



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-58
Public Hearing Dates:
PC: 09-04-18
BOC: 09-18-18

SITE BACKGROUND

Applicant: Bobby L. Terrell

Phone: (404) 643-0505

Email: boblterrell@bellsouth.net

Representative Contact: Garvis L. Sams, Jr.

Phone: (770) 422-7016

Email: gsams@slhb-law.com

Titleholder: Kaimari, LLC

Property Location: Northeast corner of Chastain Road and I-575 Ramp

Address: None assigned

Access to Property: Chastain Road

QUICK FACTS

Commission District: 3-Birrell

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

Current use of property: Wooded, undeveloped

Proposed zoning: NRC (Neighborhood Retail Commercial)

Proposed use: Retail

Future Land Use Designation: Neighborhood Activity Center (NAC)

Site Acreage: 1.37 ac

District: 16

Land Lot: 364

Parcel #: 16036400140 and 16036400160

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Jason Campbell)

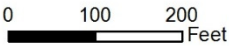
Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:



1. Site plan received by the Zoning Division on August 16, 2018, with the District Commissioner approving minor modifications;
2. Water and Sewer Division comments and recommendations;
3. Stormwater Management Division comments and recommendations; and
4. Department of Transportation comments and recommendations.

Z-58 2018-Aerial Map



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

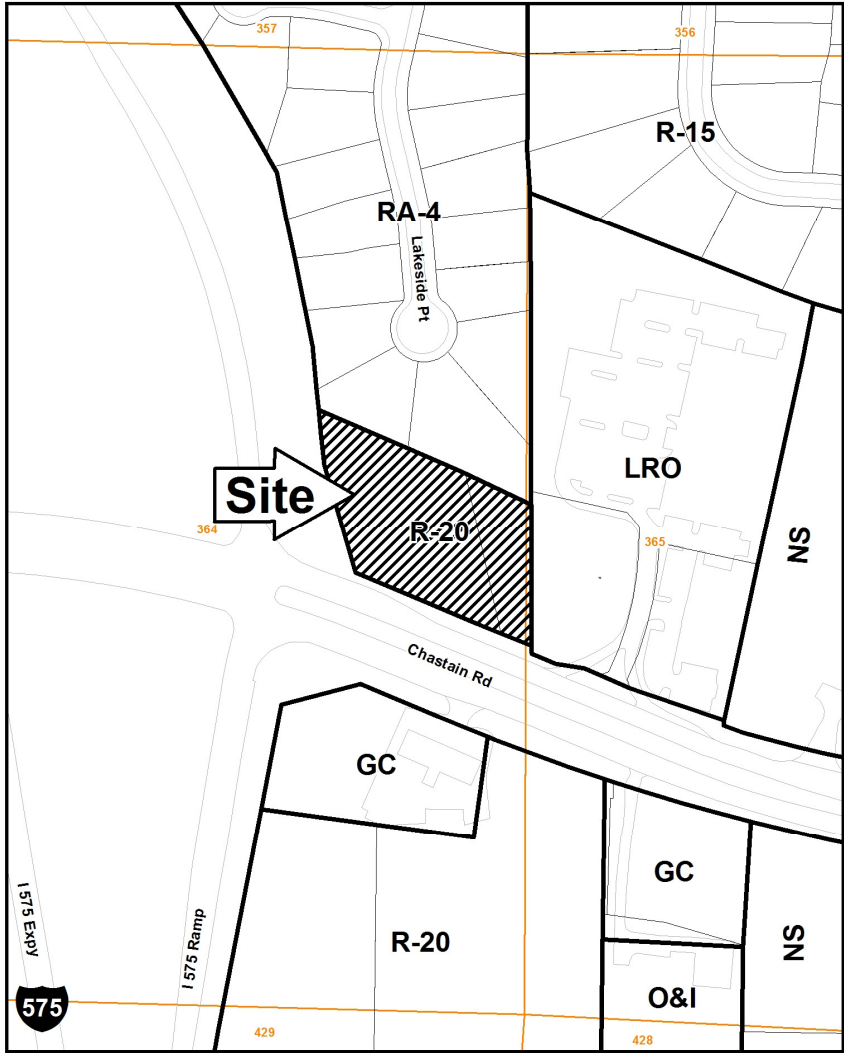


 Zoning Boundary
 City Boundary

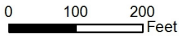
North

Zoning: RA-4 (Single-family Residential)
Future Land Use: MDR (Medium Density Residential)

Z-58 2018-GIS



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Zoning Boundary
 City Boundary

WEST

Zoning: I-575;
GC (General Commercial)

Future Land Use: RAC (Regional Activity Center)

EAST

Zoning: LRO (Low Rise Office)

Future Land Use: NAC (Neighborhood Activity Center)

SOUTH

Zoning: GC (General Commercial); R-20 (Single-family Residential)
Future Land Use: CAC (Community 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.

Requested zoning district for the property

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

Summary of the applicant's proposal

The applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of developing a 9,000 square-foot retail building. The proposed hours of operation will be from 6 a.m. until 12 a.m. The applicant has indicated the landscape plan will be submitted to adjacent neighbors for their approval along with any other features such as color and type of roof and color and type of masonry siding.

DEPARTMENT COMMENTS- Zoning Division (continued)

Non-residential criteria

Proposed # of buildings: 1
Proposed # of stories: 1
Total sq. footage of development: 9,000
Floor area ratio: 0.15
Square footage per acre: 6,569
Required parking spaces: 45
Proposed parking spaces: 50
Acres in floodplain or wetlands: 0
Impervious surface shown: 67.1%

Are there any zoning variances?

No.

DEPARTMENT COMMENTS- Fire Department

No comment.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

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 REVISED 7-20-18

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Chastain 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. Existing Lake Downstream Upper Chastain Lake Additional BMP's for erosion & sediment control will be required.
10. Lake Study required to document pre- and post-development sediment levels.
11. Stormwater discharges through an established residential neighborhood downstream.
12. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
13. Special site conditions and/or additional comments:
 - The site appears to discharge to the north from the northeast corner through the adjacent Resurgens Orthopaedics Clinic and Chastain Meadows Subdivision to Upper Chastain Lake. Allowable discharges from the site will be subject to available capacity of the existing system. Detention is proposed to be provided in an underground facility located beneath the parking lot and/or rear access drive.
 - The proposed development will result in a significant increase in impervious coverage over the current zoning category. To compensate, 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).

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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 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)

(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): 8" in Chastain 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: On-site, NE corner of property

Estimated waste generation (in G.P.D.): Average daily flow = 360; Peak flow = 900

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

Additional sewer comments:

*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 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

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Chastain Road	Arterial	45	Cobb County	110'

Roadway	Location	Average daily trips	Level of service
Chastain Road	West of Chastain Meadows Parkway	19,500	C

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

Chastain 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.

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend GDOT permits for all work that encroaches upon State right-of-way.
3. Recommend applicant coordinate with GDOT to ensure compatibility with any proposed interstate improvement projects.

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;

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. Properties fronting Chastain Road are zoned GC, NS, and LRO.

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

The applicant's proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The property is the last remaining residentially-zoned property at this intersection of Chastain Road and I-575. The applicant proposed uses similar to other retail businesses in the area.

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 proposal will not 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;

It is Staff's opinion that the requested Neighborhood Retail Commercial (NRC) zoning district is compatible with the property's Neighborhood Activity Center (NAC) future land use designation. The NRC zoning district provides for retail uses that are less intense than those found in other commercial zoning districts.

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. The area contains a mixture of residential, commercial, office and institutional uses. The applicant's use is consistent and compatible with other properties in the area. The applicant's requested NRC zoning district and proposed use is compatible with the *Cobb County Comprehensive Plan*.

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.

Page 2 Paragraph 9 Requirements for zoning application

- a) The proposed retail use is suitable due to the facts set out below

The adjacent properties to the north are two single family residential homes which will be buffered by a landscape plan to be submitted by a landscape architect and agreed upon by the adjacent residents.

The adjacent property to the east is a parking lot serving Resurgens Orthopaedics.

The property directly across Chastain Rd (4 lanes with a raised median) was recently approved for a climate controlled storage facility.

The property on the west side of 575 is fully developed in high end Office Parks and high density strip commercial all the way to I-75 and KSU.

NRC zoning is a desirable zoning in a neighborhood activity center especially since we are providing a relatively small (9000 Sq. Ft.) retail building with very high quality Architectural design.

- b) There are no adverse effects to any of the adjacent properties or the neighborhood.
c) It would be very impractical to build two or three expensive homes adjacent to the Resurgens Center and across from a Climate Controlled Storage Facility.
d) A small retail facility will not create any additional burdensome traffic on Chastain Rd and it will have no impact on public transportation in the area. All utilities including sewer are available to the site. A small retail commercial building will have no impact on the schools.
e) The Future Land Use Plan and Comprehensive Plan designates this particular property as Neighborhood Activity Center with Neighborhood Retail Commercial being an allowable zoning use with a small retail facility being a desirable benefit to the neighborhood.

We are proposing a Letter of Agreeable Conditions that would preclude any less desirable uses such as Tattoo Parlor, Motorized Cycle Shops, Vape or Smoke Shops, Pawn Shops, Nude Dance Clubs or Strip Joints. We will meet with the community leaders and neighbors, especially the two neighbors adjacent to the property to make certain that this development will not negatively impact the adjacent or near by neighbors.

Our Architecture and Landscaping will be far superior to the nearby and adjacent commercial and office properties as evidenced by the rendering accompanying our application.



Page 3 Paragraph 14

We are proposing a small retail single building with a 9000 Sq. Ft. footprint and high quality Construction and Architecture. The landscaping plan will be submitted to the adjacent neighbors for their approval along with any other features such as color/type of roof and color and type of masonry/siding. We meet the parking requirements and all other County Development Standards for a facility of this type. It is our intent that the neighbors as well as the community in general will look at this facility and say WOW, wish everyone developing property in our neighborhood would follow these standards. Due to the recent and proposed increase in residential housing in this community and area there will be a high demand for quality business in this building especially because of the high quality of development and construction. WE WILL BE A CREDIT TO THE NEIGHBORHOOD AND COMMUNITY.



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JUN 07 2018

Application No. 2-58

Sept. 2018

COBB CO. COMM. DEVELOPMENT
ZONING DIVISION

Summary of Intent for Rezoning

.....
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: _____
ay - Sunday

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

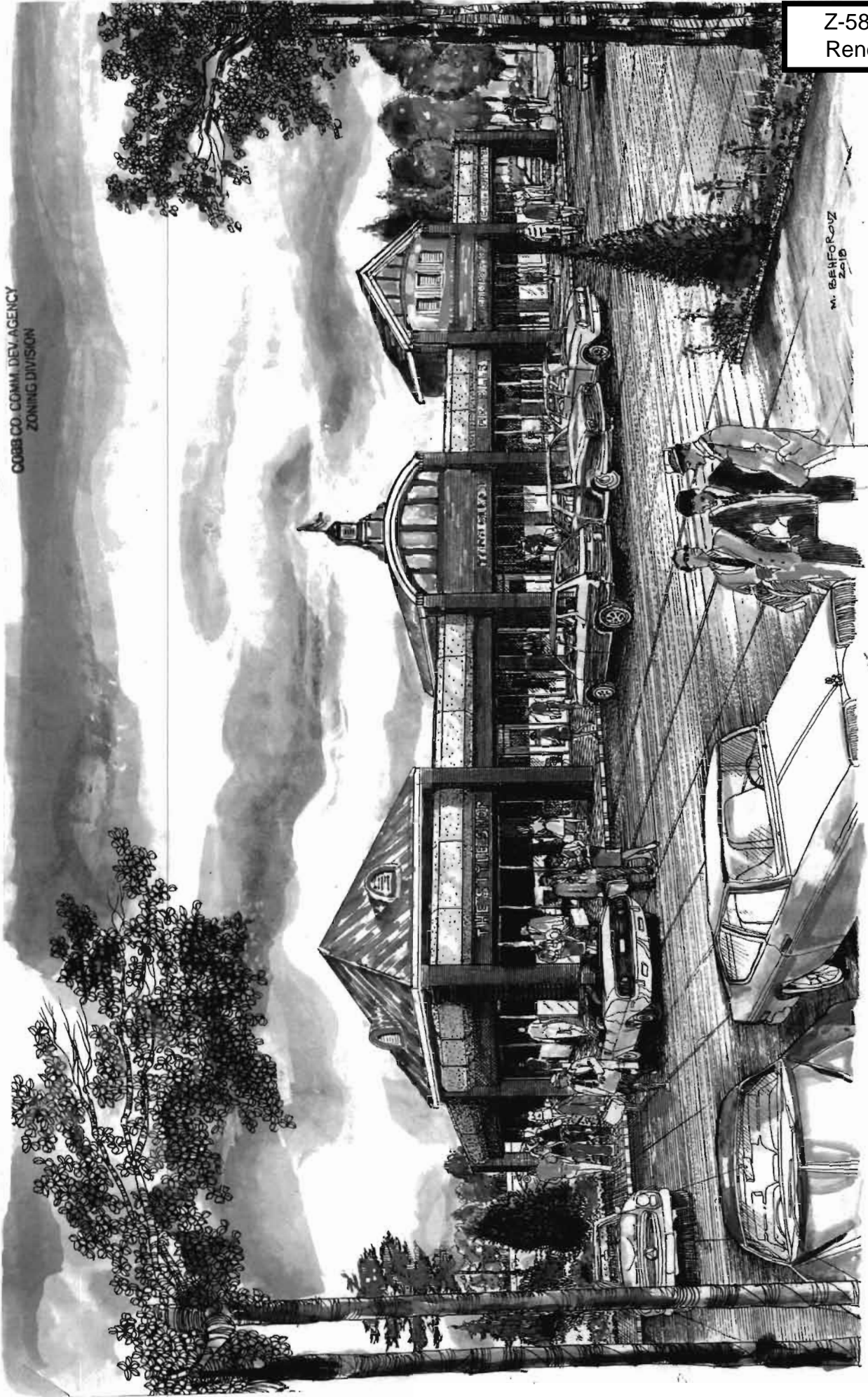
- a) Proposed use(s): Retail Sales
- b) Proposed building architecture: See attached rendering
- c) Proposed hours/days of operation: Normal Business Hours 6am - 12am
Monday - Sunday
- d) List all requested variances: _____

.....
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). No

RECEIVED
JUN 07 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



Z-58 (2018)
Renderings

M. BISHOP
2018

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 _____
 Stipulation letter from _____ dated _____
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