



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-10
Public Hearing Dates:
PC: 03-06-18
BOC: 03-20-18

SITE BACKGROUND

Applicant: Atlanta Road Property, LLC

Phone: Not Provided

Email: Not Provided

Representative Contact: Adam J. Rozen

Phone: (770) 422-7016

Email: arozen@slhb-law.com

Titleholder: Atlanta Road Property, LLC

Property Location: Southwest side of Atlanta Road, south of Miller Avenue

Address: 1616 Atlanta Road

Access to Property: Atlanta Road

QUICK FACTS

Commission District: 3-Birrell

Current Zoning: GC (General Commercial)

Current use of property: Single-family house

Proposed Zoning: LI (Light Industrial)

Proposed use: Specialized Contractor's Office

Future Land Use Designation: IC (Industrial Compatible)

Site Acreage: 0.79 ac

District: 17

Land Lot: 352


Parcel #: 32

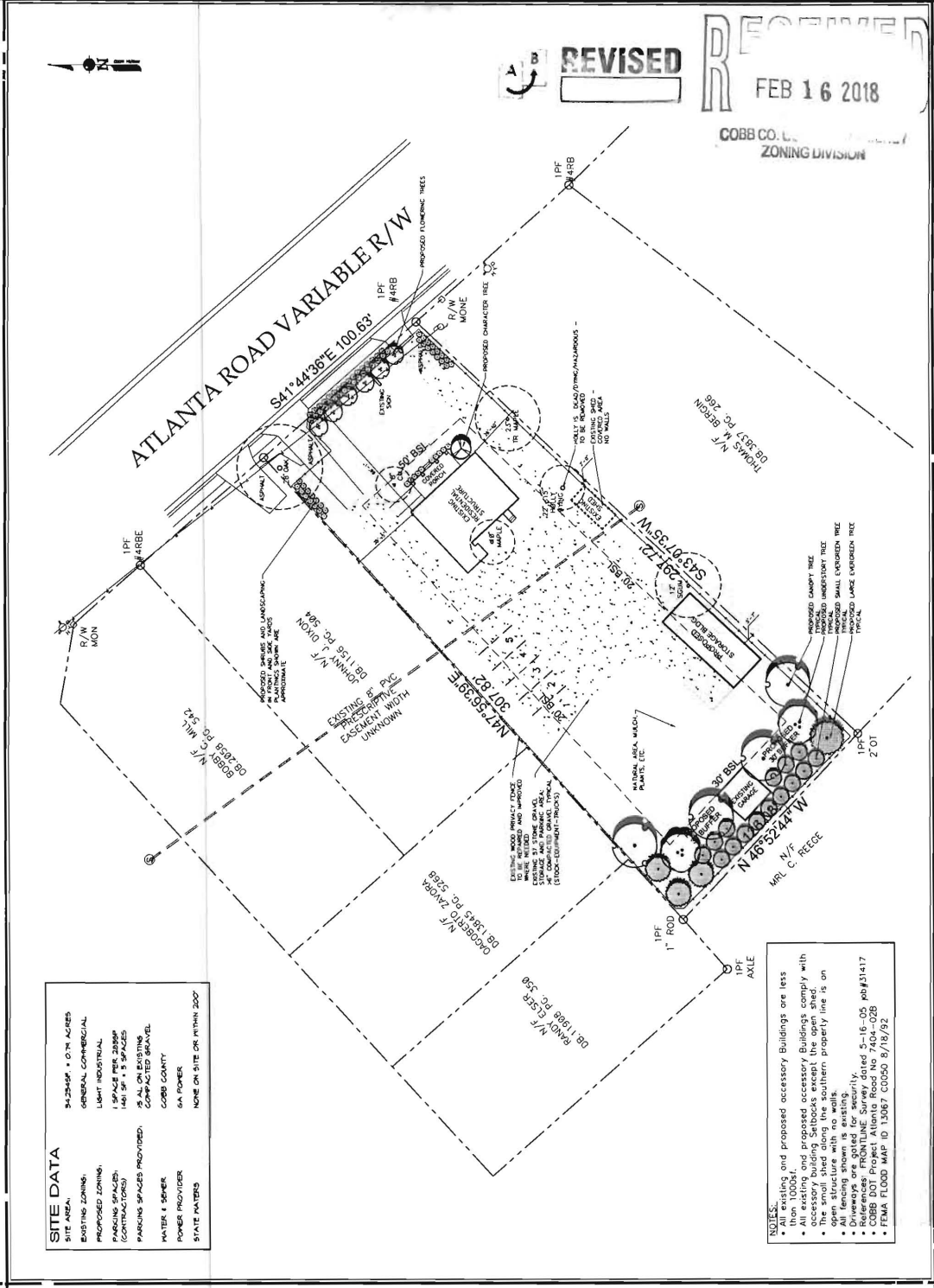
Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Donald Wells)

Based on the included analysis, staff recommends **APPROVAL** subject to:

1. Site plan received by the Zoning Division on February 16, 2018, with the District Commissioner approving minor modifications;
2. Landscape office use only;
3. District Commissioner approve building color;
4. Variances as outlined in the Zoning Division Comments;
5. Fire Department's comments and recommendations;
6. Sewer and Water Division's comments and recommendations;
7. Stormwater Management Division's comments and recommendations; and
8. Department of Transportation's comments and recommendations.

	1616 ATLANTA RD SUBDIVISION MAP NO. 7404-02B Land Lot 351 & 352, 17th District, 2nd Section, Cobb County, Georgia OWNER/DEVELOPER ATLANTA ROAD PROPERTY, LLC. CONTACT: DAVID BELL PHONE: (678) 576-7296	REZONING PLAN S-1
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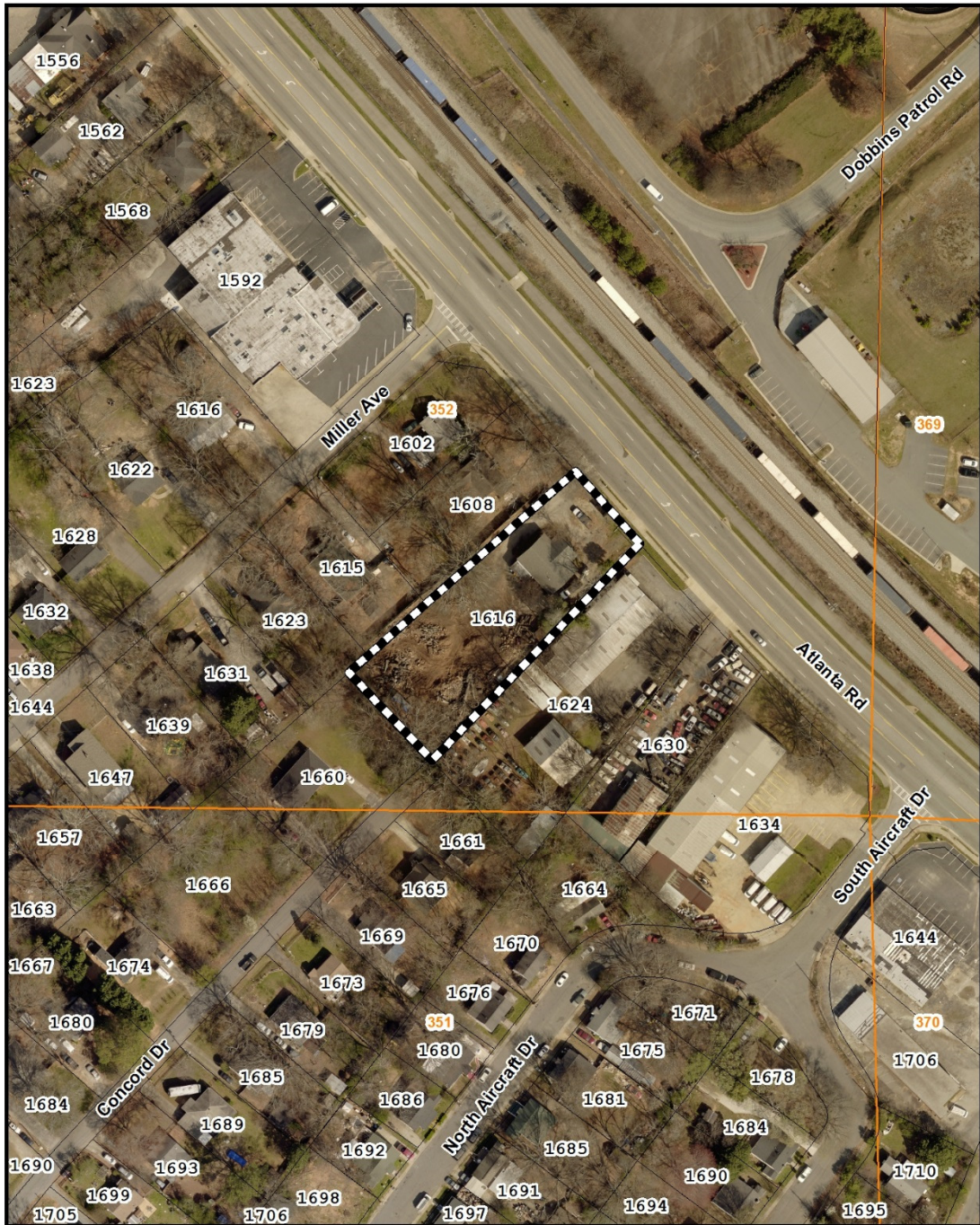


OWNER/DEVELOPER
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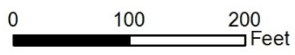
1616 ATLANTA RD
SUBDIVISION MAP NO. 7404-02B
Land Lot 351 & 352, 17th District, 2nd Section, Cobb County, Georgia

REZONING PLAN S-1

Z-10 2018-Aerial Map



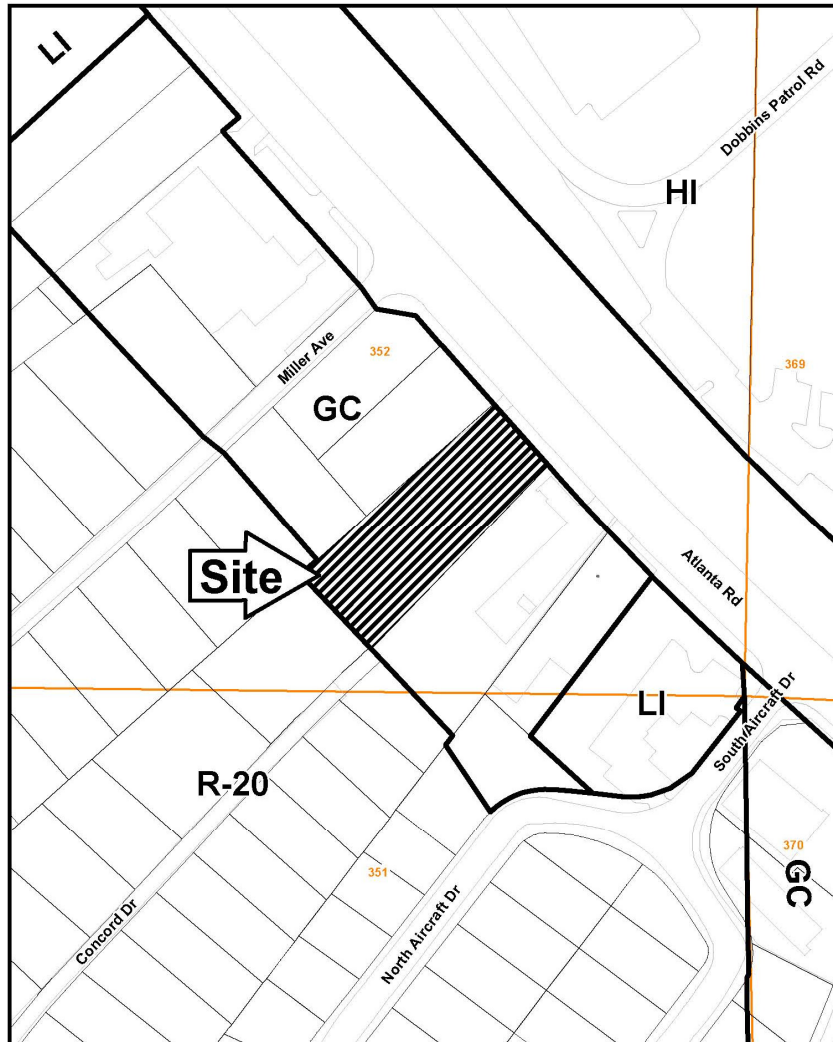
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Land Lot
- City Boundary

North
Zoning: GC (General Commercial) and HI (Heavy Industrial)
Future Land Use: IC (Industrial Compatible)

Z-10 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) and R-20 (Single-family Residential)
Future Land Use: IC (Industrial Compatible) and LDR (Low Density Residential)

EAST
Zoning: GC (General Commercial) and HI (Heavy Industrial)
Future Land Use: IC (Industrial Compatible)

SOUTH
Zoning: GC (General Commercial) and R-20 (Single-family Residential)
Future Land Use: IC (Industrial Compatible) and LDR (Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

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, 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. Commencing January 1, 1991, no applications for rezoning to the GC district will be accepted by the board of commissioners for properties located in areas delineated within and shown on the comprehensive plan. This shall only apply to industrial-compatible and industrial areas. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial-compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in this chapter. Any existing developed GC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned GC outside of a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building permit or grading permit for such development shall be deemed to be commencing development. Due to the fact that general commercial has been the predominant commercial zoning district since its inception in 1972, the board of commissioners has determined that certain uses previously permitted are no longer appropriate for properties within an area delineated as a community 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

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, warehouse and storage, and transportation terminals, which are on properties delineated within or on the perimeter of an industrial-compatible or industrial category as defined and shown on the Cobb County Comprehensive 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.

DEPARTMENT COMMENTS- Zoning Division (continued)

Summary of the applicant's proposal

The applicant is requesting the LI zoning district to operate a landscaping company. The office will be used as a main office for 18 to 20 employees, there will not be visits by customers. The office hours will be 6:00 am to 5:00 pm, with most employees working off site. The applicant intends to renovate the existing house and add landscaping to the front and rear of the house property. The proposed storage building will be used for dry storage for equipment used for the business. The applicant will also use the rear gravel parking lot park equipment and work vehicles. The GC zoning district must be located inside of a community activity center or regional activity center, this property is deemed grandfather due to the land use plan designation industrial. Therefor this request is required to allow any permitted uses.

Non-residential criteria

Proposed # of buildings: 1

Proposed # of stories: 1

Total sq. footage of development: 1461

Floor area ratio: .043

Square footage per acre: 43359

Required parking spaces: 6

Proposed parking spaces: Gravel Parking/ No marked spaces shown

Acres in floodplain or wetlands: 0

Impervious surface shown: Not indicated

Are there any zoning variances?

1. Waive the minimum lot size from 40,000 square feet to 34,254 square feet.
2. Waive the required landscape buffer requirement from 50 feet to 30 feet.
3. Waive the side setback for proposed storage building from 20 feet to 6 feet.
4. Waive side setback for existing shed from 20 feet the 2 feet
5. Waive rear setback for existing garage from 30 feet to 12 feet.
6. Allow existing garage within required land scape buffer.
7. Allow parking for vehicles on a surface other than a hardened treat surface.

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.

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DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

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.). Contact Site Plan Review, 770-528-2147.

The proposed landscaping within the R/W should be removed. Proposed trees along road frontage appear to be underneath overhead utility lines and also appear to block existing sign. These trees should therefore be omitted or relocated.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

Approval of this petition will not have an impact on the enrollment.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Nickajack Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the capacity of the existing downstream storm drainage system.
7. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
8. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
9. Stormwater discharges through an established residential neighborhood downstream.
10. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
11. Existing facility.
12. Stormwater management will need to be provided if proposed improvements exceed 5000 square feet of additional impervious area.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within a Industrial Compatible (IC) future land use category. The purpose of the IC category is to provide for areas that can support light industrial, office/warehouse and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

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

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study – Atlanta Road 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? 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 for new or existing businesses)

Is the property within an Enterprise Zone? Yes No

(The Smyrna-Osborne 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)

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

(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)

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): 16" on southwest side of Atlanta Road.

Additional water comments: Existing water/sewer 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: On site.

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

*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.

Additional sewer comments: Existing shed appears to be in violation of sewer easement setback requirements.

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 (MPH)	Jurisdictional control	Min. R.O.W. requirements
Atlanta Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Atlanta Road	North of Taylor Drive	18,700	C

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Atlanta 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

Atlanta Road is classified as an arterial roadway and according to the available information the existing right-of-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 Atlanta Road, 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 driveways on Atlanta Road be brought up to the Cobb County commercial standards, including being 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.

Recommend the closure of one of the two driveway locations. If both driveways are retained, recommend both entrances on Atlanta Road be treated as one-way only to create single-direction flow through the site.

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; the answer is not 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 zoning proposal may have an adverse to the view of the residential house directly behind the house. The applicant intends to plant a reduced landscape buffer to protect the view from the adjacent property. However, the applicant's proposed used will be less intense than the recent uses that have been on the property.

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

The zoning proposal will not adversely affect the usability of the adjacent properties. In fact, the proposed plan will enhance the property and allow the property to be properly maintained.

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;

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

The zoning proposal is in conformity with the policies and intent of the comprehensive plan which delineates the property to be within the IC (Industrial Compatible) future land use category. The purpose of the Industrial Compatible (IC) category is to provide for areas that can support light industrial, office/warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

STAFF ANALYSIS (Continued)

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 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. This request will allow the property owner to maintain the property as well rejuvenate the existing building. The proposed use is a low intense use, and will help provide buffer to the residential areas from the US Air Force base and well as the active railway.

The staff analysis and recommendation 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.

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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