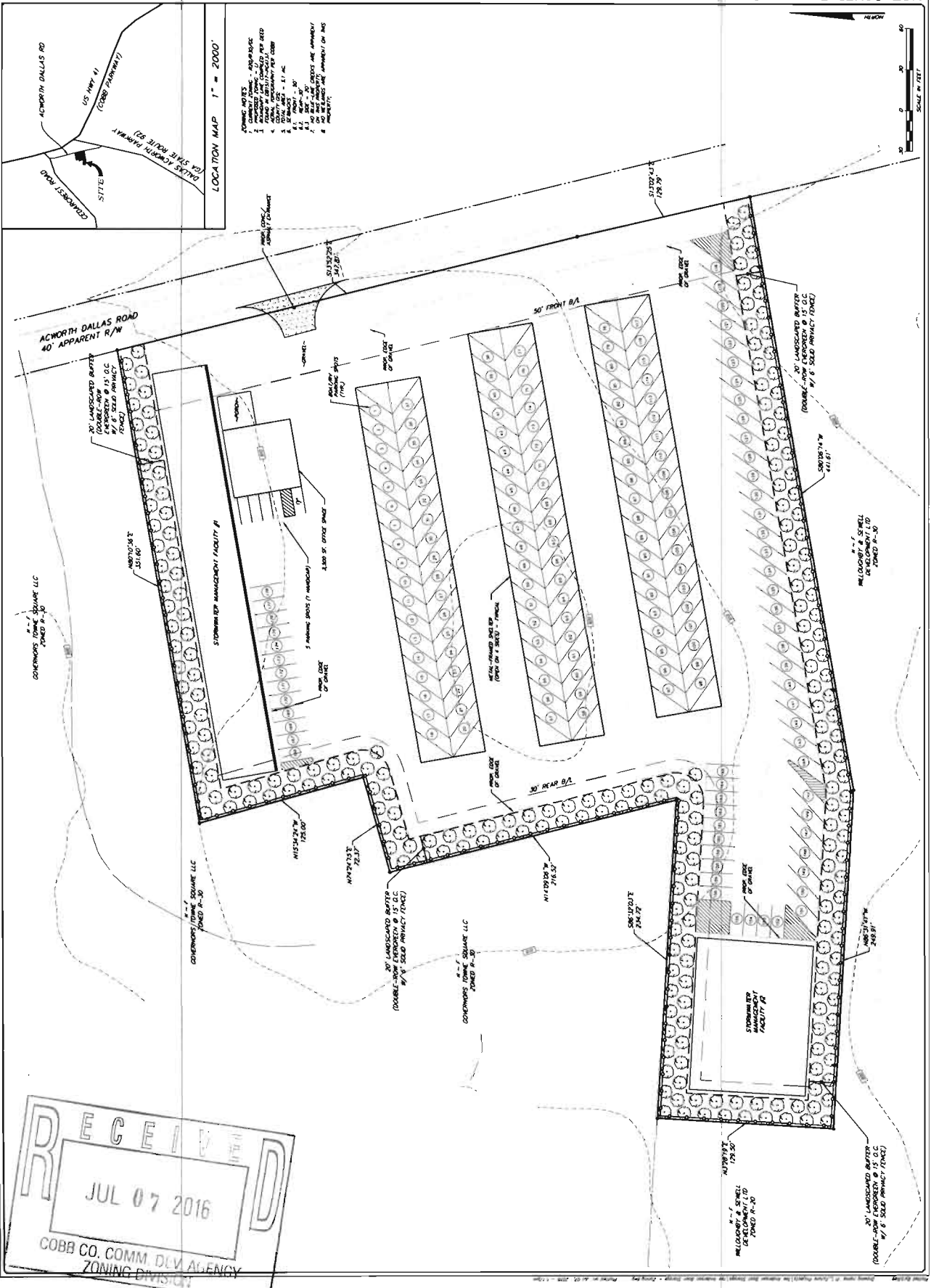
Z-82  
(2016)



**BOAT STORAGE FACILITY**  
(4321 ACWORTH DALLAS ROAD)

NOT ISSUED FOR CONSTRUCTION

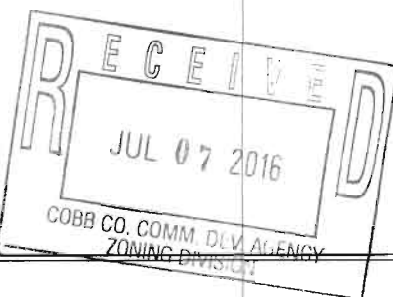
PROJECT NO.	1710-10-10
DRAWN BY	CHANGKUN BY
SCALE	1" = 30'
SHEET DATE	7/7/16
SHEET NUMBER	



**LOCATION MAP 1" = 2000'**

**PROPERTY NOTES:**

1. PROPERTY LINE - APPROXIMATE
2. PROPERTY LINE - CONVEYED PER SET
3. ADJACENT PROPERTY - SET
4. ADJACENT PROPERTY - SET
5. TOTAL AREA = 51 AC
6. TOTAL AREA = 51 AC
7. TOTAL AREA = 51 AC
8. TOTAL AREA = 51 AC
9. TOTAL AREA = 51 AC
10. TOTAL AREA = 51 AC
11. TOTAL AREA = 51 AC
12. TOTAL AREA = 51 AC



**APPLICANT:** Golden Anchor Boat Storage, LLC

**PETITION NO:** Z-82

**PHONE#:** (678) 614-1613 **EMAIL:** tanderson820@gmail.com

**HEARING DATE (PC):** 09-08-16

**REPRESENTATIVE:** Adam J. Rozen

**HEARING DATE (BOC):** 09-20-16

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

**PRESENT ZONING:** R-20,R-30 &GC

**TITLEHOLDER:** Tumlin Family Partnership, LLLP

**PROPOSED ZONING:** LI

**PROPERTY LOCATION:** West side of Acworth Dallas Road,  
north of Dallas Acworth Highway  
(4321 Acworth Dallas Road)

**PROPOSED USE:** Covered and uncovered  
Secured Parking for Rec. Vehicles and Boats

**ACCESS TO PROPERTY:** Acworth Dallas Road

**SIZE OF TRACT:** 5.14

**DISTRICT:** 20

**PHYSICAL CHARACTERISTICS TO SITE:** Acreage with former  
residential structure

**LAND LOT(S):** 40

**PARCEL(S):** 15

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-30/ Single-family residence
- SOUTH:** R-30/ Wooded, undeveloped
- EAST:** GC/ Flea Market
- WEST:** R-30, R-20/ Single-family residence

*Adjacent Future Land Use:*

- North: Neighborhood Activity Center (NAC)
- Northeast: Neighborhood Activity Center (NAC)
- South: Neighborhood Activity Center (NAC)
- South/west: Neighborhood Activity Center (NAC) and Very Low Density Residential (VLDR)

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

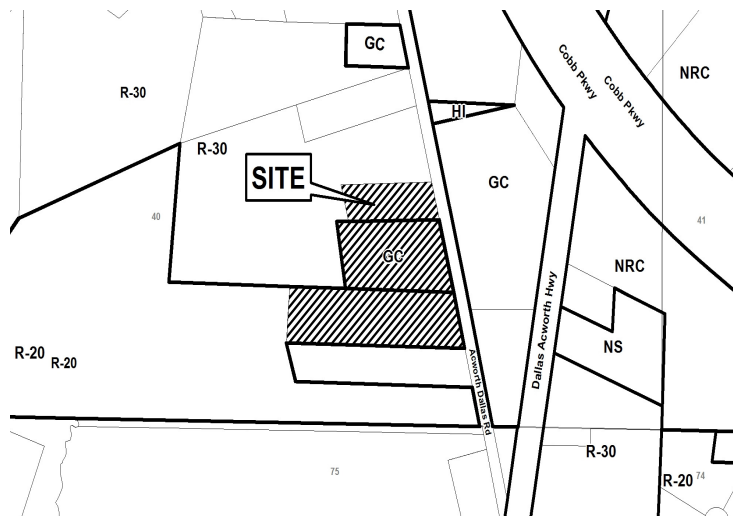
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

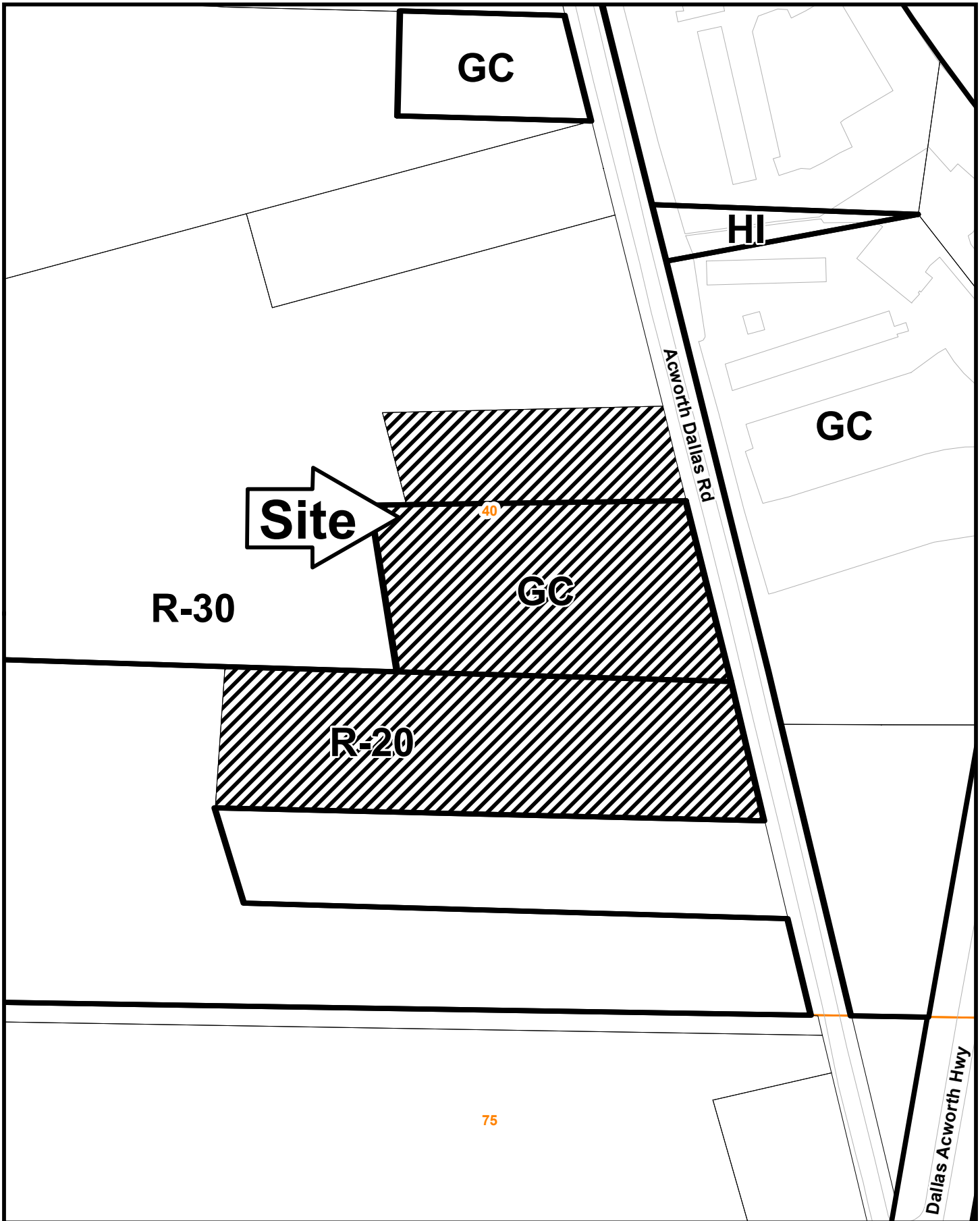
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

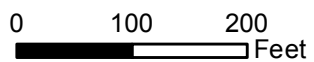
**STIPULATIONS:**



# Z-82-2016 GIS



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



- City Boundary
- Zoning Boundary

**APPLICANT:** Golden Anchor Boat Storage, LLC

**PETITION NO.:** Z-82

**PRESENT ZONING:** R-20, R-30 & GC

**PETITION FOR:** LI

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** Neighborhood Activity Center (NAC)

**Proposed Number of Buildings:** 4      **Total Square Footage of Development:** 2,500 sq. ft.

**F.A.R.:** 0.01      **Square Footage/Acre:** 486 sq. ft.

**Parking Spaces Required:** as required      **Parking Spaces Provided:** 178

The applicant is requesting a rezoning of the subject property from its current R-20, R-30 and GC zoning districts to the LI light industrial district in order to develop a secured parking facility for recreational vehicles and boats. The facility will consist of a graveled lot with space for 178 vehicles/boats with 117 of those being under three (3) open, metal framed shelters. The applicant’s submitted site plan proposes a 20 foot landscaped buffer around the rear and sides of the tract where it abuts residentially zoned property. There will also be a 2,500 square foot office and five (5) parking spaces for customers and employees. There will be two (2) employees and anticipated hours of operation are 6 a.m. to 9 p.m.

**Cemetery Preservation:** No comment

\*\*\*\*\*

**APPLICANT:** Golden Anchor Boat Storage, LLC

**PETITION NO.:** Z-82

**PRESENT ZONING:** R-20, R-30 & GC

**PETITION FOR:** LI

\*\*\*\*\*

**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
Elementary			
Middle			
High			

- School attendance zones are subject to revision at any time.

**Comments:** Approval of this petition will not have an impact on the enrollment at Cobb County Schools.

\*\*\*\*\*

**APPLICANT:** Golden Anchor Boat Storage

**PETITION NO.:** Z-82

\*\*\*\*\*

**FIRE COMMENTS:**

NO 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: Golden Anchor Boat Storage, LLC**

**PETITION NO.: Z-82**

**PRESENT ZONING: R-20, R-30 and GC**

**PETITION FOR: LI**

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20, R-30 and GC to LI for the purpose of covered and uncovered secured parking for recreational vehicles and boats. The 5.14 acre site is located on the west side of Acworth Dallas Road, north of Dallas Acworth Highway (4321 Acworth Dallas Road).

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary?  Yes  No  
If yes, has the city of Acworth been notified?  Yes  No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with R-20, R-30 and GC zoning designations. 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.

Specific Area Policy Guidelines:

In order to establish an appropriate land use transition the Board of Commissioners has expanded the Neighborhood Activity Center (NAC) on the west side of the Acworth Dallas Road in a Land Lots 40 and 75 of the 20<sup>th</sup> District. In addition to the NAC expansion, the Board of Commissioners recommends low rise professional office type uses with residential architectural style. A transition in building scale and land use type will be encouraged with the most intense uses being along Acworth Dallas Road and the least intense being adjacent to residential. If office uses are adjacent to already established residential neighborhoods an appropriate buffer will be highly recommend. Architectural compatibility, shared access and land use transition will be of paramount importance and assemblage of properties for development would be preferred and evaluated for appropriateness based on this criteria.

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC)  
Northeast: Neighborhood Activity Center (NAC)  
South: Neighborhood Activity Center (NAC)  
South/west: Neighborhood Activity Center (NAC) and Very Low Density Residential (VLDR)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or 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 \_\_\_\_\_  
Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone?  Yes  No

**APPLICANT: Golden Anchor Boat Storage, LLC**

**PETITION NO.: Z-82**

**PRESENT ZONING: R-20, R-30 and GC**

**PETITION FOR: LI**

\*\*\*\*\*

**PLANNING COMMENTS:**

CONT.

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>.

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

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

If so, which particular safety zone is this property within?

CZ (Clear Zone)  APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area



APPLICANT Golden Anchor Boat Storage, LLC

PETITION NO. Z-082

PRESENT ZONING R-20, R-30, 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): 8" DI / E side of Acworth Dallas Road

Additional Comments: Must connect to County water

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: 4,000+ ft W in Paulding County

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

Treatment Plant: Paulding

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Dry 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 Sewer "available" via 2008 Intergovernmental Agreement. Septic system recommended.  
Comments: Expected wastewater discharge <400 GPD per 80,000 ft2 (Code 122-130)

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: Golden Anchor Boat Storage, LLC

PETITION NO.: Z-82

PRESENT ZONING: R-20, R-30, GC

PETITION FOR: LI

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Westbrook 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/drainage easements 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 neighborhoods downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving stream(s).

**APPLICANT: Golden Anchor Boat Storage, LLC**

**PETITION NO.: Z-82**

**PRESENT ZONING: R-20, R-30, 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 parcel is located on the west side of Acworth Dallas Road. The existing site is mostly wooded with average slopes ranging from 3 to 14%. The site has a centrally located high point and drains radially to the north, south, east and west.
2. The site is proposed to be served by two stormwater management ponds. Level spreaders may be required to eliminate concentrated site discharges if downstream drainage easements are not obtained.

**APPLICANT:** Golden Anchor Boat Storage, LLC

**PETITION NO.:** Z-82

**PRESENT ZONING:** R-20, R-30 & GC

**PETITION FOR:** LI

\*\*\*\*\*

**TRANSPORTATION COMMENTS:**

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Acworth Dallas Road	N/A	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

Acworth Dallas Road 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 be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

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 west side of Acworth Dallas Road, a minimum of 25' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Acworth Dallas Road frontage.

Recommend driveway on Acworth Dallas Road be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.

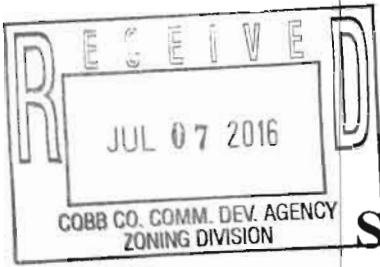
## STAFF RECOMMENDATIONS

### **Z-82 GOLDEN ANCHOR BOAT STORAGE, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. The proposed outdoor storage of recreational vehicles and boats on a gravel lot is not consistent with the existing surrounding residential uses nor is it compatible with any potential future neighborhood retail commercial businesses.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. Despite attempting to meet the LI category's 50 foot landscape screening requirement adjacent to residential properties by means of a 20 foot wide landscaped buffer, the use may still prove disruptive to the quiet enjoyment of neighboring residential property.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 delineates this property to be within the NAC neighborhood activity center future land use area. This area seeks to encourage retail and other commercial and office uses that cater to nearby residents and businesses. The proposed use of outdoor storage of recreational vehicles and boats is not in the same vein as these low intensity office and retail uses.
- 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 subject property is situated adjacent to existing residentially zoned properties making its proposed outdoor storage of recreational vehicles and boats incompatible and potentially disruptive to these neighbors. Even though the applicant proposes a 20 foot perimeter landscaped buffer in attempts to meet the Code's 50 foot buffering requirement, the use itself remains incompatible. Furthermore, the property's designation as within a NAC future land use area seeks to encourage low intensity retail and other office/commercial uses that serve nearby residents and businesses; the proposed gravel storage yard does not fulfil this goal of the *Comprehensive Plan*.

Based on the above analysis, Staff recommends **DENIAL**.

**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-82

PC Hearing Date: 9-8-16

BOC Hearing Date: 9-20-16

# 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): Covered and uncovered secured parking for recreational vehicles and boats.
- b) Proposed building architecture: Steel Metal - framed with brick accent.
- c) Proposed hours/days of operation: To be determined.
- d) List all requested variances: To be determined during pendency of the application and discussions with Cobb County's Professional Staff.  
\_\_\_\_\_  
\_\_\_\_\_

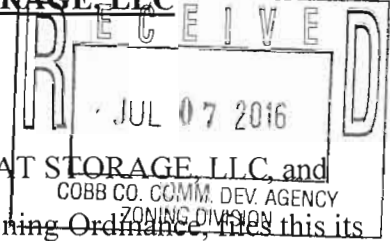
.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

The subject property is located within an area containing similarly zoned and utilized the zonings of which range from HI & LI to GC & NRC.  
\_\_\_\_\_

.....  
**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).** None known at this time.  
\_\_\_\_\_

\* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION**  
**OF GOLDEN ANCHOR BOAT STORAGE, LLC**



COMES NOW, GOLDEN ANCHOR BOAT STORAGE, LLC, and  
pursuant to Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this its  
Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property that is suitable in view of the use and development of adjacent and nearby properties in the context of the development and existing zonings in the area of Highway 92 and this section of Cobb Parkway (U.S. Highway 41).
- B. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties, the preponderance of which are existing heavy commercial and industrial developments.
- C. The property as currently zoned does not have a reasonable economic use in that a portion (middle 2.1 acres) of the subject property is zoned GC and this category is no longer recognized by the County because the land use designation is Neighborhood Activity Center ("NAC"). Additionally, the balance of the property as residentially zoned has no reasonable economic use within this NAC and is appropriately utilized as commercial/industrial.
- 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 with limited traffic generation and service to the nearby and immediate area.

- E. The zoning proposal is consistent with the intent of Cobb County's Comprehensive Land Use Plan to serve area residents and businesses with a use which will be very low impact and environmentally sensitive to the area and its proximity to Lake Acworth and the Allatoona Reservoir.
- F. The GC zoning of the subject property is an existing nonconforming use because the County placed the property in the NAC land use category. Additionally, there is no substantial relationship between the existing R-20, R-30 and GC zoning classifications which limits the property in terms of its proposed utilization and the public's health, safety and general welfare.

Respectfully submitted, this 7<sup>th</sup> day of July, 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

By: \_\_\_\_\_

ADAM J. ROZEN  
Attorney for Applicant  
Ga. Bar No. 161610

