

PETITION NO: Z-64

HEARING DATE (PC): 07-07-15

HEARING DATE (BOC): 07-21-15

PRESENT ZONING: R-20

PROPOSED ZONING: LI

PROPOSED USE: HVAC Office

Holland Road

(2400 Church Road).

SIZE OF TRACT: 0.439 acre

DISTRICT: 17

LAND LOT(S): 824

PARCEL(S): 19

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: LI/ Industrial Warehouse

SOUTH: RM-12/ Apparent Timber Storage

EAST: LI/ Industrial Warehouse

WEST: LI/ Industrial

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

PLANNING COMMISSION RECOMMENDATION

APPROVED_____ **MOTION BY**_____

REJECTED SECONDED

HELD

CARRIED

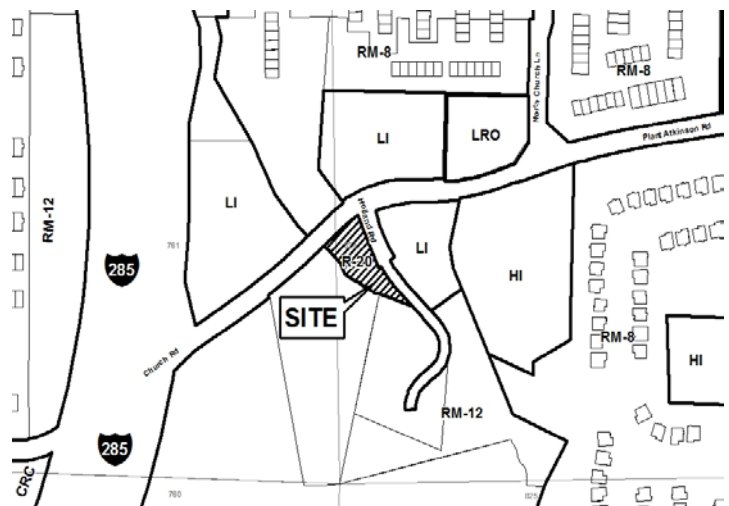
BOARD OF COMMISSIONERS DECISION

APPROVED_____ **MOTION BY**_____

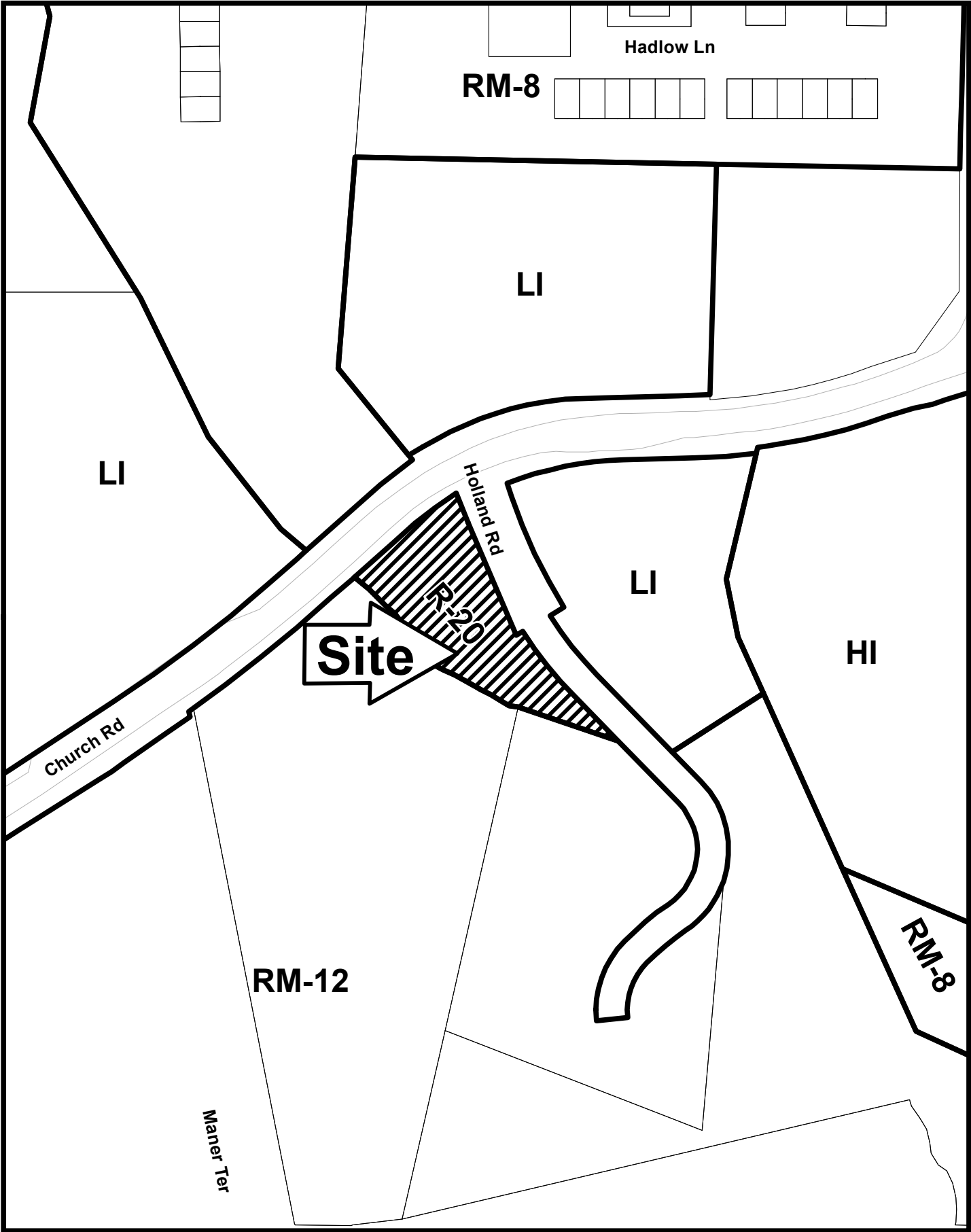
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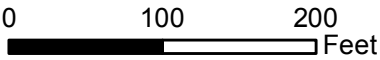
STIPULATIONS:



Z-64



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



City Boundary
Zoning Boundary

APPLICANT: Michael Hamby

PETITION NO.: Z-64

PRESENT ZONING: R-20

PETITION FOR: LI

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Industrial Compatible (IC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 1,936 sq. ft.

F.A.R.: 0.10 **Square Footage/Acre:** 4,410 sq. ft.

Parking Spaces Required: 10 **Parking Spaces Provided:** 0

The applicant is requesting a rezoning of the subject property from the current R-20 single-family residential district to LI light industrial district in order to operate a specialty contractor business (HVAC Office). The property, which consists of a church building that was constructed as early as 1910, has been vacant for a number of years. The existing building cannot be utilized as a residence due to its configuration/construction nor can the site once again function for a church due to its deficient size (less than one half acre) and lack of parking.

While the site remains vacant due to its current residential zoning and existing build out as a church building, the County's Future Land Use Map has designated this site as IC Industrial Compatible. The IC category seeks to encourage transitional uses between more intensive uses and less intensive uses. However, the applicant's proposal currently does not address requirements such as parking and adequate commercial access from the right-of-way. Also, the Code would require a 50 foot landscaped screening buffer adjacent to the property to the south as it was zoned RM-12 in 2006 for approximately 40 townhouse style condominiums on 6.7412 acres. However, there exists a 50 foot undisturbed stream buffer along this side as well which would preclude the installation of the screening buffer.

Due to the placement of the existing building, the following variances would be necessary:

- Waive the front setback from the required 50 feet to 20 feet;
- Waive the number of required parking spaces;
- Waive the 50-foot landscape buffer adjacent to the RM-12 zoned property; and
- Waive the lot size from one acre to 0.439 acres.

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: Michael Hamby

PETITION NO.: Z-64

PRESENT ZONING: R-20

PETITION FOR: LI

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to LI for purpose of an HVAC office. The 0.439 acre site is located on the Southwest corner of Church Road and Holland Road (2400 Church Road)

Comprehensive Plan

The parcel is within the Industrial Compatible (IC) future land use category, with R-20 zoning designation. The purpose of the IC category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

Adjacent Future Land Use

North: High Density Residential (**HDR**)
East: Industrial Compatible (**IC**)
South: High Density Residential (**HDR**)
West: High Density Residential (**HDR**), Industrial Compatible (**IC**)

Master Plan/Corridor Study

N/A

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? N/A

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: Michael Hamby

PETITION NO.: Z-64

PRESENT ZONING: R-20

PETITION FOR: LI

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

Is this property within the Six Flags Special Service District?

☐ Yes ☒ No

APPLICANT Michael Hamby

PETITION NO. Z-064

PRESENT ZONING R-20

PETITION FOR LI

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 / SE side of Church Rd

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: 30' S crossing Church Rd

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

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 Health Dept approval required for continued use of existing septic system. Due to size of parcel (<20,000 ft2), connection to active sewer will be required if/when septic system requires relocation or repair.

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: Michael Hamby

PETITION NO.: Z-64

PRESENT ZONING: R-20

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River FLOOD HAZARD INFO: Zone A

- ☒ FEMA Designated 100 year Floodplain Flood.
- ☐ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- ☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- ☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☐ YES ☐ NO ☒ POSSIBLY, NOT VERIFIED

Location: within and adjacent to stream channel

- ☒ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

- ☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- ☐ Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- ☒ Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- ☒ Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- ☒ County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITIONS

- ☐ Potential or Known drainage problems exist for developments downstream from this site.
- ☐ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- ☐ Minimize runoff into public roads.
- ☒ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- ☐ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- ☐ Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- ☐ Lake Study needed to document sediment levels.
- ☐ Stormwater discharges through an established residential neighborhood downstream.
- ☒ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving stream.

APPLICANT: Michael Hamby

PETITION NO.: Z-64

PRESENT ZONING: R-20

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- ☐ Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- ☒ Submit all proposed site improvements to Plan Review.
- ☐ Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- ☐ Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- ☐ Existing facility.
- ☒ Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- ☐ Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- ☐ Calculate and provide % impervious of project site.
- ☐ Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- ☐ No Stormwater controls shown _____
- ☐ Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This site is located at the southwest corner of Church and Holland Roads. Approximately half of the site is located within the 100-year floodplain of an unnamed tributary to the Chattahoochee River. The limited size and shape of this parcel will make it difficult to provide the required parking and outside storage area required.

APPLICANT: Michael Hamby

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PRESENT ZONING: R-20

PETITION FOR: LI

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
Church Road	6700	Minor Collector	35 mph	Cobb	60'
Holland Road	N/A	Local - Non Residential	25 mph	Cobb	60'

Based on [2007] traffic counting data taken by Cobb County DOT for Church Road

COMMENTS AND OBSERVATIONS

Church Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Holland Road is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

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

Recommend applicant consider entering into a development agreement pursuant of 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 Church Road, a minimum of 30' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of 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 west side of Holland Road, a minimum of 30' from the roadway centerline.

Recommend extending sidewalk along the Church Road frontage to the intersection of Holland Road.

Holland Road is a substandard street. Recommend improving Holland Road from along the frontage to the intersection with Church Road to comply with Cobb County Standards if any access is placed on Holland Road or upon redevelopment.

Recommend relocating the driveway a minimum of 50 feet from the intersection of Church Road and Holland Road upon redevelopment.

Recommend upgrading existing driveway to the Cobb County Commercial Standard.

STAFF RECOMMENDATIONS

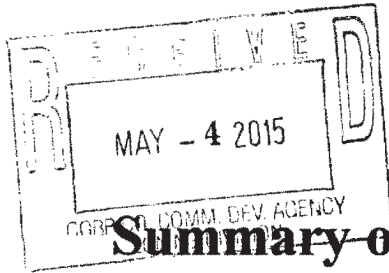
Z-64 MICHAEL HAMBY

- 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. Other uses in the immediate vicinity along Church Road between I-285 and North Church Lane are industrial and office uses. The utilization of the subject property for industrial office use would be compatible.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. Currently vacant, the reutilization of the subject property for an industrial office use should not negatively impact adjacent property with the undisturbed stream buffer providing buffering between the currently undeveloped development to the west.
- 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 site to be within the IC industrial compatible future land use area. This designation seeks to encourage transitional uses between more intensive uses and less intensive uses. If issues such as parking and access can be overcome, the site's use for an industrial office (HVAC Office) would be in keeping with the intent of the *Comprehensive Plan*.
- 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 site, formerly used as a church and currently zoned R-20 single-family residential district has been vacant for many years and does not lend itself to reuse as a church due to its deficient lot size nor for a residence due to its construction. As the site is located within the IC industrial compatible future land use area, its reuse for an industrial office can serve as an appropriate step down between the existing industrial users within the area and the future residences to the west.

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

- Approval of 20 foot front setback from Church Road for existing building;
- Waiver of 50 foot landscaped screening buffer adjacent to residential property to the west;
- Appropriate paved and striped parking to be installed;
- Allowance of variances contained in the Zoning comments;
- Final site plan to be approved by District Commissioner;
- No outside storage of materials;
- Fire Department comments and recommendations;
- Sewer and Water Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to §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 No. Z-64

July 2015

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) Proposed selling prices(s): _____
d) List all requested variances: _____

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

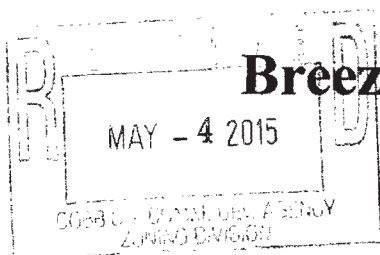
- a) Proposed use(s): Please See Attached Light Industrial
b) Proposed building architecture: Building Remains the Same
c) Proposed hours/days of operation: Monday - Friday 8 AM - 5 PM
d) List all requested variances: Light Industrial
Due to Commercial Cars.

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

Please See Attached

.....
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).



Breezeway Heating and Air, Inc

1802 SCOUT COURT SW

MARIETTA, GA 30064

(404) 271-9268

Breezewayhvac@gmail.com

To Whom It May Concern:

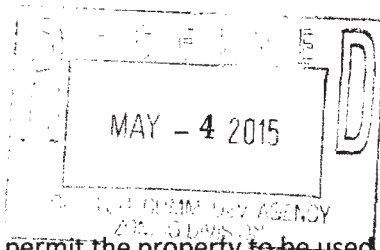
Breezeway Heating & Air, Inc is in the process of purchasing the property 2400 church rd SE Smyrna, GA 30080. The property is currently zoned residential, and we are trying to have the property rezoned light commercial or light industrial. Breezeway Heating and Air is a family owned and operated heating and air conditioning company. We have been in business since 2005 and we would like to relocate our business from the West Cobb area to this location. We are planning to renovate this property and make several upgrades to this property.

Our most important upgrade to complete once the purchase has been finalized is to comply with the county ordinance concerning the septic tank. In the process of rezoning we are having problems with obtaining a septic letter. We have contacted a Cobb County Health which has revealed that there were no records on file concerning the dimensions of the septic tank and field lines. In order to obtain this information a company would need to dig up the septic tank and field lines, which is very costly before we purchase this property.

Our plans, after the purchase of the property is to obtain approval through the county to connect to the city sewage. We would prefer to be on city sewage and be willing to pay for this instead of having a septic system. Therefore we feel this is the best approach since there are no records on file of the septic system. If there are further steps needed to expedite the purchase of this property please let us know.

Sincerely,

Michael Hamby, President
Breezeway Heating and Air, Inc.



Part 2.

- a. If approved, this zoning proposal will permit the property to be used for commercial purposes (light industrial zoning) because we have work vans with our company logo and information on the side of these vehicles. Currently, the surrounding properties are all being used commercially (and are zoned Industrial): Farmer Sign's office is across the street to the northwest and their service facility/warehouse is next door to the north on the same side of Church Rd. Due west across Church street is Belt Power. To the south up the hill and on the other side of the stream, the property is zoned residential (RM-12) but has been used for many years for timber storage (according to GIS maps and visual observation). There is both landscape buffer and the stream between the subject property and the RM-12 property, which is accessed at the end of Holland Road and is atop a hill. There are no residential properties facing or visible from Church Road on this side of I-285, all the way to Atlanta Road (even when Church Road turns in to Plant Atkinson). There are only commercial facilities, and a school.
- b. The building architecture will remain the same. This current building suits our current needs and will not change in the foreseeable future. The proposed zoning would not adversely affect the existing use or usability of nearby property, because it is in-line with the current surrounding service provider businesses (Belt Power, Farmer Signs, Trescon Corp offices, etc.)
- c. The hours of operation would be Monday –Friday 8am-5pm.
- d. We would need a zoning variance for light industrial for our company to conduct business on this land. The rezoning of this property will not cause any excessive or burdensome use of existing streets or facilities because we only plan to use it as a base station for our Smyrna and surrounding area business with a few drivers coming and going daily in mornings and late afternoon. We already have a location in Marietta but needed one in Smyrna as we expand our business so that our technicians do not have to drive so far saving us time and money. The property to be affected by the zoning has no current economic use and has been vacant for more than two years because of this. Rezoning will only improve its value and use, as it will be an income producing property for the county. While currently zoned, R-20 according to the county GIS and zoning office, the zoning office will not allow the property to be used as a residence because it has not been a residence in several decades as it was a church for 30+ years. The zoning office has stated that because the future land use of the property is commercial, that it must be re-zoned as commercial property and used as such. The only way for this property to have any economic use is for it to be rezoned as commercial property. Otherwise, it cannot be used.

Part 3.

- A. The zoning proposal is in conformity with the intent of the land use, as the planning office has designated the future land use of this property as industrial.
- B Existing condition that support the grounds for approval of the rezoning are that on this section of Church Road (as well as Plant Atkinson Road which Church Road changes to just a few hundred yards away from this property), one will find only commercial businesses (with the exception of a school). These businesses are mostly industrial or offices.

Part 4. Zoning Survey is attached.