

**OCTOBER 18, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-061

To consider a stipulation amendment and site plan amendment for Nicole Kelly regarding rezoning application Z-67 of 2013 (Church Office Partners, LLC), for property located at the northwest intersection of Church Road and North Church Lane, in Land Lot 824 of the 17th District (2445 Church Road).

BACKGROUND

The subject property was zoned to LRO in 2013 for a low rise office uses. The property is zoned to the site plan. The current use is a day school and day care for children who are interested in the performing arts. The applicant has installed an artificial turf playground to the rear of the building, an artificial turf area to the west side of the building, and an outdoor stage in the northwest corner of the property. These three things need to be shown on a site plan approved by the Board of Commissioners. The playground area and the outdoor stage both encroach into the 15 foot landscape buffer area along the north property line. The proposed use still meets the minimum parking requirements. If approved, all other zoning stipulations would remain in effect.

RECOMMENDATION

The Board of Commissioners consider the request for the site plan and stipulation amendments.

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

Cobb County, Georgia

DB-061-2016

(Cobb County Zoning Division - 770-528-2035) **BOC Hearing Date Requested:** 10/18/2016

Applicant: NICOLE KELLY Phone #: 404-432-2513
(applicant's name printed)

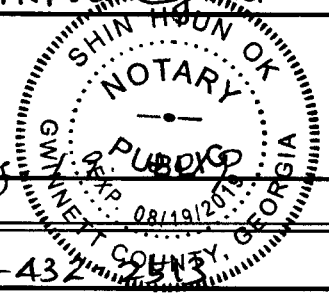
Address: 2445 CHURCH RD NE, SMYRNA E-Mail: nkelly@benjaminprep.com

JUSTIN PARK Address: 446 SKILES CT, SUWANEE, GA 30024
(representative's name, printed)

Justin Park Phone #: 404-944-9614 E-Mail: justin.park.ods@gmail.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: Aug 25 2019
Notary Public



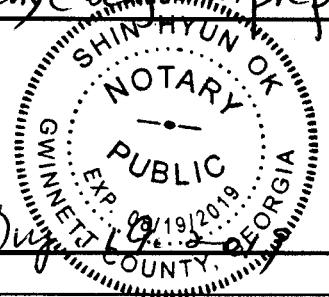
Titleholder(s): BENI GROUP, INC Phone #: 404-432-2513
(property owner's name printed)

Address: 2445 CHURCH RD NE, SMYRNA E-Mail: nkelly@benjaminprep.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: Aug 25 2019
Notary Public



Commission District: 2 **Zoning Case:** 2-67

Size of property in acres: 1.014 **Original Date of Hearing:** 1277-13

Location: 2445 CHURCH RD NE, SMYRNA, GA 30080
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 824 **District(s):** 17

State specifically the need or reason(s) for Other Business: BUILT AN UNPERMITTED WOODEN STRUCTURE (OUTDOOR STAGE FOR STUDENT PERFORMANCE);

1. MODIFY THE ORIGINAL ZONING CONDITIONS TO SHOW THE NEW STRUCTURE
2. ALLOW VARIANCE IN THE REAR SETBACK (THERE IS A CONSIDERABLE ELEVATIONAL DIFFERENCE WITH AMPLE VEGETATION (CYPRESS TREES, SHRUBS, ETC.) ALONG THE REAR PROPERTY LINE.

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 12-17-13APPLICANTS NAME: CHURCH OFFICE PARTNERS, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 12-17-13 ZONING HEARING:

CHURCH OFFICE PARTNERS, LLC (owner) requesting Rezoning from **LI** to **LRO** for the purpose of an Office in Land Lot 824 of the 17th District. Located at the northwest intersection of Church Road and North Church Lane (2445 Church Road).

MOTION: Motion by Ott, second by Goreham, to **approve** Rezoning to the **LRO** zoning district **subject to:**

- Site plan received by the Zoning Division on October 1, 2013, with District Commissioner approving minor modifications, approval to include reduction of 20 foot landscape buffer on northern side to 15 feet and accommodations of any possible building discrepancies of existing building with LRO regulations (attached and made a part of these minutes)
- *Revised* letter of agreeable conditions from Mr. Parks Huff dated November 20, 2013 (attached and made a part of these minutes)
- Landscape plan to be approved by County Arborist for installation of 15 foot landscape buffer along northern property line
- Sidewalk improvements to be installed upon redevelopment
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: **ADOPTED** unanimously

SEP 13 2013

Min. Bk. 71 Petition No. Z-67
 Doc. Type letter of agreeable
conditions
 Meeting Date 12/17/13

SAMS, LARKIN & HUFF
 A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
 JOEL L. LARKIN
 PARKS F. HUFF
 JAMES A. BALLI

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 376 POWDER SPRINGS STREET
 MARIETTA, GEORGIA 30064-3448

770-422-7016
 TELEPHONE
 770-426-6583
 FACSIMILE

JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

November 20, 2013

VIA EMAIL: Jason.Campbell@cobbcounty.org
AND REGULAR MAIL

Mr. Jason Campbell, Senior Zoning Analyst
 Cobb County Community Development Agency
 Zoning Division
 P.O Box 649
 Marietta, GA 30061

Re: Application of Church Office Partners, LLC for Rezoning; Land Lot 824, 17th
 District, 2nd Section, Cobb County, Georgia being 1.01 acres known as 2445
 Church Road (Z-67).

Dear Jason:

I represent Church Office Partners, LLC in relation to the existing office building that is located at the intersection of Church Road and North Church Lane. The existing office building is a two story brick office building with a green standingseam metal roof. The office building is zoned light industrial. The Applicant is in the process of marketing the building for sale or lease and has been advised that the zoning on the subject property should be more in the line with the potential future uses of the property which are low rise office. Therefore, the Applicant seeks to rezone the property to LRO from Light Industrial subject to the following conditions:

- 1) The use of the existing building for LRO with applicable variances that currently exist as depicted on the site plan. Upon redevelopment, the property will come into compliance with all applicable LRO zoning standards.
- 2) As it relates to the Department of Transportation request for sidewalks along Church Road and North Church Lane road frontages, it is noted that no sidewalks currently exist and the applicant will agree to the construction of these sidewalks upon the redevelopment of the subject property.
- 3) The building predates the surrounding residential uses and the brick façade is compatible with the new townhome developments. However, the Cobb County Code requires an asphalt shingle roof and the office building has a green standingseam metal roof.

Petition No. 267
 Meeting Date 12/17/13
 Continued

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 A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL: Jason.Campbell@cobbcounty.org

AND REGULAR MAIL

Mr. Jason Campbell, Senior Zoning Analyst
 Cobb County Community Development Agency
 November 20, 2013
 Page 2

Applicant requests a variance for this roofing material because it is attractive and its construction predates the surrounding residential properties.

- 4) LRO zoning requires a 20' buffer adjacent to residential property. Presently, the parking lot invades this buffer area by approximately 3'. The Applicant requests a variance from this buffer requirement because the townhomes came to the subject property and there is no existing buffer area. The Applicant will agree to maintain the existing landscaping along the 20' strip adjacent to those central properties and will not add any additional parking in this buffer area.

The subject property is presently zoned for Light Industrial use which is inconsistent with the high density residential land use zoning category. Likewise, the proposed low-rise office use is also inconsistent with this residential land use category. However, the rezoning is supported by the fact that the Low Rise Office use is more compatible with the land use category than the existing Light Industrial use. I look forward to the staff's review of this case. Please contact me if you have any additional questions or concerns.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
phuff@samslarkinhuff.com

PFH/dvm

cc: Members, Cobb County Board of Commissioners (via email)
 Members, Cobb County Planning Commission (via email)
 Mr. Robert L. Hosack, Jr., AICP Director (via email)
 Mr. John Pederson, AICP, Manager
 Mr. David Breaden, P.E., Cobb County Stormwater Management (via email)
 Ms. Jane Stricklin, PE, Cobb County DOT (via email)
 Ms. Karen King, Assistant County Clerk (via email)
 Ms. Lori Barton, Deputy County Clerk (via email)
 Church Office Partners, LLC