

APPLICANT: Church Office Partners, LLC

PETITION NO: Z- 67

REPRESENTATIVE: Parks F. Huff
770-422-7016

HEARING DATE (PC): 12-03-13

HEARING DATE (BOC): 12-17-13

PRESENT ZONING: LI

TITLEHOLDER: Church Office Partners, LLC

PROPOSED ZONING: LRO

PROPERTY LOCATION: Northwest intersection of Church Road
and North Church Lane
(2445 Church Road).

PROPOSED USE: Office

ACCESS TO PROPERTY: Church Road

SIZE OF TRACT: 1.014 acres

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Two Story Brick
Office Building

LAND LOT(S): 824

PARCEL(S): 7

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** RM-8/ Overlook at Westbury Subdivision
- SOUTH:** LI, HI/ Industrial Uses
- EAST:** RM-8/ Westbury at Vinings Subdivision
- WEST:** LI/ Industrial Office Use

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

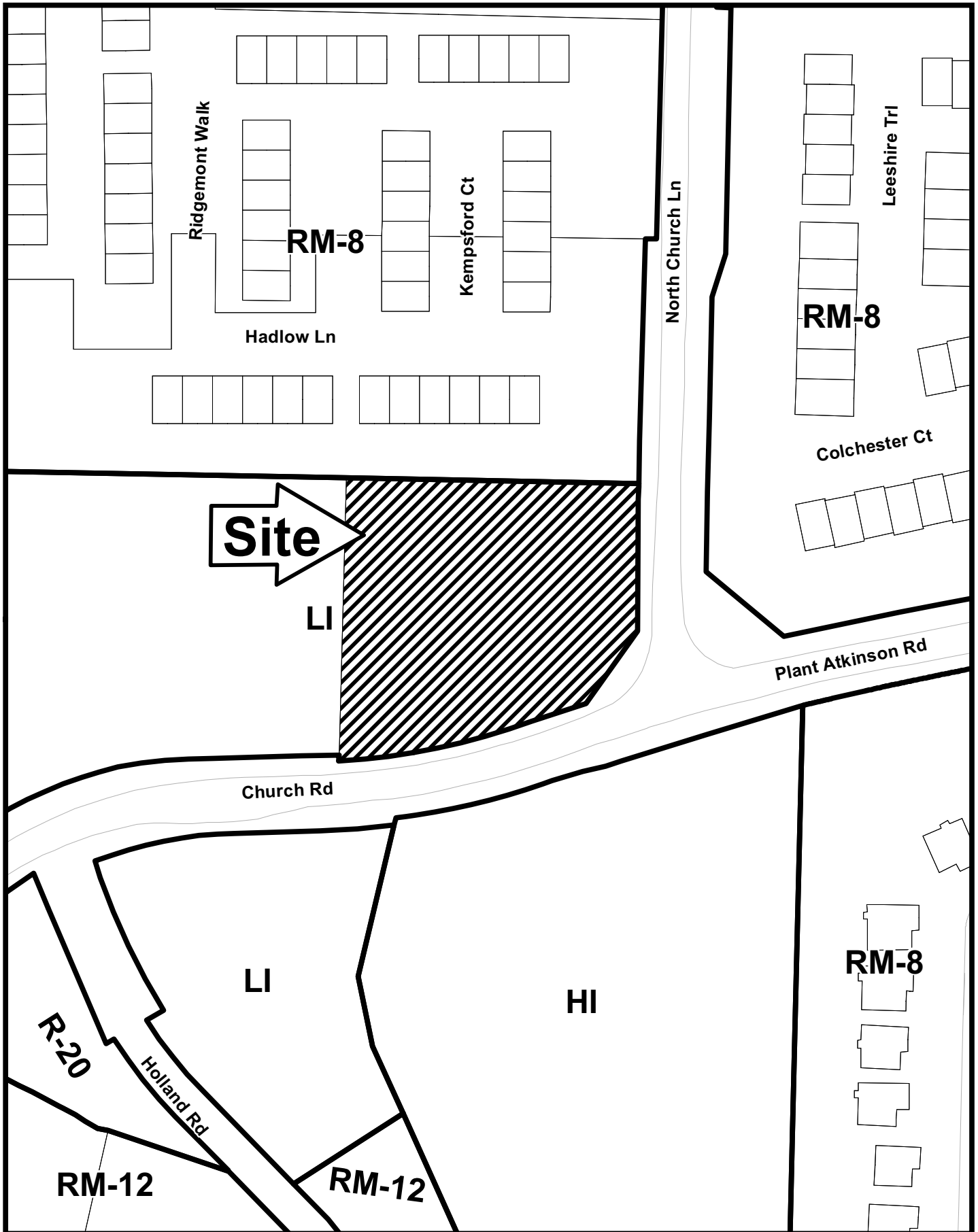
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

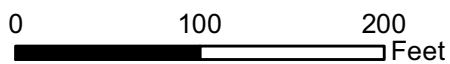
STIPULATIONS:



Z-67



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Church Office Partners, LLC

PETITION NO.: Z-67

PRESENT ZONING: LI

PETITION FOR: LRO

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: High Density Residential

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 14,000

F.A.R.: 0.32 **Square Footage/Acre:** 13,807

Parking Spaces Required: 50 **Parking Spaces Provided:** 45

The applicant is requesting a rezoning of the subject property from the existing LI light industrial district to LRO low rise office district in order to utilize the existing 14,000 sq. ft. office building for office uses as allowed under the LRO district. The existing two story brick building and adjoining 45 parking spaces on site will remain as is. Hours of operation will run from 7:30 a.m. to 6:30 p.m. Monday through Friday. The applicant is requesting a reduction in the required 20' buffer adjacent to the residentially zoned property to the north to 15'.

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: Church Office Partners, LLC

PETITION NO.: Z-67

PRESENT ZONING: LI

PETITION FOR: LRO

PLANNING COMMENTS:

The applicant is requesting a rezoning from LI to LRO for purpose of office. The 1.014 acre site is located at the northwest intersection of Church Road and North Church Lane.

Comprehensive Plan

The parcel is within a High Density Residential (**HDR**) future land use category, with LI zoning designation. The purpose of High Density Residential (HDR) category is to provide areas suitable for low rise, high density housing between five (5) and twelve (12) units per acre.

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 design guidelines, please contact the Community Development Planning Division at 770.528.2015.

For more information on incentives, please call the Office of Economic Development at 770.528.2607 or find information online at <http://economic.cobbcountyga.gov>.

APPLICANT Church Office Partners, LLC

PETITION NO. Z-067

PRESENT ZONING LI

PETITION FOR LRO

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): **12" DI / W side of North Church Lane**

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: **Approx 455' west in Church Rd ROW**

Estimated Waste Generation (in G.P.D.): **ADF 560 Peak= 1400**

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 Comments: Health Dept approval required for continued use of existing septic system. If improvements to septic system are necessary, site must connect to sanitary sewer

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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PRESENT ZONING: LI

PETITION FOR: LRO

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River 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 CONDITION

- 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 _____.

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PRESENT ZONING: LI

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STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit any future 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 is an existing facility and no improvements are proposed at this time. The existing detention facility does appear in need of maintenance. The pond is heavily overgrown with trees that will eventually impact the effectiveness of the pond.

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
Church Road	6700	Minor Collector	35 mph	Cobb County	60'
North Church Lane	4700	Minor Collector	25 mph	Cobb County	60'

*Based on 2007 traffic counting data taken by Cobb County DOT (Church Road)
Based on 2011 traffic counting data taken by Cobb County DOT (North Church Lane)*

COMMENTS AND OBSERVATIONS

Church Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

North Church Lane is classified as a minor collector 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 of 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 Church Road, a minimum of 30' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of 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 North Church Road, a minimum of 30' from the roadway centerline.

Recommend constructing sidewalk along the Church Road and North Church Lane frontages.

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

STAFF RECOMMENDATIONS

Z-67 CHURCH OFFICE PARTNERS, 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. The request represents a “downzoning” of the property from its existing LI district to LRO district which may serve as a more compatible use in relation to surrounding properties.
- 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 request will disallow industrial activity which is currently possible on the property.
- 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*. The *Plan* delineates the site within a HDR High Density Residential future land use area.
- 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. Utilizing the existing building and site, the request will allow for a less intense use on the property of offices. This is more compatible with the adjacent residential uses to the north.

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

- Site Plan received by the Zoning Division on October 1, 2013 with District Commissioner making minor modifications (site plan approval including reduction of 20’ buffer on northern side to 15’ and accommodations of any possible building discrepancies of existing building with LRO regulations);
- Landscape plan to be approved by County Arborist for installation of 15’ landscape buffer along northern property line;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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.

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Application #: Z-67
PC Hearing Date: 12-3-13
BOC Hearing Date: 12-17-13

Summary of Intent for Rezoning

COBB COUNTY ZONING DIVISION
2013 OCT -1 AM 11:24
COBB COUNTY GEORGIA
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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): LRO uses in an existing 14,000 square foot office building.
- b) Proposed building architecture: Existing brick building with green standing seam metal roof.
- c) Proposed hours/days of operation: 7:30 a.m. to 6:30 p.m. Monday-Friday
- d) List all requested variances: Reduce the 20 foot buffer adjacent to residential to 15 feet for an existing parking lot.

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

.....
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.

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature:  Date: 10/1/13

Applicant name (printed): Parks F. Huff, Attorney for Applicant

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
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PARKS F. HUFF
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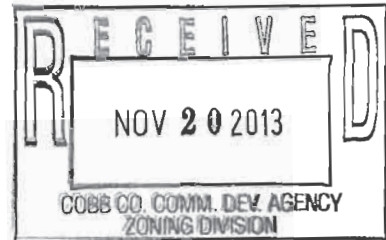
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

November 20, 2013

**VIA EMAIL: Jason.Campbell@cobbcounty.org
AND REGULAR MAIL**

Mr. Jason Campbell, Senior Zoning Analyst
Cobb County Community Development Agency
Zoning Division
P.O. Box 649
Marietta, GA 30061



Re: Application of Church Office Partners, LLC for Rezoning; Land Lot 824, 17th District, 2nd Section, Cobb County, Georgia being 1.01 acres known as 2445 Church Road (Z-67).

Dear Jason:

I represent Church Office Partners, LLC in relation to the existing office building that is located at the intersection of Church Road and North Church Lane. The existing office building is a two story brick office building with a green standing seam metal roof. The office building is zoned light industrial. The Applicant is in the process of marketing the building for sale or lease and has been advised that the zoning on the subject property should be more in the line with the potential future uses of the property which are low rise office. Therefore, the Applicant seeks to rezone the property to LRO from Light Industrial subject to the following conditions:

- 1) The use of the existing building for LRO with applicable variances that currently exist as depicted on the site plan. Upon redevelopment, the property will come into compliance with all applicable LRO zoning standards.
- 2) As it relates to the Department of Transportation request for sidewalks along Church Road and North Church Lane road frontages, it is noted that no sidewalks currently exist and the applicant will agree to the construction of these sidewalks upon the redevelopment of the subject property.
- 3) The building predates the surrounding residential uses and the brick façade is compatible with the new townhome developments. However, the Cobb County Code requires an asphalt shingle roof and the office building has a green standing seam metal roof.

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VIA EMAIL: Jason.Campbell@cobbcounty.org
AND REGULAR MAIL

Mr. Jason Campbell, Senior Zoning Analyst
Cobb County Community Development Agency
November 20, 2013
Page 2

Applicant requests a variance for this roofing material because it is attractive and its construction predates the surrounding residential properties.

- 4) LRO zoning requires a 20' buffer adjacent to residential property. Presently, the parking lot invades this buffer area by approximately 3'. The Applicant requests a variance from this buffer requirement because the townhomes came to the subject property and there is no existing buffer area. The Applicant will agree to maintain the existing landscaping along the 20' strip adjacent to those central properties and will not add any additional parking in this buffer area.

The subject property is presently zoned for Light Industrial use which is inconsistent with the high density residential land use zoning category. Likewise, the proposed low-rise office use is also inconsistent with this residential land use category. However, the rezoning is supported by the fact that the Low Rise Office use is more compatible with the land use category than the existing Light Industrial use. I look forward to the staff's review of this case. Please contact me if you have any additional questions or concerns.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff

phuff@samslarkinhuff.com

PFH/dvm

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. John Pederson, AICP, Manager
Mr. David Breaden, P.E., Cobb County Stormwater Management (via email)
Ms. Jane Stricklin, PE, Cobb County DOT (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
Church Office Partners, LLC

COBB COUNTY GEORGIA
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2013 OCT -1 AM 11:24

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF CHURCH OFFICE PARTNERS, LLC**

COBB COUNTY ZONING DIVISION

COMES NOW, CHURCH OFFICE PARTNERS, LLC pursuant to Section 134-121(a)(7) of the Cobb County Zoning Ordinance to file this 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 Church Road. The subject property is at the intersection of Church Road, North Church Lane and Plant Atkinson Road. There is a mixture of Light Industrial (LI), Heavy Industrial (HI) and RM-8 zonings in the area. The Low Rise Office (LRO) proposal for an existing office building is compatible with the existing zonings and uses at this intersection.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The existing office building is currently zoned LI. Downzoning the property to LRO will ensure that its use is compatible with existing uses.
- 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 LI zoning is inconsistent with the existing office building and it prevents the sale or lease of the property for LRO uses.

- 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 rezoning is to put the existing building in a property zoning category.
- E. The zoning proposal is inconsistent with the Land Use Designation of High Density Residential (HDR). But, the proposed LRO zoning is a downzoning from the existing LI zoning and is more compatible with the Land Use Plan than the existing zoning.
- F. There is no substantial relationship between the existing zoning classifications of LI and the public health, safety and general welfare. Additionally, considered in the context of existing building and the development at this intersection, there is no established land use planning principles or political consideration which would vitiate the zoning proposal.

Respectfully submitted, this 1 day of October, 2013.

SAMS, LARKIN & HUFF, LLP

By: 

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

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