



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-45
Public Hearing Dates:
PC: 07-03-18
BOC: 07-17-18

SITE BACKGROUND

Applicant: Lost Mountain Nursery, Inc.

Phone: (770) 427-5583

Email: teena_barnes@bellsouth.net

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: jkm@mijs.com

Titleholder: Lost Mountain Nursery, Inc.

Property Location: South side of Dallas Highway,
north side of Poplar Springs Road

Address: 824 Poplar Springs Road

Access to Property: Poplar Springs Road and
Dallas Highway

QUICK FACTS

Commission District: 1-Weatherford

Current Zoning: R-30 (Single-family Residential)

Current use of property: Retail Plant Nursery

Proposed zoning: NRC (Neighborhood Retail
Commercial)

Proposed use: Retail Plant Nursery

Future Land Use Designation: VLDR (Very Low
Density Residential)

Site Acreage: 2.68 ac

District: 19

Land Lot: 80 and 143

Parcel #: 19008000050 and 19014300070

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

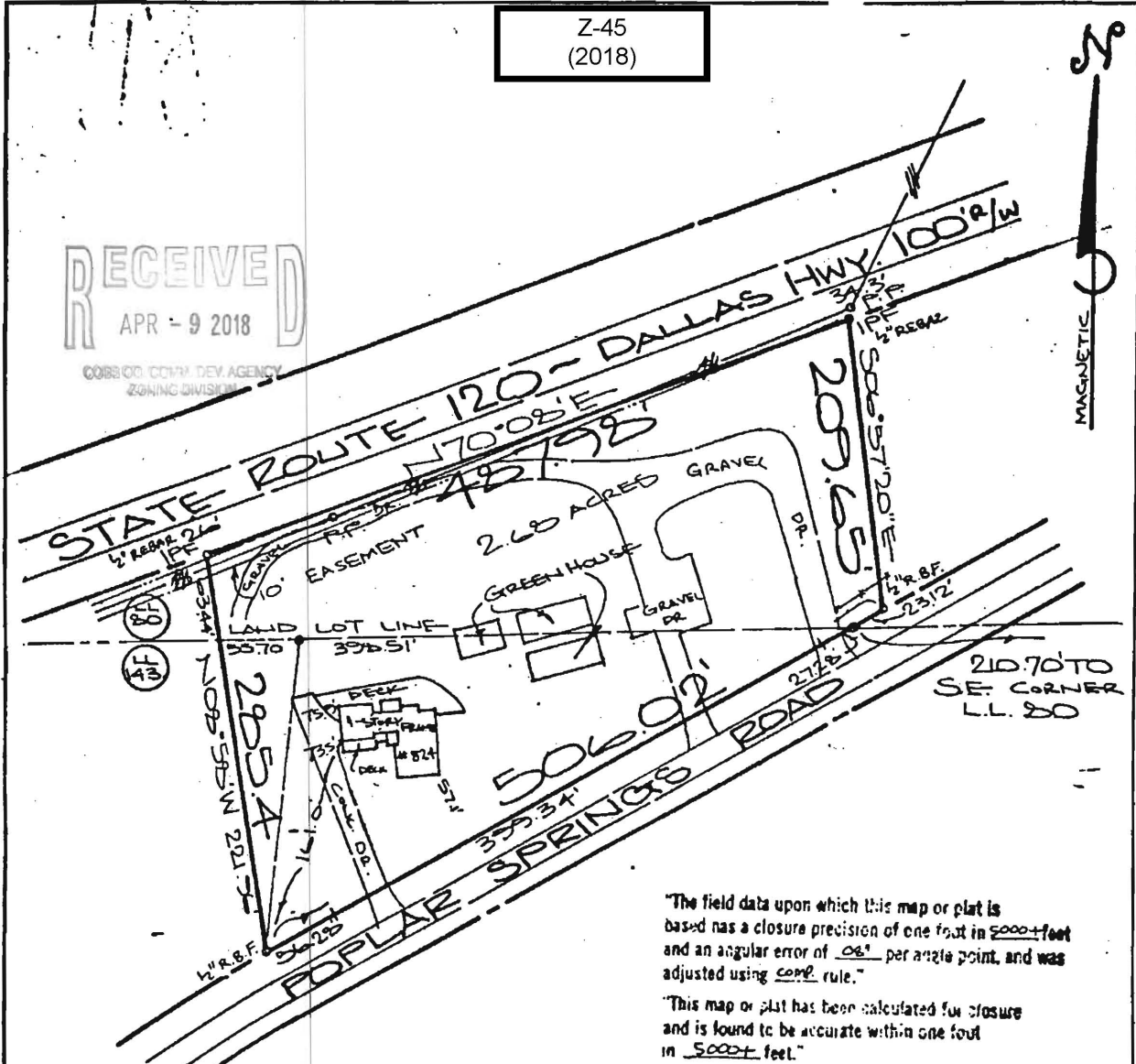
(Zoning staff member: Donald Wells)

Based on the analysis of this case, Staff recommends DENIAL.

Z-45
(2018)

RECEIVED
APR - 9 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



"The field data upon which this map or plat is based has a closure precision of one foot in 5000+ feet and an angular error of .06" per angle point, and was adjusted using comp. rule."

"This map or plat has been calculated for closure and is found to be accurate within one foot in 5000+ feet."

SURVEY FOR JAMES R. BARNES
D/B/A LOST MOUNTAIN NURSERY AND COBB AMERICAN BANK AND TRUST COMPANY

Of property at 824 Poplar Springs Road
Land Lots 80 & 143, 19th District, 2nd Section, Cobb County, Georgia
Date: 9/5/90 Scale: 1" = 100'



THIS PROPERTY (IS) (IS NOT) LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY "FIA OFFICIAL FLOOD HAZARD MAPS"

BY: ESTON PENDLEY & ASSOC., INC.
REGISTERED LAND SURVEYORS

In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

Eston Pendley
Member SAMSOG

Z-45 2018-Aerial Map



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

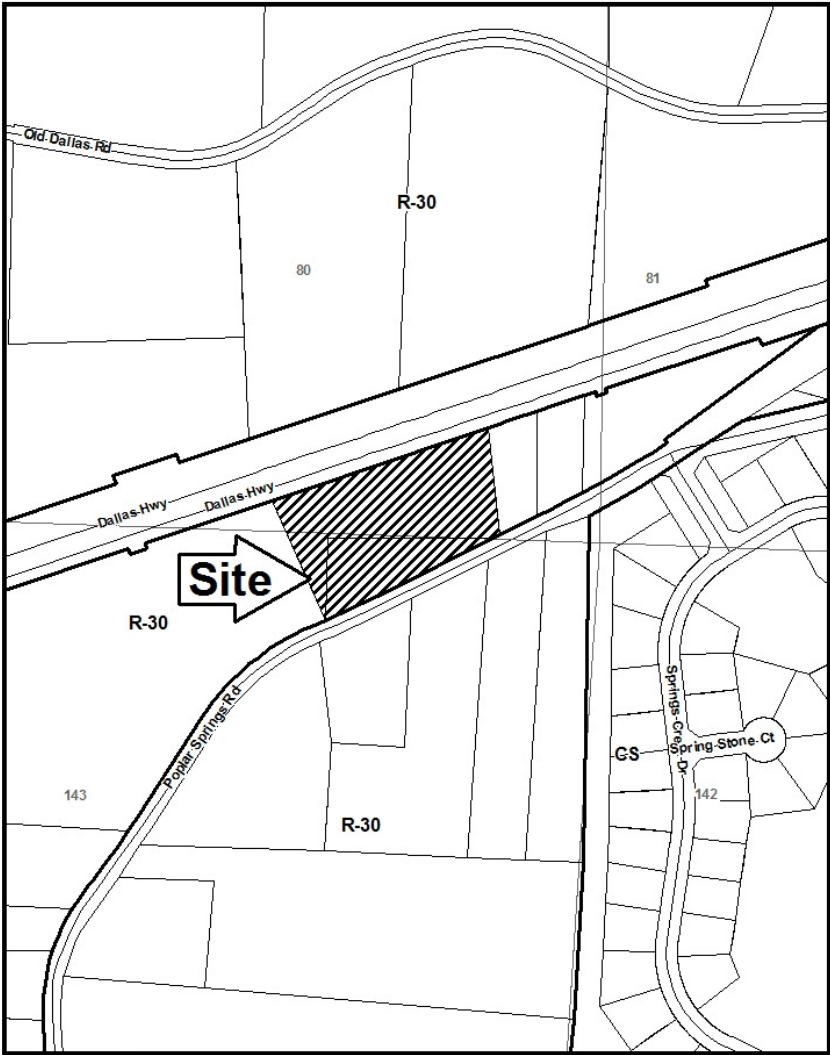
0 100 200 Feet

Land Lot
City Boundary

North

Zoning: R-30 (Single Family Residential)
Future Land Use: VLDR (Very Low Density Residential)

Z-45 2018-GIS



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

WEST

Zoning: R-30 (Single Family Residential)

Future Land Use: VLDR (Very Low Density Residential)

EAST

Zoning: R-30 (Single Family Residential)

Future Land Use: VLDR (Very Low Density Residential)

SOUTH

Zoning: R-30 (Single Family Residential)
Future Land Use: VLDR (Very Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-30 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-30 district, they should be designed and built to ensure intensity and density 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. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

Summary of the applicant's proposal

The applicant is requesting the NRC zoning district to continue to operate a plant nursery and landscape design company. The property has been used as a nursery for the past 40 years, with the first land use permit being issued in 1987. The applicant does not intend to make any new changes to the property or any changes in how the property is used. The existing house will be used as a sales office with no one living on the property. The operating hours will be Monday through Saturday between the hours of 9:00 am and 5:00 pm.

DEPARTMENT COMMENTS- Zoning Division (continued)

Non-residential criteria

Proposed # of buildings: 3

Proposed # of stories: 1

Total sq. footage of development: approx. 5419

Floor area ratio: .04

Square footage per acre: 1888

Required parking spaces: 28

Proposed parking spaces: 30 (estimated)

Acres in floodplain or wetlands: 0

Impervious surface shown: Under 70%

Are there any zoning variances?

1. Allowing parking on a surface other than a hardened treated surface;
2. Waive the required landscape buffer adjacent to the west property line from 20 feet to 10 feet for the existing parking areas.

DEPARTMENT COMMENTS- Fire Department

No comment.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

Approval of this petition will not have an impact on the enrollment.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Mill Creek #1
4. Wetlands: No
5. Streambank buffer zone: No
6. Existing facility.
7. Special site conditions and/or additional comments:
 - No immediate site improvements are proposed or anticipated.
 - Stormwater management must be provided upon redevelopment or substantial improvement of site.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Very Low Density Residential (VLDR) future land use category. The purpose of the VLDR category is to provide for areas that are suitable for very low-density housing, particularly in locations that may not have basic services such as sewer, or where the existing or desired residential density is zero (0) to two (2) dwelling units per acre.

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 N/A

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No

If yes, design guidelines area: Dallas Highway Design Guidelines

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- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

(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 Noise Zone? 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): 6" in Poplar Springs Rd

Additional water comments:

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: ~700' SE, in Poplar Springs S/D

Estimated waste generation (in G.P.D.): Average daily flow = 160; Peak flow = 400

Treatment plant: South Cobb

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: Environmental Health Dept. approval required for continued use of existing on-site wastewater treatment (septic system).

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 onsite and/or offsite easements, and dedication of onsite 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.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Dallas Highway	Arterial	55	Georgia DOT	100'
Poplar Springs Road	Minor Collector	35	Cobb County	60'

Roadway	Location	Average daily trips	Level of service
Dallas Highway	West of Poplar Springs Road	33,200	E
Poplar Springs Road	South of Dallas Highway	3,800	C

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

Based on 2016 traffic counting data taken by Cobb County DOT for Poplar Springs 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

Dallas Highway is classified as an arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Poplar Springs Road is classified as a minor collector roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Recommendations

1. 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 Poplar Springs Road, a minimum of 30' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend gravel driveways on Poplar Springs Road be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.
4. Recommend entrances on Poplar Springs Road and Dallas Highway be upgraded to meet Cobb County Development standards for commercial driveways, per Section 402.08.

DEPARTMENT COMMENTS- Transportation (Continued)

5. Recommend curb, gutter, and sidewalk along the Dallas Highway frontage upon redevelopment.
6. Recommend curb, gutter, and sidewalk along the Poplar Springs Road frontage upon redevelopment.
7. Recommend GDOT permits for all work that encroaches upon State right-of-way.

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; the answer is not 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;

It is Staff's opinion that the applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The property has been used as a retail plant nursery for 40 years via past approved land use permits. However, there is no commercial zoning on adjacent properties.

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

The applicant's proposal may adversely affect the existing use or usability of adjacent or nearby properties. The property has been used as a retail nursery for the past 40 years. However, the property is zoned residential and is surrounded by residential property. Approval of the request would encourage other commercial rezoning requests along this part of Dallas Highway.

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

The zoning proposal is not in conformity with the policies and intent of the comprehensive plan which delineates the property to be within the VLDR (Very Low Density Residential) future land use category. This category suits residential development in the range of 0-2 units per acre.

STAFF ANALYSIS (Continued)

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;

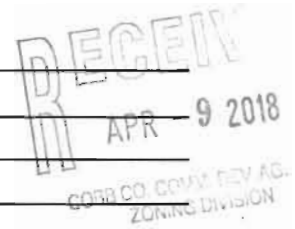
It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. Staff is concerned about placing a commercial zoning along Dallas Highway that is outside the commercial node. All the surrounding property is zoned residentially. While staff cannot recommend anything except the request submitted, the Board of Commissioners can consider the request a deletion to a Land Use Permit, or Special Land Use Permit.

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.

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Not Applicable
 - b) Proposed building architecture: Not Applicable
 - c) List all requested variances: Not Applicable
-
-
-



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

- a) Proposed use(s): Retail Plant Nursery; Landscape Design and Consultation; Related Services
 - b) Proposed building architecture: Existing Greenhouses and Accessory Structures on Property will be used.
 - c) Proposed hours/days of operation: Monday - Saturday - 9:00 a.m. - 5:00 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.

*Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any portion of the Application for Rezoning, at any time during the rezoning process.

Planning Commission Decision

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

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

Names of those Opposed:

Comments:

_____	_____
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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:

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Stipulation letter from _____ dated _____
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