



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-65
Public Hearing Dates:
PC: 11-06-18
BOC: 11-20-18

SITE BACKGROUND

Applicant: Flonnie Westbrook

Phone: (770) 378-4407

Email: westbrookflonnie470@gmail.com

Representative Contact: Bobby L. Terrell

Phone: (404) 643-0505

Email: cherokeerealty@bellsouth.net

Titleholder: Westbrook & McGuire, LLC

Property Location: East side of Bells Ferry Road,
south of Hawkins Store Road

Address: 4300 Bells Ferry Road

Access to Property: Bells Ferry Road

QUICK FACTS

Commission District: 3-Birrell

Current Zoning: NS (Neighborhood Shopping)

Current use of property: Former bank building

Proposed zoning: CRC (Community Retail
Commercial)

Proposed use: Retail

Future Land Use Designation: NAC (Neighborhood
Activity Center)

Site Acreage: 1.0601

District: 16

Land Lot: 212

Parcel #: 16021200030

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Donald Wells)

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

Z-65 (2018)

RECEIVED
AUG 02 2018
CORPORATE COMMUNITY DEVELOPMENT AGENCY
ZONING DIVISION

1 TITLE DESCRIPTION

The subject property is a 2.5-acre parcel located at the intersection of Bells Ferry Road and US Highway 870 (GA 401) in the City of Marietta, Georgia. The property is currently zoned C-2 (Community Commercial) and is proposed to be rezoned to C-1 (Community Commercial).

2 TITLE INFORMATION

Parcel ID: 15-02-00-0100-0000
 Tax Map: 15-02-00-0100-0000
 Assessor's Office: Marietta, Georgia

3 SCHEDULE "B" ITEMS

NOTE: CONFORMANCE TO SCHEDULE "B" SECTION TWO ENTERTAINMENT:

(1) THE PROPERTY IS NOT SUBJECT TO ANY SCHEDULE "B" SECTION TWO ENTERTAINMENT.

4 BASIS OF BEARINGS

U.S. HIGHWAY 870 (GA 401) - 100' ±
 BILLS FERRY ROAD - 100' ±

5 FLOOD INFORMATION

NO FLOODING IS SHOWN ON ANY AVAILABLE MAPS OR RECORDS FOR THE SUBJECT PROPERTY.

6 CEMETERY

NO CEMETERY IS SHOWN ON ANY AVAILABLE MAPS OR RECORDS FOR THE SUBJECT PROPERTY.

7 POSSIBLE ENCROACHMENTS

NO POSSIBLE ENCROACHMENTS ARE SHOWN ON ANY AVAILABLE MAPS OR RECORDS FOR THE SUBJECT PROPERTY.

8 ZONING INFORMATION

THE PROPERTY IS CURRENTLY ZONED C-2 (COMMUNITY COMMERCIAL) AND IS PROPOSED TO BE REZONED TO C-1 (COMMUNITY COMMERCIAL).

9 LEGEND

1. BOUNDARY LINE
 2. EASEMENT
 3. RIGHT-OF-WAY
 4. ADJACENT PROPERTY
 5. EXISTING BUILDING
 6. PROPOSED BUILDING
 7. DRIVEWAY

10 BASIS OF BEARINGS

U.S. HIGHWAY 870 (GA 401) - 100' ±
 BILLS FERRY ROAD - 100' ±

11 SURVEYOR'S NOTES

1. THE PROPERTY IS A 2.5-ACRE PARCEL LOCATED AT THE INTERSECTION OF BELLS FERRY ROAD AND US HIGHWAY 870 (GA 401) IN THE CITY OF MARIETTA, GEORGIA.

2. THE PROPERTY IS CURRENTLY ZONED C-2 (COMMUNITY COMMERCIAL) AND IS PROPOSED TO BE REZONED TO C-1 (COMMUNITY COMMERCIAL).

3. THERE IS NO ADJACENT PROPERTY TO THE SUBJECT PROPERTY.

4. THE PROPERTY IS NOT SUBJECT TO ANY SCHEDULE "B" SECTION TWO ENTERTAINMENT.

5. THE PROPERTY IS NOT SUBJECT TO ANY FLOODING.

6. THE PROPERTY IS NOT SUBJECT TO ANY CEMETERY.

7. THE PROPERTY IS NOT SUBJECT TO ANY POSSIBLE ENCROACHMENTS.

8. THE PROPERTY IS NOT SUBJECT TO ANY ADJACENT PROPERTY.

9. THE PROPERTY IS NOT SUBJECT TO ANY EASEMENT.

10. THE PROPERTY IS NOT SUBJECT TO ANY BOUNDARY LINE.

11. THE PROPERTY IS NOT SUBJECT TO ANY DRIVEWAY.

12 PARKING INFORMATION

NO PARKING IS SHOWN ON ANY AVAILABLE MAPS OR RECORDS FOR THE SUBJECT PROPERTY.

13 LAND AREA

2.5 ACRES ±

14 BUILDING AREA

NO BUILDING AREA IS SHOWN ON ANY AVAILABLE MAPS OR RECORDS FOR THE SUBJECT PROPERTY.

15 BUILDING HEIGHT

NO BUILDING HEIGHT IS SHOWN ON ANY AVAILABLE MAPS OR RECORDS FOR THE SUBJECT PROPERTY.

16 VICINITY MAP

NOT TO SCALE

17 NORTH ARROW / SCALE

NORTH
 SCALE: 1" = 20'

18 ALTAIR SURVEY

CDS COMMERCIAL SURVEYING
 1800 S. HENRY STREET, SUITE 100
 MARIETTA, GEORGIA 30066
 TEL: 770.429.1234
 FAX: 770.429.1235
 WWW.CDSCOMMERCIALSURVEYING.COM

19 SURVEY DRAWING

DATE: 08/01/2018
 DRAWN BY: [Name]
 CHECKED BY: [Name]

20 PROJECT ADDRESS

1800 S. HENRY STREET, SUITE 100
 MARIETTA, GEORGIA 30066

21 PROJECT NAME

REZONING FROM C-2 TO C-1

22 PROJECT NUMBER

Z-65 (2018)

23 PROJECT CONTACT

[Name]
 [Phone Number]
 [Email Address]

24 PROJECT NOTES

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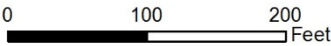
CDS COMMERCIAL SURVEYING



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TEL: 770.429.1234
FAX: 770.429.1235
WWW.CDSCOMMERCIALSURVEYING.COM

Z-65 2018-Aerial Map



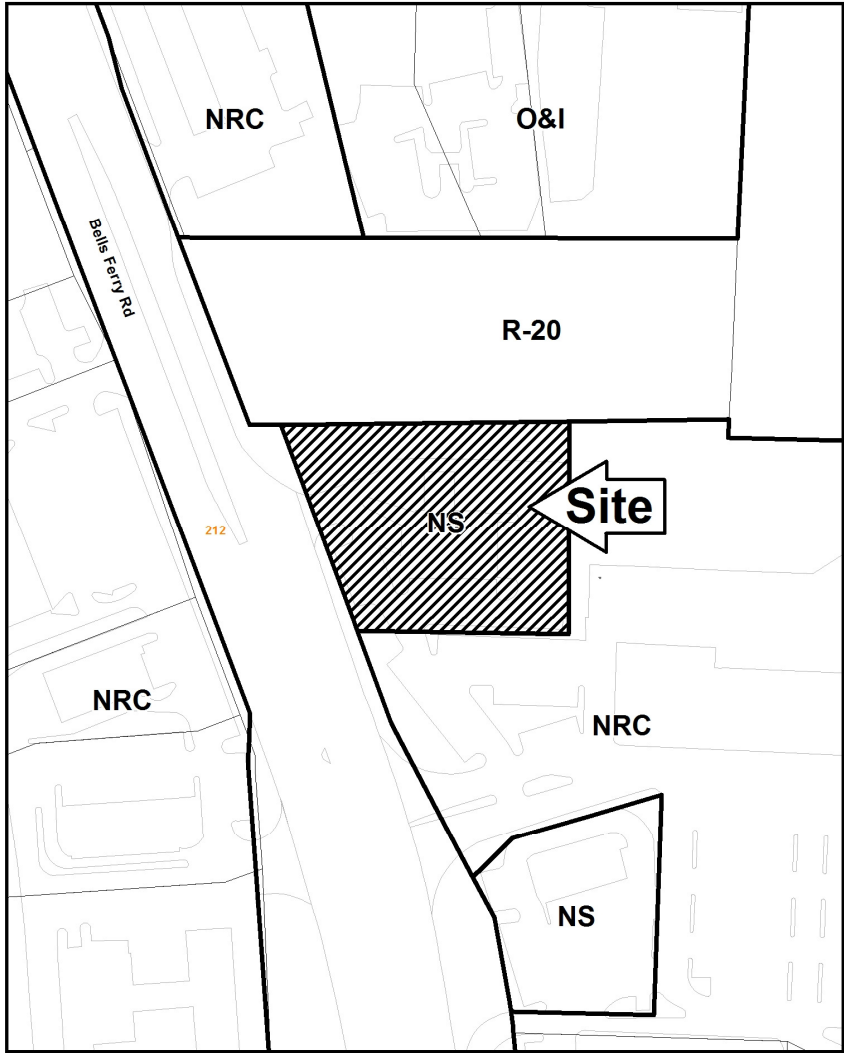
This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  Zoning Boundary
-  City Boundary

North
Zoning: R-20 (Single Family Residential)
Future Land Use: NAC (Neighborhood Activity Center)

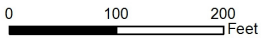
Z-65 2018-GIS



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)

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



Zoning Boundary
City Boundary

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

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The NS district is established to provide locations for retail commercial and services uses which are designed and oriented to serve two to four neighborhoods and are located in areas delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Commencing January 1, 1991, no new applications for rezoning to the NS district will be accepted by the board of commissioners. Any existing, developed NS zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned as NS outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

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. CRC districts should be located on properties which are 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 and one-destination shopping and service locations to serve the community, and will minimize traffic congestion.

Summary of the applicant's proposal

The applicant is requesting the CRC zoning district to use the existing bank building for retail uses. No use will operate prior to 6:00am or after 12am. The current NS zoning district is deemed to be a grandfathered, nonconforming use because this property is located outside a community activity center and a regional activity center. This request is required to allow the applicant to have any permitted uses.

Non-residential criteria

Proposed # of buildings: 1

Proposed # of stories: 1

Total sq. footage of development: 3257

Floor area ratio: .07

Square footage per acre: 3072

Required parking spaces: 17

Proposed parking spaces: 37

Acres in floodplain or wetlands: 0

DEPARTMENT COMMENTS- Zoning Division (continued)

Impervious surface shown: Should not exceed 70%

Are there any zoning variances?

Waive the landscape screening buffer from 35 feet to 0 feet on the north property line.

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: Noonday Creek Tributary #1
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
7. Project engineer must evaluate the impact of any proposed increase in runoff volume generated by the proposed project on existing downstream drainage system(s).
8. Stormwater management appears to be provided for the existing facility.
9. The existing stormwater management system will need to be upgraded to accommodate any substantial site improvement.

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

In accordance with the action of the Board of Commissioners on December 21, 1994, the existing NAC shown on the Future Land Use Map at the intersection of Bells Ferry Road and I-575 is extended to encompass the area of the intersection of Bells Ferry Road and Shallowford Road. The area designated as NAC consists of that shown as proposed on the map adopted by the Board of Commissioners on December 21, 1994: and as amended, October 28, 1999. Additionally, the Board of Commissioners has adopted, as land use policy, the specific zoning designations represented on the map adopted on December 21, 1994. Applications for rezoning of property in this area will be evaluated for appropriateness based upon these specific zoning designations. (Map 4.12) (Attached below)

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)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

Is the property eligible for the Façade Improvement Program?

Yes No

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

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.

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

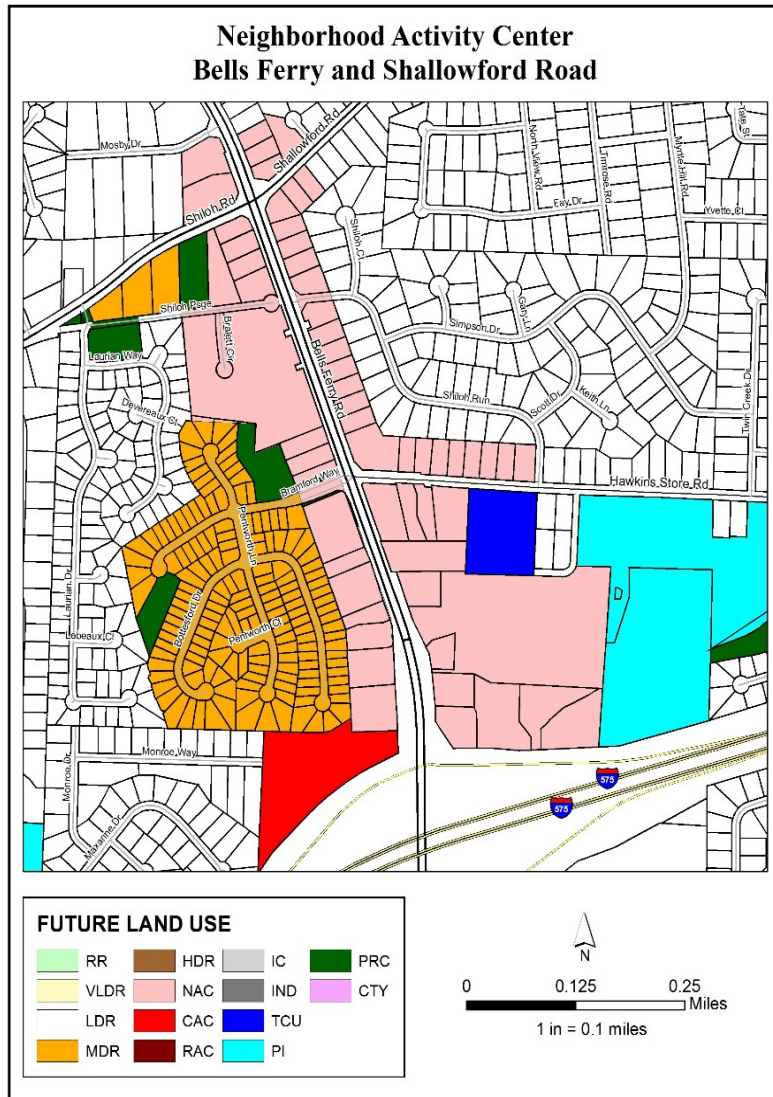
(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

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.

Attachment:



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" in Bells 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: Noonday WRF

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: Records show site currently connected to sanitary sewer.

Wastewater generation will increase nominally if used as restaurant.

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
Bells Ferry Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Bells Ferry Road	North of Ridgewood Creek Drive	29,950	D

Based on 2017 traffic counting data taken by Cobb County DOT for Bells Ferry 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

Bells Ferry Road 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.

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend replacing island striping with a raised concrete island.
3. Recommend pavement markings associated with the traffic operations of the driveway be refreshed as part of the site development. Signing and marking plans will require the approval of Cobb County DOT Traffic Operations during the plan review process.

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 rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. This property was developed as a bank in 1988, and is an out parcel to the shopping center.

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

It is Staff's opinion that the applicant's rezoning proposal may have an adverse effect on the usability of adjacent or nearby property. The parcel has been utilized for many years as a bank under the NS zoning. The current NS zoning district is not compatible with the Neighborhood Activity Center (NAC) land use category. The surrounding uses include neighborhood retail uses and offices.

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 this analysis.

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

It is Staff's opinion that the applicant's rezoning request is not in conformity with the policy and intent of the Cobb County Comprehensive Plan, which delineates this property as being within the Neighborhood Activity Center (NAC) land use designation. The property needs to be rezoned to establish any new use on the property. The property was grandfathered under NS and the NAC land use designation. The property sat vacant for over six months and lost its grandfathered status. The requested CRC zoning district is not compatible with the NAC land use designation.

STAFF ANALYSIS (cont'd)

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. The property had been used as a bank in the past. The applicant is not requesting any site improvements or changes to the property. The property sat vacant over six months and lost its grandfathered ability to use the NS zoning.

Neighborhood retail uses would be more compatible with surrounding uses and zoning districts. The applicant is requesting a zoning category that is not compatible with the Cobb County Comprehensive Plan and that will not accommodate the community retail uses. Staff is concerned that CRC allows uses that are not permitted in Neighborhood Activity Center.

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.



Application No. Z-65

Nov. 2018

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): Retail Sales Restaurant
- b) Proposed building architecture: Traditional Bank Building
- c) Proposed hours/days of operation: 6am-12pm
- d) List all requested variances: None

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

The purpose of this rezoning is to comply with the land use change in that
 NS(Neighborhood Shopping) is no longer an allowable zoning category in a
 NAC(Neighborhood Activity Center).

.....
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**

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 _____