

APPLICANT: Sanford C. Bennett

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REPRESENTATIVE: Sanford C. Bennett

PHONE#: (404) 427-1566 **EMAIL:** scbennettchiro@gmail.com

TITLEHOLDER: Sanford C. Bennett

PROPERTY LOCATION: Northwest corner of Dallas Highway and Mount Calvary Road (1940 Dallas Highway).

ACCESS TO PROPERTY: Dallas Highway and Mount Calvary Road

PHYSICAL CHARACTERISTICS TO SITE: Vacant commercial buildings

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Church
- SOUTH:** O&I/Cemetery; R-80 & NS/Single-family house
- EAST:** R-20/Hays Farm Subdivision
- WEST:** R-20/Single-family house

PETITION NO: Z-79

HEARING DATE (PC): 08-04-15

HEARING DATE (BOC): 08-18-15

PRESENT ZONING: GC

PROPOSED ZONING: LRO

PROPOSED USE: Professional Offices

SIZE OF TRACT: 1.767 acres

DISTRICT: 19, 20

LAND LOT(S): 30, 31, 328

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

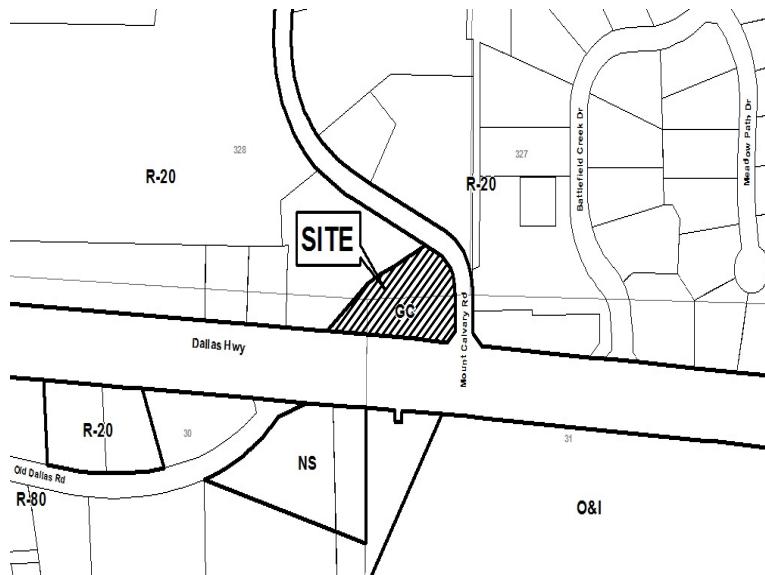
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

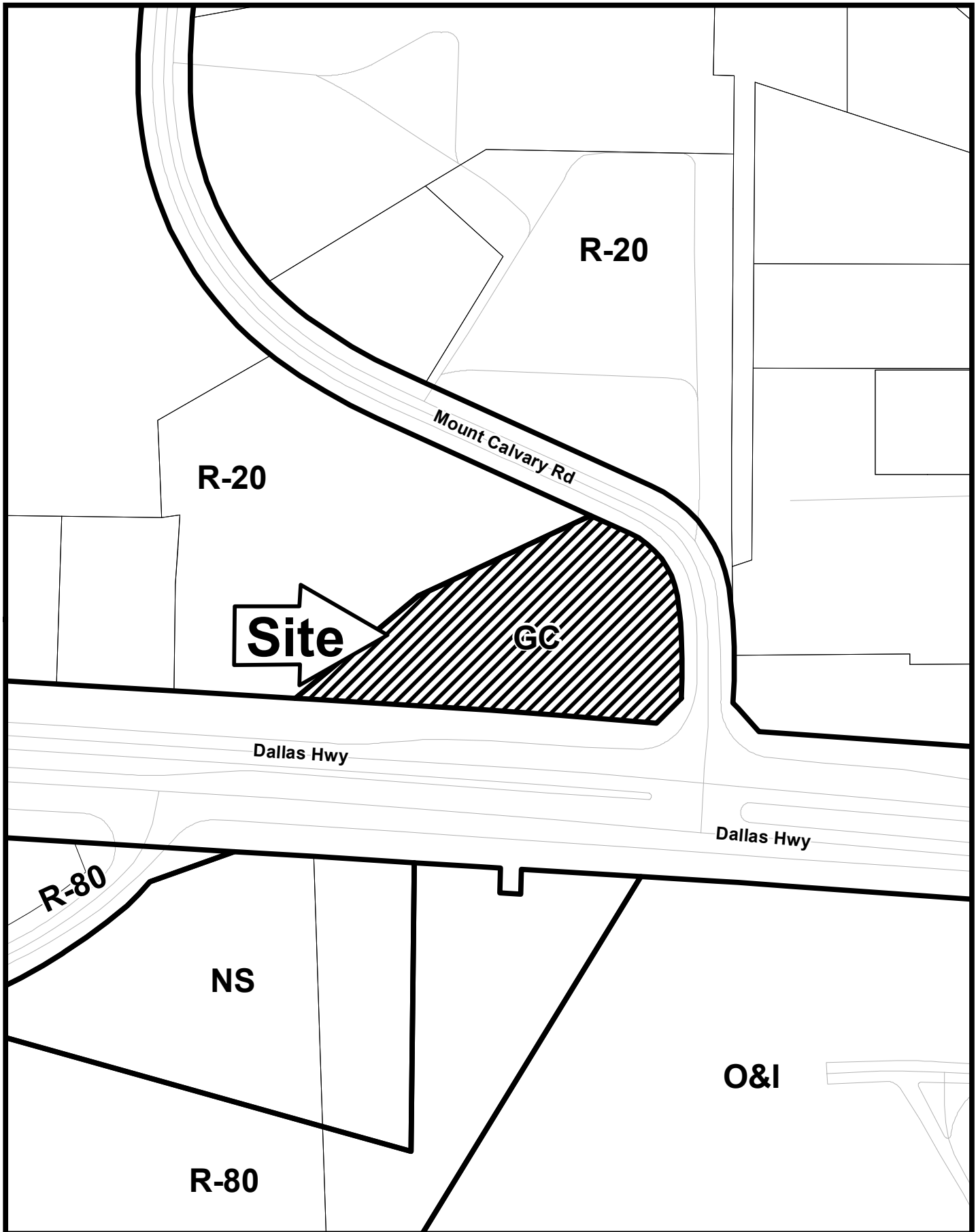
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

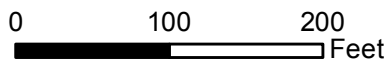
STIPULATIONS:





Z-79



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Sanford C. Bennett

PETITION NO.: Z-79

PRESENT ZONING: GC

PETITION FOR: LRO

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Low Density Residential (LDR)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** Not shown

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

Parking Spaces Required: 1 per 285 square feet of net floorspace

Parking Spaces Provided: Not shown

Applicant is requesting the Low Rise Office (LRO) zoning category for the purpose a professional office. The subject property has a long history leading to its current condition. The existing grandfathered residential use of the GC property was never corrected prior to the construction of the commercial building currently on the property. The existing commercial building was built without permits and did not pass inspections. After lengthy court proceedings, the property was sold at auction and the applicant purchased the property. The applicant has made arrangements to remove the existing one-story and three-story buildings and erect one professional office building not exceeding two stories.

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: Sanford C. Bennett

PETITION NO.: Z-79

PRESENT ZONING: GC

PETITION FOR: LRO

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to LRO for purpose of professional offices. The .1.767 acre site is located at the northwest corner of Dallas Highway and Mount Calvary Road (1940 Dallas Highway).

Comprehensive Plan

The parcel is within a Low Density Residential (LDR) future land use category, with GC zoning designations. The purpose of the LDR category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre. This category presents a range of densities.

Specific Area Policy Guideline:

In an effort to mitigate any potential land use conflicts which could arise from the conversion of single-family residences and lots into more intense residential development along Dallas Highway between Martin Ridge Subdivision and Mount Calvary Rd., it is recommended to limit the intensity of zoning applications for consideration in this area. New developments in this area along Dallas highway located in Land Lot 328 of the 20th District are recommended to be part of an assemblage proposal with vehicular access onto Mount Calvary Road. Provide sufficient buffering (determined by District Commissioner) adjacent to the existing service station to the southwest. Development shall be limited to the LDR designation.

Adjacent Future Land Use

- North: Public Institutional (PI) – across Mount Calvary Road
- East: Low Density Residential (LDR) - across Mount Calvary Road
- South: Public Institutional (PI) - across Dallas Highway
- West: Low Density Residential (LDR)

Master Plan/Corridor Study

N/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.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area: Dallas Highway Design Guidelines

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PLANNING COMMENTS: **Continued**

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings
 Yes No Not applicable
- Streetscape elements
 Yes No Not applicable
- Building Frontage
 Yes No Not applicable
- Parking Standard
 Yes No Not applicable
- Architecture standard
 Yes No Not applicable

YES indicates applicant has met the corresponding issue.

NO indicates applicant has not met the corresponding issue and/or there is not enough information provided.

N/A indicates issue is not applicable.

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>.

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

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PETITION NO. Z-079

PRESENT ZONING GC

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): 6" AC / W side of Mount Calvary 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: ** 400' E in Battlefield Creek Dr

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

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: **Assuming elev. allow for off-site gravity flow. On-site pumping appears to be necessary. Sewer also available by gravity approx. ~3,000ft W in Old Dallas Rd

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: GC

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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noses 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 – Cheatham Hill Memorial Park.
Additional BMP's for erosion sediment controls will be required.
- Lake Study may be 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 downstream receiving system including culvert(s) under and Dallas Highway and the Cheatham Hill Memorial Park pond.

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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. The required stormwater management facility must be tied directly to the existing infrastructure within the Dallas Highway right-of-way.

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
Dallas Highway	38,900	Arterial	45 mph	Cobb	100'
Mount Calvary Road	1900	Minor Collector	35 mph	Cobb	60'

*Based on 2007 traffic counting data taken by Cobb County DOT for Dallas Highway
Based on 2010 traffic counting data taken by Cobb County DOT for Mount Calvary Road*

COMMENTS AND OBSERVATIONS

Dallas Highway is classified as an arterial, state route, and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Mount Calvary 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.

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 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 Mount Calvary Road, a minimum of 30' from the roadway centerline.

GDOT permits will be required for all work that encroaches upon State right-of-way.

Recommend curb, gutter, and sidewalk along the Dallas Highway and Mount Calvary Road frontages.

Recommend Mount Calvary Road access location and design be determined during plan review, subject to Cobb County DOT approval. The access will need to be a minimum of 100 feet tangent curb length from the intersection of Dallas Highway.

Recommend Dallas Highway access location and design be determined during plan review, subject to Georgia DOT's approval.

Recommend applicant verify that minimum intersection sight distance is available for Mount Calvary Road access and if it is not, implement remedial measures, subject to the Department's approval. A line of sight easement may be needed with adjacent parcel.

STAFF RECOMMENDATIONS

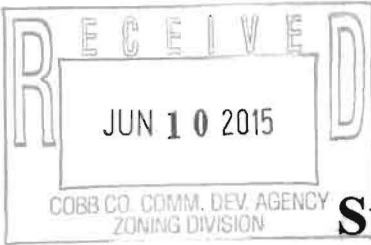
Z-79 SANFORD C. BENNETT

- 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 area contains a cemetery, a church with a cell tower, a national park and single-family houses. The property will be utilized for one professional office building meeting the LRO zoning requirements.
- 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 proposed professional office will not have a high volume of traffic. The property has sat in violation for many years and the proposed professional office will be a use having a low impact on the area. Nearby properties are developed for single-family residential and public institutional uses. This property was used as a store for many years in the past.
- 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*, which delineates this property as being in the Low Density Residential (LDR) land use category, having densities ranging from 1-2.5 units per acre. However, the property is located in an area along Dallas Highway having LDR and Public Institutional (PI) land use categories. However, the property has been used commercially in the past, and currently has two non-conforming, non-residential buildings.
- 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 property has had a long history of being in violation of zoning and building codes. The applicant proposes to develop the property with a low-scale professional office building not to exceed two stories. The applicant has made arrangement to remove the existing buildings. The applicant's proposal would be an improvement over the current state of the property.

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

- Applicant or developer to meet all LRO zoning criteria;
- No outdoor storage or displays;
- Site plan to be approved by the District Commissioner;
- 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.



Application #: Z-79

PC Hearing Date: 8-4-15

BOC Hearing Date: 8-18-15

Summary of Intent for Rezoning

.....
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): Office Commercial
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

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

An existing building must be demolished to meet office commercial zoning standards. Demolition arrangements have been made.

.....
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: Sanford C. Bennett Date: 6-10-15

Applicant name (printed): Sanford C. Bennett