

PETITION NO: Z-44

HEARING DATE (PC): 05-05-15

HEARING DATE (BOC): 05-19-15

PRESENT ZONING: R-20

PROPOSED ZONING: LRO

PROPOSED USE: Offices

SIZE OF TRACT: 2.45 acres

DISTRICT: 20

LAND LOT(S): 332

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Single-family house

SOUTH: RSL/Recently rezoned West Cobb Senior Living

EAST: R-20/Single-family houses

WEST: R-20/Single-family house and NRC/Storage Facility

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

PLANNING COMMISSION RECOMMENDATION

APPROVED_____ **MOTION BY**_____

REJECTED SECONDED

HELD

CARRIED

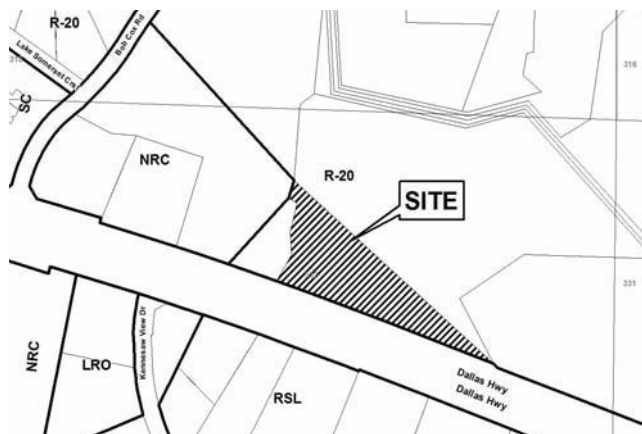
BOARD OF COMMISSIONERS DECISION

APPROVED_____ **MOTION BY**_____

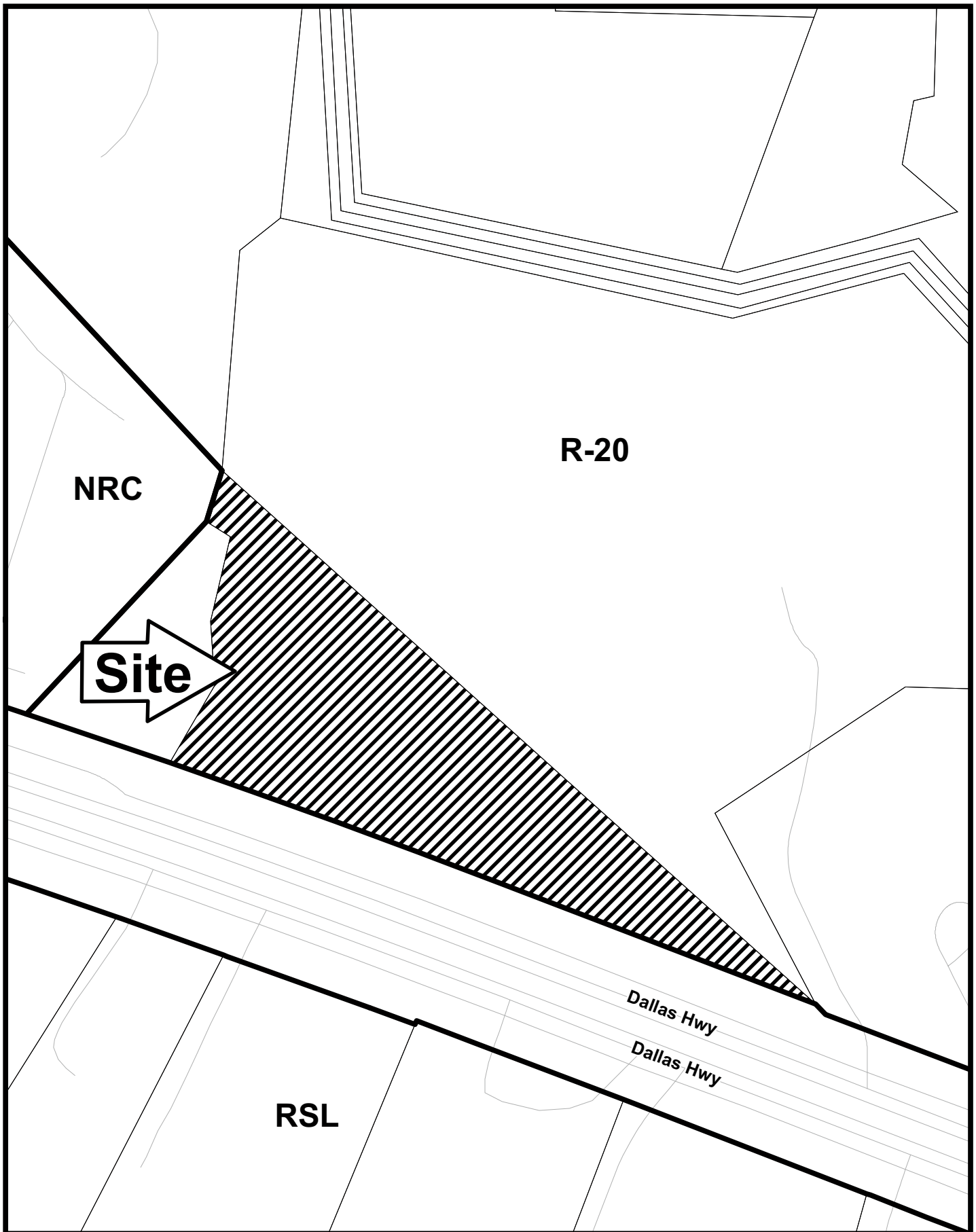
REJECTED SECONDED

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STIPULATIONS:



Z-44



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

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City Boundary
Zoning Boundary

APPLICANT: 621 Property Investments, LLC

PETITION NO.: Z-44

PRESENT ZONING: R-20

PETITION FOR: LRO

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Rural Residential (0-1 unit per acre)

Proposed Number of Buildings: 3

Total Square Footage of Development: 19,488

F.A.R.: 0.18

Square Footage/Acre: 7,954

Parking Spaces Required: 68

Parking Spaces Provided: 71

Applicant is requesting the Low Rise Office (LRO) zoning category for the purpose of developing the property for three professional office buildings. The proposed architecture will be traditional and the office hours will be Monday through Friday from 8 a.m. until 6 p.m.

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.

APPLICANT: 621 Property Investments, LLC

PETITION NO.: Z-44

PRESENT ZONING: R-20

PETITION FOR: LRO

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to LRO for purpose of professional offices. The 2.45 acre site is located on the north side of Dallas Highway, east of Bob Cox Road.

Comprehensive Plan

The parcel is within a Rural Residential (**RR**) future land use category, with R-20 zoning designation. The purpose of the Rural Residential (**RR**) category is to provide for areas that are suitable for Cobb County's lowest density housing development.

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: Dallas Highway Design Guidelines

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings
☐ Yes ☒ No ☐ Not applicable
- Streetscape elements
☐ Yes ☒ No ☐ Not applicable
- Building Frontage
☐ Yes ☒ No ☐ Not applicable
- Parking Standard
☐ Yes ☒ No ☐ Not applicable
- Architecture standard
☐ Yes ☒ No ☐ Not applicable

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.

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PETITION FOR: LRO

PLANNING COMMENTS: (Continued)

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

Is this property within the Six Flags Special Service District?
☐ Yes ☒ No

APPLICANT 621 Property Investments, LLC

PETITION NO. Z-044

PRESENT ZONING R-20

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): 8" DI / N side of Dallas Hwy

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: In Dallas Hwy along frontage

Estimated Waste Generation (in G.P.D.): A D F= 919 Peak= 2,298

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
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: 621 Property Investments, LLC

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PRESENT ZONING: R-20

PETITION FOR: LRO

STORMWATER MANAGEMENT COMMENTS

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

DRAINAGE BASIN: Tributary to Mud Creek FLOOD HAZARD INFO: Zone X

- ☐ 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: _____

- ☐ 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 CONDITION

- ☒ 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 – **Lake Hartage**.
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 downstream receiving channel and lake.

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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 parcel is located to the north of Dallas Highway to the southwest of Lake Hartage. The site is wooded with average slopes of 5 to 10%. The majority of the site drains to the northeast into Lake Hartage through adjacent residential parcels. While there are small natural drainage swales leaving the site, they are not well-defined and have no recorded drainage easements.
2. Due to the lack of adequate drainage conveyance through the adjacent residential parcel and no recorded drainage easements it is recommended that the proposed stormwater management facility for this site be designed to discharge to the Dallas Highway right-of-way. This will be subject to the capacity of the existing paved ditch section to be determined at Plan Review.
3. As indicated in the Downstream Conditions Comments, there is a lake located immediately downstream of this site (Lake Hartage). A pre- and post-sediment survey will be required to document any changes in sediment levels during construction.

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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
Dallas Highway	43,300	Arterial	45	GDOT	100'

Based on [2002] traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Dallas Highway is classified as an arterial, a state route, and according to the available information the existing right-of-way does 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 GDOT permits for all work that encroaches upon State right-of-way.

Recommend decel lane for Dallas Highway access.

Recommend curb, gutter and sidewalk along Dallas Highway frontage.

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STAFF RECOMMENDATIONS

Z-44 621 PROPERTY INVESTMENTS, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The majority of the properties on this side of Dallas Highway, moving away from Bob Cox Road, are zoned for single-family houses.
- 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. The nearest commercial node is at the northeast corner of Dallas Highway and Bob Cox Road. East of that node, properties are zoned for single-family residential uses, with the exception of the recently zoned Residential Senior Living property across the street on the south side of Dallas Highway.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Rural Residential (RR) land use category, having densities ranging from 0-1 unit per acre. The proposed Low Rise Office (LRO) zoning category is not compatible with the RR land use category. While the small northwestern tip of the subject property touches the NAC at the corner of Bob Cox Road and Dallas Highway, staff believes the proposal of three, two-story office buildings does not ensure compatibility with this residential area.
- 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 denying the applicant's rezoning proposal. The requested LRO zoning category is not compatible with the RR land use category. The purpose of the RR category is to provide for areas that are suitable for Cobb County's lowest density housing development. Such areas include those difficult to sewer, furthest from major activity centers, public services, and transportation corridors, or have particularly sensitive environment features or scenic value. The RR category provides for development that is 0-1 unit per acre. Most of the properties on this side of Dallas Highway and abutting this property are larger tracts with single-family houses.

Based on the above analysis, Staff recommends **DENIAL**.

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-44

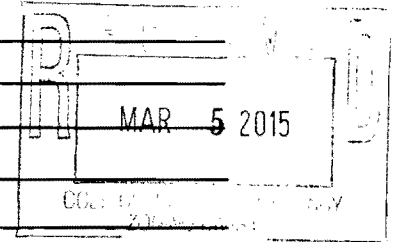
PC: May 5, 2015

BOC: May 19, 2015

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): _____
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): Professional Offices

b) Proposed building architecture: Traditional Office

c) Proposed hours/days of operation: Monday - Friday, 8:00 a.m. until 6:00 p.m.

d) List all requested variances: _____

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

.....
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).

**ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF THE 621 PROPERTY INVESTMENTS, LLC**

MAR 5 2015

COMES NOW, 621 PROPERTY INVESTMENTS, LLC and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Dallas Highway Corridor. The subject property is directly across Dallas Highway from the recently approved Sterling Estate of West Cobb senior complex and slightly east of a RaceTrac convenience store with fuel sales, a car wash and a self-storage facility. The size and scale of the low impact, two-story professional offices are suitable in context with the existing development in the area. The triangle shaped property is heavily impacted by the four lane divided highway making the property not economically viable as residential.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is adjacent to a Neighborhood Activity Center (NAC) under Cobb County's Future Land Use Map and has extensive road frontage along State Route 120 (a.k.a Dallas Highway), a four lane divided highway with 43,000 cars per day. The professional offices will not negatively impact the adjacent residential uses with appropriate screening and buffering. The offices will be


primarily used during the week and during normal business hours and will therefore be a quiet neighbor on the weekends.

- C. 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 R-20.
- 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. The offices will add to the school tax base without adding any additional students. The right-in/right out access on an arterial road will not create a traffic problem.
- E. The zoning proposal is located contiguous to 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. The low intensity professional office use will act as a buffer for the residential uses from the noise created by Dallas Highway.

- F. There is no substantial relationship between the existing zoning classification of R-20 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 the Dallas Highway Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 5th day of March, 2015.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010