

PETITION NO: Z-87

HEARING DATE (PC): 12-02-14

HEARING DATE (BOC): 12-16-14

PRESENT ZONING: GC

PROPOSED ZONING: LRC

PROPOSED USE: Daycare

(1076 Milford Church Road).

SIZE OF TRACT: 0.787 acre

DISTRICT: 19

LAND LOT(S): 631

PARCEL(S): 4

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RA-5/ Crest Ridge Sub Division
SOUTH: R-20/ Single Family Home
EAST: PSC,R-20/ Milford Baptist Church
WEST: PSC/ Single Family Home

OPPOSITION: NO. OPPOSED_____ PETITION NO:_____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED_____ **MOTION BY**_____

REJECTED SECONDED

HELD_____ **CARRIED**_____

BOARD OF COMMISSIONERS DECISION

APPROVED_____ **MOTION BY**_____

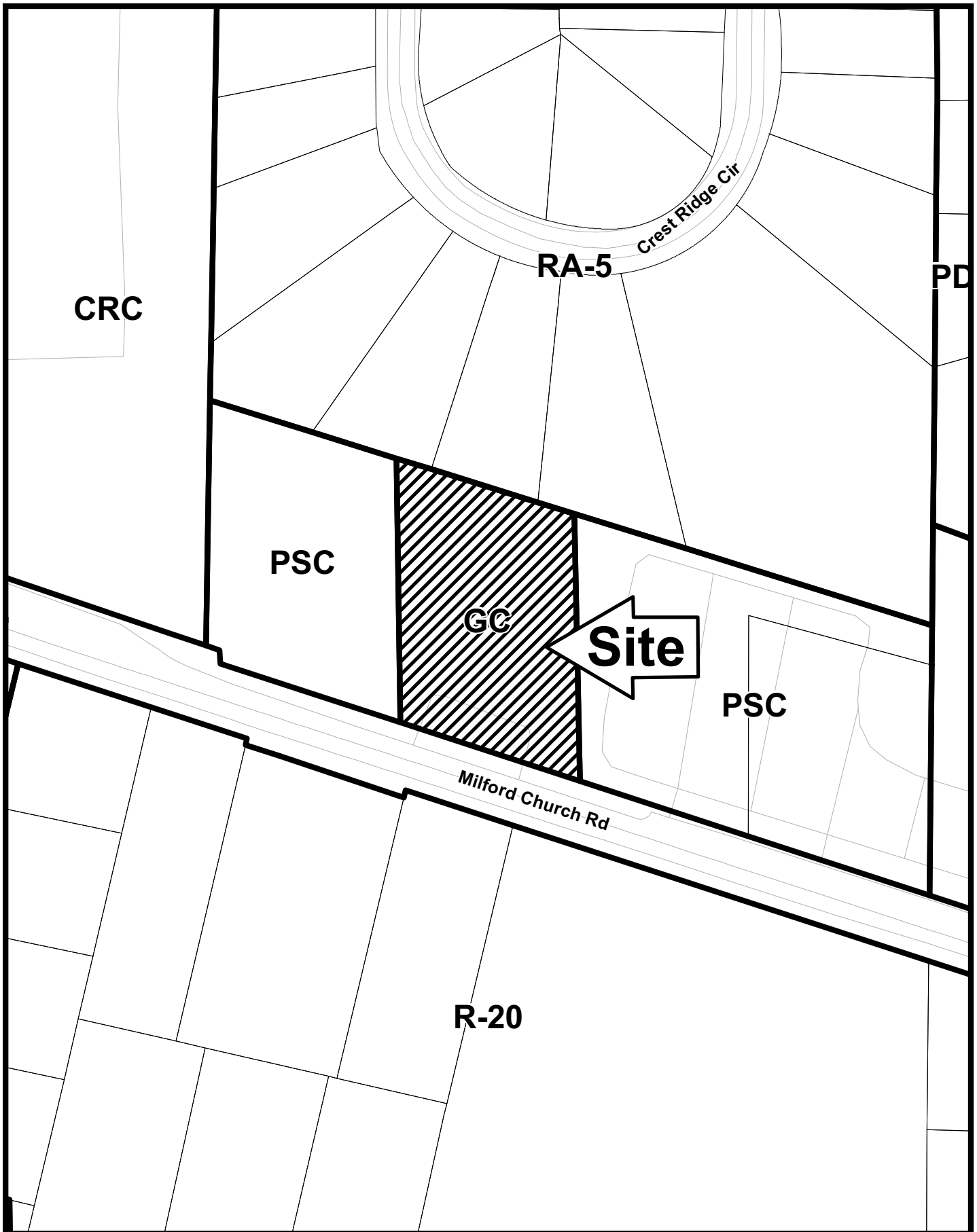
REJECTED _____ SECONDED _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-87



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

APPLICANT: Augustina Onyeke

PETITION NO.: Z-87

PRESENT ZONING: GC

PETITION FOR: LRC

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 Total Square Footage of Development: 3526

F.A.R.: .06 Square Footage/Acre: 34289/.787

Parking Spaces Required: 20 Parking Spaces Provided: 6

Applicant is requesting the Limited Retail Commercial (LRC) category in order to use the property for a Daycare. The current zoning category (GC) is not consistent with the comprehensive land use plan. The existing building was used as a daycare with the last business license expiring in 2011. The applicant intends to operate the daycare 8am to 5pm.

The request will require the following contemporaneous variances:

- Reduce minimum parking spaces from 20 spaces to 6 spaces.

Cemetery Preservation: No comment.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Augustina Onyeke

PETITION NO.: Z-87

PRESENT ZONING: GC

PETITION FOR: LRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to LRC for purpose of daycare. The 0.78 acre site is located on the north side of Milford Church Road, east of Austell Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with GC zoning designation. 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.

Master Plan/Corridor Study

Austell Road Corridor Study

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. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? ☐ Yes ☒ No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

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 available 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 investments.

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.

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>.

APPLICANT: Augustina Onyeke

PETITION NO.: Z-87

PRESENT ZONING: GC

PETITION FOR: LRC

PLANNING COMMENTS: (Continued)

Special Districts

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

APPLICANT Augustina Onyeke

PETITION NO. Z-087

PRESENT ZONING GC

PETITION FOR LRC

WATER COMMENTS:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: ☒ Yes ☐ No

Fire Flow Test Required: ☐ Yes ☒ No

Size / Location of Existing Water Main(s): 8" DI / S side of Milford Church Road

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: ☒ Yes ☐ No

At Development: ☒ Yes ☐ No

Approximate Distance to Nearest Sewer: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: South Cobb

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw Sewers Required: ☐ Yes ☒ No

Off-site Easements Required: ☐ Yes* ☒ No *If off-site easements are required, Developer must submit easements to CCWS for review/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

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 Existing sewer customer
Comments:

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

APPLICANT: Augustine Onyeke

PETITION NO.: Z-87

PRESENT ZONING: GC

PETITION FOR: LRC

STORMWATER MANAGEMENT COMMENTS

No site improvements are proposed at the present time, therefore there are no immediate stormwater management requirements. However, the site will need to meet full stormwater requirements upon redevelopment or improvement.

APPLICANT: Augustina Onyeke **PETITION NO.:** Z-87

PRESENT ZONING: GC **PETITION FOR:** LRC

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Milford Church Road	8000	Major Collector	35 mph	Cobb County	80'

Based on 2009 traffic counting data taken by Cobb County DOT (Milford Church Road)

COMMENTS AND OBSERVATIONS

Milford Church Road is classified as a major collector 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 north side of Milford Church Road, a minimum of 40' from the roadway centerline.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF RECOMMENDATIONS

Z-87 AUGUSTINA ONYEKE

- A. 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. The building architecture is keeping with the surrounding developments in the area.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. As presented the proposal could cause traffic back up on Milford Church Rd. The daycare use per the Code of Ordnances requires at least 20 parking spaces for staff and customers; more parking should be added. The property should have an adequate area for the drop off and pick up students.
- C. 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. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates the property being in the Neighborhood Activity Center land use category. The applicant proposal would be low intensity and would be geared to serve the surrounding neighborhood.
- E. 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 deleting the applicant's rezoning proposal to LRO. The applicant request for a LRC zoning category is consistent with the comprehensive plan, but the daycare is not compatible with the size and layout of the property. The county code requires at least 20 parking spaces for a nursery or daycare. The property would be better suited for a Professional Office use which would require 13 parking spaces. The daycare use has been used in the past without limits.

Based on the above analysis, Staff recommends DELETING to LRO subject to the following conditions:

- Professional office use only;
- Applicant provide at least 10 parking spaces;
- Signage to be brought in to compliance with the County Code;
- Applicant submit for plan review prior to opening;
- District Commissioner approve exterior color of the building;
- Stormwater Management comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

The 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.



Application #: 7-87
PC Hearing Date: 12-2-14
BOC Hearing Date: 12-16-14

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 3565 SF
b) Proposed building architecture: None
c) Proposed selling prices(s): None
d) List all requested variances: None

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

- a) Proposed use(s): Day Care
b) Proposed building architecture: None
c) Proposed hours/days of operation: 8am - 5pm
d) List all requested variances: None

Part 3. Other Pertinent Information (List or attach additional information if needed)

None

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).

1076 Milled
Church Road Marietta, Ga 30068

Part 5. Is this application a result of a Code Enforcement action? ☒ No; Yes (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: _____

Date: Sept 21 - 2014

Applicant name (printed): Tony Olaisen

APPLICATION FOR REZONING.

- 9 (a) YES ZONING WILL PERMIT TO USE
AND SUITABLE VIEW OF THE DEVELOPMENT
AFFECT
- (b) NO - IT WILL NOT, ADVERSELY AFFECT THE
EXISTING USE OR USABILITY OF ADJACENT
NEARBY PROPERTY.
- (c) YES IT WILL HAVE ECONOMIC USE
AS CURRENTLY ZONED
- (d) NO IT WILL NOT CAUSE AN EXCESSIVE
OR BURDENSOME USE OF EXISTING STREET
OR TRANSPORTATION FACILITIES, UTILITIES OR
SCHOOLS.
- (e) NO CONFORMITY WITH THE POLICY AND
INTENT OF THE LAND USE
- (f) NO EXISTING OR CHANGING AFFECTING
THE USE AND DEVELOPMENT OF THE
PROPERTY.



