

Case # Z-2
Public Hearing Dates:
PC: 02-06-18
BOC: 02-20-18

Cobb County Community Development Agency
Zoning Division
1150 Powder Springs St. Marietta, Georgia 30064

SITE BACKGROUND

Applicant: K & L Associates, LLC

Phone: (770)-480-7837

Email: steve@thewowagency.com

Representative Contact: J. Kevin Moore

Phone: (770)-429-1499

Email: jkm@mijs.com

Titleholder: K & L Associates, LLC

Property Location: On the northeast corner of
Oak Ridge Road and Oak Ridge Parkway

Address: 7100 Oak Ridge Parkway

Access to Property: Oak Ridge Parkway

QUICK FACTS

Commission District: 4- Cupid

Current Zoning: GC

Current use of property: Office and Warehouse

Proposed Zoning: LI

Proposed use: Warehouse

Future Land Use Designation: Neighborhood
Activity Center (NAC)

Site Acreage: 1.37ac.

District: 18

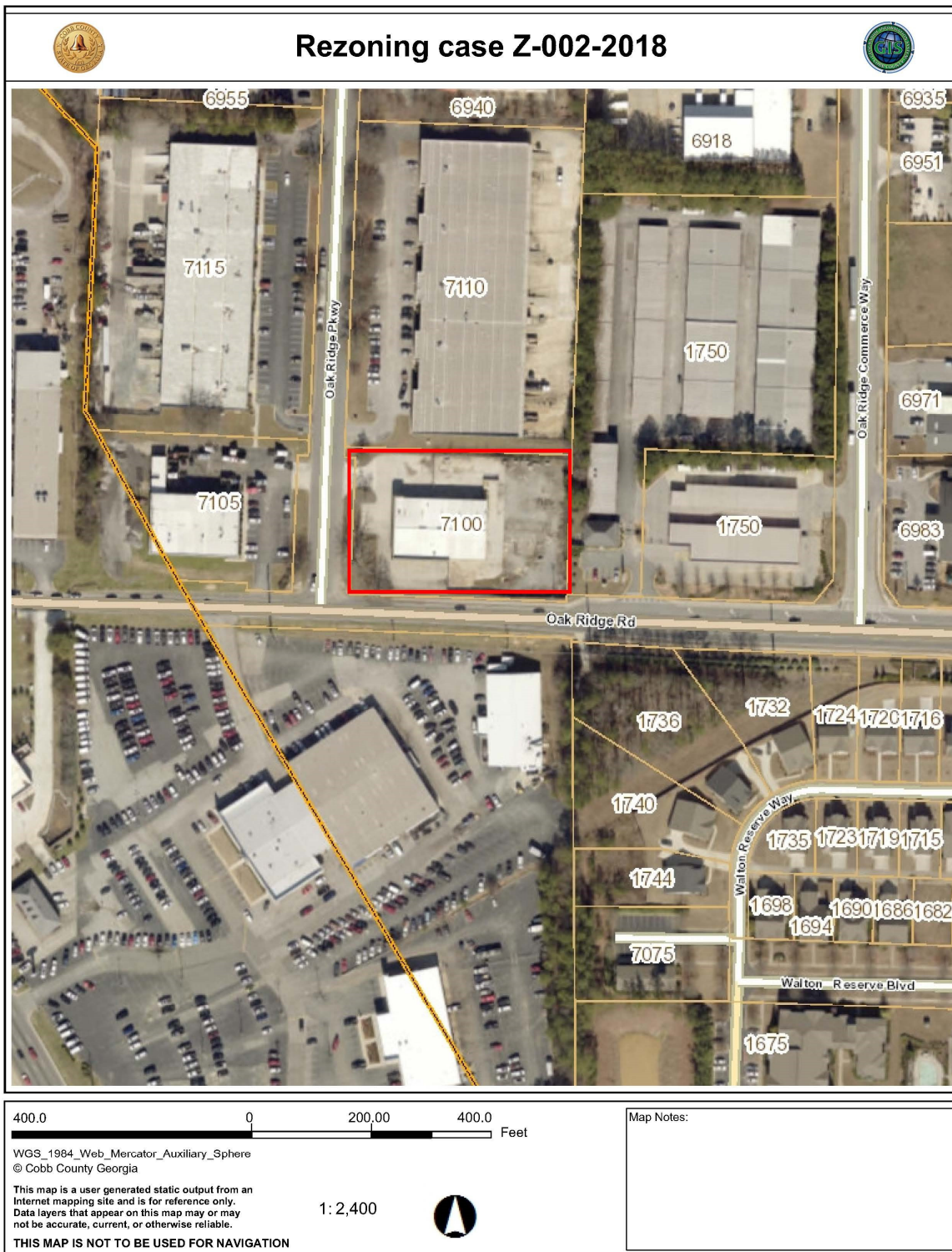
Land Lot: 483

Parcel #: 18048300080

Taxes Paid: Yes

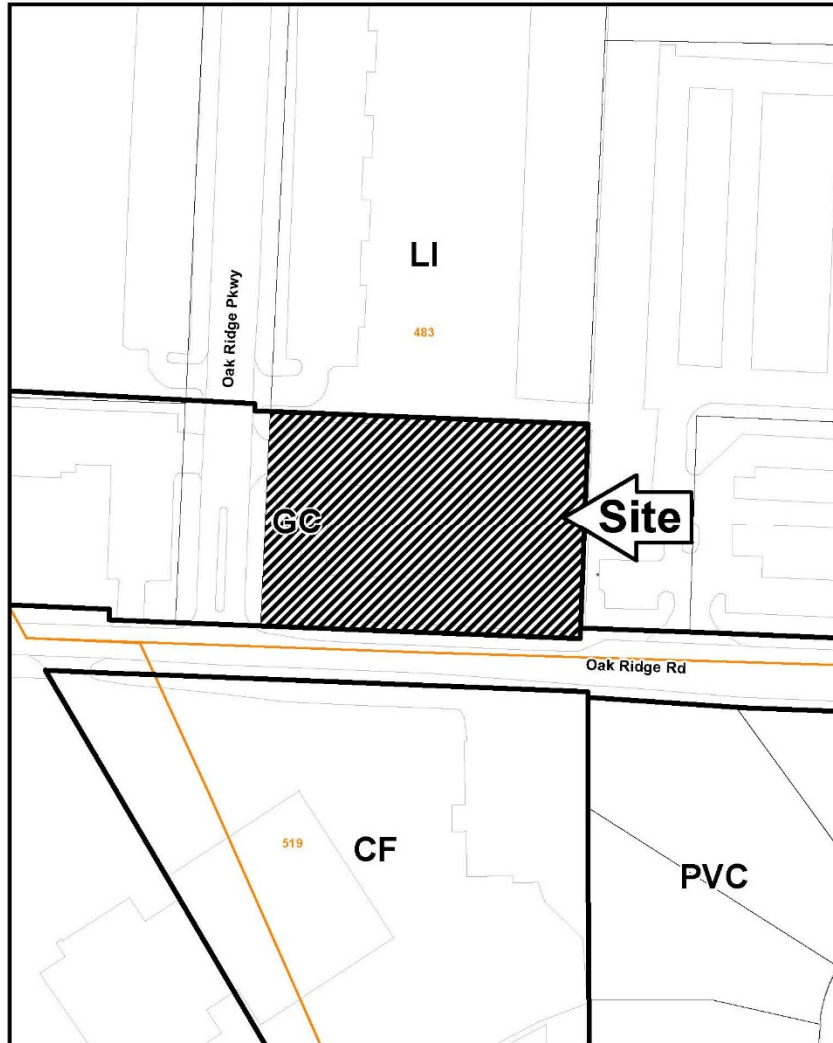
FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Terry Martin)

Staff recommends DENIAL.



North
Zoning: LI (Light Industrial)
Future Land Use: IC (Industrial Compatible)

Z-2 2018-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

WEST
Zoning: GC (General Commercial)
Future Land Use: NAC (Neighborhood Activity Center)

EAST
Zoning: LI (Light Industrial)
Future Land Use: IC (Industrial Compatible)

SOUTH
Zoning: CF (Future Commercial)
Future Land Use: N/A

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

GC (general commercial). The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted uses within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

Requested zoning district for the property

LI (light industrial). The LI district is established to provide locations for light industrial uses such as low intensity automobile repair and service, animal care facilities, commercial greenhouses, livestock, poultry, business distribution centers, warehousing and storage, and transportation terminals, which are on properties delineated within or on the perimeter of an industrial compatible and industrial category as defined and shown on the Cobb County Comprehensive Land Use Plan: A Policy Guide, adopted November 27, 1990. When located on the perimeter of an industrial node, the LI district should provide for uses that are low in intensity and scale such as to ensure compatibility with surrounding properties.

Summary of the applicant's proposal

The applicant is requesting the Light Industrial zoning district to continue utilization of the property for warehouse usage. Located within the NAC (Neighborhood Activity Center) future land use area, the existing GC (general commercial) zoning district is non-conforming. The applicant does not propose to redevelop or construct any new structures on the property, but simply to allow for continued use of the subject property as office/warehouse in a conforming zoning classification. The existing metal building with brick sides facing the adjacent streets will continue to be used. Hours for the business will be Monday through Saturday 6:00 am to 6:00 pm.

Non-residential criteria

Existing # of buildings: 1 ; Proposed # of stories: 1
Total sq. footage of development: 10,000 ; Floor area ratio: 0.16
Square footage per acre: 7,283
Required parking spaces: 5 ; Proposed parking spaces: 10
Acres in floodplain or wetlands: None
Impervious surface shown: 85% existing

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

1. To increase the maximum allowable impervious surface from 70% to 85%.

DEPARTMENT COMMENTS- Fire Department

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comments.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

DEPARTMENT COMMENTS- School System

No comments.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Drainage basin: Powers Branch
3. Flood hazard info: Zone X
4. Wetlands: No
5. Streambank buffer zone: No
6. Special site conditions and/or additional comments: This is an existing commercial parcel located within Oak Ridge Commerce Park. Stormwater management is provided in the master detention facility.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within a Neighborhood Activity Center (NAC) future land use category, within the GC zoning district. 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.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No
 Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No
 Does the proposal plan comply with the design requirements? Yes No N/A

Is the property within an Opportunity Zone?
(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 for new or existing businesses) Yes No

Is the property within an Enterprise Zone?
(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 investment) Yes No

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?
(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) Yes No

Note: 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>.

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

Special District

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

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone? Yes No

Is the property within the Clear Zone (CZ)? Yes No

Is the property within the Accident Potential Zone (APZ I)? Yes No

Is the property within the Accident Potential Zone II (APZ II)? Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)? Yes No

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.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 8" D.I. in the west side of Oak Ridge Parkway.

Additional water comments: Existing water customer.

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: Oak Ridge Parkway ROW

Estimated waste generation (in G.P.D.): Average daily flow= +0 ; Peak flow= +0

Treatment plant: South Cobb

Plant capacity: Yes NO

Line capacity: YES NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Dry sewers required: YES NO

Off-site easement required: YES* NO

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 sewer comments: Existing sewer customer

*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining on and/or offsite easements, dedication or on and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MHP)	Jurisdictional control	Min. R.O.W. requirements
Oak Ridge Road	Major Collector	35	GDOT	80'
Oak Ridge Parkway	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Oak Ridge Road	West of Ivy Log Drive	9,550	D
Oak Ridge Parkway	N/A	N/A	N/A

Based on 2016 traffic counting data taken by Cobb County DOT for Oak Ridge 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

Oak Ridge Road is classified as a major collector roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Oak Ridge Parkway is classified as a local roadway 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.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The applicant's proposal will permit a use that is consistent with other non-residentially zoned properties along this part of Oak Ridge Road.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The property is consistent with the use of adjacent properties which are zoned and/or used for industrial purposes. The zoning proposal will be compatible with neighboring properties.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

The applicant's proposal is not in conformity with the policy and intent of the land use plan which delineates this property within a NAC (Neighborhood Activity Center) category. The purpose of the NAC (Neighborhood Activity Center) category is to provide for areas that serve neighborhood residents and businesses.

E. 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;

It is staff's opinion there are grounds for disapproval of the applicant's proposal. The applicant's proposal is not consistent with the comprehensive plan, which anticipates this property to be a lower intensity commercial use. Staff is concerned that the applicant's proposal could negatively disrupt newer residential development, which is a short distance away.

The staff analysis and 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.

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT



Application No.: Z- 2 (2018)
Hearing Dates: February 6, 2018
February 20, 2018

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS
OF ROADS AND REVENUES AND THE
COBB COUNTY PLANNING COMMISSION**

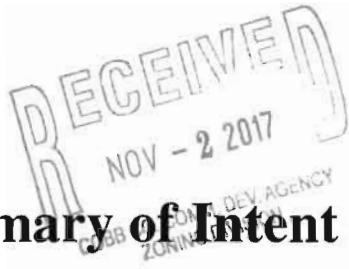
Applicant/Titleholder: K & L Associates, LLC

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The Application for Rezoning requests rezoning of an approximately 1.373 acre parcel located at the northeast corner of Oak Ridge Road and Oak Ridge Parkway, Land Lot 483, 18th District, 2nd Section, being more particularly known as 7100 Oak Ridge Parkway (hereinafter the "Subject Property" or "Property"), from the existing General Commercial ("GC") to the proposed Light Industrial ("LI") zoning category. Located on the Subject Property is a metal and brick building which has been used since its construction for office and warehouse uses. Applicant does not seek rezoning to redevelop or construct any new structures on the Property; but seeks rezoning to allow for the continued use of the Subject Property in a conforming zoning classification.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby properties.
- (c) The Subject Property, as presently zoned, does not have a reasonable economic use. The proposed zoning will allow for the proposed use of the Subject Property to conform to the zoning category of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial development has almost no effect on schools, minimal effect on utilities and transportation facilities. The business located on the Subject Property has been in operation for a number of years; and, thus no changes for infrastructure are required.

- (e) The zoning proposal is not in conformity with the Land Use Map of Cobb County, Georgia, as it is presently located in a Neighborhood Activity Center (“NAC”); however, it is located adjacent to Industrial Compatible Future Land Use designation.
- (f) Rezoning the Subject Property to the LI zoning classification will allow Applicant to continue to utilize the existing structure and facilities and bring the use of the Subject Property into conformity with the zoning classification.





Application No. Z-2 (2018)

Hearing Dates: PC: 02/06/2018
BOC: 02/20/2018

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): Not Applicable
- b) Proposed building architecture: Not Applicable

c) List all requested variances: Not Applicable

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

a) Proposed use(s): Commercial Warehouse and Office

b) Proposed building architecture: Metal Building with brick on sides facing streets (corner lot).

c) Proposed hours/days of operation: Monday - Saturday; 6:00 a.m. - 6:00 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 building on the Subject Property was constructed in 1984. The Subject Property is currently zoned GC. As GC is no longer allowed, Applicant proposes rezoning the Subject Property to LI since surrounding industrial sites are 100 percent LI.

.....
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.

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

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Stipulation letter from _____ dated _____
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