

APPLICANT: Sayre Realty Investments LLLP

PETITION NO: Z-44

PHONE#: 770-448-0300 **EMAIL:** julie@hooverfoods.com

HEARING DATE (PC): 05-03-16

REPRESENTATIVE: Parks F. Huff, Esq.

HEARING DATE (BOC): 05-17-16

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

PRESENT ZONING: NS

TITLEHOLDER: Sayre Realty Investments, LLLP

PROPOSED ZONING: CRC

PROPERTY LOCATION: On the east side of Johnson Ferry Road,
at Waterfront Drive.

PROPOSED USE: Urgent Care Facility

(3120 Johnson Ferry Road)

ACCESS TO PROPERTY: Johnson Ferry Road

SIZE OF TRACT: 1.019 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Restaurant building

LAND LOT(S): 470

PARCEL(S): 40

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NS/IHOP Restaurant
- SOUTH:** CRC/Entrance to Retail Center; NRC/Zaxby's
- EAST:** CRC/Wal-Mart
- WEST:** NRC/Walgreen's

Adjacent Future Land Use:

- Northeast: Neighborhood Activity Center (NAC)
- Southeast: Neighborhood Activity Center (NAC)
- South West: Neighborhood Activity Center (NAC)
- Northwest: Neighborhood Activity Center (NAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

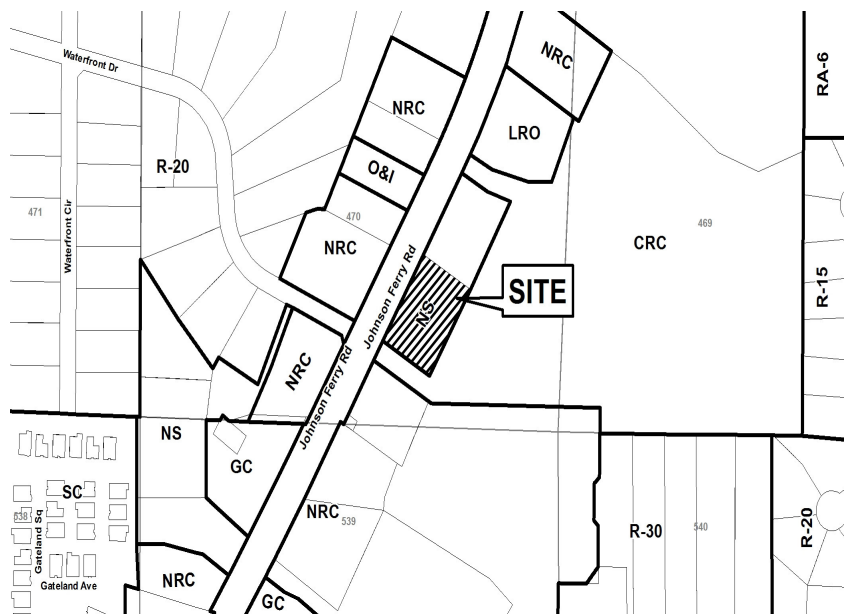
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

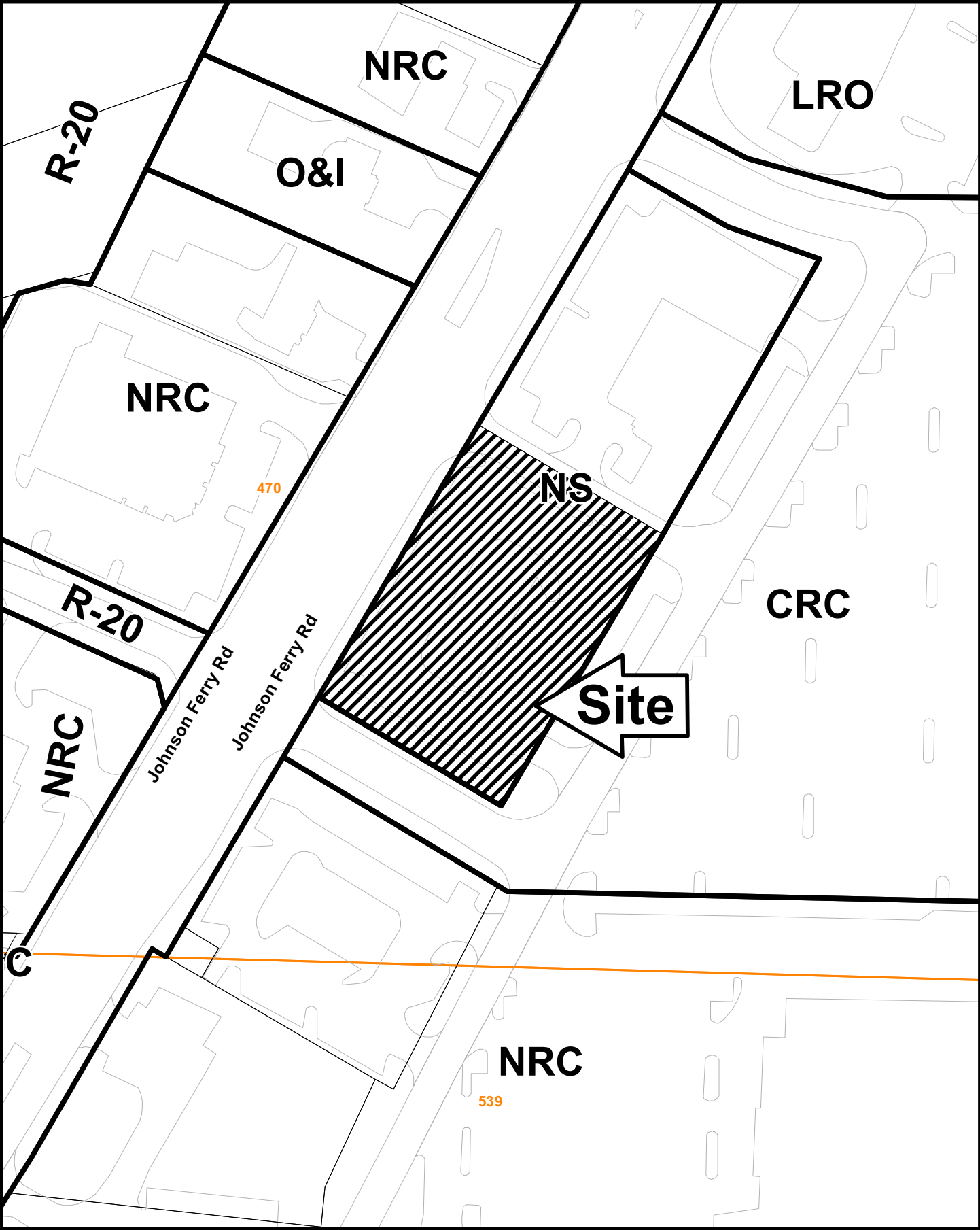
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

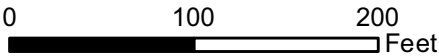
STIPULATIONS:



Z-44-2016 GIS



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



- City Boundary
- Zoning Boundary

APPLICANT: Sayre Realty Investments LLLP

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PRESENT ZONING: NS

PETITION FOR: CRC

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:** 2,885

F.A.R.: 0.064 **Square Footage/Acre:** 2,831

Parking Spaces Required: 10 **Parking Spaces Provided:** 45

Applicant is requesting the Community Retail Commercial (CRC) zoning district for the purpose of opening a clinic/urgent care facility. The property has been utilized for restaurants in the past and is now vacant. The property's current Neighborhood Shopping (NS) zoning can no longer be developed in the current Neighborhood Activity Center (NAC) land use category. The applicant proposes to utilize the existing building with minor exterior renovations. The hours of operation will be Monday through Friday from 8 a.m. until 8 p.m.; Saturday and Sunday from 9 a.m. until 6 p.m.

The applicant will also require a contemporaneous variance in order to remove the existing pole sign and replace it with a ground based monument sign in the same location.

Cemetery Preservation: No comment.

FIRE COMMENTS:

NO 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: Sayre Realty Investments LLLP

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PRESENT ZONING: NS

PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from NS to CRC for the purpose of an urgent care facility. The 1.019 acre site is located on the east side at 3120 Johnson Ferry Road, at Waterfront Drive.

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 NS 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:

- Northeast: Neighborhood Activity Center (NAC)
- Southeast: Neighborhood Activity Center (NAC)
- South West: Neighborhood Activity Center (NAC)
- Northwest: 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.

APPLICANT: Sayre Realty Investments LLLP

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PRESENT ZONING: NS

PETITION FOR: CRC

PLANNING COMMENTS: **Continued**

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)
 Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Sayre Realty Investments LLLP

PETITION NO. Z-044

PRESENT ZONING NS

PETITION FOR CRC

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 / E side of Johnson Ferry Road

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: Along rear of property in easement

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

Treatment Plant: Big Creek

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Dry 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

Stormwater management for this parcel is provided by the master detention facility for the Walmart Center. Subject to Stormwater Management review upon any substantial improvement or redevelopment to verify that adequate detention and water quality has been provided.

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PETITION FOR: CRC

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
Johnson Ferry Road	30,800	Arterial	45 mph	Cobb County	100'

Based on 2010 traffic counting data taken by Cobb County DOT for Johnson Ferry Road.

COMMENTS AND OBSERVATIONS

Johnson Ferry 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.

RECOMMENDATIONS

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

The minimum tangent curb length between a driveway radius and the intersection of Johnson Ferry Road shall be 50 feet.

Recommend no new access to Johnson Ferry Road.

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STAFF RECOMMENDATIONS

Z-44 SAYRE REALTY INVESTMENTS, LLLP

- 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. Adjacent and nearby properties are zoned and developed for retail, office, restaurant and single-family uses.
- 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 property has been used for many years as a restaurant and the requested zoning will be less intense.
- 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 to be within the Neighborhood Activity Center (NAC) land use category. The requested Community Retail Commercial (CRC) zoning district is not designed to be in the NAC land use category. The NAC land use category would support the Neighborhood Retail Commercial (NRC) zoning district, but the NRC zoning district does not allow clinics as a permitted use. The requested CRC zoning district will allow clinics in addition to medical offices.
- 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 deleting the applicant's rezoning proposal to the NRC zoning district with the additional use of a clinic in combination with the medical offices of the urgent care facility.

Based on the above analysis, Staff recommends DELETING to NRC subject to the following conditions:

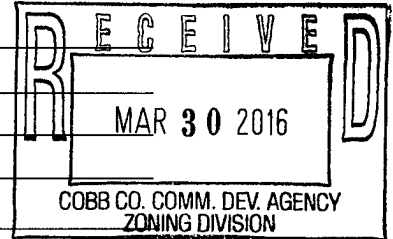
1. Site plan submitted to the Zoning Division on March 30, 2016, with the District Commissioner approving minor modifications;
2. Allow the additional clinic use as part of the planned urgent care facility;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations; and
5. 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.

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): N/A
- 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)

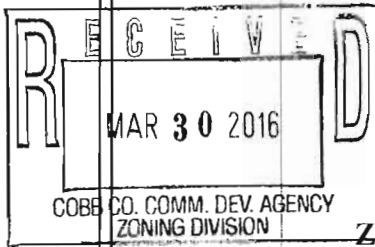
- a) Proposed use(s): Urgent Care Facility
- b) Proposed building architecture: As built, with minor exterior renovations
- c) Proposed hours/days of operation: Monday - Friday: 8:00 a.m. to 8:00 p.m.
Saturday and Sunday: 9:00 a.m. to 6:00 p.m.
- d) List all requested variances: None identified at this time.

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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 SAYRE REALTY INVESTMENTS LLLP

COMES NOW, SAYRE REALTY INVESTMENTS LLLP, 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 2,885 square foot commercial building constructed in 1992. The current Neighborhood Shopping (“NS”) zoning of the subject property allows the proposed use for a Clinic/Urgent Care Facility, but the NS zoning district, unless located within a Community Activity Center or Regional Activity Center, is considered non-conforming and any use change is required to be rezoned. Therefore, the Applicant and Property Owner propose to rezone the property to the Community Retail Commercial (“CRC”) zoning district to allow the proposed Urgent Care Facility use. The proposed use is suitable in relation to development along the Johnson Ferry Road Corridor and is appropriate given this quadrant location which includes one-destination shopping and service locations to serve the community.

- 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 high intensity retail/commercial uses. The existing building is adjacent to a Walmart, I-Hop restaurant and Walgreens Pharmacy.

- 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.

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MAR 30 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

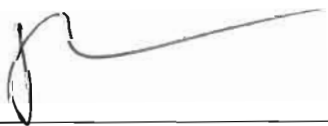
The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools. The existing building is situated on a four-lane divided highway (accessed via a signalized intersection) and the additional traffic created by this existing use will not negatively impact this highway. The traffic created for this use is less than the previous restaurant use of this building.

E. The zoning proposal is located within a Neighborhood Activity Center (“NAC”) Future Land Use Category and is adjacent to many commercially zoned properties, including the contiguous Walmart which is zoned Community Retail Commercial (“CRC”). The contiguous property to the north (I-HOP) is zoned NS. Additionally, there are numerous NRC zoned properties in the immediate area around the subject property.

F. There is no substantial relationship between the existing zoning classification of NS 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 Johnson Ferry Road, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 30 day of March, 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

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