

**Rezoning Plat**  
**1731 Dixie Avenue**  
 Cobb County, Georgia

Land Lot 330, 17th District, 2nd Section

prepared for:  
**Cobb Erectors, Inc.**

**DGM**  
 LAND PLANNING  
 CONSULTANTS

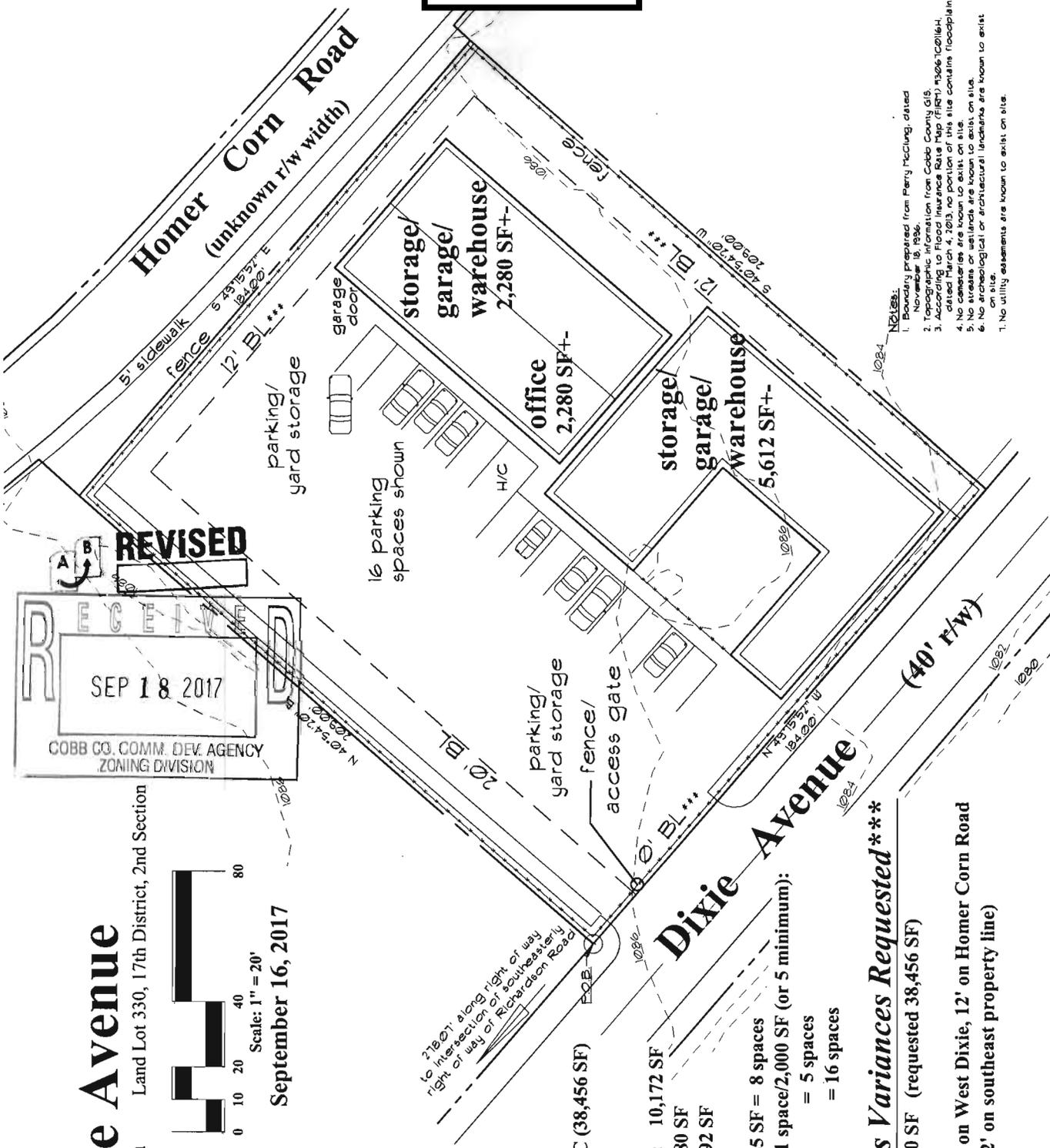
0 10 20 40 80  
 Scale: 1" = 20'  
 September 16, 2017

975 Cole Pkwy  
 Bldg 212  
 Marietta, GA 30134  
 770 514-9006  
 FAX 514-9481

**REVISED**

SEP 18 2017

COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION



**Site Data**

- Total Site Area: .88 AC (38,456 SF)
- Existing Zoning: GC
- Proposed Zoning: HI
- Total Building Area Shown: 10,172 SF
- Office: 2,280 SF
- Warehouse/Storage: 7,892 SF
- Parking Required:
  - Office: 1 space/285 SF = 8 spaces
  - Warehouse/Storage: 1 space/2,000 SF (or 5 minimum): = 5 spaces
- Parking Provided: = 16 spaces

**Contemporaneous Variances Requested\*\*\***

- Minimum Lot Size: 40,000 SF (requested 38,456 SF)
- Building Setbacks:
  - Front: 50' (requested 0' on West Dixie, 12' on Homer Corn Road)
  - Side: 20' (requested 12' on southeast property line)

**NOTES:**

1. Boundary prepared from Perry McClung, dated November 18, 1936.
2. Topographic information from Cobb County GIS.
3. According to Flood Insurance Rate Map (FIRM) in place, effective, dated March 4, 2013, no portion of this site contains floodplain.
4. No archaeological or historical landmarks are known to exist on site.
5. No archaeological or architectural landmarks are known to exist on site.
6. No utility easements are known to exist on site.

APPLICANT: Cobb Erectors, Inc.

PETITION NO: Z-60

PHONE #:                      EMAIL:                     

HEARING DATE (PC): 10-03-17

REPRESENTATIVE: Adam J. Rozen

HEARING DATE (BOC): 10-17-17

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

PRESENT ZONING: GC

TITLEHOLDER: Cobb Erectors, Inc.

PROPOSED ZONING: HI

PROPERTY LOCATION: Northeast side of Dixie Drive, and the southwest side of Homer Corn Road (1731 Dixie Avenue, S.E.)

PROPOSED USE: Specialized Contractor

ACCESS TO PROPERTY: Dixie Avenue

SIZE OF TRACT: 0.88 acres

PHYSICAL CHARACTERISTICS TO SITE: Existing 4,500+ square foot building with separate open air storage/garage building and cell tower on site

DISTRICT: 17

LAND LOT(S): 370

PARCEL(S): 54

TAXES: PAID X DUE                     

COMMISSION DISTRICT: 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH: HI/ Metal fabricating business
- SOUTH: GC/ Southern Industrial Metal Fabricators
- EAST: HI/ Dobbins ARB
- WEST: HI/ CSX railroad tracks

*Adjacent Future Land Use:*  
 Northeast: Industrial Compatible (IC)  
 Southeast: Industrial Compatible (IC)  
 Southwest: Industrial Compatible (IC)  
 Northwest: Industrial Compatible (IC)

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

**PLANNING COMMISSION RECOMMENDATION**

APPROVED                      MOTION BY                     

REJECTED                      SECONDED                     

HELD                      VOTE                     

**BOARD OF COMMISSIONERS DECISION**

APPROVED                      MOTION BY                     

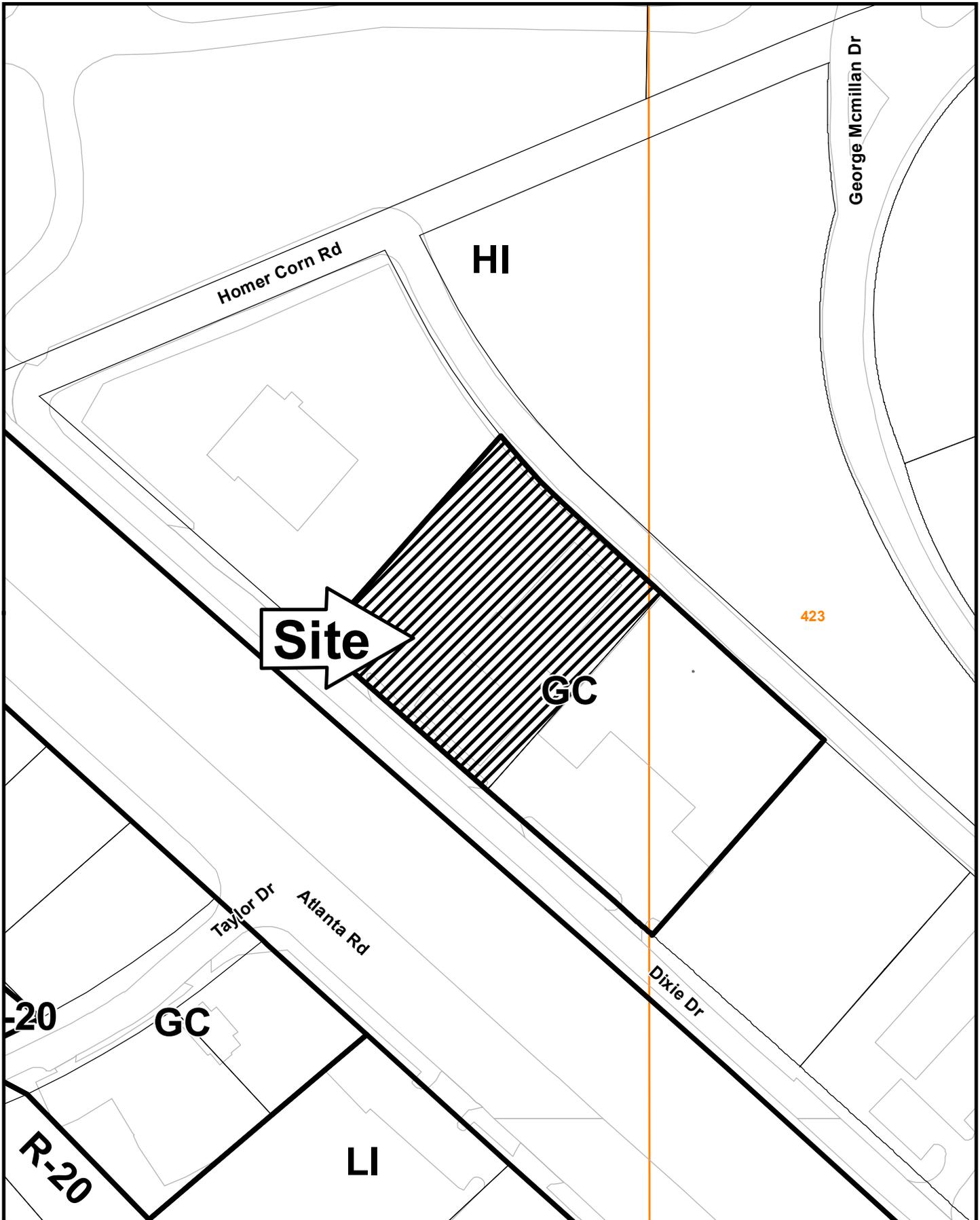
REJECTED                      SECONDED                     

HELD                      VOTE                     

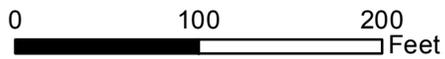
**STIPULATIONS:**



# Z-60 2017-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: Cobb Erectors, Inc.

PETITION NO.: Z-60

PRESENT ZONING: GC

PETITION FOR: HI

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** Industrial Compatible

**Existing Number of Buildings:** 2 **Total Square Footage of Development:** 4,560 sq. ft.

**F.A.R.:** 0.12 **Square Footage/Acre:** 5,182 sq. ft.

**Parking Spaces Required:** 16 **Parking Spaces Provided:** 16

The applicant is requesting a rezoning of the subject property from its current GC general commercial district to the HI heavy industrial district in order to serve as the location for their specialty contractor steel construction business. Zoned GC district and located within the IC industrial compatible future land use category, the property is considered to be legal non-conforming (grandfathered), thus necessitating the current request.

The property will be utilized as is for the office, warehouse, and equipment storage necessary for the applicant's business. Operations will be weekdays from 7 a.m. to 6 pm. There will be five (5) to 13 employees on site any given day.

If approved, the following variances will be necessary:

1. Waive the minimum lot size from the required 40,000 square feet to 38,456 square feet (existing);
2. Waive the front setback from the required 50 feet to zero feet adjacent to Dixie Avenue and to 12 feet adjacent to Homer Corn Road; and
3. Waive the side setback from the required 20 feet to 12 feet adjacent to the eastern property line.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**SITE PLAN REVIEW SECTION COMMENTS:**

The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.).

APPLICANT: Cobb Erectors, Inc.

PETITION NO.: Z-60

PRESENT ZONING: GC

PETITION FOR: HI

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>Middle</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>High</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

- 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.

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**APPLICANT:** Cobb Erectors

**PETITION NO.:** Z-60

**PRESENT ZONING:** GC

**PETITION FOR:** HI

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**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: Cobb Erectors, Inc.

PETITION NO.: Z-60

PRESENT ZONING: GC

PETITION FOR: HI

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to HI for the purpose of specialized contractor. The 0.88 acre site is located on the northeast side of Dixie Drive, and the southwest side of Homer Corn Road (1731 Dixie Avenue, S.E.).

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 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)  
Southeast: Industrial Compatible (IC)  
Southwest: Industrial Compatible (IC)  
Northwest: Industrial Compatible (IC)

Master Plan/Corridor Study

The property is located within the boundary of 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: Cobb Erectors, Inc.** \_\_\_\_\_

**PRESENT ZONING: GC** \_\_\_\_\_

**PETITION NO.: Z-60** \_\_\_\_\_

**PETITION FOR: HI** \_\_\_\_\_

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

APPLICANT Cobb Erectors, Inc.

PETITION NO. Z-060

PRESENT ZONING GC

PETITION FOR HI

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**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): 8" CI / NE side of Dixie Drive

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.

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**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: 300' SW in Taylor Dr.

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

Treatment Plant: Sutton

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 Health Dept approval required for continued use of existing septic system. No anticipated Comments: increase in wastewater discharge

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: Cobb Erectors, Inc.**

**PETITION NO.: Z-60**

**PRESENT ZONING: GC**

**PETITION FOR: HI**

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**STORMWATER MANAGEMENT COMMENTS**

No site improvements are currently proposed. Stormwater management must be provided upon substantial improvement or redevelopment.

**APPLICANT:** Cobb Erectors, Inc.

**PETITION NO.:** Z-60

**PRESENT ZONING:** GC

**PETITION FOR:** HI

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**TRANSPORTATION COMMENTS:**

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

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Dixie Drive	N/A	N/A	N/A
Homer Corn Road	N/A	N/A	N/A

**COMMENTS AND OBSERVATIONS**

Dixie Drive 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.

Homer Corn 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 be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

## STAFF RECOMMENDATIONS

### **Z-60 COBB ERECTORS, INC.**

- 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 properties include other industrial users as well as Dobbins ARB.
- 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 request will allow continued use of a property currently encumbered by its legal nonconforming status in a manner that is in keeping with the parcel's IC industrial compatible designation and of a use similar to existing surrounding uses such as other industrial users and the airport.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan* which designates the property to be within the IC industrial compatible future land use category. The applicant's intended use as a specialty contractor's office is in keeping with this intent. This category and the site's current GC general commercial zoning results in the property being considered legal non-conforming and requiring rezoning before transitioning to a new use.
- 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 approving the applicant's rezoning proposal. The intended use of a specialty contractor office utilizing the existing site and buildings can be supported given the parcel's location near other industrial uses as well as Dobbins ARB. The use should not have an adverse effect on these adjacent properties. The *Comprehensive Plan's* designation of the property as being within the industrial compatible category further supports its continued use for an industrial use as that currently requested by the applicant.

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

1. Site plan received by the Zoning Division on September 18, 2017, with the District Commissioner approving minor modifications;
2. Fire Department comments and recommendations;
3. Sewer and Water 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.**

Application No. Z-60

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): Office, warehouse, and equipment storage for special contractor
- b) Proposed building architecture: Use current building on site
- c) Proposed hours/days of operation: Week days 7 a.m.- 6 p.m.
- d) List all requested variances: None known 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

**ZONING IMPACT STATEMENT**  
**FOR THE REZONING APPLICATION**  
**OF COBB ERECTORS, INC.**



COMES NOW, COBB ERECTORS, INC, and pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this its Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the Subject Property which is suitable in the context of development and existing zonings along Dixie Avenue and this Atlanta Road corridor. The Subject Property is zoned GC and the entirety of properties on Dixie Avenue and this Atlanta Road corridor are zoned and utilized in an industrial and commercial nature. Aside from the GC zoning of the subject property and one adjoining parcel the entirety of the remaining surrounding and nearby properties are zoned HI and have historically been utilized as such.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties.
- 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 existing GC zoning classification is a significant economic detriment to the owner of the Subject Property. The Subject Property was zoned GC in 1972 as part of the comprehensive amendments to the Zoning Map and Zoning Ordinance.
- 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.
- E. The property is located within an area denominated as Industrial Compatible ("IC") under and pursuant to Cobb County's Future Land Use Map and Comprehensive Land Use Plan and is adjoined and surrounded by properties which are either zoned

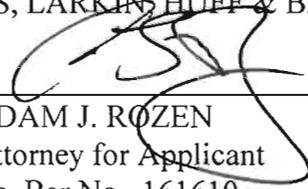


HI or GC and are utilized in an industrial and heavy commercial manner.

- F. The existing conditions are similar to or the same as the conditions which have existed in this sub-area of the County since at least 1972 which is largely of an industrial character. The subject property has no utility under its present GC zoning. Such historical and present utility as well as the contemplation that this sub-area will continue to be an appropriate location for industrial uses provides supporting grounds for approval of the zoning proposal.

Respectfully submitted, this the 3rd day of August, 2017.

SAMS, LARKIN, HUFF & BALLI, LLP

By:   
ADAM J. ROZEN  
Attorney for Applicant  
Ga. Bar No. 161610