



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-51
Public Hearing Dates:
PC: 08-07-18
BOC: 08-21-18

SITE BACKGROUND

Applicant: The Silver Manor, LLC

Phone: (678) 426-8118

Email: thesilvermanor@gmail.com

Representative Contact: Garvis L. Sams, Jr.

Phone: (770) 422-7016

Email: gsams@slhb-law.com

Titleholder: Silver Comet Enterprises, LLC

Property Location: Northeast side of Floyd Road,
southeast of Floyd Drive

Address: 4391 Floyd Road

Access to Property: Floyd Road

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: NRC (Neighborhood Retail
Commercial)

Current use of property: Vacant retail building

Proposed zoning: CRC (Community Retail
Commercial)

Proposed use: Assembly Hall for Special Events with
Ancillary Offices

Future Land Use Designation: NAC (Neighborhood
Activity Center)

Site Acreage: 0.465 ac

District: 19

Land Lot: 1000 and 1001

Parcel #: 19100000020

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Terry Martin, MPA)

Based on the included analysis, Staff recommends **DENIAL**.

Z-51
(2018)

MARISSA SIMMS ARNOLD WOODS

LOCATED IN LAND LOTS 1000 AND 1001, 19TH DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA

4391 FLOYD ROAD
AREA = 0.465 ACRES
(20,236 SQ. FT.)

ZONING NOTES
CURRENT ZONING: M-1C
PROPOSED ZONING: C-1C
BUILDING SETBACKS (FAC):
FRONT - 5'0"
SIDE - 10'
REAR - 30'

PARCELS PROVIDED - 41.640 AC
CURRENT IMPERVIOUS AREA: 12,580 SQ. FT. (61%)
PROPOSED TOTAL IMPERVIOUS AREA: 19,925 SQ. FT. (99%)
SURVEYOR DETECTED NO CEMETERY OR WETLANDS ON THIS PROPERTY.

NOTE
SECOND FLOOR OF BUILDING TO BE UTILIZED FOR STORAGE PURPOSES ONLY.

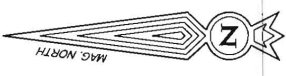
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ZONING DIVISION



DATE	DESCRIPTION
4/20/18	ADD ADDITIONAL INFORMATION
07/11/18	PER STIPULATIONS

THE CRUSSELLE COMPANY
PROFESSIONAL LAND SURVEYORS
1750 WOODBRIDGE DRIVE
MARIETTA, GEORGIA 30064
(770) 943-5301
E-MAIL: BIRMINGHAM@CRUSSELLE.COM

PROJ. NO. COB843 FILE: COB843-143-61.DWG
PLOT DATE: 06/29/18 SCALE: 1" = 30'



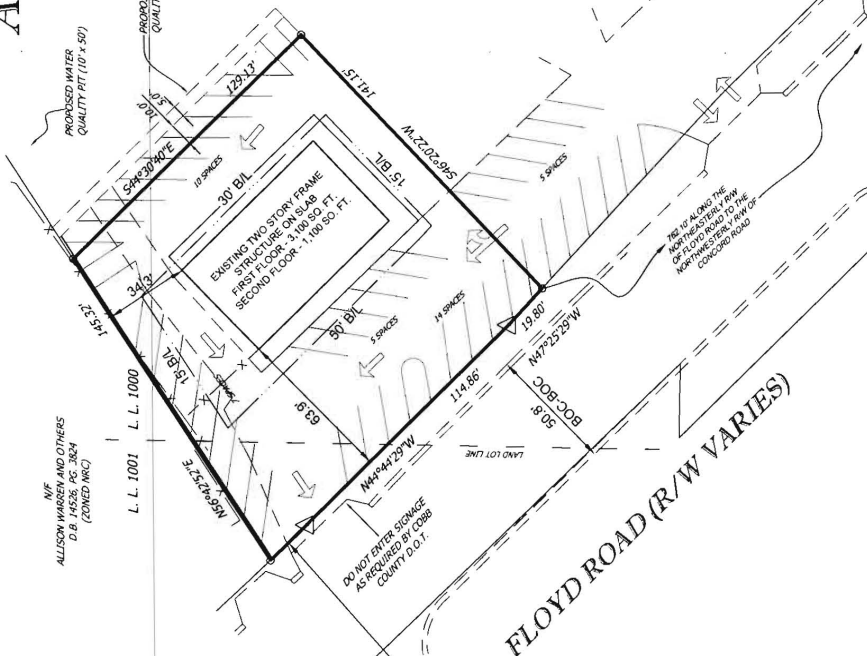
PROPOSED PARKING & WATER QUALITY ENHANCEMENT

PROPOSED WATER QUALITY PIT (10' x 5')

N/F ALLUSON WALKWAY AND OTHERS D.B. 155889 PG. 3063 (ZONED M-1C)

N/F SILVER CORNET D.B. 155889 PG. 3063 (ZONED M-1C)

REVISED



CHORD =
S44°19'08"E
20.69
R = 1402.39
L = 20.69

FLOYD ROAD (R/W VARIES)

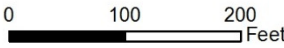
FLOOD STATEMENT
I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 130670202H FOR THE SUBJECT PROPERTY AND DETERMINED THAT THE SUBJECT PROPERTY TO LIE IN ZONE "X".
"X" = AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN

- LEGEND**
- CONCRETE CORNER
 - PPS - CORNER SET WITH A 1/2" STEEL REINFORCING ROD
 - CONCRETE CORNER
 - CORNER TO BE SET WHEN CONSTRUCTION PERMITS
 - X - FENCE LINE
 - OTIP - OPEN TOP WATER PIPE
 - OTP - COVERED TOP WATER PIPE
 - CA - CENTERLINE
 - BL - BUILDING LINE
 - L.L. - LAND LOT LINE
 - OVERHEAD POWER LINES
 - GAS MAINS
 - N/A - NOW OR FORMERLY OWNED BY
 - N/S - NEIL SET AT BASE OF UT BRGS
 - D.B. - DEED BOOK
 - R/W - RIGHT OF WAY MONUMENT
 - CO - CONCRETE RIGHT OF WAY MONUMENT

Z-51 2018-Aerial Map



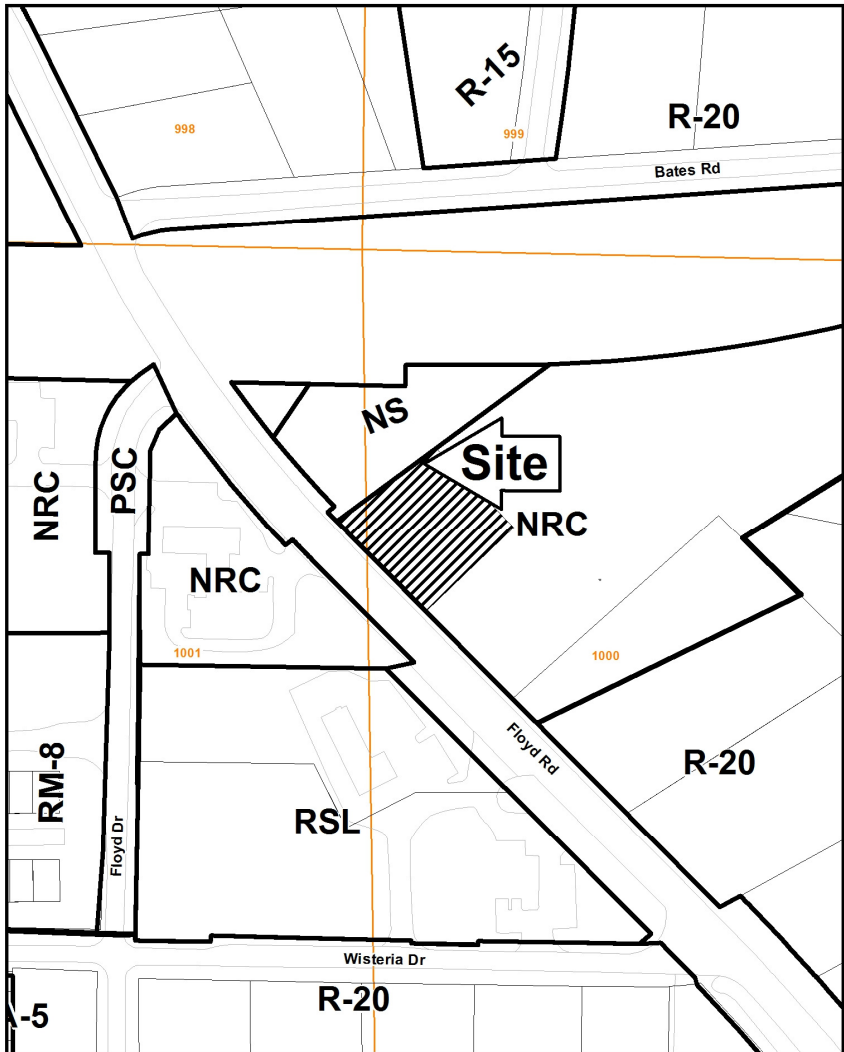
This map is provided for display and planning purposes only. It is not meant to be a legal description.



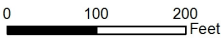
- Zoning Boundary
- City Boundary

North
Zoning: NS (Neighborhood Shopping)
Future Land Use: NAC (Neighborhood Activity Center)

Z-51 2018-GIS



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



Zoning Boundary
 City Boundary

WEST

Zoning: NRC
(Neighborhood Retail Commercial)

Future Land Use: NAC
(Neighborhood Activity Center)

EAST

Zoning: NRC
(Neighborhood Retail Commercial)

Future Land Use: NAC
(Neighborhood Activity Center)

SOUTH

Zoning: NRC (Neighborhood Retail Commercial)
Future Land Use: NAC (Neighborhood Activity Center)

DEPARTMENT COMMENTS- Zoning Division

Current 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.

Requested zoning district for the property

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. Ideally, projects developed within the CRC district should occupy a quadrant of an intersection, which is delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Additionally, the desired quadrant location will provide for planned developments, one-destination shopping and service locations to serve the community, and to minimize traffic congestion.

Summary of the applicant's proposal

The applicant is proposing to utilize the existing 4,200 square-foot building as an assembly hall for special events as well as ancillary office space. The single-story, pitched roof building will be used in its condition with modifications and retrofitting as needed.

Non-residential criteria

Proposed # of buildings: 1

Proposed # of stories: 1

Total sq. footage of development: 4,200 sq. ft.

Floor area ratio: 0.21

Square footage per acre: 9,032 sq. ft.

Required parking spaces: 140

DEPARTMENT COMMENTS- Zoning Division (continued)

Proposed parking spaces: 41 with proposed parking easement
Acres in floodplain or wetlands: None
Impervious surface shown: 100%

Are there any zoning variances?

Yes, the current proposal, if approved, would require the following variances:

1. Increase the impervious surface from 70% to 99% (existing);
2. Waive the minimum number of parking spaces from the required 140 to 41; and
3. Allow required parking to be offsite (easement).

DEPARTMENT COMMENTS- Fire Department

1. Plans must be submitted to the Fire Marshal's Office bearing the seal of an architect or engineer.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

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.). Contact Site Plan Review, 770-528-2147.

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: Tributary to Concord Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
7. Existing facility.
8. Special site conditions and/or additional comments:
 - The existing site is well over the allowable impervious coverage limit. If approved, a water quality infiltration strip or similar best management practice should be installed along the downstream edge of pavement.

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DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is 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. 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 N/A

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)

(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 Floyd 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: in Floyd Road ROW

Estimated waste generation (in G.P.D.): Average daily flow = +0; Peak flow = +0

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

Additional sewer comments: existing sewer customer

*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.

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**REVISED 7-16-18**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Floyd Road	Arterial	40	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Floyd Road	South of Concord Road	19,650	F

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

Floyd Road is classified as an arterial 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 east side of Floyd Road, a minimum of 50' from the roadway centerline upon redevelopment.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

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;

The zoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby property. Other uses in the area are low intensity uses. Staff is concerned the proposal will have late night events that may affect properties in the area.

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

The zoning proposal will adversely affect the existing use or usability of the adjacent or nearby properties. The CRC zoning district is intended for higher intensity commercial areas.

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 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 the 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 NAC (Neighborhood Activity Center) future land use category. This category seeks to encourage retail commercial uses which serve neighborhood residents and businesses of a lesser intensity than the currently proposed assembly hall use.

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. An assembly hall use remains more intense than those uses forecasted by the future land use map. The proposed use would be out of character with the type of use sought to be encouraged by the property's NRC designation.

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.

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ZONING IMPACT STATEMENT
FOR THE REZONING APPLICATION
OF THE SILVER MANOR, LLC

COBB COUNTY PLANNING DIVISION

COMES NOW, THE SILVER MANOR, LLC, 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 utilization of the property which is suitable in the context of development and existing zonings along this section of the Floyd Road Corridor. Such as, the Shell Service Station; the former location of a bicycle rental business (Silver Comet Cycles); the Floyd Road Park & Ride Facility; and, the Nature Supply Centre.

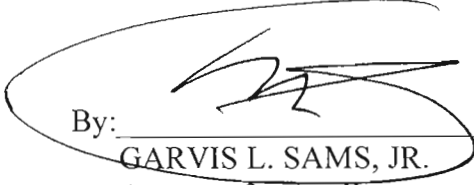
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties. The property is located within a Neighborhood Activity Center (NAC) under Cobb County's Future Land Use Map. The subject property has contiguous and adjoining commercially zoned and utilized property to which it is adjacent and/or contiguous.

- 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. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present classification of NRC.

- 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 zoning proposal is located within a Neighborhood Activity Center (NAC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map if limited to the utilization of the subject property solely for purposes of an Events Facility and Ancillary Office utilization.
- F. There is no substantial relationship between the existing zoning classification of NRC which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Floyd Road Corridor, there are no established land use planning principles or political considerations which would adversely affect the proposed zoning.

Respectfully submitted, this the 3rd day of May, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Application No. z-51

PC: August 1, 2018
BOC: August 21, 2018

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): Assembly Hall for Special Events with Ancillary Offices
- b) Proposed building architecture: Single Story with Pitched Roof (As-built with modifications and retrofitting)
- c) Proposed hours/days of operation: _____
- d) List all requested variances: None known at this time but this paragraph may be amended if Variances are required later.

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

Under the Future Land Use Map ("FLUM"), the subject property is within a Neighborhood Activity Center ("NAC"); is adjacent and/or contiguous to other commercially zoned and utilized properties; and, is otherwise in an area on the FLUM which contemplates this proposed use.

.....
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 other 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 _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____