



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-52

Public Hearing Dates:

PC: 8-6-19

BOC: 8-20-19

SITE BACKGROUND

Applicant: WLM Holdings, LLC

Phone: 770-422-7016

Email: jballi@slhb-law.com

Representative Contact: James A. Balli, Esq.

Phone: 770-422-7016

Email: jballi@slhb-law.com

Titleholder: WLM Holdings, LLC

Property location and address: South side of Veterans Memorial Highway, north side of Wallace Road, west of Cooks Road (76 Veterans Memorial Highway)

Access to Property: Veterans Memorial Highway

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: O&I (Office & Institutional)

Current use of property: Landscape Company

Proposed zoning: NRC (Neighborhood Retail Commercial)

Proposed use: Landscape Company

Future Land Use Designation: NAC (Neighborhood Activity Center)

Site Acreage: 1.09 ac

District: 18

Land Lots: 44

Parcel #'s: 18004400050

Taxes Paid: Yes

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

Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

1. Site plan received by the Zoning Division on May 2, 2019, with the District Commissioner approving minor modifications;
2. Stipulations of previous case Z-108 of 2016, not otherwise in conflict;
3. Planning Division comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations;
6. Department of Transportation comments and recommendations; and
7. Property meet the Veterans Memorial Highway Design Guidelines.

Z-52 2019-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

Zoning Boundary
City Boundary

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

Z-52 2019-GIS

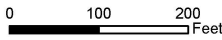


WEST
Zoning: NRC
(Neighborhood Retail Commercial)
Future Land Use: NAC
(Neighborhood Activity Center)

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

SOUTH
Zoning: R-20 (Single-family Residential)
Future Land Use: LDR (Low Density Residential)

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



Legend:
Zoning Boundary (solid line)
City Boundary (shaded area)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The O&I district is established to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center and a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step-down nodal zoning away from more intensive commercial uses and otherwise to implement the stated purpose 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 a rezoning of the subject site to the Neighborhood Retail Commercial (NRC) district in order to utilize the property with the existing site immediately to the east, which was rezoned to NRC in 2016 for a landscape company. The site will be graveled and used for temporary plant storage for the landscape business. Hours of the facility will remain Monday through Saturday 6:30 a.m. to 7:30 p.m.

Non-residential criteria

Proposed # of buildings: 0

Proposed # of stories: 0

Total sq. footage of development: 0

Floor area ratio: 0

Square footage per acre: 0

DEPARTMENT COMMENTS- Zoning Division (continued)

Required parking spaces: 0
Proposed parking spaces: 0
Acres in floodplain or wetlands: 0
Impervious surface shown: 80%

Are there any zoning variances?

1. Increase the maximum impervious surface coverage from 70% to 80%; and
2. Allow parking and/or maneuvering on a non-hardened surface.

DEPARTMENT COMMENTS- Fire Department

No comments.

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 of schools.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Tributary to Milam Branch
4. Wetlands: No
5. Streambank buffer zone: No
6. Potential or known drainage problems exist for developments downstream from this site.
7. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
8. Substantially mitigate any effects of concentrated stormwater discharges onto adjacent properties.
9. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
10. Stormwater for a portion of the site discharges through an established residential neighborhood downstream (to south).
11. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
12. Special site conditions and/or additional comments:
 - Stormwater management must be provided for all impervious or effective impervious site coverage.

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 - South Cobb Implementation Strategy Yes No

Design guidelines area? Yes No

If yes, design guidelines area: Mableton Pkwy & Veterans Memorial Hwy 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 South Cobb 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 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.)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

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

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" in Veterans Memorial Hwy

Additional water comments: No structure called for in rezoning request that would require domestic service

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: 130' E at Wallace Rd/Cooks Rd intersection

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

Treatment plant: South Cobb 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: No structures called for in rezoning request that would require sewer service

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
Veterans Memorial Highway	Arterial	45	Georgia DOT	100'
Wallace Road	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	N/A	N/A	N/A
Wallace Road	N/A	N/A	N/A

Comments and observations

Veterans Memorial Highway 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.

Wallace Road 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.

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 south side of Veteran Memorial Highway, 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 replacing disturbed curb, gutter, and sidewalk along the Veterans Memorial Highway frontage.
4. Recommend a large turn radius or taper for the entrance on Veterans Memorial Highway. Recommend final design be reviewed and approved by Cobb DOT in plan review.
5. Recommend call box for the gated entry be set back a minimum of 50' from the right-of-way and meet Cobb County Development Standards.
6. 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 rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Nearby properties are utilized for schools, commercial, industrial and residential uses.

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. The subject property will be utilized as an extension of the existing landscape contractor's office next door.

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 proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Neighborhood Activity Center (NAC) land use category. The requested zoning of NRC is compatible with the NAC land use category and the proposed office use for a specialized contractor (landscaping) is allowed as a special exception in the NAC land use category for NRC.

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 approving the applicant's rezoning proposal. Staff believes that the applicant's request to rezone the property in order to utilize it as an extension to the existing, neighboring landscape business is in keeping with the NAC land use category. The site is planned only for plant material storage and adherence to the existing stipulations on the main site should ensure continued harmonious use for the applicant.

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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COBB CO. COMMUNITY AGENCY
ZONING DIVISION

ZONING IMPACT STATEMENT FOR
THE REZONING APPLICATION OF
WLM HOLDINGS, LLC

COMES NOW, WLM HOLDINGS, LLC (hereinafter "Applicant"), and, pursuant to Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property? **Yes.***

The adjacent property to the east of this Parcel is the applicant's current business location also zoned NRC. The Applicant is seeking the identical zoning category for it's current business to add additional space. The adjacent property to the west is also zoned NRC.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property? **No.***

The Parcel is currently zoned O&I which would allow business operations with a greater impact on adjacent neighbors if developed. Again, the adjacent property to the east of this Parcel is the applicant's current business location also zoned NRC. The Applicant is seeking the identical zoning category for it's current business to add additional space. The adjacent property to the west is also zoned NRC. Therefore, the development will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties.

C. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned? **No.***

The project site to be affected by the zoning proposal has no reasonable economic use as currently zoned in that it has not been developed as currently zoned and thereby remains vacant, thus providing evidence of the lack of “reasonable economic use” as zoned.

D. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools? **No.***

The development will generate less traffic than if developed as O&I, greatly reduces the impervious surface percentage allowed in O&I and NRC (70%) and there will be no adverse effect on streets, transportation facilities, utilities or schools.

E. *Whether the zoning proposal is in conformity with the policy and intent of the land use plan? **Yes.***

The development is in absolute conformity with the policy and intent of Cobb County's Comprehensive Land Use Plan/Future Land Use Plan. The parcel is located within a NAC which is designed “to provide for areas to serve neighborhood residents and businesses.” A continued landscape business is an allowed use but is substantially less intense than other uses allowed on a NRC

parcel located within a NAC.

F. *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. Yes.*

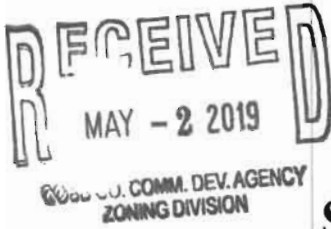
The development will be an environmental improvement and will allow a major regional company to grow its location in Cobb County with specific attention to serving the neighbors and businesses in the South Cobb County area.

This the 2 day of May, 2019.

SAMS, LARKIN, HUFF & BALLI, LLP

By: _____

JAMES A. BALLI
Attorney for Applicant
Ga. Bar No. 035828



Application No. 252

Aug - 2019

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): N/A
- b) Proposed building architecture: N/A
- c) List all requested variances: N/A

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

- a) Proposed use(s): Extension of existing landscaping facility.
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: Site plan specific (see attached).

.....
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 applicant is aware of.

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 _____