

Z-27
(2017)

From 8-22-17
Garvis Sams Jr. Letter

Rezoning Plat

766 and 770 Ledford Street

Cobb County, Georgia

Land Lot 422, 17th District, 2nd Section

prepared for:
Amreteck LLC

DGM
LAND PLANNING
CONSULTANTS

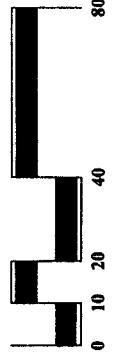


975 Gans River
Bain Sams 212
Kennerly 214
C.A. 30144
770 514-9006
FAX 514-8491



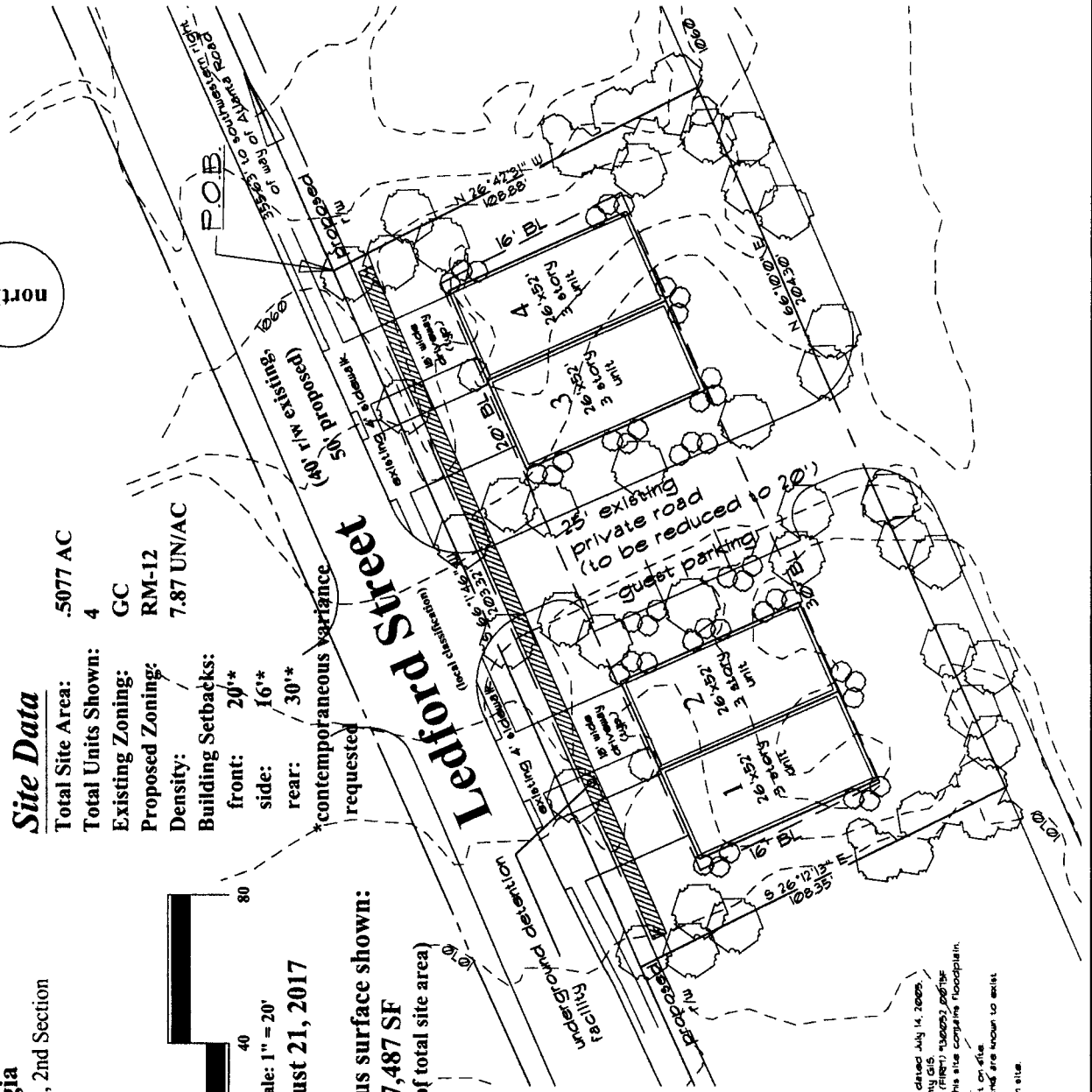
Site Data

Total Site Area: .5077 AC
Total Units Shown: 4
Existing Zoning: GC
Proposed Zoning: RM-12
Density: 7.87 UN/AC
Building Setbacks:
front: 20'
side: 16'
rear: 30'
contemporaneous variance requested



Scale: 1" = 20'
August 21, 2017

Impervious surface shown:
7,487 SF
(34% of total site area)



- Notes:
1. Boundary from Boussell Engineering, Inc. dated July 14, 2009.
 2. Topographic information from Cobb County GIS.
 3. According to Flood Insurance Rate Map (FIRM) 130603J dated March 4, 2013, no portion of this site contains floodplain.
 4. No easements are known to exist on site.
 5. No streams or wetlands are known to exist on site.
 6. No geological or architectural landmarks are known to exist on site.
1. No utility easements are known to exist on site.

APPLICANT: AMRETECK, LLC
PHONE#: (678) 858-5952 **EMAIL:** Chow7402@aol.com
REPRESENTATIVE: Garvis L. Sams, Jr.
PHONE#: (770) 422-7016 **EMAIL:** gsams@slhb-law.com
TITLEHOLDER: AMRETECK, LLC

PETITION NO: Z-27
HEARING DATE (PC): ~~06-06-17~~ 10-03-17
HEARING DATE (BOC): ~~06-20-17~~ 10-17-17
PRESENT ZONING: GC

PROPERTY LOCATION: South side of Ledford Street, west of Atlanta Road
(766 and 770 Ledford Street)

PROPOSED ZONING: RM-12
PROPOSED USE: Townhomes

ACCESS TO PROPERTY: Ledford Street

SIZE OF TRACT: 0.5077 acres
DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped wooded lot with a paved driveway

LAND LOT(S): 422
PARCEL(S): 10,18
TAXES: PAID X **DUE** _____
COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/ Boss & Sons Welding
- SOUTH:** GC/ Madison Village Apartments
- EAST:** GC/ Undeveloped Wooded Lot, Commercial Building
- WEST:** GC/ Atlanta Road Automotive

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

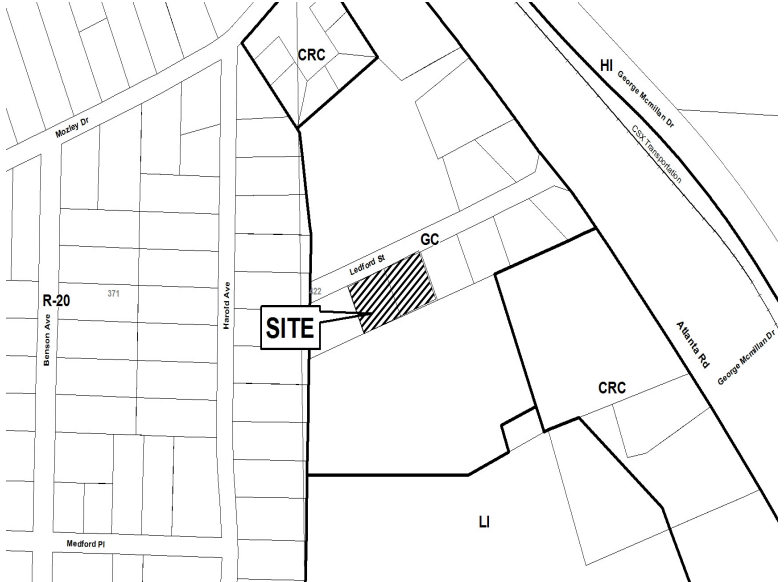
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

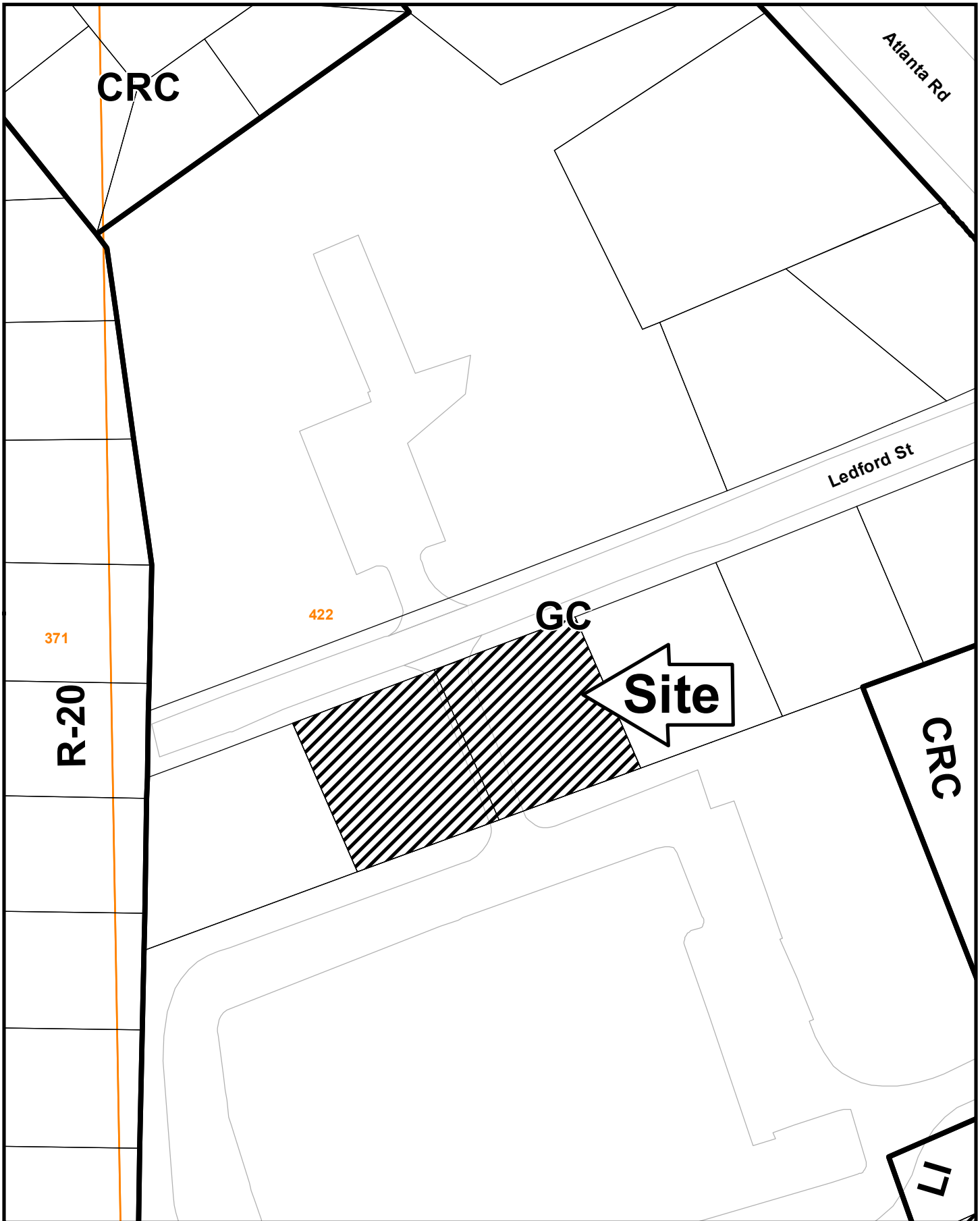
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

STIPULATIONS:



Z-27-2017-GIS



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

0 100 200 Feet

City Boundary
Zoning Boundary

APPLICANT: AMRETECK, LLC

PETITION NO.: Z-27

PRESENT ZONING: GC

PETITION FOR: RM-12

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Industrial Compatible (IC)

Proposed Number of Units: 4 **Overall Density:** 7.87 **Units/Acre**

Staff estimate for allowable # of units: 0 Units* **Increase of:** 4 **Units/Lots**

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

The applicant is requesting the RM-12 zoning district for the purpose of developing 4 townhomes. The townhomes will be 2 story, and traditional in style. The exteriors will have a mixture of brick, stacked stone, and Hardiplank siding and shingles. The townhomes are expected to be 1800 square feet and greater.

The proposed site plan will require the following contemporaneous variances;

1. Waive the minimum lot size from 80,000 square feet to 22115 square feet;
2. Waive the front setback from 50 feet to 20 feet;
3. Waive the side setbacks from 35 feet to 16 feet.
4. Waive the rear setback from 40 feet to 30 feet.

Cemetery Preservation: No comment.

APPLICANT: AMRETECK, LLC

PETITION NO.: Z-27

PRESENT ZONING: GC

PETITION FOR: RM-12

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Green Acres</u>	<u>712</u>	<u>668</u>	<u> </u>
Elementary <u>Campbell</u>	<u>1451</u>	<u>1203</u>	<u> </u>
Middle <u>Campbell</u>	<u>2788</u>	<u>2637</u>	<u> </u>

High

- School attendance zones are subject to revision at any time.

Additional Comments: Approval of this petition will cause concern for CCSD, as it will result in an impact on the enrollment for schools already over capacity.

*After 2019, relief will be provided for Campbell Middle School by construction of a new middle school.

*After 2019, relief will be provided for Campbell High School by the addition of classrooms.

SITE PLAN REVIEW SECTION COMMENTS:

This project must comply with the Cobb County Tree Ordinance.

APPLICANT: AMRETECK

PETITION NO.: Z-27

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: AMRETECK, LLC

PETITION NO.: Z-27

PRESENT ZONING: GC

PETITION FOR: RM-12

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to RM-12 for the purpose of townhomes. The 0.5077 acre site is located on the south side of Ledford Street, west of Atlanta Road (766 and 770 Ledford Street).

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 Smyrna been notified? Yes No / N/A

Comprehensive Plan

The parcel is within an Industrial Compatible (IC) future land use category, with GC zoning designation. The purpose of Industrial Compatible (IC) category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

Northeast: Industrial Compatible (IC) (The corner with the next side tips on an area of Community Activity Center (CAC)
Southeast: Industrial Compatible (IC)
Southwest: Industrial Compatible (IC)
Northwest: Industrial Compatible (IC)

Master Plan/Corridor Study

The property is located within the boundary of the Atlanta Road 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.

Is the property within an Enterprise Zone? Yes No

The Smyrna-Osborne 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.

APPLICANT: Amreteck, LLC

PRESENT ZONING: GC

PETITION NO.: Z-27

PETITION FOR: RM-12

PLANNING COMMENTS:

CONT.

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?

CZ (Clear Zone)

APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT AMRETECK

PETITION NO. Z-027

PRESENT ZONING GC

PETITION FOR RM-12

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): 6" DI / S side of Ledford Street

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: Ledford Street ROW

Estimated Waste Generation (in G.P.D.): A D F= 960 Peak= 2,400

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

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 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: AMRETECK, LLC

PETITION NO.: Z-27

PRESENT ZONING: GC

PETITION FOR: RM-12

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Theater 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 easements 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 project on receiving system.

APPLICANT: AMRETECK, LLC

PETITION NO.: Z-27

PRESENT ZONING: GC

PETITION FOR: RM-12

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.

ADDITIONAL COMMENTS

1. This site is located to the south of Ledford Street just west of Atlanta Road. The site has been recently cleared and average slopes are less than 5%. The entire site drains to east into and through the adjacent commercial parcel.
2. Stormwater management will likely be provided in an underground system under the driveways along the front of the site.

APPLICANT: AMRETECK, LLC

PETITION NO.: Z-27

PRESENT ZONING: GC

PETITION FOR: RM-12

TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Ledford Street	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Ledford Street	N/A	N/A	N/A

COMMENTS AND OBSERVATIONS

Ledford Street is classified as a local 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 to 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 south side of Ledford Street, a minimum of 25' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Ledford Street frontage.

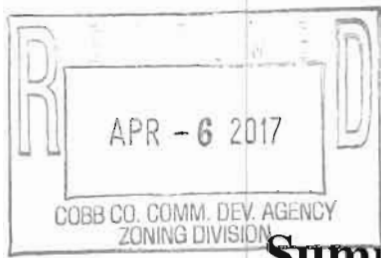
STAFF RECOMMENDATIONS

Z-27 AMRETECK, 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. This property is accessed from Ledford Street via Atlanta Road. Ledford Street has more of an industrial and commercial character view, with uses that include a welding shop and an automotive repair shop.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse effect on the usability of adjacent or nearby property. The apartment complex south of the property was built in 1968 and is grandfathered. The other existing nonresidential uses have the potential to be noisy and a new residential use would likely result in complaints on the existing businesses.
- C. It is Staff's opinion that the applicant's rezoning proposal may not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities and utilities. This opinion can be supported by the departmental comments contained in this analysis. However, the school system is concerned the proposal could have an impact for schools already over capacity.
- D. It is Staff's opinion that the applicant's rezoning proposal is not conformity with the policy and intent of the *Cobb County Comprehensive Plan* which is delineated as Industrial Compatible. The purpose of Industrial Compatible (**IC**) category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.
- 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. Although this request is contiguous to an existing multifamily use, this property would be better suited for a light industrial use. The apartment complex was built in 1968 and is considered grandfathered. All other existing uses on the street are industrial in nature and staff is concerned that placing residential directly across the street from an unscreened welding company would cause conflicts in the future.

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- 27

PC Hearing: June 6, 2017
BOC Hearing: June 20, 2017

Summary of Intent for Rezoning *

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 1,800 square feet and greater
- b) Proposed building architecture: Traditional
(renderings to be provided under separate cover)
- c) List all requested variances: As shown on the site plan.

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

- a) Proposed use(s): N/A
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

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

The Applicant proposes the construction of six (6) townhome units. Although located within an area denominated for Industrial Compatible use on the Comprehensive Land Use Map, the Subject Property provides access to the Madison Village Apartments via an existing 25' private roadway. The existing General Commercial ("GC") zoning designation is a grandfathered non-conforming land use and this proposal represents a down-zoning and residential revitalization for this area.
.....

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.

Z-27 (2017)
Photograph of
Proposed
Architecture

RECEIVED
MAY - 2 2017
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

