



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-48
Public Hearing Dates:
PC: 08-07-18
BOC: 08-21-18

SITE BACKGROUND

Applicant: Todd Chapman

Phone: N/A

Email: N/A

Representative Contact: Adam J. Rozen

Phone: (770) 422-7016

Email: arozen@slhb-law.com

Titleholder: Dolores Cain, Jane A. Shelley, and
James Glenn Andrews

Property Location: Northeast side of Shallowford
Road, northwest of Gettysburg Trail, end of
right-of-way of Old Noonday School House Road

Address: 821 Shallowford Road

Access to Property: Shallowford Road

QUICK FACTS

Commission District: 3-Birrell

Current Zoning: R-20 (Single-family Residential)

Current use of property: Undeveloped

Proposed zoning: LI (Light Industrial)

Proposed use: Specialty Contractor and Office

Future Land Use Designation: NAC (Neighborhood
Activity Center)

Site Acreage: 1.55 ac

District: 16

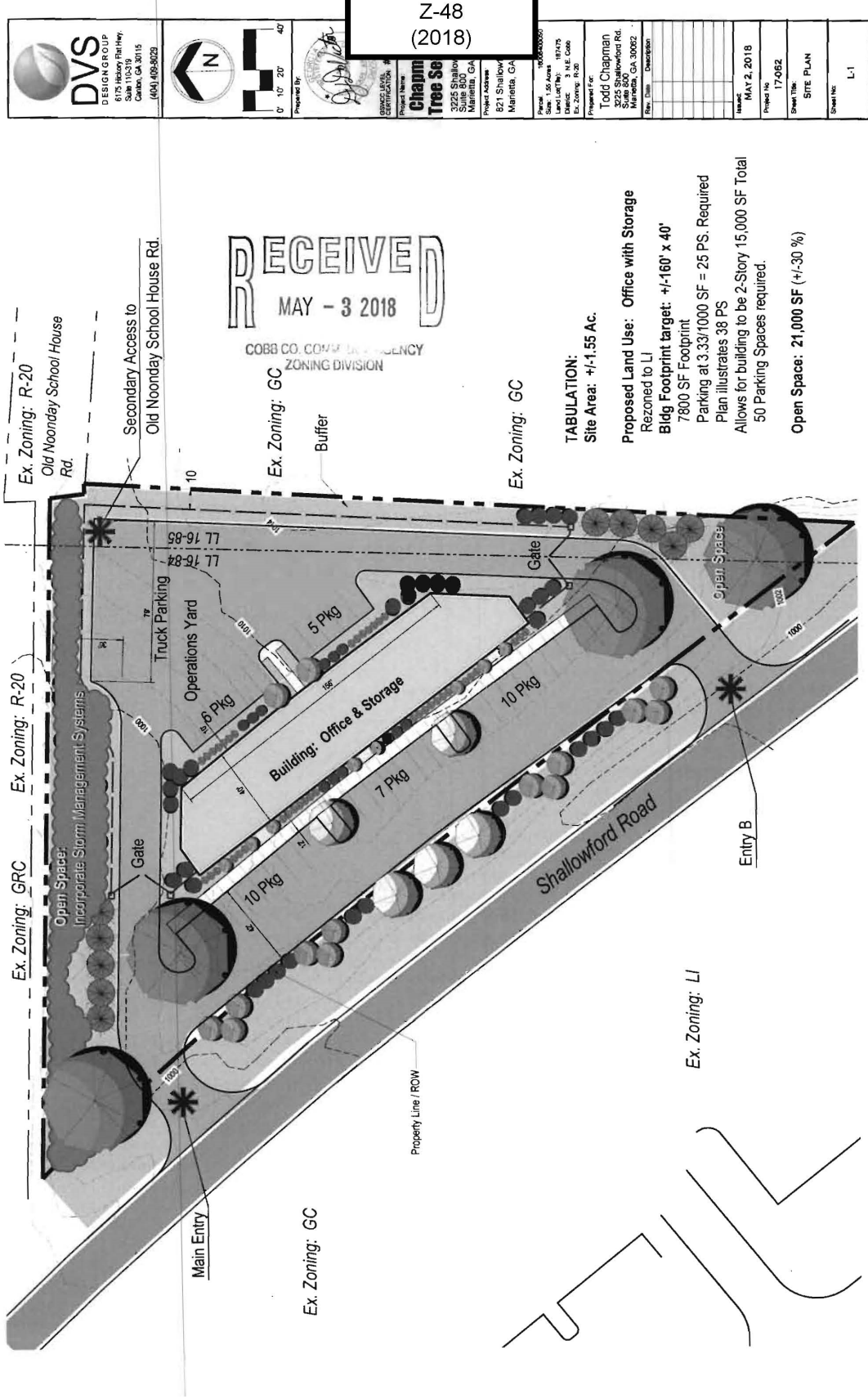
Land Lot: 84 and 85

Parcel #: 16008400050

Taxes Paid: Yes

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

Based on the included analysis, Staff recommends **DENIAL.**



DVS
DESIGN GROUP
8750 Holston Pl. Hwy.
Suite 1103-19
Canton, GA 30115
(404) 408-8029

0' 10' 20' 40'

Prepared By: [Signature]

**Z-48
(2018)**

Project Name: Chapman Tree Service
Address: 3225 Shallowford Rd., Marietta, GA 30067
Client: [Redacted]
Project No.: 17-0652

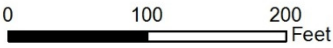
| Rev. | Date | Description |
|------|------|-------------|
| | | |

Project No: 17-0652
Issue Date: MAY 2, 2018
Sheet Title: **SITE PLAN**
Sheet No: L-1

Z-48 2018-Aerial Map



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



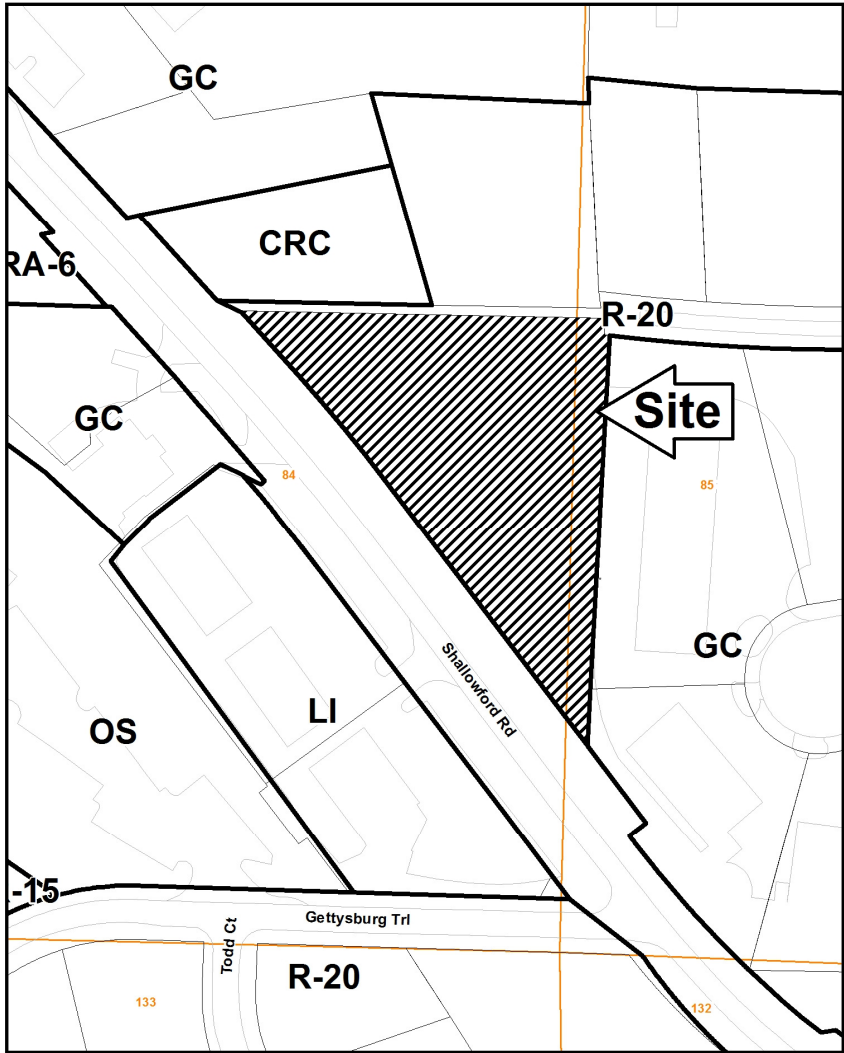
- Zoning Boundary
- City Boundary

North

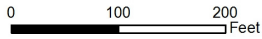
Zoning: CRC (Community Retail Commercial) and R-20 (Single-family Residential)

Future Land Use: NAC (Neighborhood Activity Center)

Z-48 2018-GIS



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



Zoning Boundary
 City Boundary

WEST

Zoning: GC (General Commercial) and LI (Light Industrial)

Future Land Use: NAC (Neighborhood Activity Center) and IC (Industrial Compatible)

EAST

Zoning: GC (General Commercial)

Future Land Use: NAC (Neighborhood Activity Center)

SOUTH

Zoning: GC (General Commercial)

Future Land Use: NAC (Neighborhood Activity Center)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

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.

Summary of the applicant's proposal

The applicant is seeking a rezoning of the subject property to the LI (Light Industrial District) to develop the property for a specialty contractor (tree service) and other office uses. The proposed building will be two stories, 15,000 square feet in size, and of steel frame construction clad with cementitious siding to blend with surrounding building styles. The applicant's business hours will be Monday through Friday 8 a.m. to 5 p.m.

Non-residential criteria

Proposed # of buildings: 1
Proposed # of stories: 2
Total sq. footage of development: 15,00 sq. ft.
Floor area ratio: 0.02
Square footage per acre: 9,677 sq. ft.
Required parking spaces: 39
Proposed parking spaces: 38
Acres in floodplain or wetlands: None
Impervious surface shown: 70%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the current proposal, if approved, would require the following contemporaneous variances:

1. Waive the minimum number of parking spaces from the required 39 to 38; and
2. Waive the landscape screening buffer adjacent to residentially zoned property to the north from the required 50 feet to 20 feet.

DEPARTMENT COMMENTS- Fire Department

No comment.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

The submitted site plan does not allow for compliance with the required 8' landscape enhancement strip where vehicular use areas are adjacent to public R/W. Nor does it provide sufficient space between the parking lot and R/W to allow for the installation of the required street trees as per the Cobb County Tree Ordinance.

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: Trib to Noonday Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the existing capacity of the 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. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
10. Special site conditions and/or additional comments:
 - This re-zoning will result in a significant increase in runoff volume from the existing underlying zoning category. As a result, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).
 - There is no adequate existing receiving stormwater system/conveyance immediately adjacent to the site to accommodate runoff from the proposed development. This must be addressed at Plan Review either by extending a stormline down the existing right-of-way or installation of a cross drain under Shallowford Road.

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DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Neighborhood Activity Center (NAC) future land use category. The purpose of the 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 – Canton 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 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- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

(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 Noise Zone? 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): 12" in Shallowford Road

Additional water comments:

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: ~200' south in Shallowford Rd ROW

Estimated waste generation (in G.P.D.): Average daily flow = 600; Peak flow = 1,500

Treatment plant: Noonday

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: Offsite sewer easement may be required, depending upon grading and finished floor elevation

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 onsite and/or offsite easements, and dedication of onsite 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.

DEPARTMENT COMMENTS- Transportation REVISED 7-16-18

| Roadway | Roadway classification | Speed limit (MPH) | Jurisdictional control | Min. R.O.W. requirements |
|-------------------------------|------------------------|-------------------|------------------------|--------------------------|
| Shallowford Road | Minor Collector | 35 | Cobb County | 60' |
| Old Noonday School House Road | Local | 25 | Cobb County | 50' |

| Roadway | Location | Average daily trips | Level of service |
|-------------------------------|--------------------|---------------------|------------------|
| Shallowford Road | West of Gettysburg | 3,900 | C |
| Old Noonday School House Road | N/A | N/A | N/A |

Based on 2011 traffic counting data taken by Cobb County DOT for Shallowford 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

Shallowford Road is classified as an arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Old Noonday School House Road 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

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend a deceleration lane for both entrances on Shallowford Road.
3. Recommend a no access easement to Old Noonday School House Road.
4. Recommend sidewalk, curb, and gutter along the frontage of Shallowford Road.

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 applicant's intended use would be suitable in view of the use and development of adjacent and nearby properties which includes office warehouses and commercial uses. The zoning proposal to the requested LI zoning district opens the door to other more potentially disruptive uses in the future.

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

The applicant has indicated that the building will be used as an office for a tree service company, as well as other office tenants. No chipping, grinding, or other processing of material will be done on the site. The rear of the property will be used only for the storage of business vehicles. Given these considerations, the proposal (contractor's office) should not adversely affect the existing use or usability of adjacent or nearby property.

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 may 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 not in conformity with the policies and intent of the comprehensive plan which delineates the property to be within the NAC (Neighborhood Activity Center) future land use category given the applicant's request for the LI zoning district. The intended use of offices may be appropriate in another zoning category that better conforms to the NAC future land use category.

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 denying the applicant's rezoning proposal. The subject property is located within an area which includes commercial and other office warehouse uses, but the requested LI zoning district has the potential to attract future tenants that could bring an intensity of use to the property which is out of character with the NAC future land use category.

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.

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Z-48 (2018)
Impact Analysis

ZONING IMPACT STATEMENT
FOR THE REZONING APPLICATION
OF TODD CHAPMAN

COMES NOW, TODD CHAPMAN, 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 the Shallowford Road corridor. The Subject Property lies on a major road and is surrounded by GC and LI zonings across the street which house automotive related businesses as well as other light industrial uses.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The Applicant intends to build an office for special contractor operations which are conducted off-site. The Applicant will be a quiet neighbor compared to surrounding GC and LI zoning uses.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the surrounding properties are industrial and residential is inappropriate for the area.
- 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 an area denominated as Neighborhood Activity Center (“NAC”) under and pursuant to Cobb County’s Future Land Use Map and Comprehensive Land Use Plan and is adjoined and surrounded by properties which are either zoned GC or other commercial zonings and are utilized in a commercial, industrial or office manner.

SAMS, LARKIN, HUFF
& BALLI, LLP
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS ST.
MARIETTA, GA 30064
770.422.7016

F. The existing conditions are similar to or the same as the conditions which have existed in this sub-area of the County since at least 1972 which is largely of a commercial/light industrial character. The subject property has no utility under its present R-20 zoning given the light industrial character of the area. Such historical and present utility as well as the contemplation that this sub-area will continue to be an appropriate location for light industrial uses provides supporting grounds for approval of the zoning proposal.

Respectfully submitted, this the 3rd day of May, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

By: _____

ADAM J. ROZEN
Attorney for Applicant
Ga. Bar No. 161610

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Application No. 2-48

Aug-2018

Summary of Intent for Rezoning

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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

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

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

- a) Proposed use(s): Specialty contractor and office
- b) Proposed building architecture: Two story building of 15,000 square feet total
building will be steel frame clad with cementitious siding to blend with surrounding building styles
- c) Proposed hours/days of operation: Monday-Friday 8 a.m.-5 p.m.
- d) List all requested variances: _____
None known 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).

None known at this time

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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 Stipulation letter from _____ dated _____