

APPLICANT: Kuo Ken Tai

PETITION NO: Z-14

PHONE#: (404) 940-7677 EMAIL: _____

HEARING DATE (PC): 02-02-16

REPRESENTATIVE: Parks F. Huff

HEARING DATE (BOC): 02-16-16

PHONE#: (770) 422-7016 EMAIL: phuff@slhb-law.com

PRESENT ZONING OS, NS

TITLEHOLDER: Kuo Ken Tai

PROPOSED ZONING: LI

PROPERTY LOCATION: North side of Veterans Memorial

Highway, west of North Allen Road.

PROPOSED USE: Warehouse/Distribution

ACCESS TO PROPERTY: Veterans Memorial Highway

SIZE OF TRACT: 8.048 acres

DISTRICT: 18

PHYSICAL CHARACTERISTICS TO SITE: Home furnishings

LAND LOT(S): 45

showroom and warehouse

PARCEL(S): 8

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: PRD & RA-6/The Retreat at Old Vinings Lake and Youngstown

SOUTH: GC/Single-family houses

EAST: NS/T&J Trading

WEST: R-20/Undeveloped

Adjacent Future Land Use:

North: Low Density Residential (LDR)

East: Neighborhood Activity Center (NAC)

South: Neighborhood Activity Center (NAC)

West: Neighborhood Activity Center (NAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

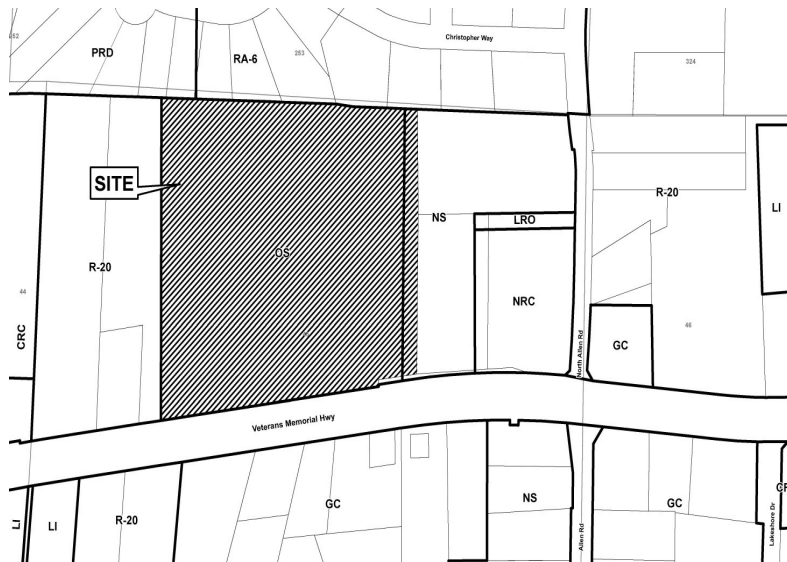
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

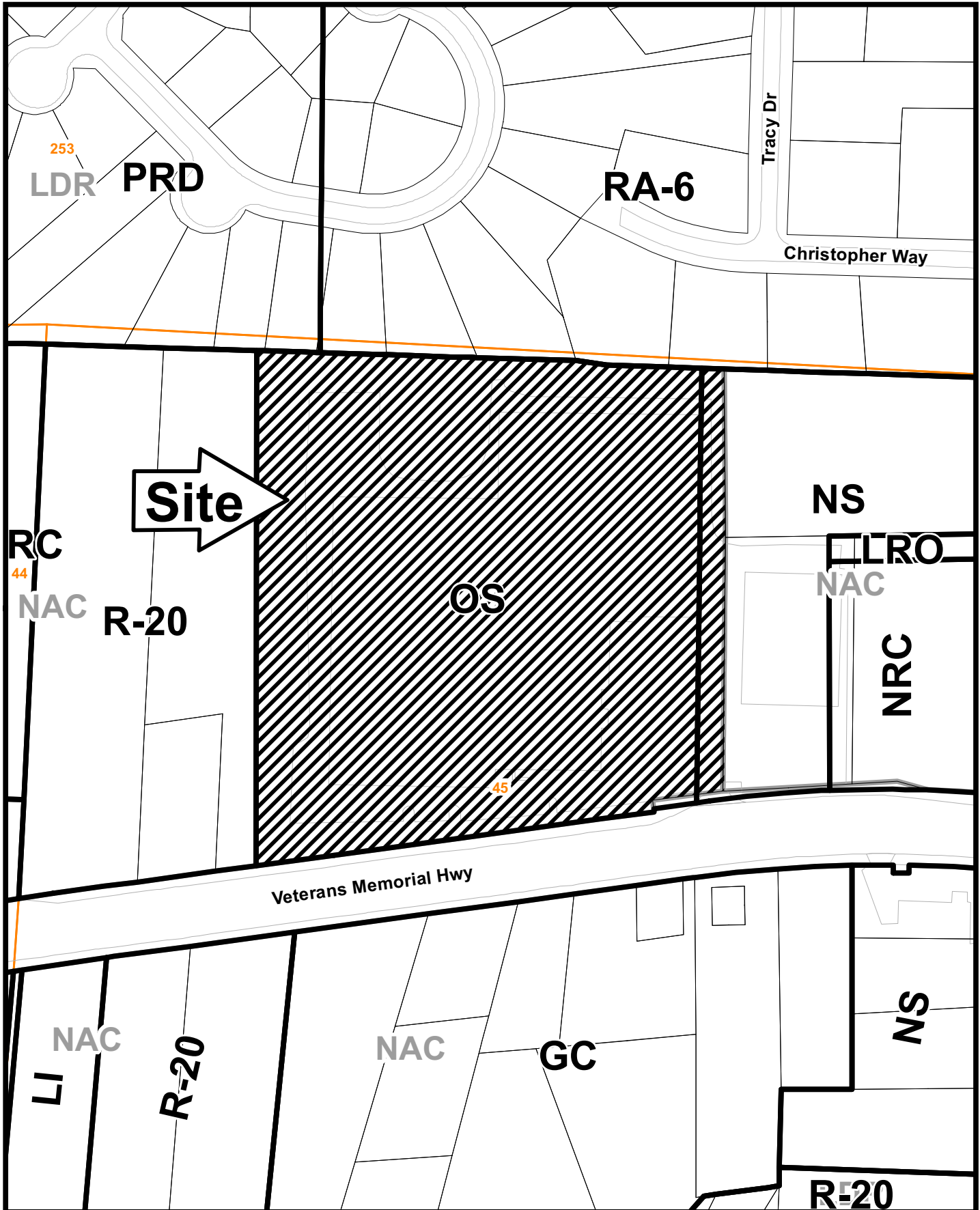
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

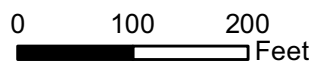
STIPULATIONS:





Z-14



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Kuo Ken Tai

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PRESENT ZONING: OS, NS

PETITION FOR: LI

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 (Existing) **Total Square Footage of Development:** 168,323

F.A.R.: 0.480 **Square Footage/Acre:** 20,914

Parking Spaces Required: 63 **Parking Spaces Provided:** 55

Applicant is requesting the Light Industrial (LI) zoning district for the purpose of operating a warehouse/distribution facility with the potential for a showroom. The days and hours of operation are undetermined at this time.

The proposal will require the following contemporaneous variances:

1. Waive the front setback from the required 75 feet to 58 feet;
2. Waive the required number of parking spaces from 63 feet to 55 feet;
3. Waive the required 50-foot landscape buffer to 20 feet on the western property line; and
4. Waive the required 50-foot landscape buffer to 30 feet on the northern property line, east of the detention area.

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.

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PRESENT ZONING: OS, NS

PETITION FOR: LI

PLANNING COMMENTS:

The applicant is requesting a rezoning from OS to LI for the purpose of warehouse / distribution. The 8.048 acre site is located on the north side of Veterans Memorial Highway, west of North Allen Road.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of _____ been notified? Yes No / N/A

Comprehensive Plan

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

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Low Density Residential (LDR)
East: Neighborhood Activity Center (NAC)
South: Neighborhood Activity Center (NAC)
West: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study.

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.

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PLANNING COMMENTS: (Continued)

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>.

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

Is the property within the Dobbins Airfield Safety Zone?

Yes No

If so, which particular safety zone is this property within?

CZ (Clear Zone) APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

APPLICANT Kuo Ken Tai

PETITION NO. Z-014

PRESENT ZONING OS, NS

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): 12"DI / N side of Veterans Memorial

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: Veterans Memorial Hwy ROW

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

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
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

No site improvements are proposed. Stormwater management for this parcel is provided by an existing onsite detention facility.

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PRESENT ZONING: OS, NS 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	Cobb County	100'

Based on 2008 traffic counting data taken by Cobb County DOT for Veterans Memorial Highway.

COMMENTS AND OBSERVATIONS

Veterans Memorial Highway is classified as a state route, 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 north side of Veterans Memorial Highway, a minimum of 50' from the roadway centerline.

GDOT permits will be required for all work that encroaches upon State right-of-way.

STAFF RECOMMENDATIONS

Z-14 KUO KEN TAI

- 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 building is existing and no expansion is planned.
- 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 existing building has been utilized for a number of years as a home furnishing showroom and warehouse. The proposal is for warehouse and distribution with the potential for a showroom. This will be a similar use.
- 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*, which delineates this property as being within the Neighborhood Activity Center (NAC) land use category. The proposed Light Industrial (LI) zoning district is not compatible with the NAC land use 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 denying the applicant's rezoning proposal. The proposed zoning district of LI is not compatible with the NAC land use category and the existing OS zoning category can be utilized under the NAC category, with certain restrictions. The proposed use and existing building does not meet those restrictions.

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.

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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: _____
- 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): Warehouse and distribution with potential showroom.
- b) Proposed building architecture: Metal warehouse - existing.
- c) Proposed hours/days of operation: Undetermined at this time.
- d) List all requested variances: Shown on site plan.

.....
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).

None known at this time.

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

ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF KUO KEN TAI

COMES NOW, KUO KEN TAI, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:


- A. The subject property has an existing 168,000 square foot warehouse building. The current OS zoning on the subject property does not allow uses that are compatible with the warehouse space. Therefore, the owner Kuo Ken Tai proposes to rezone the property to Light Industrial (LI) so the warehouse can be used as a warehouse facility. The proposed use is suitable in relation to development along the Bankhead Highway Corridor and is suitable given the fact that the warehouse building is currently vacant.
- 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 various industrial, commercial, and non-confirming general commercial uses. The existing warehouse building is adjacent to residential property located to the north. The residential property was built since the warehouse building was built and the uses can coexist as they have in the past. The applicant will maintain the current buffers.
- 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. The OS zoning does not allow uses that are consistent with the 168,000 square foot warehouse.

- 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 existing warehouse has access directly onto a four lane highway and the additional traffic created by this existing building will not negatively impact this highway.
- E. The zoning proposal is located within a Neighborhood Activity Center (“NAC”) Future Land Use Category but is adjacent to predominantly commercially zoned properties. There are several LI zoned properties in the immediate area around the subject property.
- F. There is no substantial relationship between the existing zoning classification of OS 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 area of Bankhead Highway, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 3 day of December 2015.

SAMS, LARKIN, HUFF & BALLI, LLP

By: _____


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

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