

APPLICANT: Kent Ahrenhold

PETITION NO: Z-89

PHONE#: (404) 374-6985 **EMAIL:** kahrenhold@aol.com

HEARING DATE (PC): 12-02-14

REPRESENTATIVE: Kent Ahrenhold

HEARING DATE (BOC): 12-16-14

PHONE#: (404) 374-6989 **EMAIL:** kahrenhold@aol.com

PRESENT ZONING: GC

TITLEHOLDER: Mei-Ying J. DeShetler

PROPOSED ZONING: LRO

PROPERTY LOCATION: Northeast side of Kinjac Drive, west of Sandy Plains Road (2678 Kinjac Drive).

PROPOSED USE: Dental Office

ACCESS TO PROPERTY: Kinjac Drive

SIZE OF TRACT: 0.685 acre

PHYSICAL CHARACTERISTICS TO SITE: Existing 2 story brick building

DISTRICT: 16

LAND LOT(S): 595

PARCEL(S): 1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-15, R-20/Sandy Mill Subdivision, Single-family houses
- SOUTH:** FST-8, NS /Arbor Glen Subdivision, Sandy Plains Junction Strip Center
- EAST:** NRC/Sprayberry 2.0 Inc. Daycare
- WEST:** FST-8/Arbor Glen Subdivision

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

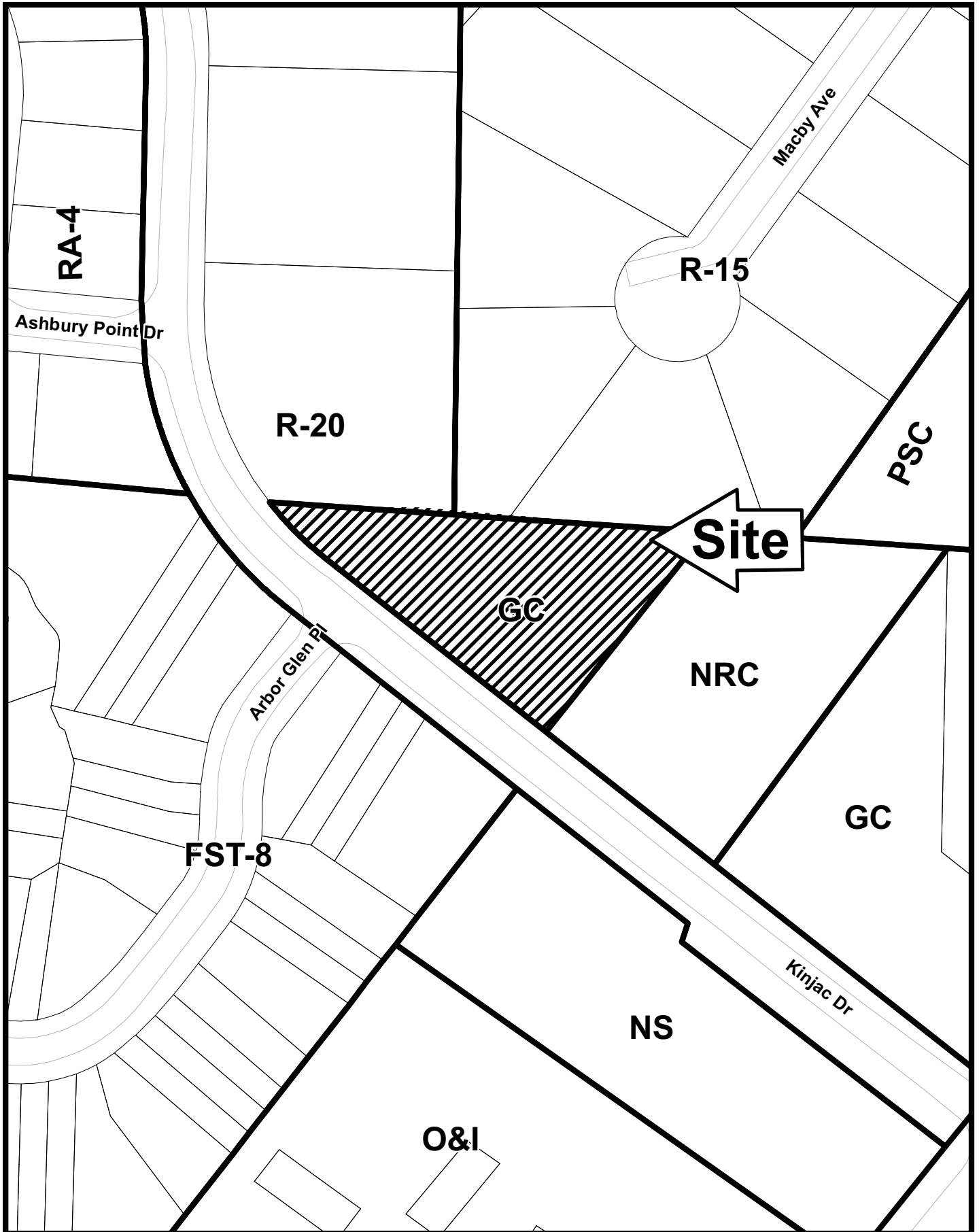
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

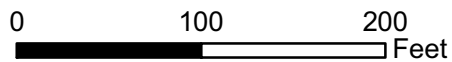
STIPULATIONS:





Z-89



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



-  City Boundary
-  Zoning Boundary

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PRESENT ZONING: GC

PETITION FOR: LRO

ZONING COMMENTS:

Staff Member Responsible: Kim Wakefield

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 5,499

F.A.R.: 0.184 **Square Footage/Acre:** 8027 sq ft

Parking Spaces Required: 19 **Parking Spaces Provided:** 23

The applicant is requesting a rezoning from GC general commercial to LRO low-rise office for the purpose of an addition to the rear of the building for an expansion of the existing dental office.

The applicant will need the following variances:

- reduce the required 15 ft side yard setback to 10 feet on east property line;
- allow 12 ft parking lot encroachment into the required 20 ft landscape buffer along the northern property line.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

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

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PRESENT ZONING: GC

PETITION FOR: LRO

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to LRO for purposes of dental office. The 0.68 acre site is located on the northeast side of Kinjac Drive, west of Sandy Plains 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

Not applicable.

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.

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

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PRESENT ZONING GC

PETITION FOR LRO

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): 6" / S side of Kinjac Drive

Additional Comments:

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= +29 Peak= +73

Treatment Plant: Noontday

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drv 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.

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STORMWATER MANAGEMENT COMMENTS

The existing detention pond is in good condition and appears adequate to accommodate the small building addition proposed.

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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
Kinjac Road	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Kinjac Road is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant verify that minimum intersection sight distance is available for Kinjac Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 280'.

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

STAFF RECOMMENDATIONS

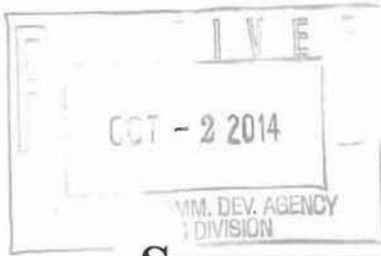
Z-89 KENT AHRENHOLD

- 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 applicant is seeking to rezone his property so that he may expand his existing dental office. LRO would be a more suitable step down category between the R-15 residential homes located to the north and west of the property, and the daycare and dental office to the southeast along Kinjac Dr.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. In fact, the request will allow the existing dental office to continue use of the property while also encouraging continued upkeep of the property by removing the hindrance that results from the continued "grandfathered" status.
- 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 this property to be within a NAC Neighborhood Activity Center land use category. This NAC category seeks to encourage uses such as small office and limited retail and grocery stores.
- 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 approving the applicant's rezoning proposal. The request is simply to allow a small addition to an existing building for expansion of an existing use. The less intense LRO will serve as a step down zoning between the commercial and residential property. Also, by removing its current "grandfathered" status, the property will be allowed to make its currently proposed improvements and continue its upkeep of the property.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

- Site plan received by Zoning October 2, 2014, with the District Commissioner approving minor modifications;
- Addition to match existing structure in materials and architecture;
- Landscape buffer plan to be approved by County Arborist;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations
- Department of Transportation comments and recommendations.

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 #: Z-89
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): N/A
- b) Proposed building architecture: N/A
- c) Proposed selling prices(s): N/A
- d) List all requested variances: N/A

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

- a) Proposed use(s): DENTAL OFFICE
- b) Proposed building architecture: EXISTING - 2 STORY BRICK TRADITIONAL
- c) Proposed hours/days of operation: 8 am to 5 pm. M-F
- d) List all requested variances: REQUESTING A VARIANCE FROM 15' (LRO) SIDEYARD SETBACK (RIGHT SIDE) TO 10' FOR ADDITION

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

THE EXISTING BUILDING WAS BUILT IN GC ZONING WITH A 10' SIDEYARD SETBACK. OWNER REQUEST VARIANCE FOR THE 10' TO REMAIN WITH NEW LRO ZONING

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

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: Kent Allenhold Date: 2 OCTOBER 2014
Applicant name (printed): KENT ALLENHOLD

Analysis of the impact of the proposed rezoning

2 October 2014

2678 Kinjac Drive Marietta, Ga. 30066

Current Zoning GC Proposed Zoning LRO



- 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 property is currently zoned GC and Professional offices are allowed. The existing building on the property is currently used as a Dental Office. The new proposed zoning is LRO and the use would remain a Dental Office.**

- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The re-zoning of this property will have zero effect on the adjacent or nearby properties.**

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The current zoning has a reasonable economic use, however it is grandfathered zoning. If the existing building was completely destroyed by Fire or Storm and the owner wanted to rebuild, he could not under the current GC zoning. He would have to get the property rezoned. In this case the Doctor wants the building to remain a Dental office, but wants to renovate and build a small addition to the rear of the building, which requires a rezoning from GC to LRO.**

- D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; **The rezoning of this property from GC to LRO will have zero impact on streets, schools, utilities and transportation facilities.**
- E. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The rezoning of this property is in conformity with the policy and the intent of the land use plan.**
- F. 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; **There are no existing or changing conditions affecting the use and development of the property. The owner of the building will remain the owner of the building. The building will remain a Dental office. The building will be renovated and updated with a small one story addition at the rear of the existing building.**

Submitted by Kent Ahrenhold, Architect

Registered Architect State of Georgia #7118

2 October 2014