



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

Case # Z-59
Public Hearing Dates:
PC: 09-04-18
BOC: 09-18-18

SITE BACKGROUND

Applicant: OBurien, Inc.

Phone: N/A

Email: imoukhuede94@gmail.com

Representative Contact: Garvis L. Sams, Jr.

Phone: (770) 422-7016

Email: gsams@slhb-law.com

Titleholder: HWA Yong McBride

Property Location: Southeast corner of Veterans
Memorial Highway and Cooks Road

Address: 130 Veterans Memorial Highway

Access to Property: Veterans Memorial Highway
and Cooks Road

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: LI (Light Industrial)

Current use of property: Undeveloped

Proposed zoning: LRO (Low Rise Office)

Proposed use: Daycare Facility

Future Land Use Designation: Neighborhood
Activity Center (NAC)

Site Acreage: 1.7 ac

District: 18

Land Lot: 44

Parcel #: 18004400080

Taxes Paid: Yes

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

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

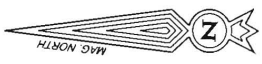
1. Site plan received by the Zoning Division on July 24, 2018, with final approval by the District Commissioner;
2. Letter of agreeable stipulations from Mr. Garvis L. Sams, Jr. dated July 24, 2018;
3. Landscape plan to be approved by the District Commissioner;
4. Compliance with Veterans Memorial Highway Design Guidelines;
5. Fire Department's comments and recommendations;
6. Sewer and Water Division's comments and recommendations;
7. Stormwater Management Division's comments and recommendations;
8. Department of Transportation's comments and recommendations; and
9. Planning Division's comments and recommendations.

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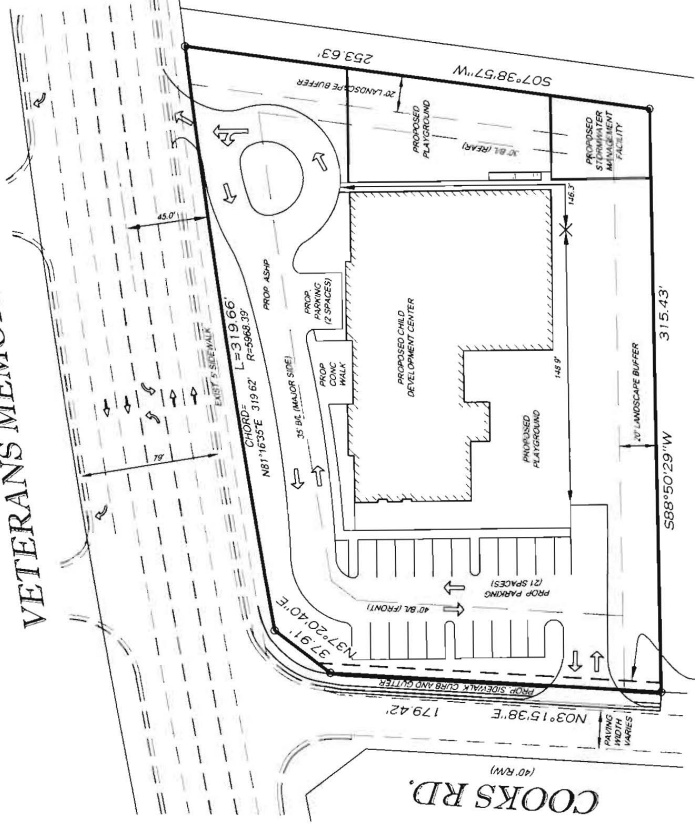
LOCATED IN LAND LOT 44, 18TH DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA
130 VETERANS MEMORIAL HIGHWAY

AREA = 1.702 ACRES
74,144 SQ. FT.

IMPERVIOUS AREA
PARKING: 270 SQ. FT. - 18,176 SQ. FT.
BUILDING: 14,600 SQ. FT.
TOTAL: 38,800 SQ. FT.
TOTAL % IMPERVIOUS AREA: 49%



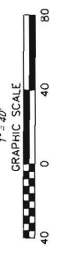
VETERANS MEMORIAL HWY.



ZONING NOTES
PROPOSED ZONING: L20 (LOW RISE OFFICE)
BUILDING SETBACKS:
SIDE - 10'
REAR - 30'
MAJOR SIDE - 35'

MAXIMUM IMPERVIOUS AREA: 10%
PARKING REQUIREMENTS: 20 SPACES REQUIRED
PARKING PROVIDED: 23 SPACES (INCLUDING 2 HO)
NO ARCHITECTURAL OR ARCHEOLOGICAL
LANDMARKS HAVE BEEN DETECTED ON THIS SITE
BY THIS FIRM
NO CEMETERIES OR WETLANDS HAVE BEEN
DETECTED ON THIS SITE BY THIS FIRM
THE PROPERTY IS CURRENTLY VACANT.

RECEIVED
JUL 24 2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



DATE	REVISIONS	DESCRIPTION

THE O'RUSSELLE COMPANY
2881 POWDER SPRINGS ROAD
ALPHARETTA, GA 30004
(770) 843-9303
E-MAIL: BEN@ORUSSELLE.COM

PROJ. NO. COB117-2018 ZONING
FIELD SURVEY DATE: 1992
PLAT DATE: 02/01/18 SCALE: 1" = 40'

SURVEY NOTES

THIS PLAT WAS PREPARED FOR EXCLUSIVE
USE OF THE CLIENT AND IS NOT TO BE
REPRODUCED OR TRANSMITTED IN ANY
FORM OR BY ANY MEANS, ELECTRONIC
OR MECHANICAL, INCLUDING PHOTOCOPYING,
RECORDING, OR BY ANY INFORMATION
SYSTEM, WITHOUT PERMISSION IN WRITING
FROM THE SURVEYOR.
THE SURVEYOR HAS CONDUCTED A
VISUAL INSPECTION OF THE PROPERTY
AND HAS FOUND NO EVIDENCE OF
EXISTING SURVEY MONUMENTS OR
BOUNDARIES.
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VISUAL INSPECTION OF THE PROPERTY
AND HAS FOUND NO EVIDENCE OF
EXISTING SURVEY MONUMENTS OR
BOUNDARIES.

SURVEY REFERENCE

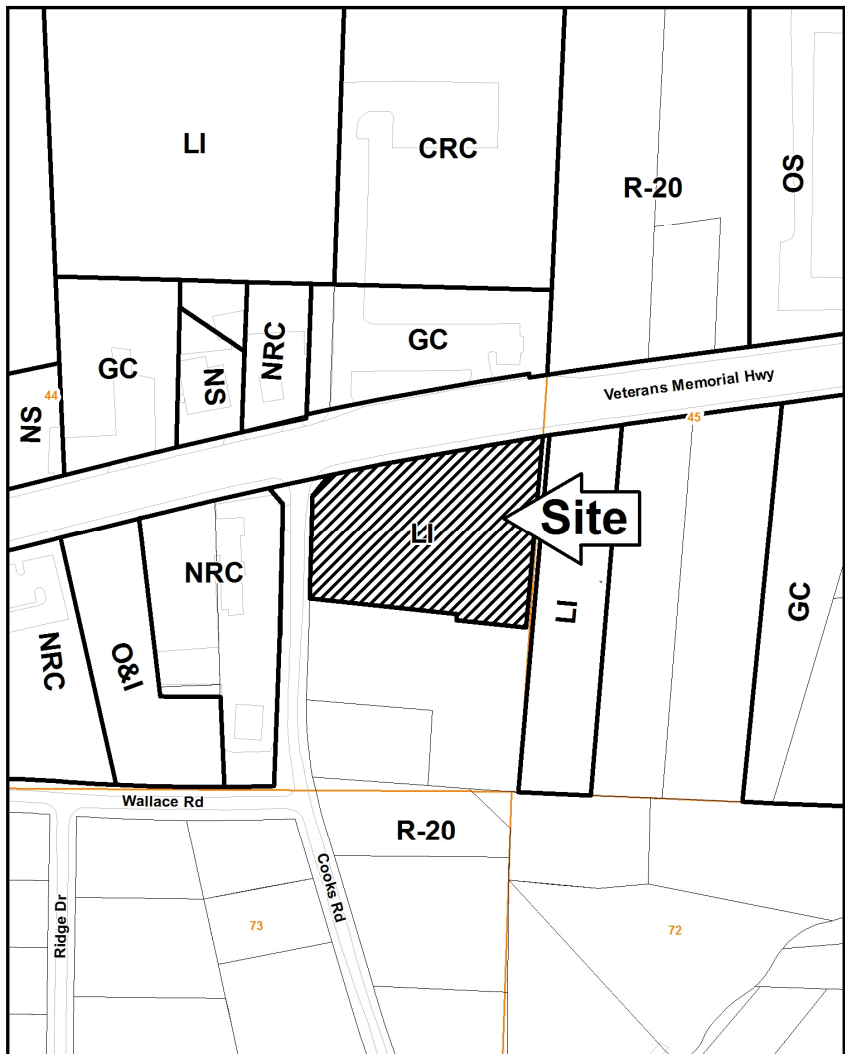
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Z-59 2018-Aerial Map



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

Z-59 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

□ Zoning Boundary
■ City Boundary

WEST

Zoning: NRC
(Neighborhood
Retail
Commercial)

**Future Land
Use:** NAC
(Neighborhood
Activity Center)

EAST

Zoning: LI
(Light
Industrial)

**Future Land
Use:** NAC
(Neighborhood
Activity Center)

SOUTH
Zoning: R-20 (Single-family Residential)
Future Land Use: NAC (Neighborhood Activity Center)

DEPARTMENT COMMENTS- Zoning Division

Current 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, 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.

Requested zoning district for the property

The LRO district is established to provide locations for low scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of 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. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Summary of the applicant's proposal

The applicant is requesting a rezoning from the existing LI (Light Industrial District) to the LRO (Low Rise Office District) in order to develop a 17,540 square-foot day care center. The center will accommodate up to 170 children ranging in ages from six (6) weeks to 12 years old. There will be approximately 15 staff members and hours of operation will be Monday through Friday 6:30 am to 6:30 pm.

Non-residential criteria

Proposed # of buildings: 1
 Proposed # of stories: 2
 Total sq. footage of development: 14,908 sq. ft.
 Floor area ratio: 0.20
 Square footage per acre: 8,759 sq. ft.
 Required parking spaces: 20
 Proposed parking spaces: 23
 Acres in floodplain or wetlands: 0
 Impervious surface shown: 49%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

There are no required zoning variances demonstrated by the applicant's proposal.

DEPARTMENT COMMENTS- Fire Department

A fire lane must be provided within 150-ft of all exterior portions of the proposed structure.

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

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Tributary to Milam Branch
4. Wetlands: No
5. Streambank buffer zone: No
6. Potential or known drainage problems exist for developments downstream from this site.
7. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
8. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
9. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
10. Stormwater discharges through an established residential neighborhood downstream.
11. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
12. Special site conditions and/or additional comments:
 - The majority of this site drains to the southeast into and through the adjacent commercial parcel. There does not appear to be any well-defined downstream conveyance. This must be addressed at Plan Review. A level spreader may be required to redistribute concentrated flow from the proposed stormwater management facility or drainage easement provided.

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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

If yes, design guidelines area: Veterans Memorial Highway Design Guidelines

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 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)

Is the property eligible for incentives through the ☒ Yes ☐ No

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)

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 Veterans Memorial Highway

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: Veterans Memorial Hwy ROW along frontage

Estimated waste generation (in G.P.D.): Average daily flow = 4.8 GPD/student

Peak flow = 12 GDP/student

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:

*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**REVISED 7-16-18**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Veterans Memorial Highway	Arterial	45	Georgia DOT	100'
Cooks Road	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	West of Cooks Road	23,000	B
Cooks Road	N/A	N/A	N/A

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Veterans Memorial Highway.

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

Veterans Memorial Highway 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.

Cooks 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.

Additional right-of-way is needed along the Veterans Memorial Highway frontage. The roundabout will need to be redesigned/relocated so that it will not encroach in the new right-of-way.

Recommendations

1. 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 south side of Veterans Memorial Highway, a minimum of 50' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend GDOT permits for all work that encroaches upon State right-of-way.
4. Recommend the entrance on Cooks Road be shifted south closer to the property line, a minimum distance of 100' tangent from the entrance of Veterans Memorial Highway, unless vertical site distance is limited when moved from the current location.
5. Recommend signs for the exit on Veterans Memorial Highway showing exit only.

DEPARTMENT COMMENTS- Transportation (Continued)

6. Cooks Road is a substandard street. Recommend improving Cooks Road from along the frontage to the intersection with Veterans Memorial Highway to comply with Cobb County Standards.
7. Recommend curb, gutter, and sidewalk along the Cooks Road frontage.
8. Recommend replacing disturbed curb, gutter, and sidewalk along the Veterans Memorial Highway frontage.

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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 will permit a use that is suitable in view of the use and development of adjacent and nearby property. Other uses in the area include commercial, industrial, and residential uses.

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 existing use or usability of the adjacent or nearby properties. The applicant's proposal represents a downgrade of the site's current Light Industrial zoning and would allow a use that serves the immediate community. Proposed landscape buffers will mitigate any effect upon nearby residential 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 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 NAC (Neighborhood Activity Center) future land use category. This category seeks to encourage retail commercial and other service uses which serve neighborhood residents and businesses.

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 subject property is located within an established commercial corridor along Veterans Memorial Highway which already includes other commercial uses. The proposed child daycare center will fulfill the goals of the site's NAC designation as a use which will serve the needs of immediate residents and businesses.

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.

ZONING IMPACT STATEMENT
FOR THE REZONING APPLICATION
OF OBURIEN, INC.



JAMES A. HOW, OBURIEN, INC. 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 utilization of the property which is suitable in the context of development and existing zonings along this section of the Veterans Memorial Highway Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties. The property is located within a Neighborhood Activity Center (NAC) under Cobb County's Future Land Use Map. The subject property has contiguous and adjoining commercially and industrially zoned and utilized property to which it is adjacent and/or contiguous.
- B. 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. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present classification of LI.

- 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 zoning proposal is located within a Neighborhood Activity Center (NAC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of LI 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 section of Veterans Memorial Highway, there are no established land use planning principles or political considerations which would adversely affect the proposed zoning.

Respectfully submitted, this the 7 day of June, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

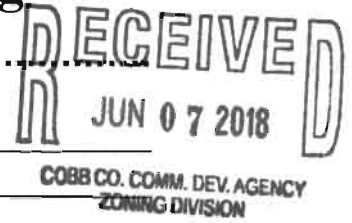
By: 

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

Application No. z- 59

PC: Sept. 4, 2018
BOC: Sept. 18, 2018

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): Day Care Facility
- b) Proposed building architecture: To be provided under separate cover.
- c) Proposed hours/days of operation: Monday - Friday; 6:00 a.m. -- 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 zoned Light Industrial (LI"); however, under the Future Land Use Map ("FLUM") the property is located within a Neighborhood Activity Center ("NAC"); is adjacent and/or contiguous to other commercially zoned and utilized properties; and, is otherwise in an area on the FLUM which contemplates this proposed use.

.....
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:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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 _____

Stipulation letter from _____ dated _____