

APPLICANT: Olymbec USA, LLC, by its attorney, Anderson, Tate & Carr, PC
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TITLEHOLDER: Olymbec USA, LLC

PETITION NO: Z-65
HEARING DATE (PC): 08-02-16
HEARING DATE (BOC): 08-16-16
PRESENT ZONING O&I
PROPOSED ZONING: CRC

PROPERTY LOCATION: On the west side of Herodian Way, south of Crescent Pkwy (2400 Herodian Way)

PROPOSED USE: Commercial and Retail Uses

ACCESS TO PROPERTY: Herodian Way

SIZE OF TRACT: 5.39 acres

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Four (4) story office building

LAND LOT(S): 877, 878

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RM-12/ Waterford Place Apartments
SOUTH: O&I/ One-story office building
EAST: PVS/ Towns of Crescent Park
WEST: RM-16/ Multi-family Apartments

Adjacent Future Land Use:

North: Regional Activity Center (RAC) with a subcategory of high density residential (hdr)
 East: Regional Activity Center (RAC) with a subcategory of high density residential (hdr)
 Southeast: Regional Activity Center (RAC) with a subcategory of high density residential (hdr)
 Southwest: Regional Activity Center (RAC) with a subcategory of retail services (rs)
 West: Regional Activity Center (RAC) with a subcategory of high density residential (hdr)

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

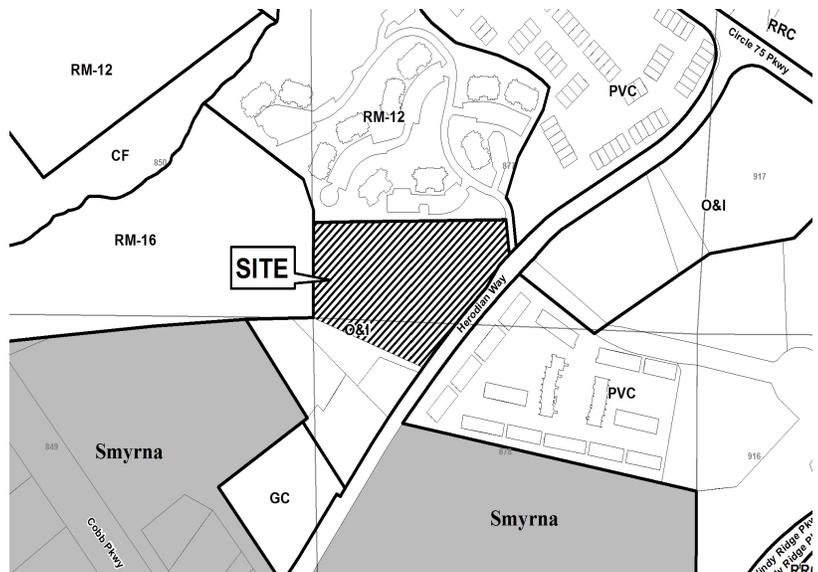
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **VOTE** _____

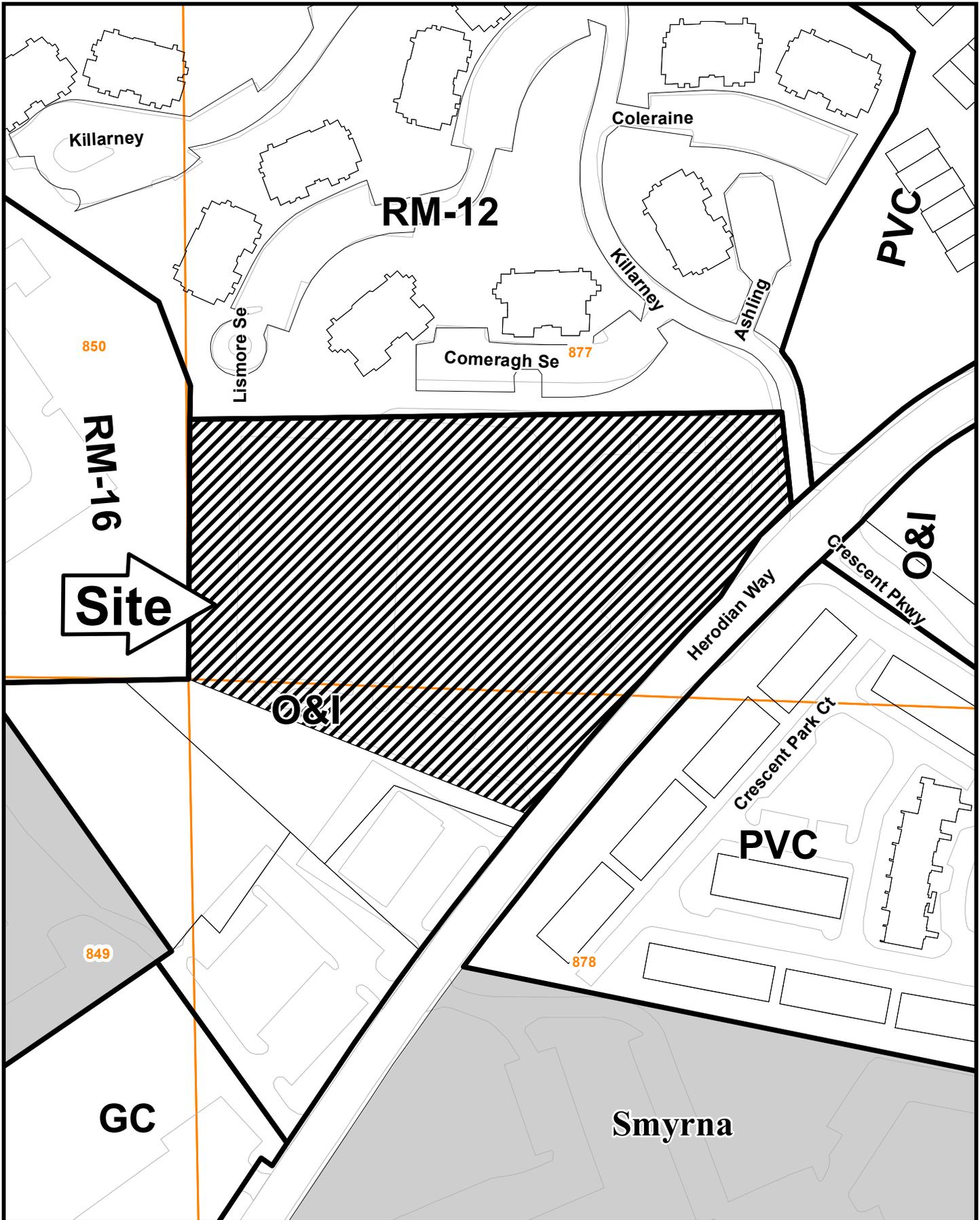
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **VOTE** _____

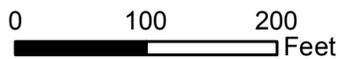
STIPULATIONS:



Z-65-2016 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: Olymbec USA, LLC, by its attorney, Anderson, Tate & Carr, P C

PETITION NO.: Z-65

PRESENT ZONING: O&I

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 164,472 sq. ft.

F.A.R.: .7 **Square Footage/Acre:** 30,511 sq. ft.

Parking Spaces Required: approx.. 487 **Parking Spaces Provided:** 541

The applicant is requesting a rezoning of the existing four (4) story, 164,472 sq. ft. office building from its current O&I office and institutional district zoning to the CRC community retail commercial district in order to accommodate existing and future retail tenants. Over time, space within the office building has been leased to tenants that may be defined as commercial and or retail types rather than strictly office uses (salon and beauty products store, day spa, etc.). While no hardships have been created as a result and the applicant states these tenants have operated successfully for some time serving nearby residents and businesses, the current request is an attempt to bring the property’s zoning classification into alignment with this existing condition.

No changes are proposed to be made to the property as a result. The existing office building and parking deck will continue to be used as it is currently. Typical business hours are from 7 a.m. to 10 p.m.

If approved, the following variances will be required from the CRC district regulations:

1. Increase the maximum allowable FAR from 0.5 for office uses and 0.25 for retail uses to existing 0.7; and
2. Waive the 35 foot landscape screening buffer adjacent to residentially zoned property to the north.

Cemetery Preservation: No comment.

APPLICANT: Olymbec USA

PETITION NO.: Z-65

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: Olymbec USA, LLC (Andersen, Tate & Carr)

PRESENT ZONING: O&I

PETITION NO.: Z-65

PETITION FOR: CRC (for office, clinic and community retail uses)

PLANNING COMMENTS:

The applicant is requesting a rezoning from O&I to CRC (office, clinic and community retail uses) for the purpose of commercial and retail uses. The 5.39 acre site is located on the west side of Herodian Way, south of Crescent Parkway (2400 Herodian Way).

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, have the cities of Smyrna and Marietta been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Regional Activity Center (RAC) with a subcategory of high density residential (hdr) future land use category, with O&I zoning designation. The purpose of the Regional Activity Center (RAC / hdr) category is to provide for areas that can support a high intensity of development which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and varying densities of residential development. High Density Residential (hdr) subcategory provides areas that are suitable for low rise, high density housing between five (5) and twelve (12) dwelling units per acre. Mid or high-rise residential developments are also appropriate in this category. This shall include any residential developments in excess of four (4) stories per structure. Because of the unique, urban characteristics of RAC's, building height and density shall be reviewed on a case-by-case basis.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Regional Activity Center (RAC) with a subcategory of high density residential (hdr)
East: Regional Activity Center (RAC) with a subcategory of high density residential (hdr)
Southeast: Regional Activity Center (RAC) with a subcategory of high density residential (hdr)
Southwest: Regional Activity Center (RAC) with a subcategory of retail services (rs)
West: Regional Activity Center (RAC) with a subcategory of high density residential (hdr)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study. (The Blueprint Cumberland LCI is on the opposite side of Herodian Way.)

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

APPLICANT: Olymbec USA, LLC (Andersen, Tate & Carr)

PRESENT ZONING: O&I

PETITION NO.: Z-65

PETITION FOR: CRC (for office, clinic and community retail uses)

PLANNING COMMENTS:

CONT.

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

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 Olybec USA LLC

PETITION NO. Z-065

PRESENT ZONING O&I

PETITION FOR CRC

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 Herodian Way

Additional Comments: Existing water customer. No relevent site changes proposed

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: On site

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

Treatment Plant: Sutton

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 Existing sewer customer. No relevent site changes proposed
Comments:

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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PETITION NO.: Z-65

PRESENT ZONING: O&I

PETITION FOR: CRC

STORMWATER MANAGEMENT COMMENTS

This is an existing development with stormwater management provided. No site changes are proposed.

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PRESENT ZONING: O&I

PETITION FOR: CRC

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Herodian Way	4,700	Major Collector	35 mph	Cobb County	80'

Based on 2014 traffic counting data taken by Cobb County DOT for Herodian Way.

COMMENTS AND OBSERVATIONS

Herodian Way is classified as a major 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 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 north side of Herodian Way, a minimum of 40' from the roadway centerline.

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

STAFF RECOMMENDATIONS

Z-65 OLYMBEC USA, LLC, BY ITS ATTORNEY, ANDERSEN, TATE & CARR, PC

- 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. With adjacent properties being zoned for multi-family residential, office, and mixed use, the rezoning to a commercial zoning district will not be out of character.
- 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. As an effort to bring the property's zoning into conformity with its current usage, the request should not have an adverse effect upon neighboring properties.
- 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*. Located within an area delineated as RAC regional activity center, the request to rezone the property to a commercial zoning district is in line with that category's intent to provide for areas of wide retail and office 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 approving the applicant's rezoning proposal. With both this site and its immediately adjoining multi-family residential developments being well established, the request is simply an effort to bring the property's zoning into compliance with its current and recent usage. No changes to the site physically nor operationally are anticipated from its current state. Located within an area forecast and established for residential, office, and commercial usage, the request can be supported as reasonable given this attempt to bring the property into compliance.

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

1. Site plan received by the Zoning Division on June 2, 2016, with the District Commissioner approving minor modifications;
2. Water and Sewer Division comments and recommendations;
3. Fire Department comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. 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 No. Z-65
Aug-2016

Summary of Intent for Rezoning

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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: _____
- _____

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Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Existing four-story office building, approx. 164,472 sq. ft. (41,118 sq. ft. footprint)
 - b) Proposed building architecture: Existing office building and parking deck
 - c) Proposed hours/days of operation: Typical business hours - 7 am - 10 pm.
 - d) List all requested variances: None identified at this time.
- _____

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Part 3. Other Pertinent Information (List or attach additional information if needed) See attached Letter of Intent.

Current tenants and commercial/retail businesses include: Kimbery Gude - Skin Beauty, a salon and beauty products store;
Total Life 360, a day spa; office space and tenants; and other similar retail uses.
All tenants have operated successfully and serve nearby residents and businesses.

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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.

ANALYSIS AND RESPONSES IN SUPPORT OF REZONING

- A) WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The requested zoning and mixed office and commercial uses are consistent with the nearby uses, and provides an appropriate use in light of the future development plans in the area, as reflected in the 2040 Comprehensive Plan and Future Land Use Map, and given the property's location, being adjacent to a major commercial thoroughfare.

- B) WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No. The property provides an appropriate transitional zoning, with the proposed mix of commercial and office uses, while being consistent with but less intense than neighboring commercial uses, and accordingly, the zoning request is compatible with the existing uses and usability of the adjacent and nearby property.

- C) WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED AND CONDITIONED:

No. Due to the property's location and existing zoning, conditions and restrictions, the subject property does not have reasonable economic use as currently zoned and conditioned, and the mixture of office and commercial/retail tenants is necessary to maintain viable, economic use.

- D) WHETHER THE ZONING PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No. The existing building and property is maintained by the Owner and Applicant, located in an area with access to public water and sewer, and direct access to major highways and the I-75 Interstate. The development is consistent with the 2050 Comprehensive Plan, which supports similar commercial uses in this corridor. Like the previously-approved office building on this Property and the nearby retail shopping centers, Cobb County precedent has historically approved similar uses as being appropriate for property located near Cobb Parkway and I-75. The continued office and commercial uses will not cause excessive use of existing streets, transportation facilities or utilities.

E) WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes. The 2040 Comprehensive Plan identifies the subject property area as being similar mixed office, commercial and retail uses.

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

Yes. The requested rezoning is absolutely necessary so as to allow for a feasible economic use of the subject property, consistent with similar uses in the area.