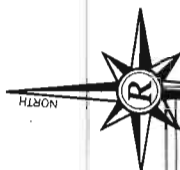
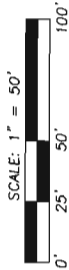


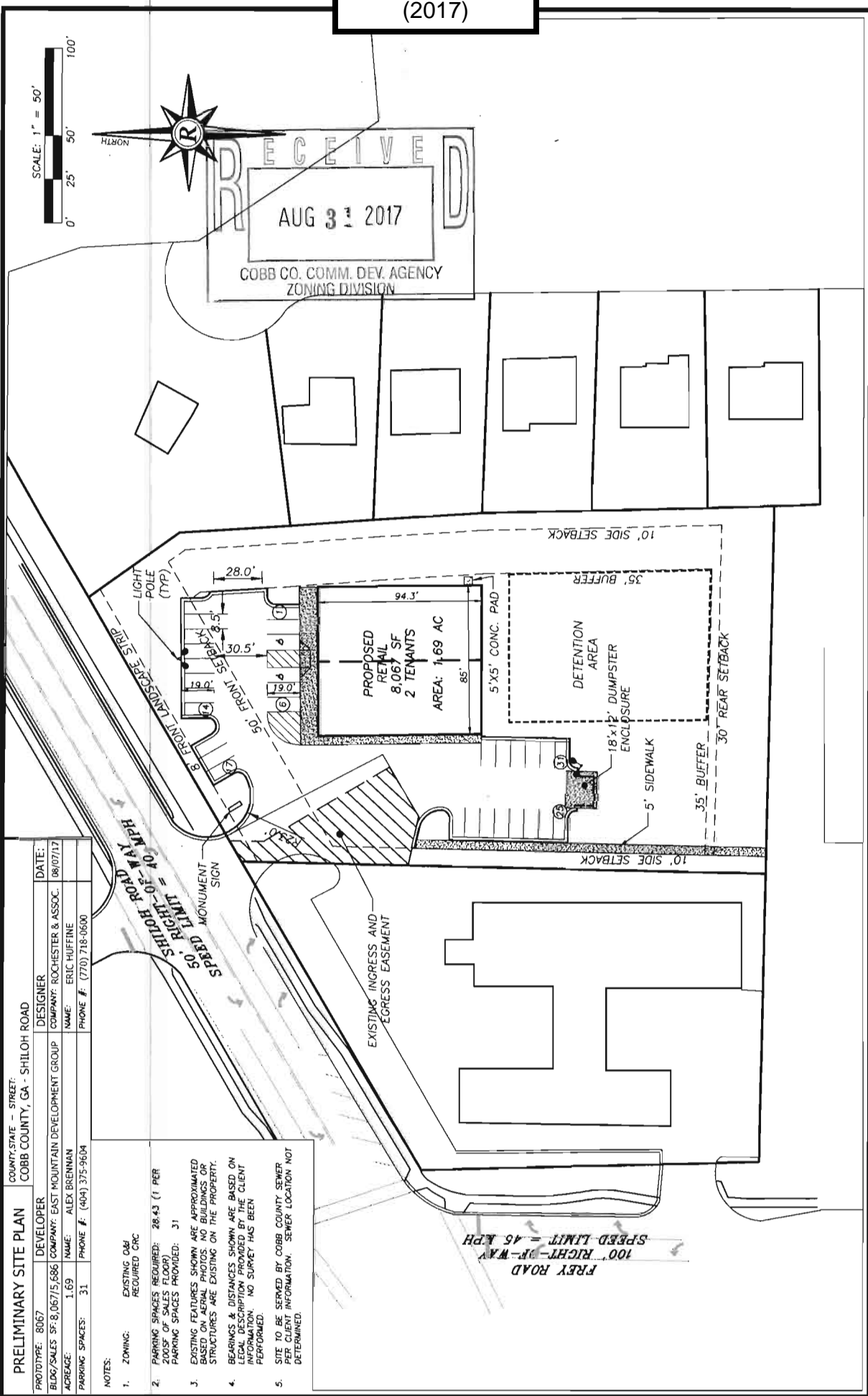
Z-67
(2017)



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AUG 31 2017

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



PRELIMINARY SITE PLAN		COUNTY/STATE - STREET: COBB COUNTY, GA - SHILOH ROAD	
PROJECT#: 8067	DESIGNER	DATE:	
BLDG./SALES SF: 8,067/5,686	COMPANY: ROCHESTER & ASSOC.	DATE:	08/07/17
ACREAGE: 1.69	NAME: ALEX BRENNAN		
PARKING SPACES: 31	PHONE #: (404) 375-9604		

- NOTES:
- ZONING: EXISTING O&I REQUIRED ORC
 - PARKING SPACES REQUIRED: 28.43 (1 PER 200SF OF SALES FLOOR) PARKING SPACES PROVIDED: 31
 - EXISTING FEATURES SHOWN ARE APPROXIMATED BASED ON AERIAL PHOTOS. NO BUILDINGS OR STRUCTURES ARE EXISTING ON THE PROPERTY.
 - BEARINGS & DISTANCES SHOWN ARE BASED ON LEGAL DESCRIPTION PROVIDED BY THE CLIENT INFORMATION. NO SURVEY HAS BEEN PERFORMED.
 - SITE TO BE SERVED BY COBB COUNTY SEWER PER CLIENT INFORMATION. SEWER LOCATION NOT DETERMINED.

APPLICANT: East Mountain Development Group

PETITION NO: Z-67

PHONE #: (404) 375-9604 **EMAIL:** alex@eastmountaindevelopment.com

HEARING DATE (PC): 11-07-17

REPRESENTATIVE: Alex Brennan

HEARING DATE (BOC): 11-21-17

PHONE #: (404) 375-9604 **EMAIL:** alex@eastmountaindevelopment.com

PRESENT ZONING: O&I

TITLEHOLDER: United Church Homes, Inc.

PROPOSED ZONING: CRC

PROPERTY LOCATION: South side of Shiloh Road, east of Frey Road

PROPOSED USE: Retail

ACCESS TO PROPERTY: Shiloh Road

SIZE OF TRACT: 1.69 ac

PHYSICAL CHARACTERISTICS TO SITE: Wooded, undeveloped

DISTRICT: 20

LAND LOT(S): 58

PARCEL(S): 5

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** O&I/ Office Complex
- SOUTH:** O&I/ Laurel's Edge Senior Living
- EAST:** RA-4/ Shiloh Ridge Subdivision
- WEST:** NRC/ Shell Convenience Store with Fuel Sales

Adjacent Future Land Use:
 Northwest: Community Activity Center (CAC)
 North/East: High Density Residential (HDR)
 South: Community Activity Center (CAC)
 West: Community Activity Center (CAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

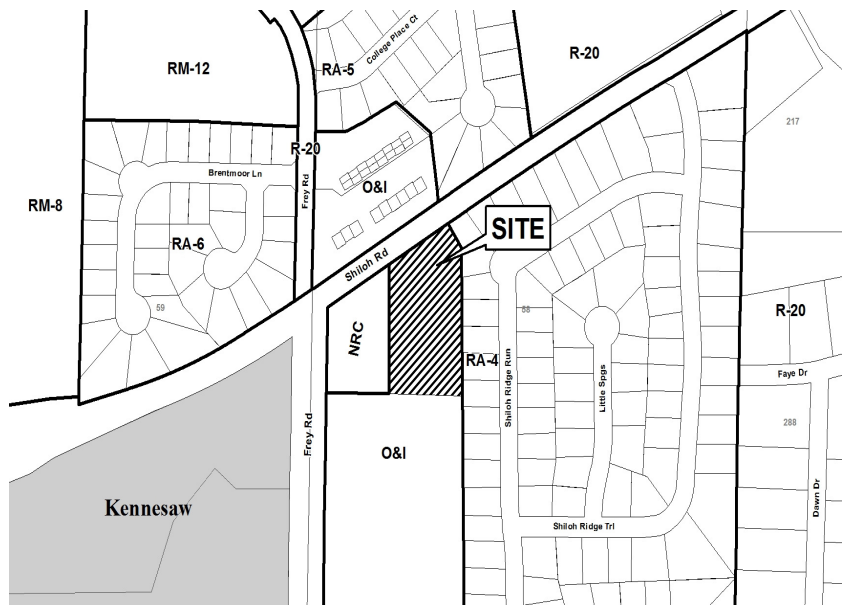
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

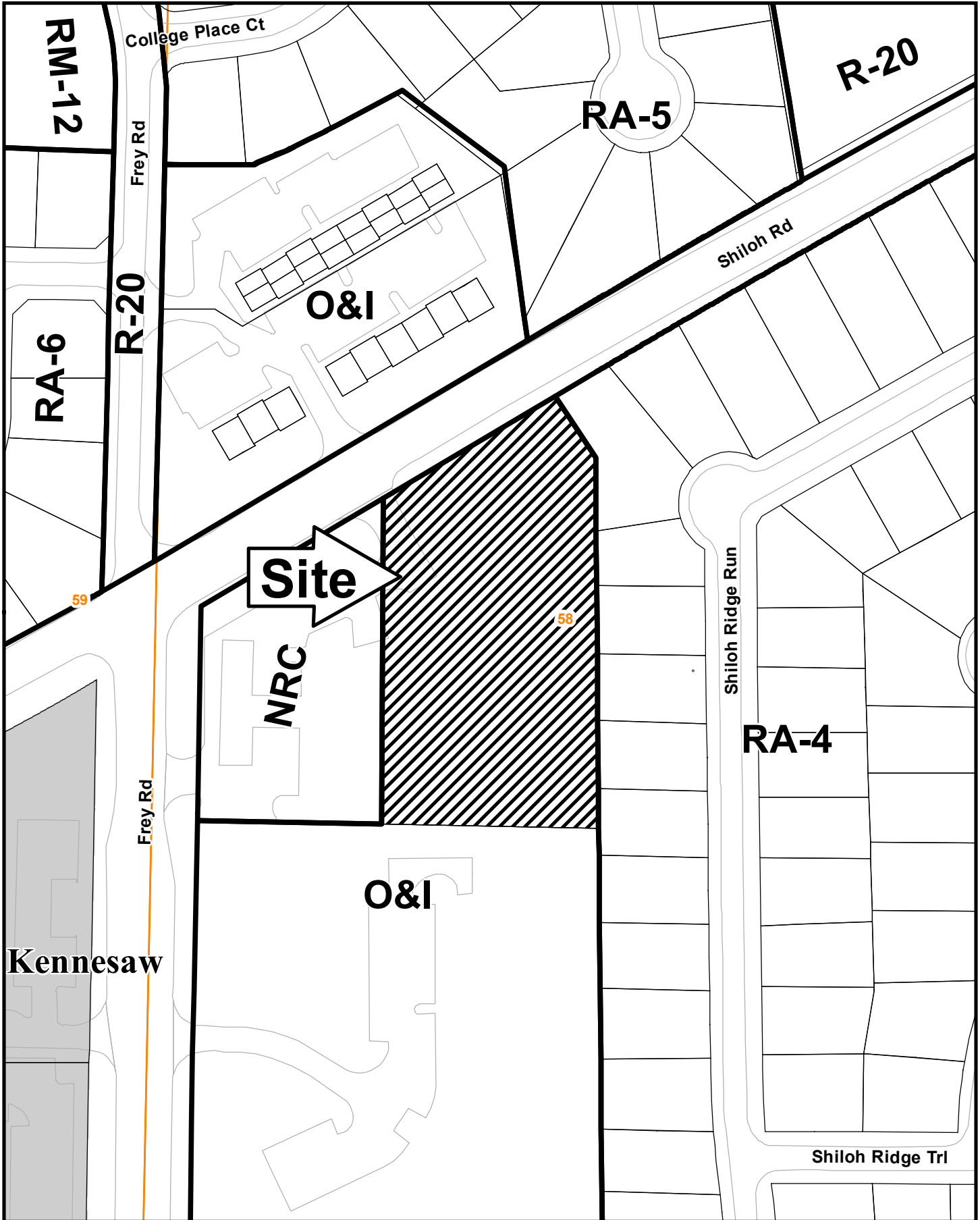
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

STIPULATIONS:



Z-67 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: East Mountain Development Group

PETITION NO.: Z-67

PRESENT ZONING: O&I

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Community Activity Center (CAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 8,067 sq. ft.

F.A.R.: 0.11 **Square Footage/Acre:** 4,604 sq. ft.

Parking Spaces Required: 31 **Parking Spaces Provided:** 31

The applicant is requesting to rezone the subject property from its current office and institutional (O&I) district to the community retail commercial (CRC) district in order to develop an 8,067 square-foot, two-tenant retail space. The building will be four-sided brick with parapets, glass storefront windows, brick knee walls, and columned reveals and awning over the windows and doors. Proposed hours are Monday through Sunday 8 a.m. to 10 p.m. The applicant proposes to install a sidewalk to the development from the senior living apartments to the south in order to promote inter-parcel connectivity for the tenants. The Code-required 35-foot landscape buffer adjacent to residential properties is being provided and no variances are requested.

Cemetery Preservation: No comment.

APPLICANT: East Mountain Development Group

PETITION NO.: Z-67

PRESENT ZONING: O&I

PETITION FOR: CRC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Pitner</u>	<u>974</u>	<u>1098</u>	<u> </u>
Elementary			
<u>Palmer</u>	<u>931</u>	<u>1046</u>	<u> </u>
Middle			
<u>Kell</u>	<u>1559</u>	<u>1912</u>	<u> </u>

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 these schools.

APPLICANT: EAST MOUNTAIN DEVELOPMENT GROUP

PETITION NO.: Z-67

PRESENT ZONING: O&I

PETITION FOR: CRC

SITE PLAN REVIEW SECTION COMMENTS:

The required 35' landscape buffer along the eastern property line must be fully vegetated across its entire width. The configuration of the proposed building – directly contiguous with the buffer – does not provide adequate clearance between the two and will result in maintenance, safety, and security issues. Either the buffer should be reduced, or the building footprint should be shifted accordingly.

APPLICANT: East Mountain Development Group

PETITION NO.: Z-67

PRESENT ZONING: O&I

PETITION FOR: CRC

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: East Mountain Development Group

PETITION NO.: Z-67

PRESENT ZONING: O&I

PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from O&I to CRC for the purpose of retail. The 1.69 acre site is located on the south side of Shiloh Road, east of Frey 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 Kennesaw been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category, with O&I 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)
North/East: High Density Residential (HDR)
South: Community Activity Center (CAC)
West: Community Activity Center (CAC)

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.

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 _____ 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: East Mountain Development Group

PETITION NO.: Z-67

PRESENT ZONING: O&I

PETITION FOR: CRC

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.org>.

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 East Mountain Development Group

PETITION NO. Z-067

PRESENT ZONING O&I

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 / N side of Shiloh 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: Approx. 125' E in Shiloh Ridge Run

Estimated Waste Generation (in G.P.D.): A D F= 320 Peak= 800

Treatment Plant: Noontday

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: East Mountain Development Group

PETITION NO.: Z-67

PRESENT ZONING: O&I

PETITION FOR: CRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Noonday 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 R.O.W 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 downstream detention pond (Laurel's Edge Apartments).

APPLICANT: East Mountain Development Group

PETITION NO.: Z-67

PRESENT ZONING: O&I

PETITION FOR: CRC

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.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This parcel is located south of Shiloh Road just east of its intersection with Frey Road. The site is totally wooded with average slopes ranging from 5 – 10%. The site is bounded by Shiloh Ridge Subdivision to the east, Shiloh Road R/W to the north, a Shell gas station and convenience store to the west and Laurel’s Edge Apartments to the south.
2. The majority of the site discharges to the southeast into and through the adjacent Laurel’s Edge Apartments. A portion of the northeast corner drains to the Shiloh Road R/W. The proposed stormwater management system must be tied directly to the existing downstream infrastructure within the Laurel’s Edge Apartments.

APPLICANT: East Mountain Development Group

PETITION NO.: Z-67

PRESENT ZONING: O&I

PETITION FOR: CRC

TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Shiloh Road	Arterial	40 mph	Cobb County	100'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Shiloh Road	West of Frey Road	11,900	D

*Based on 2016 traffic counting data taken by Cobb County DOT for Shiloh Road.
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

COMMENTS AND OBSERVATIONS

Shiloh Road is classified as an arterial 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 south side of Shiloh Road, a minimum of 50' from the roadway centerline.

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

Recommend relocating the driveway on Shiloh Road a minimum of 250 feet from the intersection of Frey Road, or restrict left turns out.

STAFF RECOMMENDATIONS

Z-67 EAST MOUNTAIN DEVELOPMENT GROUP

- 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. The property lies to the east of an existing convenience store with fuel sales and across Shiloh Road from an office condominium development.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. Located in the vicinity of the intersection of Shiloh Road and Frey Roads, the property lies between the Shell station to the west and the Shiloh Ridge Subdivision to the east. The applicant proposes a 35-foot landscape screening buffer between the proposed retail and the adjacent residential development. Additionally, the building and accompanying parking is located on the other side of the property opposite the residential neighbors.
- 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 is 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 delineates this property to be within the Community Activity Center (CAC) future land use category. This category is intended to provide areas that meet the immediate needs of several neighborhoods or communities. The applicant's proposal is for a building that will accommodate retail tenants serving the adjacent communities including the senior living to the south and neighborhoods to the east.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property that support the approval of the applicant's rezoning proposal. The request to rezone the subject property to the Community Retail Commercial (CRC) district is supported by its inclusion in the Community Activity Center (CAC) future land use category. The intended use as retail will serve that category's intention to provide retail options to nearby neighborhoods where the applicant proposes pedestrian access by way of a sidewalk between the properties. Additional rationale for support of the applicant's proposal is due to its location near the intersection of Shiloh and Frey Roads and the fact that the CRC district's regulations provide for more screening adjacent to those residential neighbors compared to other commercial categories (35 feet vs. 20 feet, etc.).

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

1. Site plan received by the Zoning Division on August 31, 2017, with District Commissioner approving minor modifications;
2. Landscape plan to be reviewed by County Arborist and approved by the District Commissioner;
3. Building elevations to be approved by the District Commissioner;
4. Fire Department's comments and recommendations;
5. Sewer and Water Division's comments and recommendations;

Z-67 EAST MOUNTAIN DEVELOPMENT GROUP (Continued)

6. Stormwater Management Division's comments and recommendations;
7. Department of Transportation's comments and recommendations; and
8. 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.

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-67

Nov. 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)

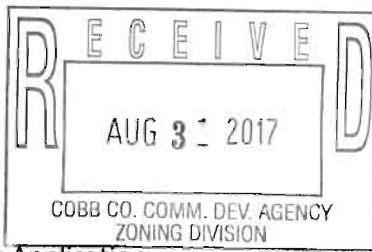
- a) Proposed use(s): 8,067 square foot retail building
- b) Proposed building architecture: Will comply with Cobb County Architectural Code. To include 4 sided brick, 4 sided parapets, glass storefront windows on front and sides, brick knee wall, columned reveals and awnings over the windows & doors. See enclosed rendering.
- c) Proposed hours/days of operation: _____
Open 7 days per week. 8am – 10pm.
- d) List all requested variances: None

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

The owner of the subject land, UCH Homes, also owns the senior living apartments along the southern property line. In an effort to promote inter-parcel connectivity and to create an “amenity” for their tenants they have requested the applicant to provide sidewalk access to their property from the subject property so their tenants can utilize access to the proposed retail without having to get in a vehicle.

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



Zoning Impact Analysis

Frey Road and Shiloh Road Re-zoning Application

Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

(a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **This zoning proposal will permit a use that is suitable in view of the existing uses of adjacent and nearby property, most of which are commercial or higher density residential. Immediately adjacent uses include a convenience store to the West of the site, senior living facility to the South, professional offices to the north, and single family residential to the East. Looking more regionally, the area contains primarily student housing developments and apartment projects, single family residential, and additional retail/commercial development including medical offices and a self-storage facility.**

(b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The zoning proposal should not adversely affect the existing use or usability of adjacent or nearby property. All adjacent property is currently developed, as described above. The proposed zoning and planned use will actually provide more buffer for the adjacent SFR than current required by current zoning, as well as a less intensive use based on planned development under CRC versus permitted development under O-I.**

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property has a reasonable economic use as currently zoned. However, with the number of residential units that have been developed in the area, there is very little land left for development, which likely means the development potential has been reduced due to a lack of critical mass of O-I uses in the area. Developer believes the highest and best use, as well as the most compatible use, is to re-zone and develop community serving retail on the property.**

(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: **Given the commercial use, the proposed use will not provide any burdensome impact on existing schools. The CRC designation and proposed development should provide a normal level of use/burden on existing transportation infrastructure, streets and utilities, especially relative to the current O-I zoning which would permit a more intensive use of utilities if all in place entitlements were built.**

(e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The zoning proposal is in conformity with the policy and intent of the land use plan. The 2017 FLUM identifies this parcel as a Community Activity Center. Further, developer believes that this requested zoning is in keeping with the purpose and intent of the CRC zoning classification, which includes the following (per Cobb Zoning):**

“The CRC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the CRC district should be done so as compact unified centers. CRC districts should be located on properties which are delineated within a community activity center and regional activity center...”

Additionally, the proposed project will not require any variances, furthering showing the compliance with the proposed CRC zoning classification.

(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. **Applicant will utilize existing shared access off of Shiloh Road with adjacent existing commercial. Additionally, at the request of land seller, applicant will install sidewalks providing pedestrian connectivity from proposed project to Seller’s existing residential community (located to the South of site).**



2-67 of 2017.

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