

APPLICANT: Montecito Developments, LLC	PETITION NO: Z-30
PHONE#: (478) 731-7160 EMAIL: tom@ridgeburydevelopment.com	HEARING DATE (PC):06-06-17
REPRESENTATIVE: Ron Crump	HEARING DATE (BOC):06-20-17
PHONE#: (678) 601-6046 EMAIL: RonC@TheContineoGroup.com	PRESENT ZONING:GC
TITLEHOLDER: CML-GA TWO, LLC	
	PROPOSED ZONING:NRC
<b>PROPERTY LOCATION:</b> Western intersection of Austell Road and	
Callaway Road	PROPOSED USE: Convenience Store with
(2700 Austell Road)	Fuel Sales and Restaurant
ACCESS TO PROPERTY: Austell Road and Callaway Road	SIZE OF TRACT: 2.185 acres
	<b>DISTRICT:</b> 19
PHYSICAL CHARACTERISTICS TO SITE: Vacant lot	LAND LOT(S): 557,628
	<b>PARCEL(S):</b> 70
	TAXES: PAID <u>X</u> DUE
CONTICUOUS ZONINC/DEVELOPMENT	COMMISSION DISTRICT: 4

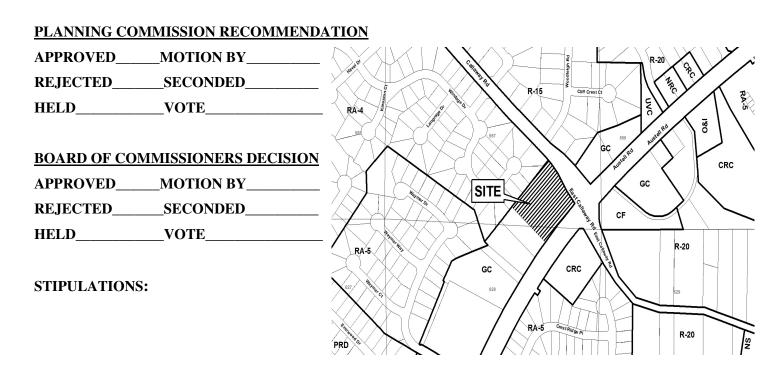
## CONTIGUOUS ZONING/DEVELOPMENT

NORTH:	R-15/El Dorado Subdivision
SOUTH:	GC/Undeveloped lot; CRC/Vacant Lot
EAST:	CF/Wooded lot; NRC/Convenience Store with
	fuel sales, emissions station
WEST:	R-15/El Dorado Subdivision

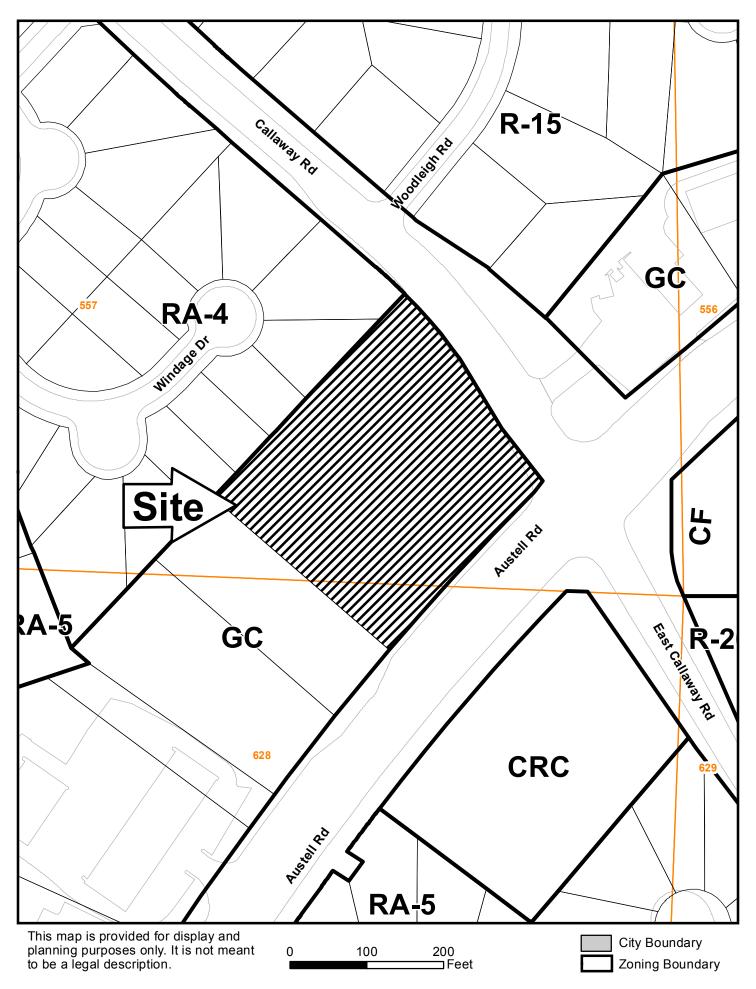
#### Adjacent Future Land Use:

Northeast: Low Density Residential (LDR) and Neighborhood Activity Center (NAC) Southeast: Neighborhood Activity Center (NAC) Southwest: Neighborhood Activity Center (NAC) Northwest: Medium Density Residential (MDR)

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



# Z-30-2017-GIS



APPLICANT: Montecito Dev	elopments, LLC	<b>PETITION NO.:</b> <u>Z-30</u>
PRESENT ZONING: GC		PETITION FOR: NRC
* * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
ZONING COMMENTS:	Staff Member Responsibl	e: Jason A. Campbell
Land Use Plan Recommendati	on: Neighborhood Activ	vity Center (NAC)
Proposed Number of Building	s: 1 Total Square I	Footage of Development: 5,700
<b>F.A.R.:</b> 0.59 <b>Square Fo</b>	otage/Acre: 2,602	
Parking Spaces Required: 30	6 Parking Space	s Provided: 38

The applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of developing a convenience store with fuel sales and a restaurant. The convenience store is shown on the site plan as being 4,200 square feet and the restaurant portion is shown as 1,500 square feet. The hours of operation for the convenience store will be 24 hours per day. The proposed architecture will be brick, stone, and glass mix as shown on the attached elevations. The property was formerly developed as a convenience store, but lost the grandfathered status under the GC zoning district in the NAC land use category.

Cemetery Preservation: No comment.

Name of School	Enrollment	Status	Classrooms
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.

# SITE PLAN REVIEW SECTION COMMENTS:

The 40-foot residential buffer must be fully vegetated per Cobb County regulations. The detention and water quality pond should be reconfigured so as to not encroach into this buffer.

#### 

# 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.

### **PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to NRC for the purpose of a convenience store with fuel sales and restaurant. The 2.185 acre site is located on the western intersection of Austell Road and Callaway Road (2700 Austell Road).

**PETITION NO.: Z-30** 

**PETITION FOR: NRC** 

HB-489 Intergovernmental Agreement Zoning Amendment Notificatio	<u>on:</u>	
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 GC zoning designation. 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:

Northeast:	Low Density Residential (LDR) and Neighborhood Activity Center (NAC)
Southeast:	Neighborhood Activity Center (NAC)
Southwest:	Neighborhood Activity Center (NAC)
Northwest:	Medium Density Residential (MDR)

#### Master Plan/Corridor Study

The property is located within the boundary of the Austell Road 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.

<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 i	requirements?	1

#### Incentive Zones

Is the property within an Opportunity Zone?  $\Box$  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 Smyrna-Osborne Enterprise Zone is an incentiv	ve that provides	tax abatements and other economic
incentives for qualifying businesses locating or expa	anding within d	esignated areas for new jobs and capital
investments.		

APPLICANT: Montecito Developments, LLC	PETITION NO.: Z-30
	PETITION FOR: NRC
<b>PRESENT ZONING:</b> <u>GC</u> ************************************	* * * * * * * * * * * * * * * * * *
PLANNING COMMENTS:	CONT.
Is the property eligible for incentives through the Commercial and Program? □ Yes ■ No The Commercial and Industrial Property Rehabilitation Program is ad valorem property taxes for qualifying redevelopment in eligible	s an incentive that provides a reduction in
For more information on incentives, please call the Community De 770.528.2018 or find information online at <u>http://economic.cobbco</u>	
<u>Special Districts</u> Is this property within the Cumberland Special District #1 (hotel/m □ Yes ■ No	notel fee)?
Is this property within the Cumberland Special District #2 (ad valo □ Yes ■ No	orem tax)?
Is this property within the Six Flags Special Service District? □ Yes ■ No	
Is the property within the: Dobbins Airfield Safety Zone? CZ (Clear Zone) APZ I (Accident Potential Zone I) APZ II (Accident Potential Zone II) Bird / Wildlife Air Strike Hazard (BASH) area	

APPLICANT <u>Montecito Developments, LL</u>	<u>C</u>	PETITION NO. <u>Z-030</u>	
PRESENT ZONING <u>GC</u>		PETITION FOR <u>NRC</u>	
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * *	* * * * * * * * * * * * * * * * * *	* * *
WATER COMMENTS: NOTE: Comments r	eflect only what facilitie	s were in existence at the time of this rev	view.
Available at Development:	✓ Yes	□ No	
Fire Flow Test Required:	✓ Yes	□ No	
Size / Location of Existing Water Main(s): 12	2" DI / NW side of Au	stell Road	
Additional Comments:			
Developer may be required to install/upgrade water mains, based Review Process.			
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *	: * *
SEWER COMMENTS: NOTE: Commen	ts reflect only what facil	ities were in existence at the time of this 1	review.
In Drainage Basin:	✓ Yes	□ No	
At Development:	✓ Yes	□ No	
Approximate Distance to Nearest Sewer: 0	On site (from previous	development)	
Estimated Waste Generation (in G.P.D.):	A D F= 168	Peak= 420	
Treatment Plant:	Sou	th Cobb	
Plant Capacity:	✓ Available	□ Not Available	
Line Capacity:	✓ Available	□ Not Available	
Projected Plant Availability:	$\checkmark$ 0 - 5 years	$\Box$ 5 - 10 vears $\Box$ over 10 ve	ears
Drv Sewers Required:	☐ Yes	✓ No	
Off-site Easements Required:	☐ Yes*	✓ No *If off-site easements are require must submit easements to CCW	-
Flow Test Required:	☐ Yes	■ No review/approval as to form and sprior to the execution of easeme	stipulations
Letter of Allocation issued:	□ Yes	■ No property owners. All easement a are the responsibility of the Dev	acquisitions
Septic Tank Recommended by this Departme	nt: 🗌 Yes	✓ No	
Subject to Health Department Approval:	□ Yes	☑ No	
		~ ~	

Additional existing private sewer/easement provides connection to Cobb County sewer 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.

# APPLICANT: Montecito Developments, LLC

PETITION NO.: <u>Z-30</u>

# PRESENT ZONING: GC

# PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS
FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED
<ul> <li>DRAINAGE BASIN: <u>Olley 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>
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 X 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 easements required to receive concentrated discharges where none exist naturally</li> <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 residential neighborhood downstream.</li> <li>Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving system.</li> </ul>

## APPLICANT: Montecito Developments, LLC

# PETITION NO.: <u>Z-30</u>

# PRESENT ZONING: GC

# PETITION FOR: <u>NRC</u>

## **STORMWATER MANAGEMENT COMMENTS – Continued**

# SPECIAL SITE CONDITIONS

	Provide comprehensive hydrology/stormwater controls to include development of out parcels.
$\boxtimes$	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.
$\boxtimes$	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.

## ADDITIONAL COMMENTS

1. This project is currently in the Plan Review process (LDP #2017-00108). Subject to addressing plan review comments.

#### **PRESENT ZONING:** GC

PETITION NO.: Z-30

**PETITION FOR:** NRC

## **TRANSPORTATION COMMENTS:**

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Austell Road	Arterial	45 mph	Georgia DOT	100'
Callaway Road	Major Collector	45 mph	Cobb County	80'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE	
Austell Road	South of Hicks Road	30,600	D	
Callaway Road	South of Al Bishop Drive	6,110	С	

Based on 2013 traffic counting data taken by Cobb County DOT for Austell Road.

Based on 2013 traffic counting data taken by Cobb County DOT for Callaway Road.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

## COMMENTS AND OBSERVATIONS

Austell 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.

Callaway Road is classified as a major collector and according to the available information the existing rightof-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 west side of Callaway Road, 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.

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

## **STAFF RECOMMENDATIONS**

## **Z-30 MONTECITO DEVELOPMENTS, 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. Other properties in the area include a convenience store, retail, light auto repair, commercial indoor recreation 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. Other properties in the area have businesses geared toward automotive repair, retail and single-family residential uses. The property was previously developed with a convenience store with fuel sales.
- 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 within the Neighborhood Activity Center (NAC) land use category. The requested NRC zoning district is compatible with the NAC land use category and the proposed convenience store with fuel sales and restaurant uses are permitted under 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. The property was previously developed for the proposed use under the GC zoning district. The previous building had been removed and the current GC zoning category cannot be developed under the property's current NAC land use designation. The applicant is proposing a similar use be developed on the property at this time.

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

- 1. Site plan received by the Zoning Division on April 6, 2017, with the District Commissioner approving minor modifications;
- 2. Site Plan Review Section comments and recommendations;
- 3. Water and Sewer Division 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.

Di	APR	- 6 2017	Application No.	2-30
				une 20
COL	B GU GU ZONIN	IMM. DEV. AGER IG DIVISION	Summary of Intent for Rezoning	
			v o	
rt 1.	Reside	ential Rezoni	ng Information (attach additional information if needed)	
	a)	Proposed	unit square-footage(s):	
	b)	Proposed	building architecture:	
	<b>c</b> )	List all re	quested variances:	
rt 2.	Non-r	esidential Re	zoning Information (attach additional information if needed)	
	a)	Proposed		
	,		and Restaurant including drive-in fast food service.	
	<b>b</b> )	Proposed	building architecture: brick, stone, glass mix - see rendering	
	c)	Proposed	hours/days of operation: 24 hrs/day	
	<b>d</b> )	List all re	quested variances: none	
Part	3. Oth		Information (List or attach additional information if needed)	
	Site is	s currently zo	hed GC which allows for the proposed uses, however it is within the Neighborhood Activity	
			bes not allow for GC zoning. Therefore, by law, the property must be rezoned to NRC to c	omply
	with (	CODD County	Code, Section 134-227(b). NRC will allow for the uses proposed and allowed in GC.	
			arty included on the prenessed site plan award by the Lagal State or Federal Cover	nmont?
art 4			erty included on the proposed site plan owned by the Local, State, or Federal Gover ht-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., a	
			ng where these properties are located).	nu attacii a
	- N	lone -		



