

Email: N/A

Cobb County Community Development Agency Zoning Division

Public Hearing Dates: PC: 12-04-18 BOC: 12-18-18

Case # Z-72

1150 Powder Springs St. Marietta, Georgia 30064

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Applicant: Jose R. Medina Commission District: 3-Birrell

Phone: (770) 527-3947 Current Zoning: TS (Tourist Services)

Email: N/A Current use of property: Former tree service

business)

QUICK FACTS

Representative Contact: Jose R. Medina

Proposed zoning: LI (Light Industrial)

Phone: (770) 527-3947

Proposed use: Contractor (Pool Maintenance

Company)

Titleholder: Jose R. Medina Future Land Use Designation: IC (Industrial

Compatible)

Property Location: Southwest side of Atlanta

Road, northwest of Mozley Drive Site Acreage: 0.404 ac

Address: 1782 Atlanta Road District: 17

Access to Property: Atlanta Road Land Lots: 370 and 423

Parcel #: 17037000510

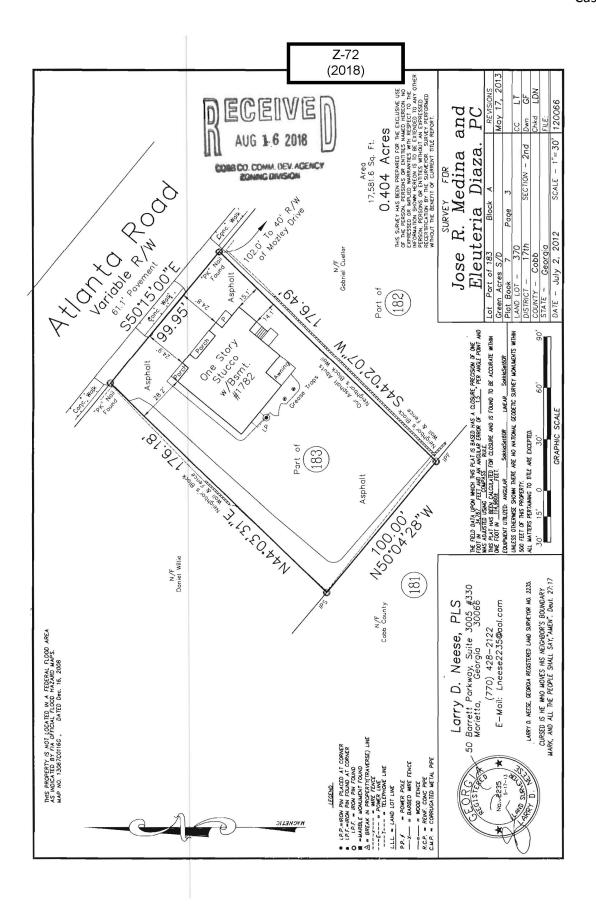
Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Donald Wells)

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

- Landscape buffer/ privacy fencing to be installed on rear southwest portion of property adjacent to residentially zoned properties subject to County Arborist approval;
- 2. Parking plan to be approved by the Zoning Division and striped within 90 days;
- 3. Fire Department comments and recommendations;
- 4. Stormwater Management Division comments and recommendations;
- 5. Water and Sewer Division comments and recommendations; and
- 6. Department of Transportation comments and recommendations.



Z-72 2018-Aerial Map



North

Zoning: HI (Heavy Industrial)

WEST

Zoning: LI (Light

Industrial)

Future Land

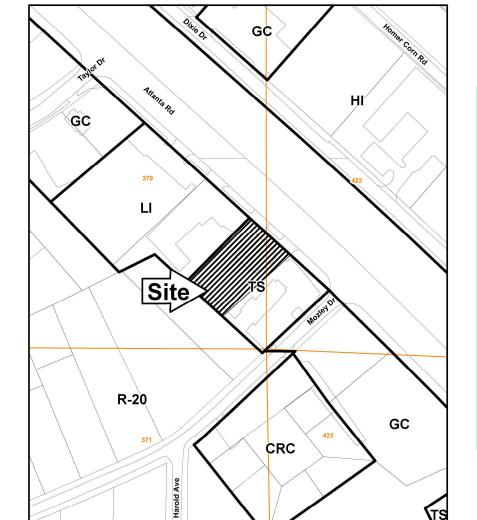
Use: IC

(Industrial

Compatible)

Future Land Use: IC (Industrial Compatible)

Z-72 2018-GIS



EAST

Zoning: TS (Tourist Services)

Future Land Use: IC (Industrial Compatible)

<u>SOUTH</u>

200 Feet Zoning Boundary City Boundary

Zoning: R-20 (Single Family Residential)

Future Land Use: LDR (Low density Residential)

COLL

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

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The TS district is established to provide locations for commercial and service uses which are oriented toward automotive businesses and interstate and state highway travelers. The board of commissioners has determined that TS zoning will only be allowed on properties designated as community activity center, regional activity center, industrial compatible and heavy industrial as identified in the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. See section 134-226(11) for those uses no longer appropriate.

Requested zoning district for the property

The LI district is established to provide locations for light industrial uses such as low intensity automobile repair and service, animal care facilities, commercial greenhouses, livestock, poultry, business distribution centers, warehouse and storage, and transportation terminals, which are on properties delineated within or on the perimeter of an industrial-compatible or industrial category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the perimeter of an industrial node, the LI district should provide for uses that are low in intensity and scale such as to ensure compatibility with surrounding properties.

Summary of the applicant's proposal

The applicant is requesting the LI (light industrial zoning district) to operate a pool maintenance company. The hours will be Monday through Friday from 8:00 am to 5:00 pm. The existing building will be used as an office for employees as well as a place to park the company vans. There will be no more than five company vehicles parked at the property at any time. The applicant will not have any chemicals on site and there will be no outside storage. This property was rezoned to TS with stipulations in 2012 (Z-43 of 2012).

Non-residential criteria

Proposed # of buildings: 1 Proposed # of stories: 1

Total sq. footage of development: 3255

Floor area ratio: .18

Square footage per acre: 8056 Required parking spaces: 11

Proposed parking spaces: 11 can be striped

Acres in floodplain or wetlands: 0 Impervious surface shown: 91%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

- 1. Reduce the minimum lot size from 40,000 square feet to 17,582 square feet;
- 2. Reduce front setback from 75 feet to 25 feet;
- 3. Reduce the southeast side setback from 20 feet to 14 feet; and
- 4. Reduce the rear landscape buffer for property that abuts residentially zoned property from 50 feet to 0 feet.

DEPARTMENT COMMENTS- Fire Department

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

Storage of potentially hazardous chemical, submit chemical inventory with maximum quantities.

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 of these schools.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No

Flood hazard zone: Zone X
 Drainage Basin: Theater Branch

4. Wetlands: No

5. Streambank buffer zone: No

6. Existing facility.

- 7. No site improvements are proposed. Stormwater management must be provided upon redevelopment or substantial improvement.
- 8. Subject to no outside storage of chemicals.

DEPARTMENT COMMENTS- Planning Division

use category. The purpose of the IC category is to industrial, office/warehouse and distribution uses. professional business parks and distribution center	Typical land uses t			
Comprehensive Plan Designation:	Consistent		Inconsister	nt
House Bill 489 Intergovernmental Agreement Zo Is the proposal within one-half mile of a city boun	_	t Notifica	ation No	
Was the city notified?		Yes	☐ No	⊠ N/A
Specific Area Policy Guidelines: In an effort to mitigate industrial land use impacts recommended that the Planning Commission and and enhanced buffering and/or screening require properties along the west side of Atlanta Road co Road.	s affecting adjace Board of Commi ments on any rec	ssioners Ievelopm	consider ad nent of the i	ditional ndustrial
Masterplan/ Corridor Study		Yes	⊠ No	
Design guidelines area? Does the proposal plan comply with the design requirements?		Yes Yes	⊠ No	⊠ N/A
Is the property within an Opportunity Zone? (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.)	es)	Yes	⊠ No	
Is the property within an Enterprise Zone? (The Smyrna-Osborne Enterprise Zone is an incentive that potax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)	g	X Yes	□ No	
Is the property eligible for the Façade Improvem Program? (The Façade Improvement Program is an incentive for owne and tenants to enhance the appearance of buildings. The CL	rs	X Yes	□ No	

Cobb 2040 Comprehensive Plan: The parcel is within the Industrial Compatible (IC) future land

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (Continued) 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.) X Yes No Is the property eligible for incentives through the **Commercial and Industrial Property Rehabilitation** Program? (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 Yes imes No District #1 (hotel/motel fee)? Yes $oxed{ imes}$ No Is this property within the Cumberland Special District #2 (ad valorem tax)? ⊠ No Is this property within the Six Flags Special Service District? Yes **Dobbins Air Reserve Base Zones** No. Is the property within the Dobbins Airfield Safety Zone? Yes Is the property within the Clear Zone (CZ)? ⊠ No Yes Is the property within the Accident Potential Zone (APZ I)? Yes \times No ⊠ No Yes Is the property within the Accident Potential Zone II (APZ II)? ⊠ No Is the property within the Noise Zone? Yes Is the property within the Bird/Wildlife Air Strike Hazard Area X Yes (BASH)? 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:	XES	☐ NO	
Fire flow test required:	YES	⊠ NO	
Size and location of existing water main(s): 16'	" in Atlanta R	Road	
Additional water comments: Current water cu	stomer		
Note: These comments only reflect what facilities were in existinstall/upgrade water mains based on fire flow test results or process.			
Sewer comments:			
In the drainage basin:	XES	☐ NO	
At development:	XES	□NO	
Approximate distance to nearest sewer: 120' i	n Mozley Dri	ve (site is co	nnected)
Estimated waste generation (in G.P.D.): Avera	age daily flov	v = +0	
Peak	flow = +0		
Treatment plant: South Cobb WRF			
Plant capacity:		☐ NO	
Line capacity:	X YES	☐ NO	
Projected plant availability:	∑ 0-5 yea	ars	years over 10 years
Dry sewers required:	YES	⊠ NO	
Off-site easement required:	YES*	\boxtimes NO	*If off-site easements are required, the
Flow test required:	YES	\boxtimes NO	developer/owner must submit easements to the CCWS for review and approval as to form
Letter of allocation issued:	YES	⊠ NO	and stipulations prior to the execution of easements by the property owners. All
Septic tank recommended by this department:	YES	⊠ NO	easement acquisitions are the responsibility of the developer/owner.
Subject to Health Department approval:	YES	⊠ NO	

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.

Additional sewer comments: Current sewer customer

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Atlanta Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Atlanta Road	North of Taylor Drive	18,700	С

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Atlanta 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

Atlanta 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 west side of Atlanta Road, a minimum of 50' from the roadway centerline.
- 2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
- 3. Recommend removing and closing the second driveway on Atlanta Road that development renders unnecessary.

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. Having an established history of commercial use, the property is located within an IC industrial compatible future land use area along Atlanta Road surrounded by other commercial, office and industrial uses fronting on this arterial roadway.

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 will not have an adverse effect on the usability of adjacent or nearby property. Neighboring properties along Atlanta Road are zoned commercially and industrially. Buffering can be required to the rear of the property to protect adjacent residential properties to the rear.

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 proposed use is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The subject parcel is located within an Industrial Compatible future land use area (IC) that seeks to encourage office/warehouse and other light industrial uses.

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 approving the applicant's rezoning proposal to LI. The property is located within an IC future land use area along Atlanta Road which has a history of commercial and office uses.

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. 2-72 Dec. 2018

Summary of Intent for Rezoning

a)	Proposed unit square-footage(s):
b)	Proposed building architecture:
c)	List all requested variances:
	· · · · · · · · · · · · · · · · · · ·
Non-1	residential Rezoning Information (attach additional information if needed) Proposed use(s): business of pool Mantana
b)	Proposed building architecture:
<u>c)</u>	Proposed hours/days of operation:
d)	List all requested variances: Light Industrail
3. Otł	her Pertinent Information (List or attach additional information if needed)
	ny of the property included on the proposed site plan owned by the Local, State, or Federal Governmense list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and a
TT IES	clearly showing where these properties are located).
plat o	clearly showing where these properties are rotated,

Planning Commission Decision

NO. OPPOSED:	APPROVED	DENIED	DELETED TO
NO. IN SUPPORT	MOTION BY:	SECONDED:	VOTE:
Names of those Op	posed:	Comments:	
	Stipulation letter fro	m	dated
			dated dated
	Board of Commis	sioners Decision	
NO. OPPOSED:	APPROVED	DENIED	DELETED TO
NO. IN SUPPORT	MOTION BY:	SECONDED:	VOTE:
Names of those Op	posed:	Comments:	
	Stipulation letter fro	 m	dated
	Stipulation letter from	m	dated
	Stipulation letter fro	m	dated

PAGE3 OF6	APPLICATION NO. Z	L-43
ORIGINAL DATE OF APPLICATION:	11-20-12	
APPLICANTS NAME: THE CALVIN O	CURTIS LEE REVOCABLE TRUS	Г&
THE LODAINE HIC	CINPOTHAM I FE DEVOCARI I	TOTICT

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 11-20-12 ZONING HEARING:

THE CALVIN CURTIS LEE REVOCABLE TRUST & THE LORAINE HIGGINBOTHAM LEE REVOCABLE TRUST (owners) requesting Rezoning from GC to GC with Stipulations for the purpose of Retail, Automobile Service and Repair, and Ancillary Uses in Land Lot 370 of the 17th District. Located on the southwesterly side of Atlanta Road, northwesterly of Mozley Drive (1782 Atlanta Road).

MOTION: Motion by Ott, second by Birrell, to <u>delete</u> Rezoning to the **TS** zoning district **subject to:**

- Letter from Mr. Garvis L. Sams, Jr. dated October 12, 2012 (attached and made a part of these minutes) with the following changes:
 - > Item No. 5 add to end: "Signage to be brought into compliance upon redevelopment."
 - > Item No. 8, subset d. add to end: "check cashing and title pawn stores"
 - > Item No. 8, subset h. add to end: "child daycare centers"
 - > Item No. 8 add subset n.: "flea markets or thrift stores"
- All work to be conducted inside the building, vehicle repair only
- No outside storage
- Building to be painted and parking lot to be cleaned up within 90 days
- Cobb DOT comments and recommendations to be completed upon redevelopment
- District Commissioner to approve minor modifications or changes in use

VOTE: **ADOPTED** unanimously

Petition No. 2-43

SAMS, LARKIN & HUFF A LIMITED LIABILITY PARTNERSHIP

Doc. Type letter of conditions

Meeting Date 170.422.7016

Min. Bk. 67

PAGE 4_OF_

GARVIS L. SAMS, JR. JOEL L. LARKIN PARKS F. HUFF JAMES A. BALLI

SUITE 100 376 POWDER SPRINGS STREET MARIETTA, GEORGIA 30064-3448 TELEPHONE 770•426•6583 FACSIMILE

JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

October 12, 2012

VIA EMAIL AND FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division Community Development Agency 1150 Powder Springs Road, Suite 400 Marietta, GA 30064

Re: Application of The Calvin Curtis Lee Revocable Trust & The Loraine Higginbotham Lee Revocable Trust
To Rezone a 0.404± Acre Tract from Conditional GC to Conditional GC No. Z-43

Dear John:

As you know, this firm has been engaged by and represents the Applicants which are also the Property Owners concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on November 6, 2012 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 20, 2012.

With respect to the foregoing and consistent with the dialogue which has been established with the County's professional staff, I have been authorized to submit this letter of agreeable stipulations. Upon approval of the Application for Rezoning, the following stipulations shall become conditions, a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

 The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

Petition	No	2-4	3		
Meeting	Date	11	120	12	
Continue					

SAMS, LARKIN & HUFF A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL AND FIRST CLASS MAIL

Mr. John P. Pederson, AICP. Manager Cobb County Zoning Division Community Development Agency October 12, 2012 Page 2 Continued PAGE 5 OF

- 2. Rezoning of the subject property shall be from Non-Conforming General Commercial to Conditional General Commercial ("GC") in substantial conformity to that certain rezoning site plan, dated July 2, 2012, prepared by Larry D. Neese, PLS which was filed contemporaneously with the Application for Rezoning.
- 3. The total site area of the subject property (0.404 acres) ² shall be utilized for any of the purposes allowable under the GC zoning classification except those uses hereinafter specifically prohibited.
- 4. The architectural style and composition of the building shall remain in substantial conformity to the as-built architectural style and composition except with respect to certain exterior and interior retrofitting and rehabbing to suit a specific user.
- 5. Additional signage which may be erected along the Atlanta Road Corridor may be ground-based, monument-style, with finished materials and colors being in substantial conformity to the as-built architectural style as aforementioned. The Applicants shall be allowed to retain their existing roof sign; however, there shall be no exterior temporary signs or banners nor shall there be any flashing sign components. Temporary signage announcing the grand opening, signage indicating a coming development and signage related to leasing opportunities shall be allowed.
- 6. Parking area and security lighting shall be environmentally sensitive in order to prevent illumination from penetrating outside of the boundaries of the subject property.
- 7. Dumpsters servicing the subject property shall be enclosed on at least three (3) sides with an opaque wooden door on the access side which shall remain in a closed position except when the dumpsters are being emptied. All dumpsters shall have rubber lids to minimize noises.

¹ The subject property is within an area under Cobb County's Future Land Use Map and Comprehensive Land Use Plan which is denominated as Industrial Compatible ("IC") and which is surrounded by a multiplicity of Commercial and Industrial uses fronting on the Atlanta Road Corridor.

² Pursuant to § 134-31(d), the Zoning Division Manager was provided with documentation demonstrating that the lot size deficiency was caused by the conveyance to Cobb County of Right-of-Way as shown on the Cobb County Right-of-Way Deed recorded in Deed Book 11146, Page 338, Cobb County, Georgia Records.

Petition	No	2-43			
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Continue	d		J. Director	- Anni and agreement administration	hiteriphisisis

SAMS, LARKIN & HUFF A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL AND FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division Community Development Agency October 12, 2012 Page 3



- 8. The following otherwise permitted uses under the GC classification shall be prohibited:
 - a. Video arcades as a primary business.
 - b. Tattoo parlors and body piercing shops.
 - c. Shooting ranges.
 - d. Any business which principally features sexually explicit products or drug related paraphernalia.
 - e. Designated recycling and collection locations.
 - f. Group homes.
 - g. In-home day care.
 - h. Rest homes, personal care homes or convalescent homes.
 - i. Adult entertainment or adult uses.
 - j. Billiard and pool halls as a primary use.
 - k. Rooming houses and boarding houses.
 - l. Aerial, portable or inflatable billboards.
 - m. Vehicles parked along the subject property's frontage with advertising.
- 9. Compliance with recommendations from the Cobb County Department of Transportation.³

³ Cobb County DOT is not requiring additional Right-of-Way.