

APPLICANT: Lovia McMillen

PETITION NO: Z-58

PHONE #: (678) 485-9967 EMAIL: Atlantawire@bellsouth.net

HEARING DATE (PC): 10-03-17

REPRESENTATIVE: David S. Dollar, Sr.

HEARING DATE (BOC): 10-17-17

PHONE #: (678) 576-2990 EMAIL: wireman587@att.net

PRESENT ZONING: GC

TITLEHOLDER: Lovia McMillen

PROPOSED ZONING: LI

PROPERTY LOCATION: North side of Barber Road, west of

South Cobb Drive

PROPOSED USE: Warehouse

(123 Barber Road)

ACCESS TO PROPERTY: Barber Road

SIZE OF TRACT: 0.37 ac

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: 1 Story Frame Garage

LAND LOT(S): 224

PARCEL(S): 52

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: GC/ Metal Garage (Process Measurement & Control Company)

SOUTH: R-20/ Central Baptist Church

EAST: GC/ One Story House (Psychic Readings)

WEST: GC/ Metal Garage (Process Measurement & Control Company)

Adjacent Future Land Use:

Northwest: Community Activity Center (CAC)

Northeast: Community Activity Center (CAC)

South: Public Institutional (PI)

Southwest: Community Activity Center (CAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ VOTE _____

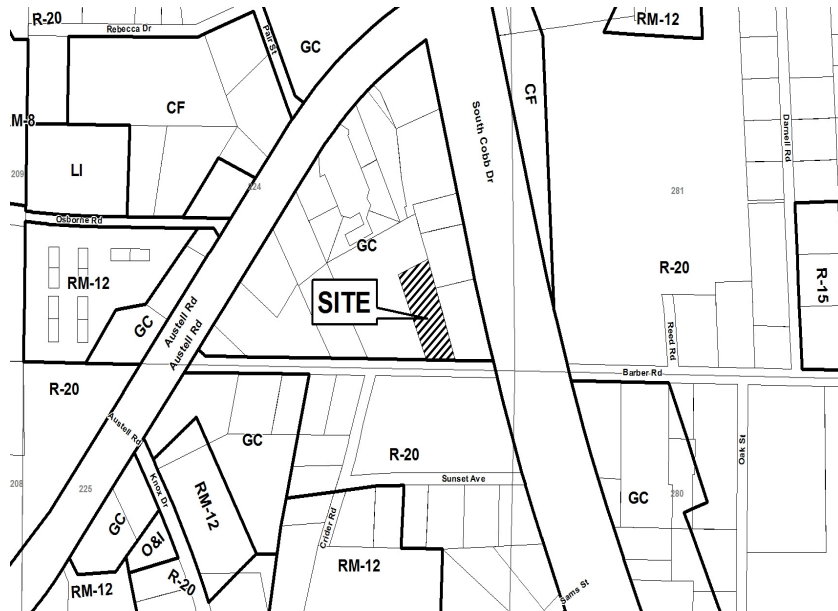
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

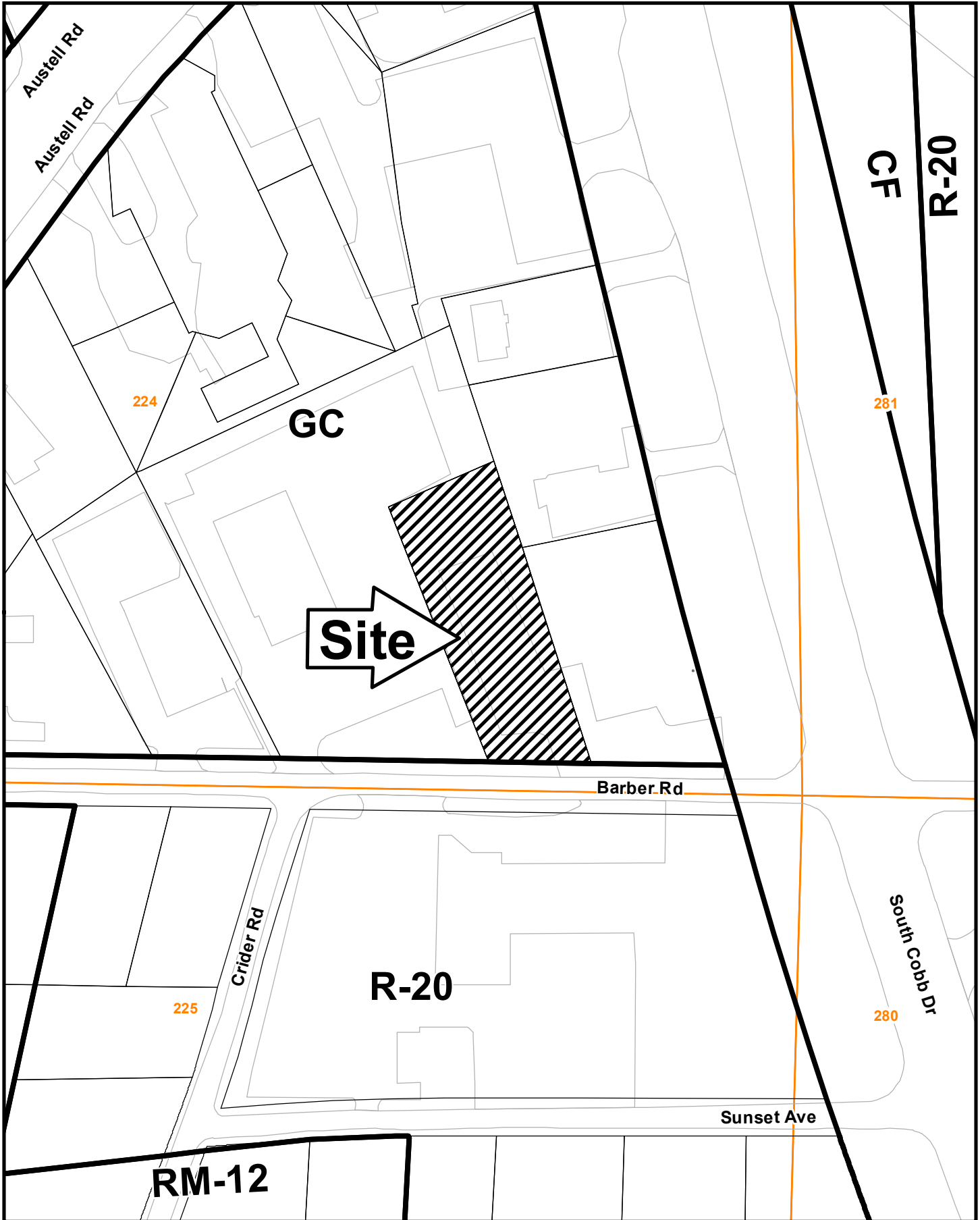
REJECTED _____ SECONDED _____

HELD _____ VOTE _____

STIPULATIONS:



Z-58 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: Lovia McMillen

PETITION NO.: Z-58

PRESENT ZONING: GC

PETITION FOR: LI

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: CAC Community Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 7,500

F.A.R.: .46 **Square Footage/Acre:** 20,270

Parking Spaces Required: 5 **Parking Spaces Provided:** 5

The applicant is requesting the LI zoning district to develop a 7500 square foot warehouse. The applicant is proposing to remove the existing building to make room for the new building. The warehouse will operate Monday through Friday between the hours of 9a.m. to 5p.m. The applicant will wholesale wire and cable at the property.

The proposed site plan will require the following contemporaneous variances:

- Waive the minimum lot size from 40,000 square feet to 16,193 square feet;
- Waive the requirement of parking on a treated and hardened surface to allow for parking on a gravel and;
- Waive the depth of a parking space from 19 feet deep to 18 feet deep;
- Waive the front setback from 50 feet to 40 feet;
- Waive the side setback from 20 feet to 10 feet;
- Waive the impervious surface from 70% to 100% and;
- Waive the minimum lot width from 100 feet to 75 feet.

Cemetery Preservation: No comment.

APPLICANT: Lovia McMillen

PETITION NO.: Z-58

PRESENT ZONING: GC

PETITION FOR: LI

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

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

Additional Comments: Approval of this petition will not have an impact on the enrollment at Cobb County Schools.

APPLICANT: Lovia McMillen

PETITION NO.: Z-58

PRESENT ZONING: GC

PETITION FOR: LI

FIRE COMMENTS:

NO COMMENTS IF THE BUILDING IS EQUIPPED WITH A NFPA 13 FIRE SPRINKLER SYSTEM:
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 if the building is fully sprinkled.

APPLICANT: Lovia McMillen

PETITION NO.: Z-58

PRESENT ZONING: GC

PETITION FOR: LI

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to LI for the purpose of a warehouse. The 0.43 acre site is located in the north side of Barber Road, west of South Cobb Drive (123 Barber 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 Marietta been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category, with GC zoning designation. The purpose of the Community Activity Center (CAC) is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

Northwest: Community Activity Center (CAC)
Northeast: Community Activity Center (CAC)
South: Public Institutional (PI)
Southwest: Community Activity Center (CAC)

Master Plan/Corridor Study

The property is located within the boundary of the Austell 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.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

APPLICANT: Lovia McMillen

PETITION NO.: Z-58

PRESENT ZONING: GC

PETITION FOR: LI

PLANNING COMMENTS:

CONT.

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)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Lovia McMillen

PETITION NO. Z-058

PRESENT ZONING GC

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): 6" CI / S side of Barber Road

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: Barber Road ROW

Estimated Waste Generation (in G.P.D.): A D F= 156 Peak= 390

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: Lovia McMillen

PETITION NO.: Z-58

PRESENT ZONING: GC

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack Creek 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: Lovia McMillen

PETITION NO.: Z-58

PRESENT ZONING: GC

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.

ADDITIONAL COMMENTS

1. This site is located on the north side of Barber Drive between its intersection with Crider Road and South Cobb Drive. The entire site drains to the south to the Barber Road right-of-way and through the adjacent Central Baptist Church property. The existing receiving storm drainage system is old and has very limited capacity.
2. Allowable discharges from the site cannot be allowed to exceed the existing downstream system capacity. The proposed detention area will likely need to be increased to provide adequate stormwater control for the site.

APPLICANT: Lovia McMillen

PETITION NO.: Z-58

PRESENT ZONING: GC

PETITION FOR: LI

TRANSPORTATION COMMENTS:

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

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Barber Road	N/A	N/A	N/A

COMMENTS AND OBSERVATIONS

Barber Road 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 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 north side of Barber Road, a minimum of 25' from the roadway centerline.

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

Recommend replacing disturbed curb, gutter, and sidewalk along the Barber Road frontage.

Recommend commercial driveway on Barber Road be installed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards.

STAFF RECOMMENDATIONS

Z-58 LOVIA MCMILLEN

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The properties that are contiguous are zoned GC with a mix of homes and warehouse type buildings.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. Access to this property and the lack of parking area could cause Barber Road to back up. Barber Road has access to both Austell Road and South Cobb Drive, both intersections are controlled by a one stop sign. Both access points could be difficult for large trucks entering and exiting the proposed site.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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. Staff is concerned the proposal may negatively affect traffic on this small road.
- 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 Community Activity Center (CAC). The requested LI zoning district is for properties delineated as being within or on the perimeter of an industrial or industrial compatible land use category. It should be noted that the Board of Commissioners, in making land use decisions, use the future land use map as a guide in the decision making process, but there are circumstances when decisions will be made that are contrary to this document based upon a change in market conditions, information unbeknownst to staff/community in the preparation of this document, or some other condition.
- 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. This site is not situated in an area that would support this type of use. This site is well under the required lot size, and this proposed use could not reasonable support the type of traffic that would be required. Also staff is concerned with all the variances needed to place this use on the property.

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. 2-58

Oct. 2017

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) List all requested variances: _____

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

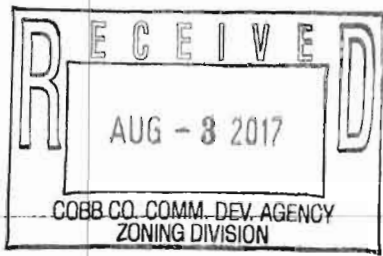
- a) Proposed use(s): WAREHOUSE
- b) Proposed building architecture: ATLANTA Building Co.
- c) Proposed hours/days of operation: M-F 9-5
- d) List all requested variances: SETBACK VARIANCE
LOT SIZE VARIANCE

.....
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).

NO



8-2-17

A - Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The property next door to 123 BARBER is a warehouse with offices that has trucks (BOX & SEMIS) come to them for pick-up and delivery. Next that is a body shop in a metal building with offices. Behind the body shop, off Austell Rd, is a USED RESTAURANT EQUIPMENT RE-SALE BUSINESS with showroom, warehouse and office. They also have different size trucks come to them. Next to them is a (U-Haul) Rental business.

b - Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property;

All properties adjacent or nearby are commercial businesses. The several are very similar to our business and the business immediately adjacent to us (117 BARBER) is almost the same.

c - Whether the property to be affected by the zoning proposal has a reasonable use as is.

We believe that this is the best use for the property. It's on a side road

And not good for walk-in or walk-up type businesses.

d - Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

Almost all of the surrounding area is commercial of some type. All the roads and utilities handle the commercial area. Schools would not be affected.

e - Whether the zoning proposal is in conformity with the policy and intent of the land use plan;

We believe it does conform to the land use plan since a commercial warehouse would be the best use for the property.

f - Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal;

This area has been mostly commercial for years and will continue to be so for many years to come.