

APPLICANT: Town Square MB One, LLC

PHONE#: (404) 812-4000 **EMAIL:** _____

REPRESENTATIVE: J. Kevin Moore

PHONE#: (770) 429-1499 **EMAIL:** jkm@mijis.com

TITLEHOLDER: Town Square MB One, LLC

PROPERTY LOCATION: Southeast intersection of Kennesaw Due West Road and Due West Road

ACCESS TO PROPERTY: Due West Road and Kennesaw Due West Road

PHYSICAL CHARACTERISTICS TO SITE: Developed
retail center comprised of two (2) two story buildings and associated parking

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** LRO/ Professional Office
- SOUTH:** NS/ Commercial Retail Strip Center
- EAST:** R-30/ Single-family Residence
- WEST:** NRC/ Retail, Drugstore, Bank, etc.

PETITION NO: Z-68

HEARING DATE (PC): 07-07-15

HEARING DATE (BOC): 07-21-15

PRESENT ZONING: LRC

PROPOSED ZONING: NRC

PROPOSED USE: Retail, Office and Restaurant

SIZE OF TRACT: 3.08 acres

DISTRICT: 20

LAND LOT(S): 275, 296

PARCEL(S): 11

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

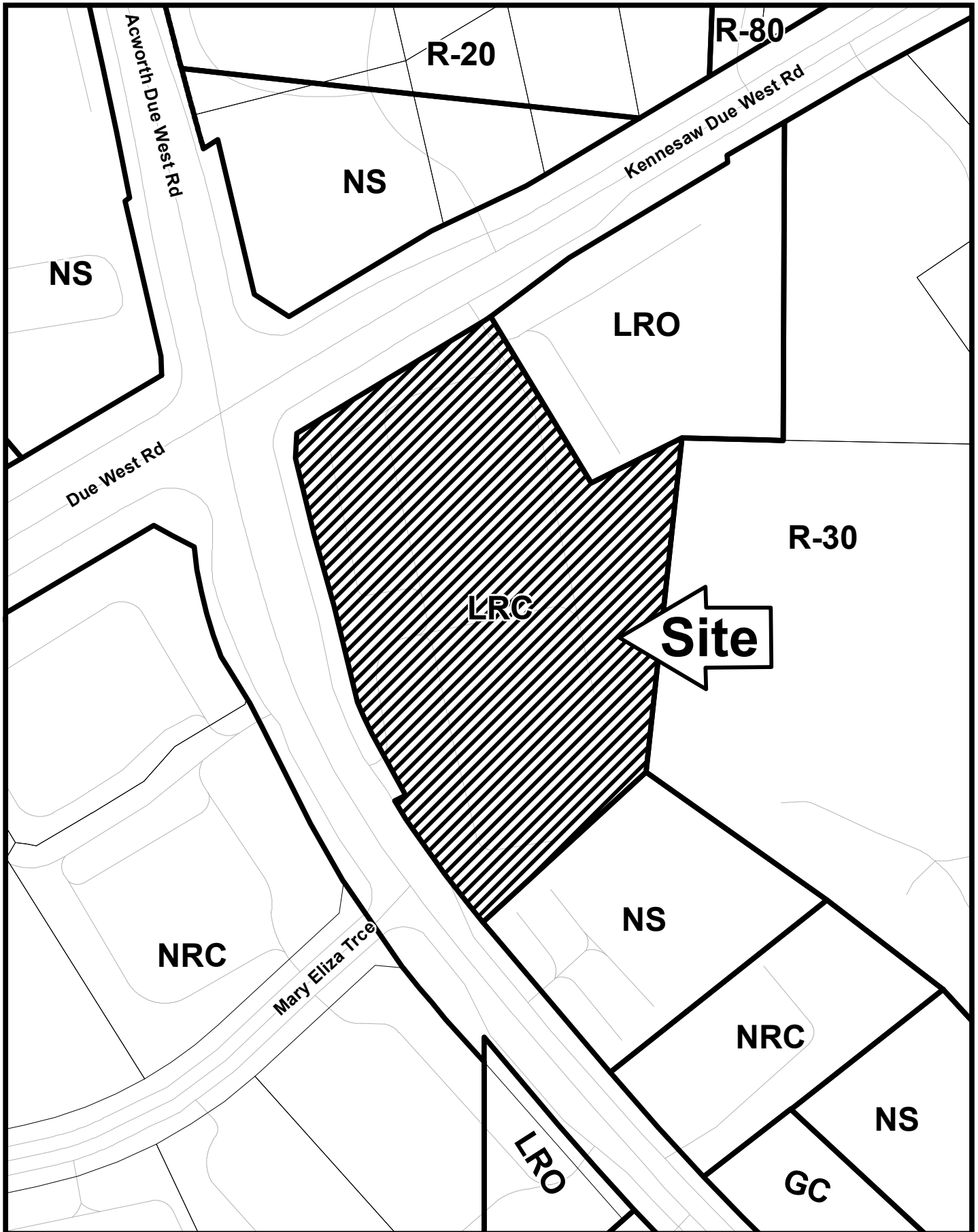
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

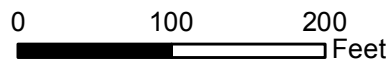
STIPULATIONS:





Z-68



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Town Square MB One, LLC

PETITION NO.: Z-68

PRESENT ZONING: LRC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 2 **Total Square Footage of Development:** 28,457 sq. ft.

F.A.R.: 0.21 **Square Footage/Acre:** 9,239 sq. ft.

Parking Spaces Required: 114 **Parking Spaces Provided:** 139

The applicant is seeking a rezoning of the existing retail center from the current LRC limited retail commercial district to NRC neighborhood retail commercial district in order to allow a more wide variety of tenants as well as potential eating and drinking establishments similar to surrounding retail shopping centers. No changes are anticipated to be made to the existing two (2) two-story retail buildings and standard retail hours will be maintained. No variances are being requested by the applicant.

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: Town Square MB One, LLC

PETITION NO.: Z-68

PRESENT ZONING: LRC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from LRC to NRC for purpose of a retail, office and restaurant use. The 3.08 acre site is located at the southeast intersection of Kennesaw Due West Road and Due West Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with LRC zoning designations. The purpose of the Neighborhood Activity Center (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.

Adjacent Future Land Use

North: Neighborhood Activity Center (NAC); Across Kennesaw Due West Road – Public Institutional (PI)
East: Low Density Residential (LDR)
South: Neighborhood Activity Center (NAC)
West: Across Due West Road - Neighborhood Activity Center (NAC)

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: Town Square MB One, LLC

PETITION NO.: Z-68

PRESENT ZONING: LRC

PETITION FOR: NRC

<p>PLANNING COMMENTS: Continued</p>

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 Town Square MB One, LLC

PETITION NO. Z-068

PRESENT ZONING LRC

PETITION FOR NRC

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): 12" DI / S side of Kennesaw Due West 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: On Site

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

Treatment Plant: Northwest

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. No site changes or expected changes in wastewater volume
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: Town Square MB One, LLC

PETITION NO.: Z-68

PRESENT ZONING: LRC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

No Comments (no site changes are proposed).

APPLICANT: Town Square MB One, LLC

PETITION NO.: Z-68

PRESENT ZONING: LRC

PETITION FOR: NRC

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
Kennesaw Due West Road	13,100	Arterial	45 mph	Cobb	100'
Due West Road	15,100	Arterial	45 mph	Cobb	100'

*Based on [2011] traffic counting data taken by Cobb County DOT for Kennesaw Due West Road
Based on [2005] traffic counting data taken by Cobb County DOT for Due West Road*

COMMENTS AND OBSERVATIONS

Kennesaw Due Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Due Road is classified as an arterial 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 east side of Due West Road, a minimum of 50' from the roadway centerline upon development.

Recommend no additional access.

STAFF RECOMMENDATIONS

Z-68 TOWN SQUARE MB ONE, LLC

- 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. Directly across Due West Road, there lies a large commercial retail center along Mary Eliza Trace. Also, to the north, across Acworth Due West Road is Due West Elementary School. The subject property provides the required 20 foot screening buffer along its eastern property line adjacent to the only residential property it abuts.
- 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. The subject property has been in existence for over ten years and the current request should not result in new, adverse effects.
- 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*. The property is delineated as being within the NAC Neighborhood Activity Center future land use category. This category seeks to encourage low intensity office and retail uses that serve neighborhood residents and businesses. The current request to allow a wider mix of retail tenants in the existing center serves this goal of the NAC category.
- 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 applicant is proposing no changes to the existing retail center and requires no variances as presented. The request would allow leasing to tenants of the neighborhood retail variety including eating and drinking establishments.

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

- Site plan received by the Zoning Division on May 7, 2015;
- 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.

Summary of Intent for Rezoning*

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

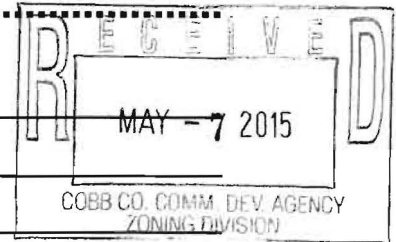
- a) Proposed unit square-footage(s): Not Applicable.
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

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

- a) Proposed use(s): Neighborhood Retail
- b) Proposed building architecture: No change from existing architecture
- c) Proposed hours/days of operation: Standard retail hours
- d) List all requested variances: No additional variances requested

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

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). None known at this time.

***Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.**

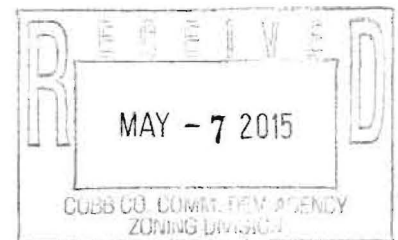
ATTACHMENT TO SUMMARY OF INTENT FOR REZONING

Application No.: Z- 68 (2015)
Hearing Dates: July 7, 2015 and
July 21, 2015

Applicant/Titleholder: Town Square MB One, LLC

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

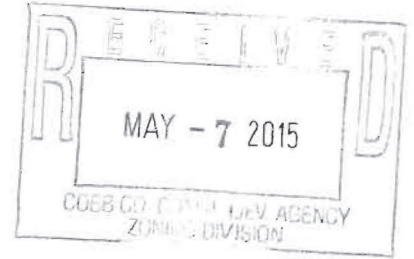
The existing retail center is zoned LRC; and suffers due to the limited retail uses allowable. The area has grown and changed dramatically over the last decade such that the restrictions associated with LRC are no longer needed or necessary and only serve to harm the Property's economic viability by preventing otherwise acceptable and quality retail uses from locating in this retail center.



ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT

Application No.: Z- 68 (2015)
Hearing Dates: July 7, 2015 and
July 21, 2015



Applicant/Titleholder: Town Square MB One, LLC

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The Application for Rezoning requests rezoning of an existing retail center (known as Due West Shopping Center) from the current zoning category of Limited Retail Commercial (“LRC”) to the proposed zoning category of Neighborhood Retail Commercial (“NRC”) zoning classification. The retail center is comprised of approximately 3.08 acres and is located along the easterly side of Due West Road, southerly of Kennesaw-Due West Road (hereinafter the “Property” or the “Subject Property”). This intersection is a heavily traveled, major intersection within the West Cobb Community. Although the center has had numerous long-time tenants, there are certain areas of the center which have experienced numerous, extended “dark,” vacant retail spaces. Applicant proposes rezoning of the Subject Property to expand the types of tenants allowed within the center, which are complementary to and compatible with the West Cobb Community; as well as neighboring retail establishments. To accomplish this goal, it is necessary to rezone the Subject Property from the existing LRC classification to the proposed NRC zoning classification.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The uses allowable under the proposed NRC zoning classification should have a minimal, if any, impact on surrounding properties. The rezoning should have a positive effect to allow for uses which would enhance the services offered within the center. If approved and used according to the request, the adjacent and nearby property owners should benefit in higher land values. The county will benefit in increased revenue.
- (c) The property as zoned does not have a reasonable economic use. Approval of the requested rezoning will allow for reasonable, economic use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as well as the policy and intent of the Land Use Plan as evidenced by the existing zoning category of Limited Retail Commercial.

- (f) The Subject Property was rezoned to the LRC zoning classification and subsequently developed into the existing retail center. Following development of the retail center, roadways surrounding it were improved and widened; as well as new retail centers were approved and businesses and offices were located along the roadways. The entire area has changed dramatically since the initial rezoning of the Subject Property. In order to allow the Property to be economically viable and relevant, the unnecessary use restrictions of Limited Retail Commercial should be removed, allowing the Property to function as a high-quality neighborhood retail center.