

APPLICANT: Russell Landscape, LLC

PETITION NO: Z-108

PHONE#: none given EMAIL: teddyr@rlg.com

HEARING DATE (PC): 12-06-16

REPRESENTATIVE: Rob Hosack

HEARING DATE (BOC): 12-20-16

PHONE#: 770-235-5662 EMAIL: rob@strat-city.com

PRESENT ZONING: R-20, GC

TITLEHOLDER: Timothy C. Aldridge

PROPOSED ZONING: NRC

PROPERTY LOCATION: Located at the southwest intersection of Veterans Memorial Highway and Cooks Road

PROPOSED USE: Professional Office

ACCESS TO PROPERTY: Veterans Memorial Highway and Cooks Road

SIZE OF TRACT: 1.54 acres

DISTRICT: 18

PHYSICAL CHARACTERISTICS TO SITE: _____

LAND LOT(S): 44

PARCEL(S): 7

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS/Auto Repair; GC/Home Furnishings Wholesale

SOUTH: O&I/Undeveloped; R-20/WC Wallace Subdivision

EAST: LI/Undeveloped; R-20/Single-family houses

WEST: O&I/Undeveloped

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC)

East: Neighborhood Activity Center (NAC)

South: Low Density Residential (LDR)

West: Neighborhood Activity Center (NAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ VOTE _____

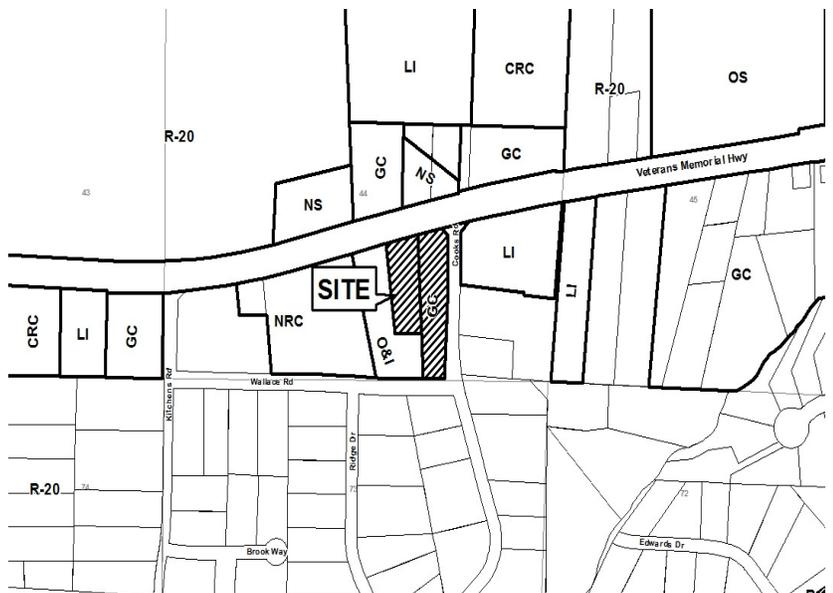
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

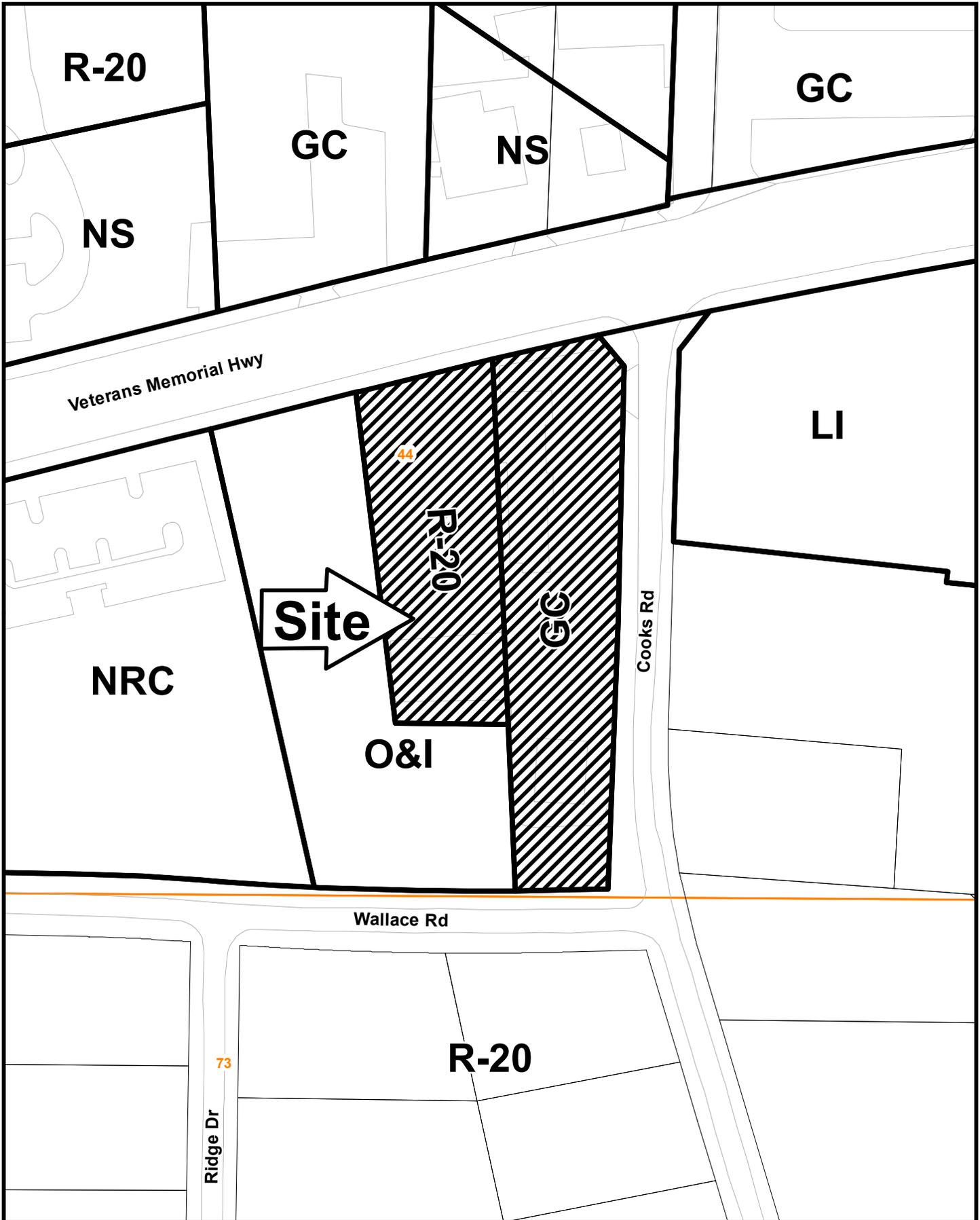
REJECTED _____ SECONDED _____

HELD _____ VOTE _____

STIPULATIONS:



Z-108-2016 GIS



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

0 100 200 Feet

City Boundary
Zoning Boundary

APPLICANT: Russell Landscape, LLC

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PRESENT ZONING: R-20, GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 3 **Total Square Footage of Development:** 6,680

F.A.R.: 0.099 **Square Footage/Acre:** 4,337

Parking Spaces Required: 23 **Parking Spaces Provided:** 24

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of a professional office for a specialized contractor (landscaping). The proposed business will utilize the existing structures on the property and will demolish the office on the western parcel. Future building and parking layout will be brought back to the Board of Commissioners for approval on that portion of the property. The hours of operation will be Monday through Saturday from 6:30 a.m. to 7 p.m. Most of the trucks will be parked inside and there will be no bobcats or similar equipment. The existing shop and warehouse buildings will be utilized for covered, enclosed and screened fleet vehicle parking as noted on the site plan. The parking area will be paved and striped.

The proposed use will require a contemporaneous variance to allow occasional outside storage of pine straw and plant storage.

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:

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.

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**SITE PLAN REVIEW SECTION
COMMENTS:**

A Land Disturbance Permit must be obtained by the property owner in order to perform any site modifications and/or landscaping which may be required as a rezoning approval stipulation. Contact the Community Development Agency/Site Plan Review Section at 770-528-2147.

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
_____	_____	_____	_____
Elementary			
_____	_____	_____	_____
Middle			
_____	_____	_____	_____
High			

- School attendance zones are subject to revision at any time.

Additional Comments: Approval of this petition will not have an impact on the enrollment at Cobb County Schools.

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PRESENT ZONING: R-20 & GC

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PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 and GC to NRC for the purpose of professional offices. The 1.91 acre site is located on the southwest intersection of Veterans Memorial Highway and Crooks Road.

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, has the city of _____ been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with R-20 and GC zoning designations. The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC)
East: Neighborhood Activity Center (NAC)
South: Low Density Residential (LDR)
West: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

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 South Cobb 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

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PLANNING COMMENTS:

CONT.

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

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PRESENT ZONING R-20, GC

PETITION FOR NRC

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 / S side of Veterans Memorial Hwy

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: Intersection of Wallace Rd and Cooks Rd

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

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

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 Health Dept approval required for continued use of existing septic system. Only site change Comments: is removal of one building.

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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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Milam Branch 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 _____.
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 any increased volume of runoff generated by any proposed site improvements on downstream receiving system.

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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. No significant site improvements are currently proposed. Any site improvement or expansion must meet current stormwater management requirements.

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TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Veterans Memorial Highway	25,400	Arterial	45 mph	Georgia DOT	100'
Cooks Road	N/A	Local	25 mph	Cobb County	50'

Based on 2008 traffic counting data taken by Cobb County DOT for Veterans Memorial Highway.

COMMENTS AND OBSERVATIONS

Veterans Memorial Highway is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Cooks Road 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 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 south side of Veterans Memorial Highway, a minimum of 50' from the roadway centerline.

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

Recommend driveway on Veterans Memorial Highway be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length, upon redevelopment.

Recommend a deceleration lane for the entrance on Veterans Memorial Highway upon redevelopment.

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

STAFF RECOMMENDATIONS

Z-108 RUSSELL LANDSCAPE, 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. Nearby properties are utilized for schools, commercial, industrial and residential uses.
- 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 property has been utilized for a number of years as a grading and trucking company. The subject property will now be utilized as a landscape contractor's office.
- 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 as being in the Neighborhood Activity Center (NAC) land use category. The requested zoning of NRC is compatible with the NAC land use category and the proposed office use for a specialized contractor (landscaping) is allowed as a special exception in the NAC land use category for NRC.
- 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. Staff believes that the applicant's requested NRC zoning is in keeping with the NAC land use category. The applicant will store company vehicles in enclosed structures existing on the property.

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

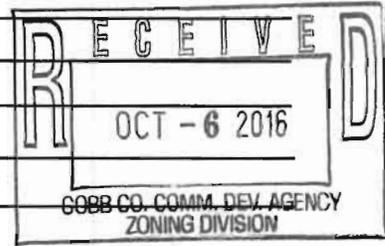
1. Site plan received by the Zoning Division on October 6, 2016, with the District Commissioner approving minor modifications;
2. Variance mentioned in the Zoning Comments section;
3. Outdoor storage to be approved by the Zoning Division Manager;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division 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.

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): Professional Office

b) Proposed building architecture: Utilize Existing Structure on site - demolish existing sf building on other portion of site

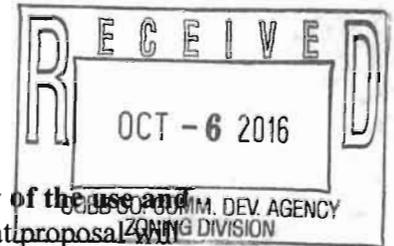
c) Proposed hours/days of operation: 6: 30am to 7pm, Monday thru Saturday

d) List all requested variances: None at this time

.....
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

**Impact Analysis
Russell Landscape, LLC**



- 1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?** Applicant contends that proposal will permit a suitable use in view of adjacent properties being used for retail, distribution and office uses similar to such proposed by the applicant.
- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?** Given that the adjacent and nearby properties are being used for retail, distribution and office uses that are larger and more intense than the use being proposed by the applicant, no adverse effect is anticipated.
- 3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?** Applicant contends that existing zoning of R-20 for a portion of the property does not provide for a reasonable economic use in light of the use and development (non-residential) of adjacent and nearby properties and the property's future land use recommendation for activity center use.
- 4. 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?** Applicant contends that proposed use of professional office will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The use proposed by the applicant will more than likely have a less burdensome impact upon the infrastructure than the current use of the property (1.6-acre portion zoned non-residentially).
- 5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan?** Applicant contends that existing development and additional use proposed are consistent with the Cobb County Future Land Use Map recommendation of Neighborhood Activity Center.
- 6. 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?** Applicant contends that proposal to change use from existing grading and equipment storage use to professional office use for Landscape Maintenance company more consistent with Future Land Use Map recommendation of Neighborhood Activity give supporting grounds for approval of the zoning. Applicant further contends that requested O&I zoning district provides better transition of use along this portion of Veterans and to adjacent properties.