

APPLICANT: JOM Holdings, LLC

PETITION NO: Z-41

PHONE #: 404-504-6698 EMAIL: Jason@berkshire-realty.com

HEARING DATE (PC): 08-01-17

REPRESENTATIVE: Garvis L. Sams, Jr.

HEARING DATE (BOC): 08-15-17

PHONE #: 770-422-7016 EMAIL: gsams@shlb-law.com

PRESENT ZONING: PSC

TITLEHOLDER: JOM Holdings, LLC

PROPOSED ZONING: CRC

PROPERTY LOCATION: West side of Lecroy Drive, north of

PROPOSED USE: Specialized Contractor's

Robinson Road

(811 Lecroy Drive)

ACCESS TO PROPERTY: Lecroy Drive

Office

SIZE OF TRACT: 1.37 ac

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Single family home

LAND LOT(S): 1029

with detached garage.

PARCEL(S): 18

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: PSC/ Undeveloped Lot
- SOUTH: O&I/ Office Building, Chiropractor
- EAST: RA-6/ New Single Family Subdivision Under Construction
- WEST: GC/ Victory Car Wash, Rite Aid

Adjacent Future Land Use:
 North: Community Activity Center (CAC)
 East: Low Density Residential (LDR)
 South: Community Activity Center (CAC)
 West: Community Activity Center (CAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ VOTE _____

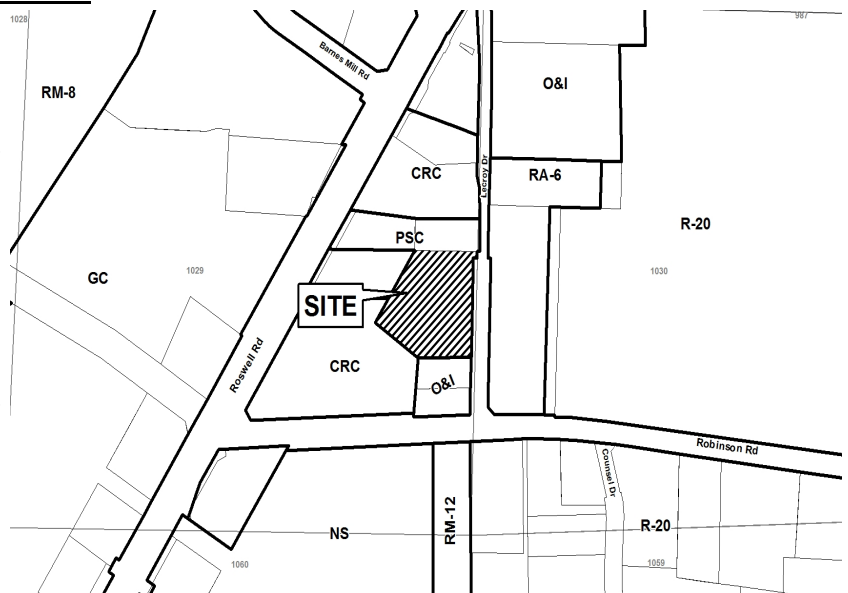
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

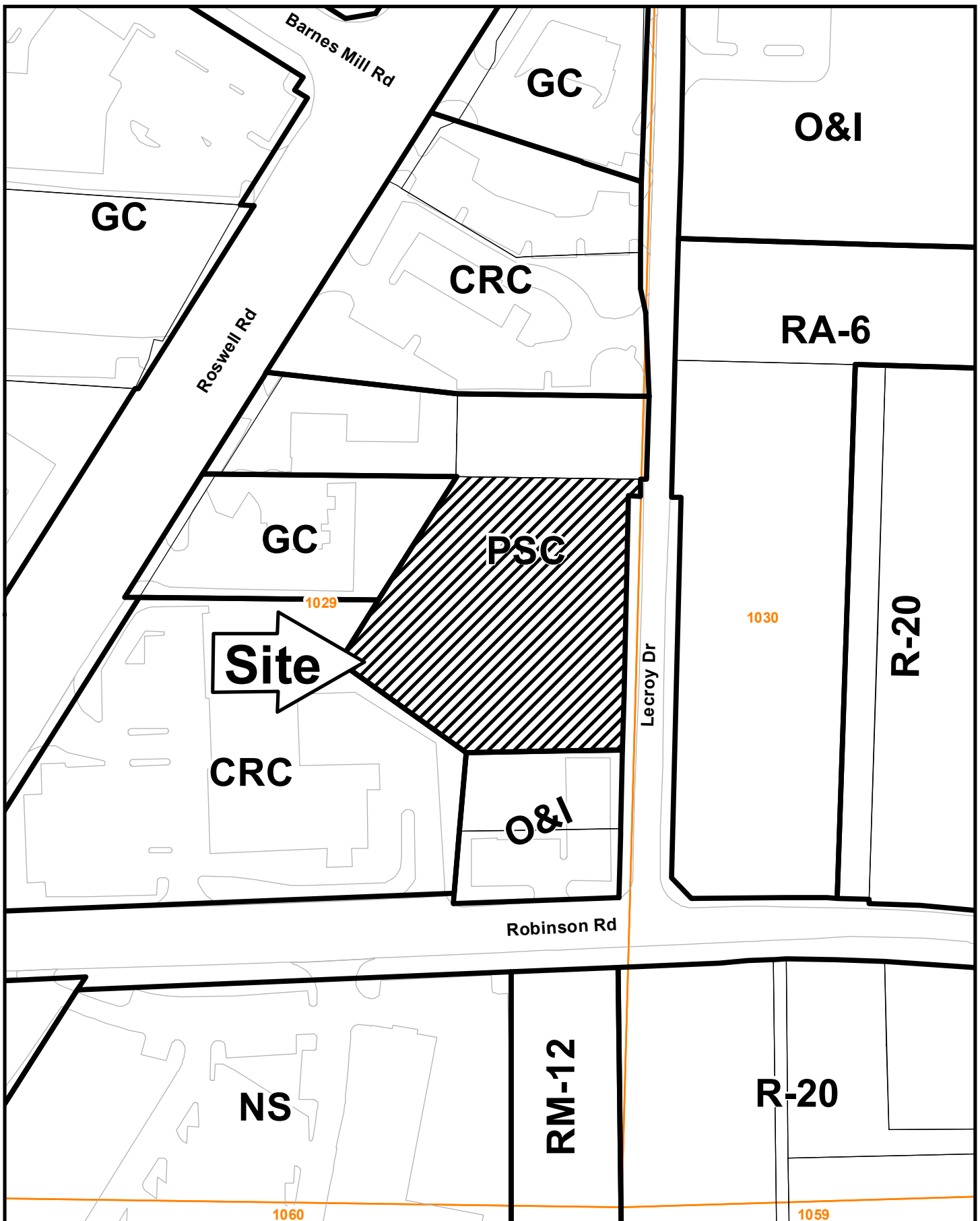
REJECTED _____ SECONDED _____

HELD _____ VOTE _____

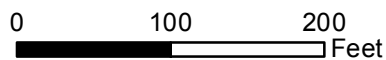
STIPULATIONS:





Z-41 2017-GIS



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



-  City Boundary
-  Zoning Boundary

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PRESENT ZONING: PSC

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 2 (existing) **Total Square Footage of Development:** 1683

F.A.R.: .03 **Square Footage/Acre:** 43563

Parking Spaces Required: 6 **Parking Spaces Provided:** 9

The applicant is requesting the CRC zoning district to for specialized contractor’s office. The applicant intends to use the existing house and detached garage. There will be not outdoor storage nor any equipment stored on the site. The applicant will make upgrade the house to make it suitable to use as an office. There will be 4 employees, and the business hours will be Monday through Saturday from 7AM through 7 PM. The house was built in 1968, which predates the adoption of the zoning ordinance. The applicant is required to rezone the property because of its grandfathered status. The code states a nonconforming use cannot be reinstated after it has been abandoned for longer than 6 months. The existing building was previously used as a single family home, and was used as such up until this past year.

The applicant is requesting the following contemporaneous variances;

1. Waive the side setback from 10 feet to 4 feet for accessory building (North Side);
2. Allow accessory building beside primary building;
3. Waive rear setback from 30 feet to 0 feet for accessory building (West Side).

Cemetery Preservation: There is no significant impact on the cemetery site listed on the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

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PETITION FOR: CRC

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable 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.

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PETITION FOR: CRC

SITE PLAN REVIEW SECTION COMMENTS:

The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.).

FIRE COMMENTS:

Modifications may be required to incorporate the Cobb County Fire Marshal’s Office comments.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

APPLICANT: JOM Holdings, LLC

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PRESENT ZONING: PSC

PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from PSC to CRC for the purpose of specialized contractor’s office. The 1.37 acre site is located on the west side of Lecroy Drive, north of Robinson Road (811 Lecroy Drive).

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 Marietta been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category, with PSC zoning designation. The purpose of the Community Activity Center (CAC) is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

North: Community Activity Center (CAC)
East: Low Density Residential (LDR)
South: Community Activity Center (CAC)
West: Community Activity Center (CAC)

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 _____ 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

APPLICANT: JOM Holdings, LLC _____

PRESENT ZONING: PSC _____

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PETITION FOR: CRC _____

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?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT JOM Holdings LLC

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PRESENT ZONING PSC

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): 12" DI / E side of Lecroy

Additional Comments: Existing residential 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: Robinson Road (under construction)

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 Health Dept approval received for continued use of existing septic system. No noticeable Comments: increase in discharge expected.

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

1. No significant site improvements are proposed.
2. Stormwater management must be provided upon redevelopment or substantial improvement.

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TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Lecroy Drive	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Lecroy Drive	N/A	N/A	N/A

COMMENTS AND OBSERVATIONS

Lecroy Drive is classified as a local and according to the available information the existing right-of-way does 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 removing and closing southernmost entrance on Lecroy Drive or widen to accommodate two way traffic.

Recommend widening northernmost entrance to accommodate two-way traffic.

Recommend sidewalk along the frontage of Lecroy Drive.

STAFF RECOMMENDATIONS

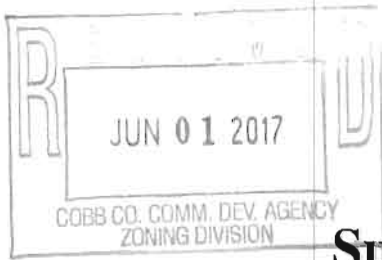
Z-41 JOM HOLDINGS, LLC

- 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. The applicant will use the existing building and will not allow any outside storage.
- 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. Nearby uses include retail, office and single family homes. The proposed use should not increase traffic in the area.
- 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 in Community Activity Center (CAC). The purpose of the Community Activity Center (CAC) is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.
- 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 fit in the area due to the fact the existing house will continue to be used. 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** subject to the following conditions:

1. Site plan received by the Zoning Division June 1, 2017, with District Commissioner approving minor modifications;
2. office for specialized contractor only;
3. No outdoor storage or outdoor display of merchandise;
4. District Commissioner approve all signage;
5. Water and Sewer Division comments and recommendations;
6. Fire Departments comments and recommendations;
7. Stormwater Management comments and recommendations; and
8. Department of Transportation comments and recommendations.

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- 41

PC Hearing: August 1, 2017
BOC Hearing: August 15, 2017

Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): N/A
- b) Proposed building architecture: _____
- c) List all requested variances: _____

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

- a) Proposed use(s): Specialized Contractor's Office
- b) Proposed building architecture: As-built -- Existing detached 2 car garage (to be used for car parking) and the existing 2,187 square foot structure with minor modifications
- c) Proposed hours/days of operation: Monday - Saturday from 7:00 a.m. until 7:00 p.m.
- d) List all requested variances: None known at this time.

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

The Subject Property is presently zoned PSC but until recently was used residentially and is bound on the north, on the west and south by commercially zoned (retail and office use) properties and is located in an area denominated Community Activity Center ("CAC") under Cobb County's Future Land Use Map.

.....
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 known at this time.

* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

ZONING IMPACT STATEMENT
FOR THE REZONING APPLICATION
OF JOM HOLDINGS, LLC

COMES NOW, JOM HOLDINGS, LLC, and pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this its Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the Subject Property which is suitable in the context of development and existing zonings along this section of Lecroy Drive and the Roswell Road/Robinson Road quadrant. The Subject Property is zoned PSC and the entirety of properties fronting on the west side of Lecroy Drive are zoned and commercially utilized. The property across Lecroy Drive to the east is an RA-6 zoned tract which is currently rough-graded and advertised for future residential development.

- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties.

- C. The subject property 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 existing PSC zoning classification is a significant economic detriment to the owner of the Subject Property. The Subject Property was zoned PSC in 1972 as part of the comprehensive amendments to the Zoning Map and Zoning Ordinance. In February of 1997, the 2.6 acres located at the northeast corner of Roswell Road and Robinson Road were rezoned from PSC to CRC (Z-7 Bishop Development Co.), leaving this tract within the PSC zoning district but containing less than the 5 acre minimum requirement for development within the PSC zoning district. The Subject Property is located within an area denominated as Community Activity Center (“CAC”) on the County’s Future Land Use Map which allows the proposed zoning to CRC and the proposed use as a Contractor’s Office.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The property is located within a Community Activity Center (“CAC”) under and pursuant to Cobb County’s Future Land Use Map and Comprehensive Land Use Plan.
- F. There is no substantial relationship between the existing zoning classification of PSC and CRC which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this area of Lecroy Drive and the Roswell Road/Robinson Road Quadrant, there are no established land use planning principles or political considerations which work against the proposed rezoning.

Respectfully submitted, this the 1 day of June, 2017.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950