



Cobb County Community Development Agency
Zoning Division
1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-4
Public Hearing Dates:
PC: 02-06-18
BOC: 02-20-18

SITE BACKGROUND

Applicant: Robert M. Licata

Phone: (770)-633-2602

Email: blic57@aol.com

Representative Contact: Stacy M. Cragg

Phone: (770)-476-4020

Email: stacymcragg@gmail.com

Titleholder: Pediatric Medical Center of East Cobb, LLC

Property Location: Southwest intersection of Johnson Ferry Road and Lassiter Road

Address: 2863 Johnson Ferry Road

Access to Property: Johnson Ferry Road and Lassiter Road

QUICK FACTS

Commission District: 2- Ott

Current Zoning: LRO

Current use of property: Professional Offices

Proposed Zoning: NRC

Proposed use: Restaurant, Retail, Gym & Learning Center

Future Land Use Designation: Neighborhood Activity Center (NAC)

Site Acreage: 1.09 ac

District: 16

Land Lot: 538

Parcel #: 16053800210

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION

(Zoning staff member: Jason Campbell)

Staff recommends **APPROVAL** subject to the following conditions:

1. Site plan received by the Zoning Division on December 6, 2017, with the District Commissioner approving minor modifications;
2. Variance for parking mentioned in this analysis;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division's comments and recommendations; and
5. Department of Transportation's comments and recommendations.



North
Zoning: GC (General Commercial), LRO (Low Rise Office)
Future Land Use: NAC (Neighborhood Activity Center)

Z-4 2018-GIS



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



City Boundary
Zoning Boundary

WEST
Zoning: RA-5
Future Land Use: MDR (Medium Density Residential)

EAST
Zoning: GC (General Commercial)
Future Land Use: NAC (Neighborhood Activity Center)

SOUTH
Zoning: RA-5
Future Land Use: MDR (Medium Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The LRO district is established to provide locations for low scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Requested zoning district for the property

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel.

Summary of the applicant's proposal

The applicant is requesting to rezone the subject property to the Neighborhood Retail Commercial (NRC) zoning district for the purpose of utilizing the existing buildings to allow for more uses than those found under the property's current LRO zoning. The applicant plans to expand the allowable uses to include some of those uses found in the NRC zoning district, including low-scale retail, a gym facility, learning center, and the possibility of a restaurant. There will be no drive-thru businesses on the property. The hours of operation will be Monday through Sunday from 8 a.m. until 9 p.m.

Non-residential criteria

Existing # of buildings: 2
Existing # of stories: 1
Total sq. footage of development: 10,514
Floor area ratio: 0.22
Square footage per acre: 9,645
Required parking spaces: 52
Proposed parking spaces: 36 existing
Acres in floodplain or wetlands: None
Impervious surface shown: 70%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes. They are as follows:

1. The existing plan will require a variance to waive the number of parking spaces from the required 52 spaces to 36 spaces.
2. Waive 20' landscape buffer along the south property line to 10'.

DEPARTMENT COMMENTS- Fire Department

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.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comments.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

DEPARTMENT COMMENTS- School System

No comments.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard info: Zone X
3. Drainage basin: Willeo Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Special site conditions and/or additional comments: This is an existing commercial development that is served by an onsite stormwater management facility.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within a Neighborhood Activity Center (NAC) future land use category. The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Was the city notified? Yes No

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No

Does the proposal plan comply with the design requirements? Yes No N/A

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 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 investment)

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)

Note: 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>.

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

Special District

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

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone? Yes No

Is the property within the Clear Zone (CZ)? Yes No

Is the property within the Accident Potential Zone (APZ I)? Yes No

Is the property within the Accident Potential Zone II (APZ II)? Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)? Yes No

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.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 8" D.I. in the west side of Johnson Ferry Road.

Additional water comments: Existing water customer

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: On site

Estimated waste generation (in G.P.D.): Average daily flow= TBD ; Peak flow= TBD

Treatment plant: Big Creek (Fulton County)

Plant capacity: Yes NO

Line capacity: YES NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Dry sewers required: YES NO

Off-site easement required: YES* NO

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

*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Additional sewer comments: Additional wastewater generation volume dependent upon specifics of new uses (restaurants, etc) which are not known. Proposed re-zoning application does not raise capacity concerns.

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining on and/or offsite easements, dedication or on and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MHP)	Jurisdictional control	Min. R.O.W. requirements
Johnson Ferry Road	Arterial	45	Cobb County	100'
Lassiter Road	Minor Collector	35	Cobb County	60'
Laureate Court	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Johnson Ferry Road	North of Oak Lane	31,100	D
Lassiter Road	South of Covington Road	6,740	C
Laureate Court	N/A	N/A	N/A

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Johnson Ferry Road.

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Laureate Court. 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

According to the available information, the existing rights-of-way for Johnson Ferry Road and Lassiter Road do not meet the minimum requirements for their classifications.

Laureate Court is classified as a local roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommend applicant donate additional right-of-way on Johnson Ferry Road and Lassiter Road so that County pavement and sidewalk are within the County right-of-way.

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 west side of Johnson Ferry Road, a minimum of 50' from the roadway centerline.

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 Lassiter Road, a minimum of 30' from the roadway centerline.

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

Recommend entrance on Lassiter Road be restricted to right-in/ right-out access only.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold):

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 applicant's proposal will permit a use that is consistent with other commercial properties in this area. The existing buildings will be utilized.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The proposed uses are consistent with nearby properties which are zoned and/or used for retail activities. The rezoning to the compatible Neighborhood Retail Commercial (NRC) zoning district will allow the applicant to continue to use the existing buildings for uses permitted in NRC that are not permitted in the property's current Low Rise Office (LRO) zoning district.

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

It is staff's opinion that the proposed use will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

The land use plan delineates this property as being within the Neighborhood Activity Center (NAC) future land use category. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. The applicant's proposal is in conformity with the policy and intent of the land use plan. Therefore, a rezoning to a zoning district which is compatible with the future land use category would further the land use plan's goals.

E. 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;

The proposal is in an area that has a mixture of commercial and residential uses. The applicant's proposal would be consistent with, and compatible to, other development in the area.

The staff analysis and recommendation 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.

COMMUNITY IMPACT STATEMENT

Pediatric Medical Center of East Cobb, LLC

2863 Johnson Ferry Rd. Marietta, GA 30062

This proposed request for rezoning of the property located at 2863 Johnson Ferry Rd. Marietta, GA 30062 from LRO to NRC is solely intended to expand the type of businesses available to the immediate surrounding residential areas. LRO and NRC are very similar in their descriptions; however, NRC allows for a broader range of business types while keeping the same low scale and low intensity retail uses that offer basic services and frequently purchased goods to the immediate surrounding residential areas. Examples of potential tenants included Fitness and Gym facilities, Learning centers, both of which fall under the zoning description for Neighborhood Retail Commercial, but not Low Rise Office. This 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 not adversely affect the existing use or usability of adjacent or nearby property. It will have no immediate effect.

As currently zoned for LRO, the property is limited in the type of business permitted. By rezoning to NRC, this expands the type of businesses permitted to conduct business, but is still respectful of nearby neighborhoods and property. There are several nearby properties that are zoned as NRC. Please refer to copy of zoning map included.

The zoning proposal will not affect an excessive or burdensome change in the use of existing streets, transportation facilities, utilities, or schools. It will have no immediate effect.

The zoning proposal is in conformity with the policy and intent of the land use plan.

There are no other existing or changing conditions affecting the use and development of the property.

Thank you for considering our rezoning request.

RECEIVED
DEC - 6 2017

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Summary of Intent for Rezoning

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

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

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

- a) Proposed use(s): restaurant, learning center, gym/fitness facility
- b) Proposed building architecture: existing buildings will remain
- c) Proposed hours/days of operation: Monday - Sunday
8am - 9pm
- d) List all requested variances: no drive through businesses on property

.....
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).

N/A

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:	Comments:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:	Comments:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____