

APPLICANT: Stein Investment Company	PETITION NO:	Z-67
PHONE#: 770-422-7016 EMAIL: jballi@slhb-law.com	HEARING DATE (PC): _	08-02-16
REPRESENTATIVE: James A. Balli	HEARING DATE (BOC):	08-16-16
PHONE#: 770-422-7016 EMAIL: jballi@slhb-law.com	PRESENT ZONING	TS
TITLEHOLDER: Hall Beech Haven Trail Holdings, LLC		
	PROPOSED ZONING:	O&I Conditional
<b>PROPERTY LOCATION:</b> West side of Beech Haven Trail, south of		
Winchester Trail, and on the east side of I-285	PROPOSED USE: Clima	ate Controlled
	Self-S	Storage
ACCESS TO PROPERTY: Winchester Trail	SIZE OF TRACT:	4.05 acres
	DISTRICT:	17
PHYSICAL CHARACTERISTICS TO SITE: Wooded Undeveloped	LAND LOT(S):	764,765
Lot	PARCEL(S):	1
	TAXES: PAID X D	UE
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRIC	<b>T:</b> _ 2
Adjacent Future La	<u>nd Use:</u>	

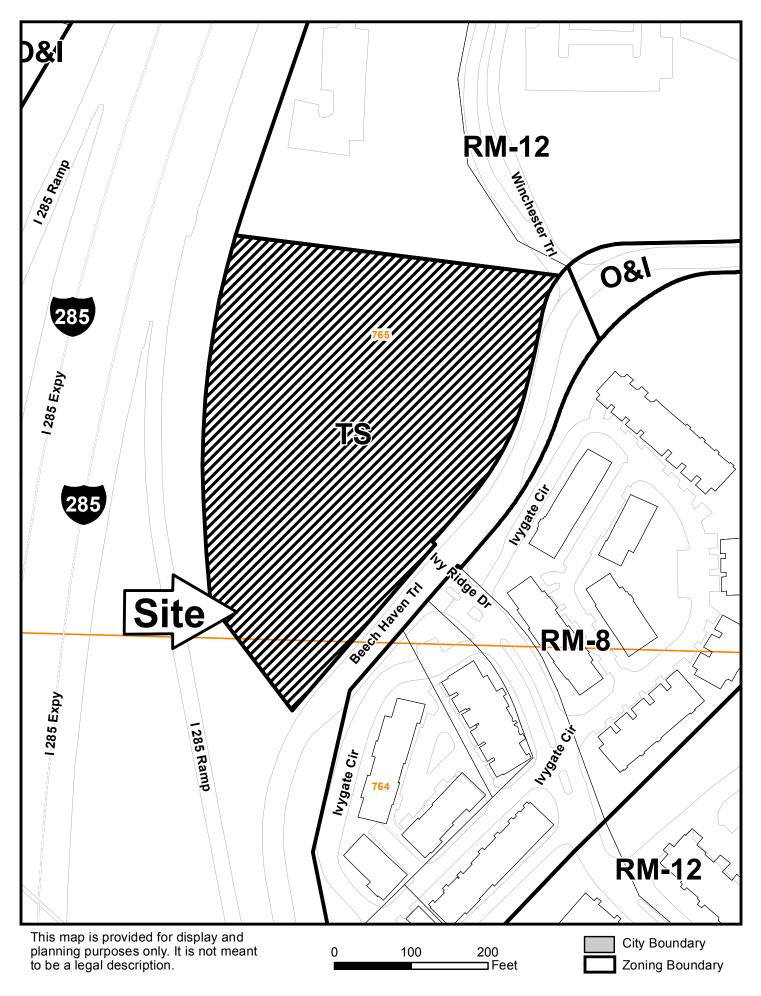
		<u>Hujucom I unit e Edita 050.</u>
NORTH:	RM-12/ Apartment Homes	North: Regional Activity Center (RAC) with a High Density
SOUTH:	RM-8/ Olde Ivy at Vinings	Residential (hdr) subcategory
		Southeast: Regional Activity Center (RAC) with a High Density
EAST:	RM-8/ Olde Ivy at Vinings	Residential (hdr) subcategory
WEST:	I 285	Southwest: Regional Activity Center (RAC) with a High Density
		Residential (hdr) subcategory (across I-285)
		West: Neighborhood Activity Center (NAC) (across I-285)

OPPOSITION: NO. OPPOSED\_\_\_\_PETITION NO:\_\_\_\_SPOKESMAN \_\_\_\_\_

# PLANNING COMMISSION RECOMMENDATION

APPROVEDMOTION BY         REJECTEDSECONDED         HELDVOTE	OS LI O&I RM-12 R-20
BOARD OF COMMISSIONERS DECISIAPPROVEDMOTION BYREJECTEDSECONDEDHELDVOTE	
STIPULATIONS:	PVC 748 Test Thempered Free Provide P

# Z-67-2016 GIS



APPLICANT: Stein Investment Company	<b>PETITION NO.:</b> <u>Z-67</u>
PRESENT ZONING:	PETITION FOR: O&I Conditional
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ZONING COMMENTS: Staff Member Re	esponsible: Donald Wells
Land Use Plan Recommendation: Regional A	Activity Center (RAC)
Proposed Number of Buildings: 1 Total	Square Footage of Development: 108,000
F.A.R.:612 Square Footage/Acre:	26666
Parking Spaces Required: 8 Parki	ng Spaces Provided: 10

The applicant is requesting the Office and Institutional zoning district to construct a new 3 story climate controlled self-storage facility. The total development will be 108,000 square feet with 80 units requiring 8 parking spaces. Proposed hours of operations are Monday through Saturday 8:00 AM to 6:00 PM and Sunday 1:00 PM to 6:00 PM. This proposal will require permits and variances penetrate the existing stream and buffers located on the site.

The Code requires that "architectural style/design to be similar or complementary to the predominant architectural design of other commercial uses within the activity center". The proposed architecture of the storage facility appears to be traditional brick with architectural accents.

Cemetery Preservation: No comment.

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### FIRE COMMENTS:

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshalls office is confident that all other items can be discussed during the Plan Review stage.

■ No

■ No / N/A

# PLANNING COMMENTS:

The applicant is requesting a rezoning from TS to O&I Conditional for the purpose of climate controlled self-storage. The 4.05 acre site is located on the west side of Beech Haven Trail, south of Winchester Trail, and on the east side of I-285.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:
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Is the application site within	one half $(1/2)$ mile of a city boundary?	$\Box$ Yes
If yes, has the city of	been notified?	$\Box$ Yes

# *Comprehensive Plan*

The parcel is within a Regional Activity Center (RAC) with an Office (off) subcategory future land use category, with TS zoning designation. The purpose of the Regional Activity Center (RAC) 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. Office developments are considered the most appropriate development in the Office land use category. However, mixed-use developments that include retail may also be appropriate. Mid or high rise residential developments are also appropriate in this category. This shall include any residential development 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 High Density Residential (hdr) subcategory
Southeast:	Regional Activity Center (RAC) with a High Density Residential (hdr) subcategory
Southwest:	Regional Activity Center (RAC) with a High Density Residential (hdr) subcategory (across I-
	285)
West:	Neighborhood Activity Center (NAC) (across I-285)

# Master Plan/Corridor Study

The property is located within the boundary of the Vinings Vision Plan.

# Historic Preservation

It has been determined that the project area is in the immediate vicinity of documented Civil War trenches. These trenches have been documented as part of the I-285 and Atlanta road interchange improvement project. Staff recommends that the existing trenches be preserved as part of the proposed project. If the trenches are to be preserved, a minimum of a 25-foot buffer surrounding the resource is recommended, as well as fencing at the edge of the buffer.

<u>Design Guidelines</u>		
Is the parcel in an area with Design Guidelines?	$\Box$ 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

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* * * * * * * * * * * * * * * * * * * *	Conditional
PLANNING COMMENTS:	CONT.
The Opportunity Zone is an incentive that provides \$3,500 tax credit jobs are being created. This incentive is available for new or existing	· · ·
Is the property within an Enterprise Zone?	
Is the property eligible for incentives through the Commercial and I Program? □ Yes ■ No The Commercial and Industrial Property Rehabilitation Program is ad valorem property taxes for qualifying redevelopment in eligible a	an incentive that provides a reduction in
For more information on incentives, please call the Community Dev 770.528.2018 or find information online at <u>http://economic.cobbcou</u>	
<u>Special Districts</u> Is this property within the Cumberland Special District #1 (hotel/mo □ Yes ■ No	otel fee)?
Is this property within the Cumberland Special District #2 (ad valor □ Yes ■ No	em tax)?
Is this property within the Six Flags Special Service District? □ Yes ■ No	
<ul> <li>Is the property within the Dobbins Airfield Safety Zone?</li> <li>Yes □ No</li> <li>If so, which particular safety zone is this property within?</li> <li>CZ (Clear Zone) □ APZ I (Accident Potential Zone I)</li> <li>APZ II (Accident Potential Zone II)</li> <li>Bird / Wildlife Air Strike Hazard (BASH) area</li> </ul>	

APPLICANT <u>Stein Investment Company</u>				PE	ETITION NO. <u>Z-067</u>	
PRESENT ZONING <u>TS</u>				PE	TITION FOR <u>O&amp;I Conditiona</u>	
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WATER COMMENTS: NOTE: Comments ref	flect or	nly what facilities v	vere	in ex	sistence at the time of this review.	
Available at Development:	$\checkmark$	Yes			No	
Fire Flow Test Required:		Yes			No	
Size / Location of Existing Water Main(s): 12" Additional Comments:	DI / 1	EW side of Beecl	h Ha	ven	Trail	
Developer may be required to install/upgrade water mains, based o Review Process.	n fire flo	ow test results or Fire D	epartn	nent C	Code. This will be resolved in the Plan	
* * * * * * * * * * * * * * * * * * * *	* * *	* * * * * * * * *	* * *	* *	* * * * * * * * * * * * * * *	
SEWER COMMENTS: NOTE: Comments	reflec	t only what facilitie	es we	re in	existence at the time of this review.	
In Drainage Basin:	$\checkmark$	Yes			No	
At Development:		Yes		✓	No	
Approximate Distance to Nearest Sewer: 50	' N in	Beech Haven Tra	ail			
Estimated Waste Generation (in G.P.D.): A	D F=	160			Peak= 400	
Treatment Plant:		Sutton	I			
Plant Capacity:	$\checkmark$	Available		No	t Available	
Line Capacity:	$\checkmark$	Available		No	t Available	
Projected Plant Availability:	$\checkmark$	0 - 5 vears		5 -	10 years $\Box$ over 10 years	
Drv Sewers Required:		Yes	$\checkmark$	No		
Off-site Easements Required:		Yes*	$\checkmark$	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	
Flow Test Required:		Yes	$\checkmark$	No		
Letter of Allocation issued:		Yes	$\checkmark$	No	property owners All essement acquisitions	
Septic Tank Recommended by this Departmen	t: 🗌	Yes	$\checkmark$	No		
Subject to Health Department Approval:		Yes	$\checkmark$	No		
Additional 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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# PRESENT ZONING: TS

# PETITION FOR: <u>O&I Conditional</u>

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED
<ul> <li>DRAINAGE BASIN: <u>Gilmore Creek</u> FLOOD HAZARD INFO: Zone X</li> <li>FEMA Designated 100 year Floodplain Flood.</li> <li>Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.</li> <li>Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.</li> <li>Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.</li> </ul>
<u>WETLANDS:</u> YES NO $\boxtimes$ POSSIBLY, NOT VERIFIED
Location: within channels and adjacent floodplain
The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.
STREAMBANK BUFFER ZONE: X YES NO POSSIBLY, NOT VERIFIED
<ul> <li>Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).</li> <li>Chattahoochee River Corridor Tributary Area - County review (<u>undisturbed</u> buffer each side).</li> <li>Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.</li> <li>Georgia DNR Variance may be required to work in 25 foot streambank buffers.</li> <li>County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.</li> </ul>
DOWNSTREAM CONDITIONS
<ul> <li>Potential or Known drainage problems exist for developments downstream from this site.</li> <li>Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.</li> <li>Minimize runoff into public roads.</li> <li>Minimize the effect of concentrated stormwater discharges onto adjacent properties.</li> <li>Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally</li> </ul>
<ul> <li>Existing Lake Downstream</li> <li>Additional BMP's for erosion sediment controls will be required.</li> <li>Lake Study needed to document sediment levels.</li> <li>Stormwater discharges through an established multi-family residential neighborhood downstream.</li> <li>Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving creek and existing culvert under Beech Haven Trail.</li> </ul>

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### PRESENT ZONING: TS

### PETITION FOR: <u>O&I Conditional</u>

# **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 site is encumbered by floodplain, stream buffers and steep slopes that will make the proposed development a challenge. A stream buffer variance will be required as well as floodplain volume compensation for any fill placed in the floodplain. Adequate stormwater conveyance must be provided for the offsite runoff from the I-285 R/W and contributing upstream drainage basin that currently flows through the site.
- 2. A Letter of Map Amendment/Revision from FEMA will be required prior to permitting.

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## **TRANSPORTATION COMMENTS:**

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Beech Haven Trail	4,800	Minor Collector	25 mph	Cobb County	60'

Based on 2008 traffic counting data taken by Cobb County DOT for Beech Haven Trail.

### COMMENTS AND OBSERVATIONS

Beech Haven Trail 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 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 Beech Haven Trail, a minimum of 30' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Beech Haven Trail frontage.

As necessitated by this development, recommend Beech Haven Trail access include a deceleration lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

# **STAFF RECOMMENDATIONS**

# Z-67 STEIN INVESTMENT COMPANY

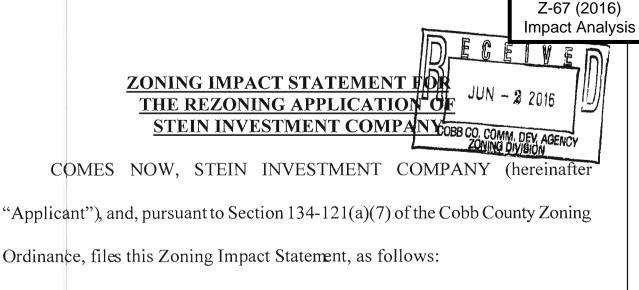
- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Nearby uses include retail, multi-family and single-family residential.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposed use would not add any more traffic to the area and would be benefit to the nearby residential areas.
- 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*. This property is located on the edge of Regional Activity Center (RAC). The purpose for the Regional Activity Center is to provide development that serves a regional market. Typical uses include high rise office buildings, regional malls and varying densities of residential developments. This use will provide a step down zoning from more intense uses in the 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. The applicant's use would be suitable given the character of the area which includes apartment homes and condominiums in the immediate area. The applicant's proposal will not adversely affect the usability of adjacent and nearby properties because it is a quiet, low traffic generating use.

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

- 1. Site plan received by the Zoning Division June 2, 2016, with District Commissioner approving minor modifications;
- 2. District Commissioner approving landscape plan and architectural plan;
- 3. Water and Sewer Division comments and recommendations;
- 4. Fire Departments comments and recommendations;
- 5. Stormwater Management comments and recommendations;
- 6. Department of Transportation comments and recommendations; and
- 7. 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.

<ul> <li>a) Proposed unit square-footage(s):</li></ul>	
<ul> <li>c) Proposed selling prices(s):</li></ul>	
<ul> <li>d) List all requested variances:</li></ul>	
rt 2. Non-residential Rezoning Information (attach additional information if needed)         a)       Proposed use(s): Climate Controlled Self-Storage Facility         b)       Proposed building architecture: TBD         c)       Proposed hours/days of operation: Office hours are Monday - Saturday 8 a.m. to 6 p.m.	
rt 2. Non-residential Rezoning Information (attach additional information if needed)         a)       Proposed use(s): <u>Climate Controlled Self-Storage Facility</u> b)       Proposed building architecture: TBD         c)       Proposed hours/days of operation: <u>Office hours are Monday - Saturday 8 a.m. to 6 p.m.</u>	
<ul> <li>b) Proposed building architecture: TBD</li> <li>c) Proposed hours/days of operation: Office hours are Monday - Saturday 8 a.m. to 6 p.m.</li> </ul>	
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	n.
d) List all requested variances: <u>Any identified by Staff prior to the final public hearing</u>	
or set forth by the Applicant.	
Part 3. Other Pertinent Information (List or attach additional information if needed)	



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 Project proposal relates to development of a Climate Controlled Self-Service Storage Facility ("CCSSSF") on an approximate 4.05 acre tract of land fronting on Beech Haven Trail (hereinafter "Development"). The Development is seeking the designation of Office and Institutional ("O&I") Conditional which is established by Cobb County "to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center... office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, bankingand professional offices that complement and provide step-down nodal zoning away from more intensive commercial uses." Id. The Development is consistent with, and supported by, the fact that the Project Site is located within a Regional Activity Center ("RAC") as designated on the Cobb County Future Land Use Map. Specifically, the

SAMS, LARKIN, HUFF & BALLI, LLP AUMTEDILABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA, GA 30064 770, 422, 7016 Development will provide a CCSSSF that is allowed within such designation and will be less intense that a typical project in a RAC which is designed "to provide for areas that can support a high intensity development which serves a regional market...typical land uses include high-rise office buildings, regional malls and varying densities of residential development."

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property? <u>No.</u>

The Project Site is currently zoned Tourist Services ("TS") defined as a category established "to provide locations for commercial and service uses which are oriented toward automotive businesses and interstate and state highway travelers." North and East of the Development are high density residential properties with zoning categories of RM8 and RM-12 which will be served by the CCSSF. Moreover, the zoning designation requested will be a down-zoning from other commercial uses that would be allowed in a TS district. Therefore, the Development will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned? No.

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The Project Site 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 Project Site has been unable to reach development as currently zoned and thereby remains vacant, thus providing evidence of the lack of "reasonable economic use" as zoned.

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? <u>No.</u>

The Development will ultimately be an improvement and a reduction in density in what could be developed as currently zoned. There will be no adverse effect on streets, transportation facilities, utilities or schools.

E. Whether the zoning proposal is in conformity with the policy and intent of the land use plan? <u>Yes.</u>

The Development is in absolute conformity with the policy and intent of Cobb County's Comprehensive Land Use Plan/Future Land Use Plan. As stated above, the Project Site is located within a RAC which is designed "to provide for areas that can support a high intensity development which serves a regional market...typical land uses include high-rise office buildings, regional malls and varying densities of residential development." A CCSSSF is allowed but is substantially less intense than other uses allowed in a RAC.

SAMS, LARKIN, HUFF & BALLI, LLP LIMITED LIABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA, GA 30064 770, 422,7016 F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. <u>Yes</u>.

The Project Site is currently zoned for a more intense use that the requested zoning designation.

This the \_\_\_\_\_ day of June, 2016. SAMS, LARKIN, HUFF & BALLI, LLP By: JAMES A. BALLI Attorney for Applicant Ga. Bar No. 035828

SAMS, LARKIN, HUFF & BALLI, LLP a limited liability partnership at torneys at law suite 100 376 Powder springs ST. Marietta, GA 30064 770.422.7016

