

Z-59
(2015)







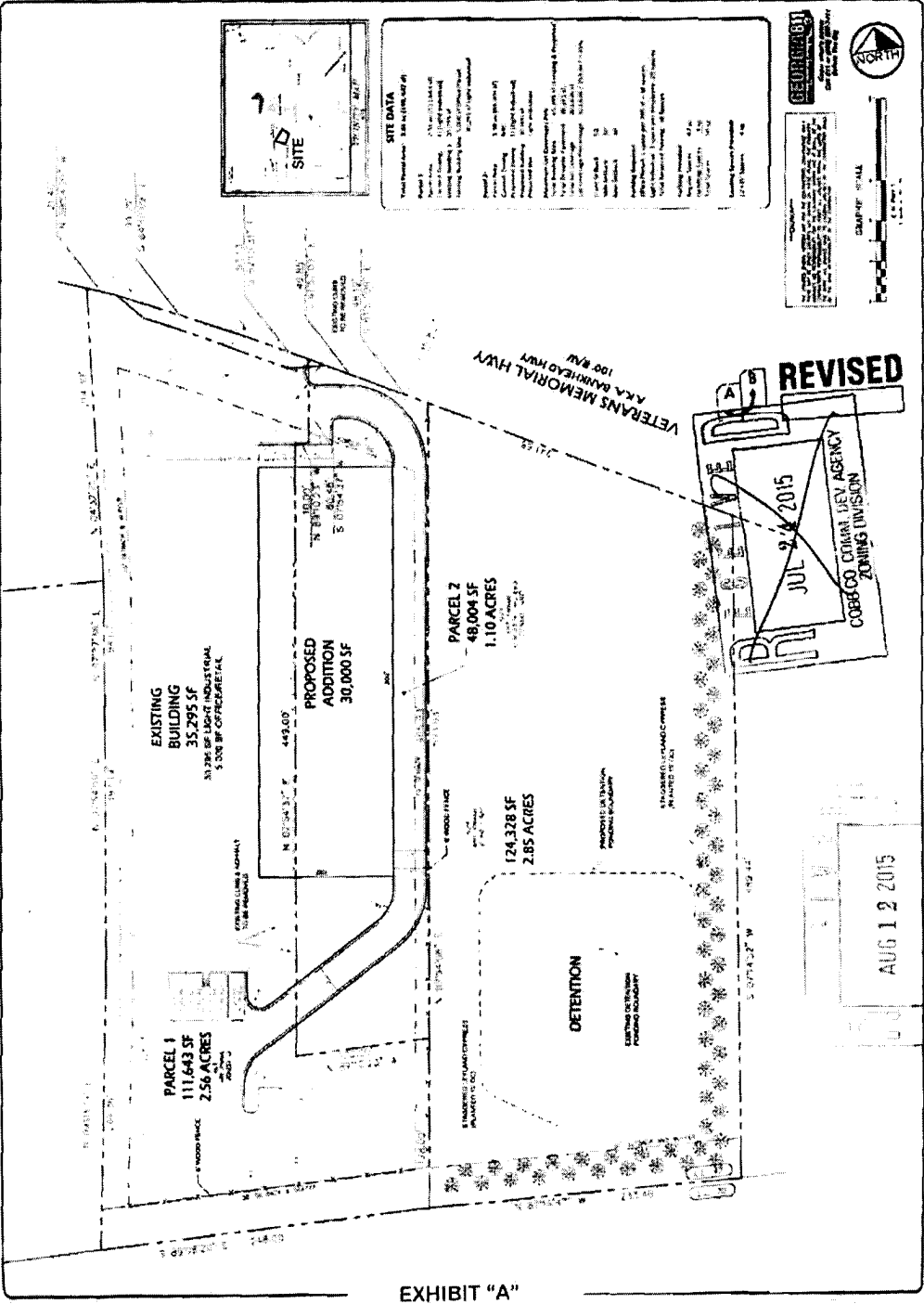


EXHIBIT "A"

APPLICANT: Art Frame, LLC

PHONE#: (770) 745-5180 EMAIL: mike@artframeusa.com

REPRESENTATIVE: John H. Moore

PHONE#: (770) 429-1499 EMAIL: jmoore@mijs.com

TITLEHOLDER: RA Mableton Holdings, LLC

PROPERTY LOCATION: Southwest side of Veterans Memorial Highway, east of Pebblebrook Road.

ACCESS TO PROPERTY: Veterans Memorial Highway

PHYSICAL CHARACTERISTICS TO SITE: Currently undeveloped

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Mount Harmony Baptist Church

SOUTH: RA-5/ Cobblestone Creek Subdivision

EAST: NRC/ Undeveloped

WEST: LI/ Art Frame

PETITION NO: Z-59

HEARING DATE (PC): 06-02-15

HEARING DATE (BOC): 06-16-15

PRESENT ZONING: NRC

PROPOSED ZONING: LI

PROPOSED USE: Wholesale/Retail/ Assembly For Picture Frame And Art Business

SIZE OF TRACT: 3.95 acres

DISTRICT: 18

LAND LOT(S): 47

PARCEL(S): 13

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

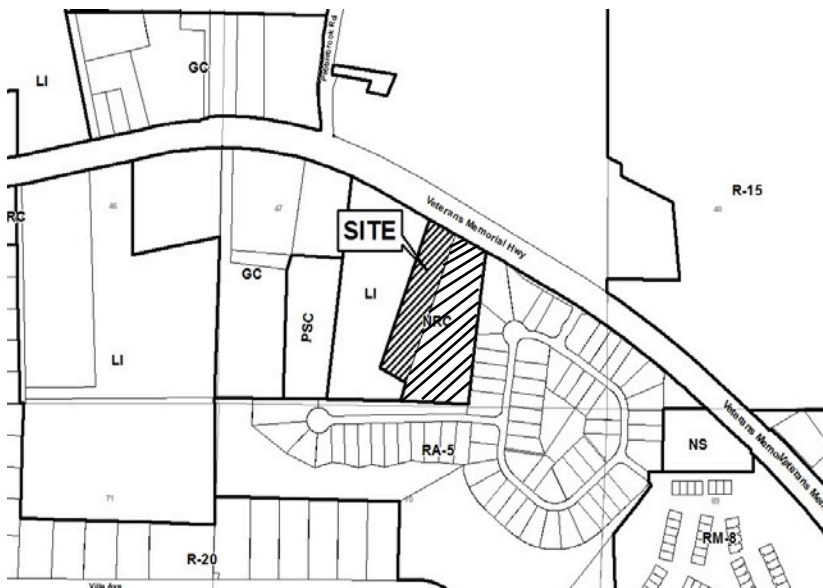
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

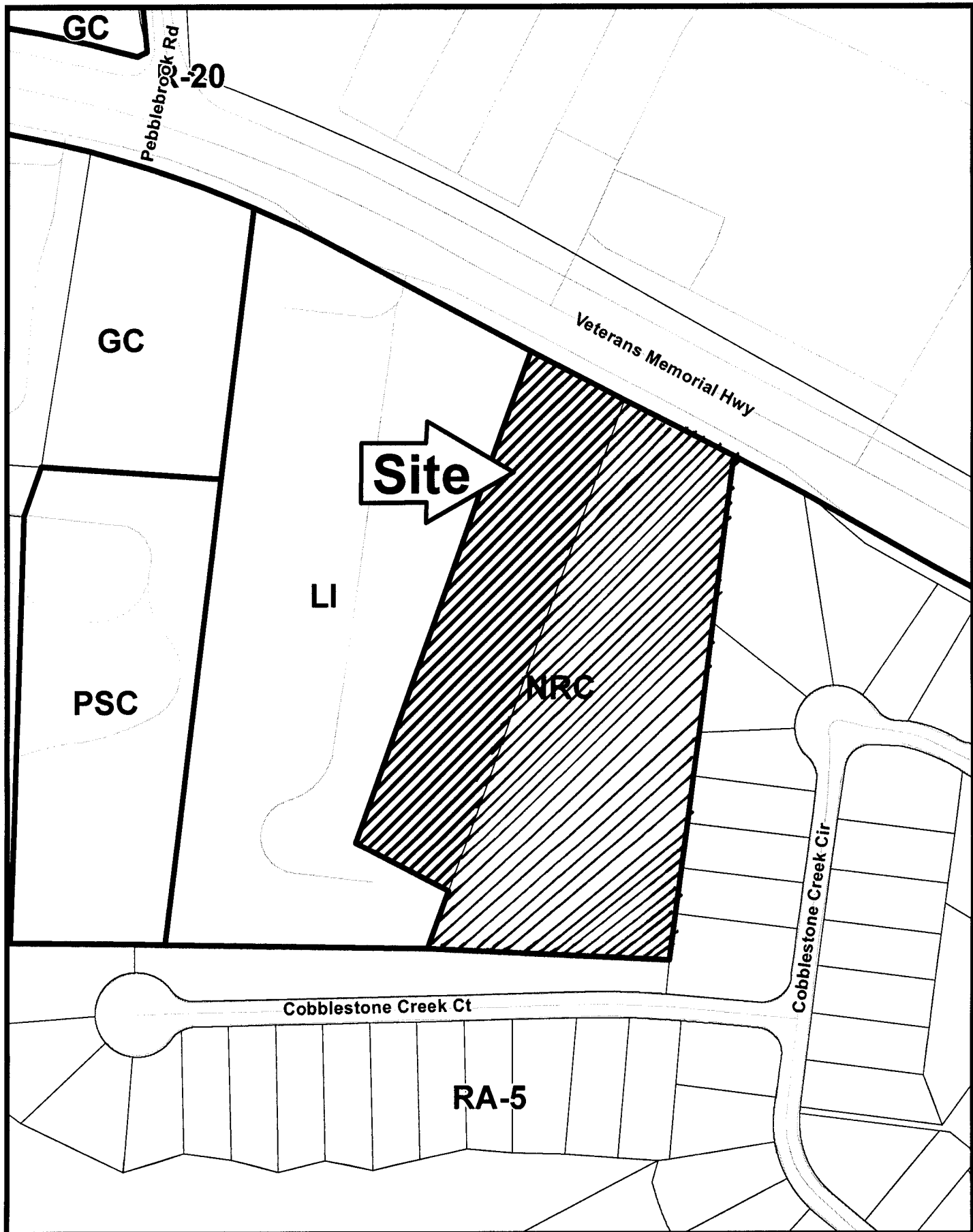
REJECTED _____ SECONDED _____

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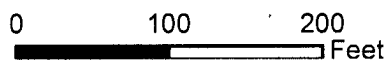
STIPULATIONS:





Z-59



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



 City Boundary
 Zoning Boundary

APPLICANT: Art Frame, LLC

PETITION NO.: Z-59

PRESENT ZONING: NRC

PETITION FOR: LI

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: NAC neighborhood activity center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 30,000 NEW

F.A.R.: 0.174 NEW

Square Footage/Acre: 7,594.93 NEW

Parking Spaces Required: 74 **Parking Spaces Provided:** 74

The applicant is requesting a rezoning of the subject property from the existing NRC neighborhood retail commercial district to LI light industrial district in order to expand operations of the existing Art Frame business on the adjacent parcel to the west. The current request will allow a 30,000 sq. ft. addition to the existing building. The total 65,295 sq. ft. building will include the same, but expanded uses of wholesale and retail sale of picture frames, picture frame assembly, picture frame material and art business. Hours of operation will be Monday to Friday 8:00 a.m. to 6:00 p.m. and Saturday 8:00 a.m. to 2:00 p.m. and closed on Sunday. The new building will be traditional with brick façade on front and metal on the remaining three (3) sides.

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:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

APPLICANT: Art Frame, LLC

PETITION NO.: Z-59

PRESENT ZONING: NRC

PETITION FOR: LI

PLANNING COMMENTS:

The applicant is requesting a rezoning from NRC to LI for purpose of wholesale/retail/assembly for picture frame and art business. The 1.1 acre site is located on the Southwest side of Veterans Memorial Highway, east of Pebblebrook Road.

Comprehensive Plan

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

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.

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: Art Frame, LLC

PETITION NO.: Z-59

PRESENT ZONING: NRC

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 Art Frame, LLC

PETITION NO. Z-059

PRESENT ZONING NRC

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 / S side of Veterans Memorial Hwy

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= 1,480 Peak= +3,700

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

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. Additional sewer fees may be assessed at time of building permit.
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: Art Frame, LLC

PETITION NO.: Z-59

PRESENT ZONING: NRC

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Liberty Hill Branch 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 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 expansion of the site on the existing detention pond and downstream receiving system.

APPLICANT: Art Frame, LLC

PETITION NO.: Z-59

PRESENT ZONING: NRC

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. Applicant must verify that adequate stormwater management is provided within the existing master detention facility or redesign to accommodate the proposed site expansion.

APPLICANT: Art Frame, LLC

PETITION NO.: Z-59

PRESENT ZONING: NRC

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
Veterans Memorial Highway	25,400	Arterial	45 mph	Georgia DOT	100'

Based on 2008 traffic counting data taken by Cobb DOT (Veterans Memorial Highway)

COMMENTS AND OBSERVATIONS

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

RECOMMENDATIONS

Recommend sidewalk along the Veterans Memorial Highway frontage.

Recommend no additional access to Veterans Memorial Highway.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

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STAFF RECOMMENDATIONS

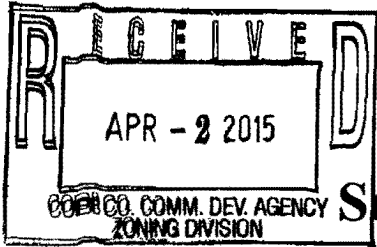
Z-59 Art Frame, LLC

- 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. The request will facilitate the expansion of the existing Art Frame facilities.
- 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. Located within an area along Veterans Memorial Highway where other commercial usages exist, the request will only facilitate the expansion of an existing business.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The *Plan*, delineates the area of this property to be within a NAC neighborhood activity center. However, at the time of the original rezoning of the adjacent Art Frame property in 2004, the future land use designation was IC industrial compatible. While the applicant's operations include assembly, there is also a retail component that serves the public.
- 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 will allow the expansion of an existing business, Art Frame. The building addition will be similar to the existing with a brick façade and expanded operations will include the currently existing wholesale and retail sale of picture frames, picture frame assembly, and picture frame material and art business. Recognizing the future land use has changed from IC to NAC since the establishment of the business, the requested LI zoning can be supported as a means to allow an expansion of an current and successful business subject to the same conditions as were placed on the existing property. The product's assembly (picture frames) is light in nature and the component of retail sales supports the goals of serving nearby residents within a NAC.

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

- Revised site plan received by the Zoning Division on August 12, 2015 with District Commissioner approving minor modifications;
- Use specific for retail and wholesale framed art business; any change in use to be approved by the District Commissioner;
- District Commissioner approve building architecture;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Fire Department 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 No. z-59
June (2015)

Summary of Intent for Rezoning*

.....
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: _____
- _____
- _____
- _____

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

- a) Proposed use(s): Wholesale and retail sale of picture frames; Picture frame assembly; Picture frame material and art business
 - b) Proposed building architecture: Traditional with brick facade on front and metal on remaining three sides
 - c) Proposed hours/days of operation: Monday-Friday - 8:00 a.m.-6:00 p.m.; Saturday - 8:00 a.m.-2:00 p.m.; Closed Sunday
 - d) List all requested variances: None known at this time.
- _____
- _____
- _____

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

None at this time.

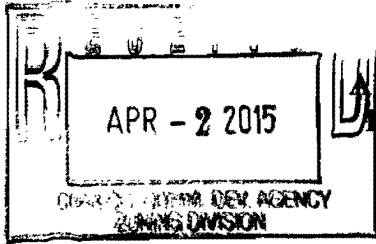
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Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

None known at this time.

*Applicant 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 APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT



Application No.: Z-59 (2015)
Hearing Dates: June 2, 2015
June 16, 2015

Applicant: Art Frame, LLC
Titleholder: RA Mableton Holdings, LLC

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

- (a) This Application for Rezoning requests rezoning of approximately 1.10 acres located on the southerly side of Veterans Memorial Highway, easterly of the intersection of Pebblebrook Road and Veterans Memorial Highway, Land Lot 47, 18th District, 2nd Section (hereinafter “Property” or “Subject Property”) from the existing zoning category of Neighborhood Retail Commercial to the proposed zoning category of Light Industrial (“LI”). The Subject Property is located easterly of and immediately adjacent to Applicant’s existing facility at 516 Veterans Memorial Highway. Applicant seeks rezoning of the Subject Property to the LI category to allow for expansion of its business facilities, both immediately; as well as, allow for expansion in the future. Applicant has been in its current location for the past ten (10) years, and has established itself as a quality business within the South Cobb Community. To allow the expansion would bolster the growth of Applicant; as well as, provide additional economic opportunities for citizens of the area. Adjacent and nearby businesses located along Veterans Memorial Highway are zoned to Light Industrial, General Commercial, Low Rise Office, Neighborhood Retail Commercial, and Planned Shopping Center zoning classifications.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby properties. As previously stated, adjacent and nearby businesses located along Veterans Memorial Highway are zoned to Light Industrial, General Commercial, Low Rise Office, Neighborhood Retail Commercial, and Planned Shopping Center zoning classifications. If approved and developed according to the request, the adjacent and nearby commercial property owners should benefit in higher land values.
- (c) The Subject Property as presently zoned does not have a reasonable economic use. The proposed zoning will allow for a higher and better use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial development has almost no effect on schools, minimal effect on utilities and transportation facilities. The widened and improved roadways in the area will accommodate any increase of traffic without burdensome effects.

- (e) The zoning proposal is not in conformity with the Land Use Map of Cobb County, Georgia, but will allow a more advantageous economic use of the Property.
- (f) This zoning proposal is consistent with the current conditions affecting the development of the Subject Property. Properties on each side of the Subject Property are zoned to the NRC and Light Industrial (“LI”) categories, and surrounding properties along Veterans Memorial Highway are zoned to commercial categories as well. To allow rezoning to the LI zoning category would allow for the expansion of an existing, viable business; and further, would allow for employment opportunities to citizens in the South Cobb Community. Thus, the rezoning proposed by Applicant would allow for a more suitable and economic use without impact to any adjacent businesses or neighborhoods, and would be of benefit to the surrounding community.