

APPLICANT: Twin Oaks Mobile Home Park, Inc.
(941) 373-6646

REPRESENTATIVE: Parks F. Huff
(770) 422-7016

TITLEHOLDER: Twin Oaks Mobile Home Park, Inc.

PROPERTY LOCATION: At the northwestern intersection of
Mableton Parkway and Doyle Drive.

ACCESS TO PROPERTY: Mableton Parkway and Doyle Drive

PHYSICAL CHARACTERISTICS TO SITE: Converted residential
structure used for commercial fronting on Mableton Parkway with mobile
home park behind.

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** LRO/Child Care Center
- SOUTH:** MHP, LI/Mobile Home Park, Mini Warehouse
- EAST:** RM-12, R-15, R-20/Single-family residential, church
- WEST:** MHP/Mobile Home Park

PETITION NO: Z-3

HEARING DATE (PC): 02-01-11

HEARING DATE (BOC): 02-15-11

PRESENT ZONING: R-20, NS with
Stipulations

PROPOSED ZONING: NRC, MHP

PROPOSED USE: Existing Mobile Home
Park, Daycare, Retail or Office

SIZE OF TRACT: 3.24 acres

DISTRICT: 18

LAND LOT(S): 407, 408

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

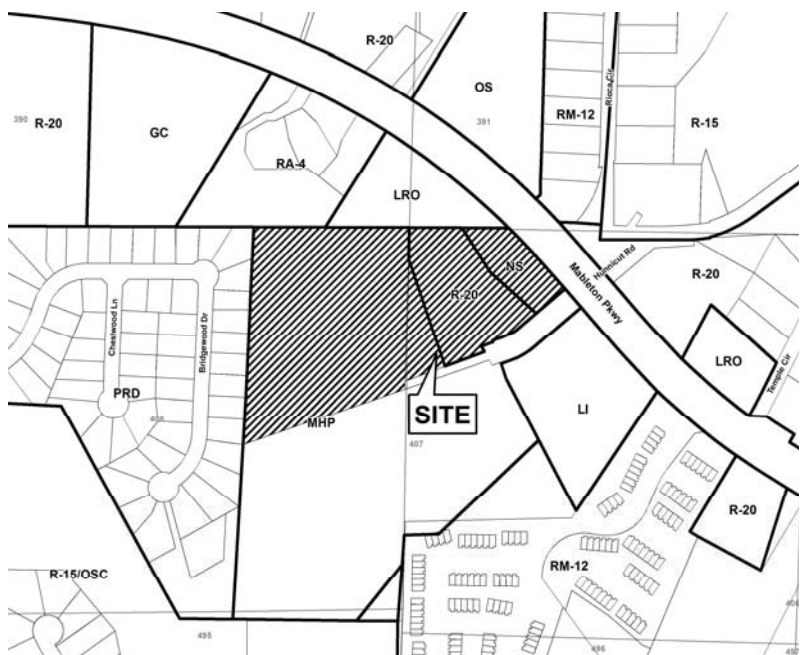
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

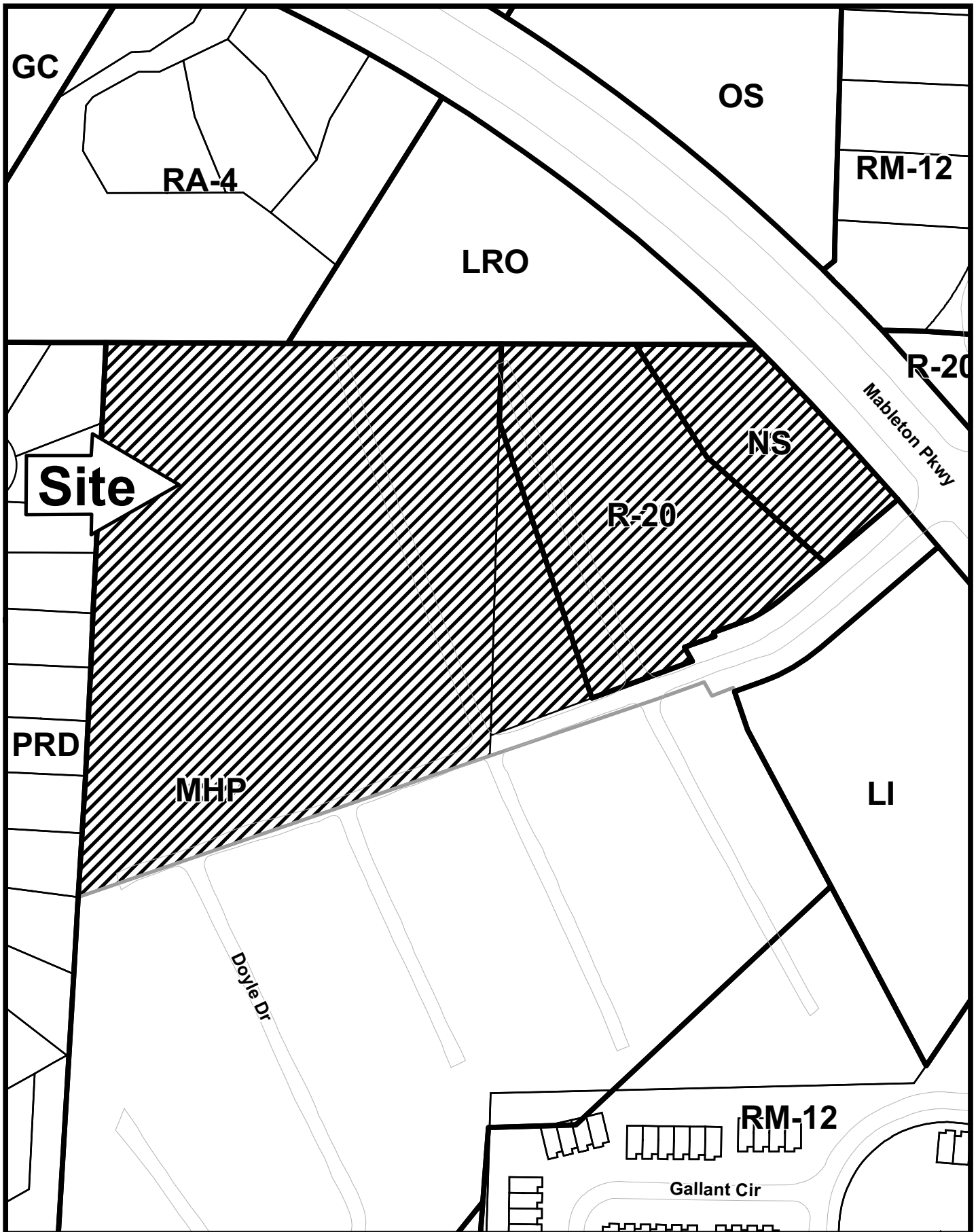
REJECTED _____ **SECONDED** _____

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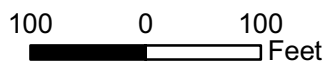
STIPULATIONS:



Z-3



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



City Boundary
Zoning Boundary

APPLICANT: Twin Oaks Mobile Home Park, Inc.

PETITION No.: Z-3

PRESENT ZONING: R-20, NS with stipulations

PETITION FOR: NRC, MHP

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: High Density Residential

Proposed Number of Buildings: Existing **Total Square Footage of Development:** Existing

F.A.R.: Existing **Square Footage/Acre:** Existing

Parking Spaces Required: 20 daycare, 14 office **Parking Spaces Provided:** Unknown existing

Applicant is requesting the NRC Neighborhood Retail Commercial District zoning category for that portion of the property that fronts on Mableton Parkway in order to bring it into zoning compliance. Currently grandfathered under the NS Neighborhood Shopping District zoning category, the property is the site of an apparently converted former residential structure that has been used for many years as a daycare center and currently as a tire store. In April 2009 and again in November 2010, the property was issued Notices of Violation regarding signage and outdoor displays of merchandise. The current application apparently plans to return the use to either daycare or office. Hours are proposed to be Monday through Friday 7 a.m. to 6 p.m. While no immediate improvements are proposed, the property will have to comply with the zoning requirement of 20 parking spaces for a daycare use or receive the necessary variances based on current parking allotment. Also, the front of the existing building is currently, and will remain within the required major side setback of 25' on Mableton Pkwy. and as such will need a variance as well. It should be noted as well that the requested NRC District will require a 20' landscape buffer where it abuts residential zoning (the existing mobile home park). This is not currently shown on the plans.

The western portion of the subject property sits behind the referenced commercial portion and is site to a segment of an existing mobile home park. This piece, too, is currently grandfathered under the present R-20 Single-family Residential District zoning category. The entire mobile home park contains several units with approximately 17 of them (or portions thereof) being located within the R-20 portion. If the currently requested rezoning is approved as is, variances will be necessary to address the existing conditions within the mobile home park- particularly landscaping, buffers, and setbacks. The MHP District section of the zoning ordinance, Sec. 134-210 requires a 40' setback along the exterior property lines of the park. There currently are units within this setback along the northern property line. Also, a 25' landscape buffer is required along all exterior property lines and is not provided in the same area. Other more general requirements of the ordinance may not be currently met regarding overall landscaping, drives, refuse collection, yard requirements, etc. but cannot be accurately determined without detailed inspection and review of the community. The applicant has submitted a Zoning Impact Analysis (see Exhibit A).

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.

APPLICANT: Twin Oaks Mobile Home Park, Inc.

PETITION No.: Z-3

PRESENT ZONING: R-20, NS with stipulations

PETITION FOR: NRC, MHP

FIRE COMMENTS:

No Comments

6750 Mableton Pkwy Bldg 100
Plans approved on 10/3/10 for tenant: A Destiny Unlike Any Other

STORMWATER MANAGEMENT COMMENTS:

No site improvements are proposed at the present time. Full stormwater management will be required upon redevelopment of any portion of the site.

APPLICANT Twin Oaks Mobile Home Park

PETITION NO. Z-003

PRESENT ZONING R-20, NS w/stips

PETITION FOR NRC & MHP

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): **6" DI W / side of Mableton Parkway**

Additional Comments: Records show 6750 and 6780 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 Doyle Dr.**

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

Treatment Plant: **S 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: Records show 6750 and 6780 connected and active

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: Twin Oaks Mobile Home Park, Inc.

PETITION NO.: Z-3

PRESENT ZONING: R-20 & NS w/s

PETITION FOR: NRC & MHP

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
Mableton Parkway	23600	Arterial	45 mph	GDOT	100'
Doyle Drive	N/A	Local	25 mph	Cobb County/ Private	50'

Based on 2009 traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Mableton Parkway 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 installing curb, gutter, and sidewalk along the Mableton Parkway frontage.

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

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

STAFF RECOMMENDATIONS

Z-3 TWIN OAKS MOBILE HOME PARK, INC.

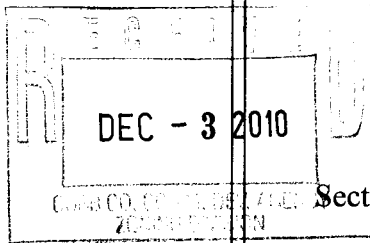
- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The request is meant to bring the property into zoning compliance, reflecting present conditions. The NRC portion is currently planned to return the use to daycare center as it had been for years and the MHP portion of the request is meant to bring that segment of the existing mobile home park into similarity with the rest of the community in terms of zoning compliance with no expansions proposed.
- 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. Previous Code Enforcement actions were results of proactive activities and wider "sweeps" by that division and not as a result of complaints received by neighbors. As referenced, the present request is simply to bring the currently grandfathered properties into zoning compliance, reflecting existing conditions. Such compliance, removing the owner's fear of loosing grandfathered status may, in effect, encourage improvements that may be warranted now or in the future.
- 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* which delineates this property to be within a High Density Residential land use category. While the requested NRC District may more often be found within Activity Center land use categories, its history of usage and location on Mableton Parkway make the request practical. This, as well as the MHP request, also serves to further such goals of the *Comprehensive Plan* as preserving other, more suitable areas of the County for single-family residential development.
- 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. With the intention of changing the property's zoning to reflect its current and past usage, the request represents no substantial changes or intensification of the current conditions. Recognizing zoning compliance as a goal, staff believes that it may well serve to encourage near or long-term improvements as the barrier that is fear of loosing grandfathered status is removed.

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

- Site Plan received by Zoning Division showing a revision date of October 18, 2010 with District Commissioner approving minor modifications;
- Within 60 days of approval of rezoning, all nonconforming signage to be removed from property;
- Current existing mobile homes located within setbacks not to be replaced if removed in future;
- Fire department comments;
- Stormwater Management Comments; and
- Cobb D.O.T. 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.

ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF TWIN OAKS MOBILE HOME PARK, INC.



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COMES NOW, Twin Oaks Mobile Home Park, Inc., 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 the context of the development and existing zonings along this section of Mableton Parkway. The subject property is an existing mobile home park and day care facility. The applicant is only seeking to rezone the property from the current nonconforming categories of R-20 and NS to legally conforming categories of NRC and MHP.

- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The applicant does not intend to change the use of the subject property and therefore the rezoning will not impact the surrounding properties.

- 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 existing nonconforming categories of R-20 and NS make the property uneconomic and therefore it must be rezoned to legally conforming

categories.

- 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. The proposed use will only serve the traffic that travels this transportation corridor.
- E. The zoning proposal is inconsistent with the underlying High Density Residential (HDR) land use category. However, the front portion of the property has always been zoned Neighborhood Shopping for a use that is compatible with the surrounding community. The proposed MHP and NC zoning request is consistent with the long term use of the property.
- F. There is no substantial relationship between the existing zoning classifications of R-20 and NS and the public health, safety and general welfare. Additionally, considered in the context of development along this section of Mableton Parkway, there is no established land use planning principles or political consideration which would vitiate the zoning proposal.

Respectfully submitted, this 2 day of December, 2010.

SAMS, LARKIN & HUFF, LLP

By: 

PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010