



Cobb County Community Development Agency  
Zoning Division  
1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-29  
Public Hearing Dates:  
PC: 5-7-19  
BOC: 5-21-19

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## SITE BACKGROUND

Applicant: Cornerpoint Partners, LLC

Phone: 404-449-3204

Email: [Gerard@cornerpointpartners.com](mailto:Gerard@cornerpointpartners.com)

Representative Contact: Garvis L. Sams, Jr.

Phone: 770-422-7016

Email: [gsams@slhb-law.com](mailto:gsams@slhb-law.com)

Titleholder: David Leopard, Charles Bolin and Jeffrey Langley, and other Successors as Trustees for Westside Baptist Church

Property location and address: On the west side of Floyd Road, south of White Boulevard (4900 Floyd Road)

Access to Property: Floyd Road

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## QUICK FACTS

Commission District: 4-Cupid

Current Zoning: NRC (Neighborhood Retail Commercial) and R-20 (Single-family Residential)

Current use of property: Church

Proposed zoning: NRC (Neighborhood Retail Commercial)

Proposed use: Retail and Climate-Controlled Self-Service Storage Facility

Future Land Use Designation: PI (Public Institutional)

Site Acreage: 11.156 acres

District: 17

Land Lots: 31 and 32

Parcel #'s: 17003100050 and 17003200010

Taxes Paid: N/A

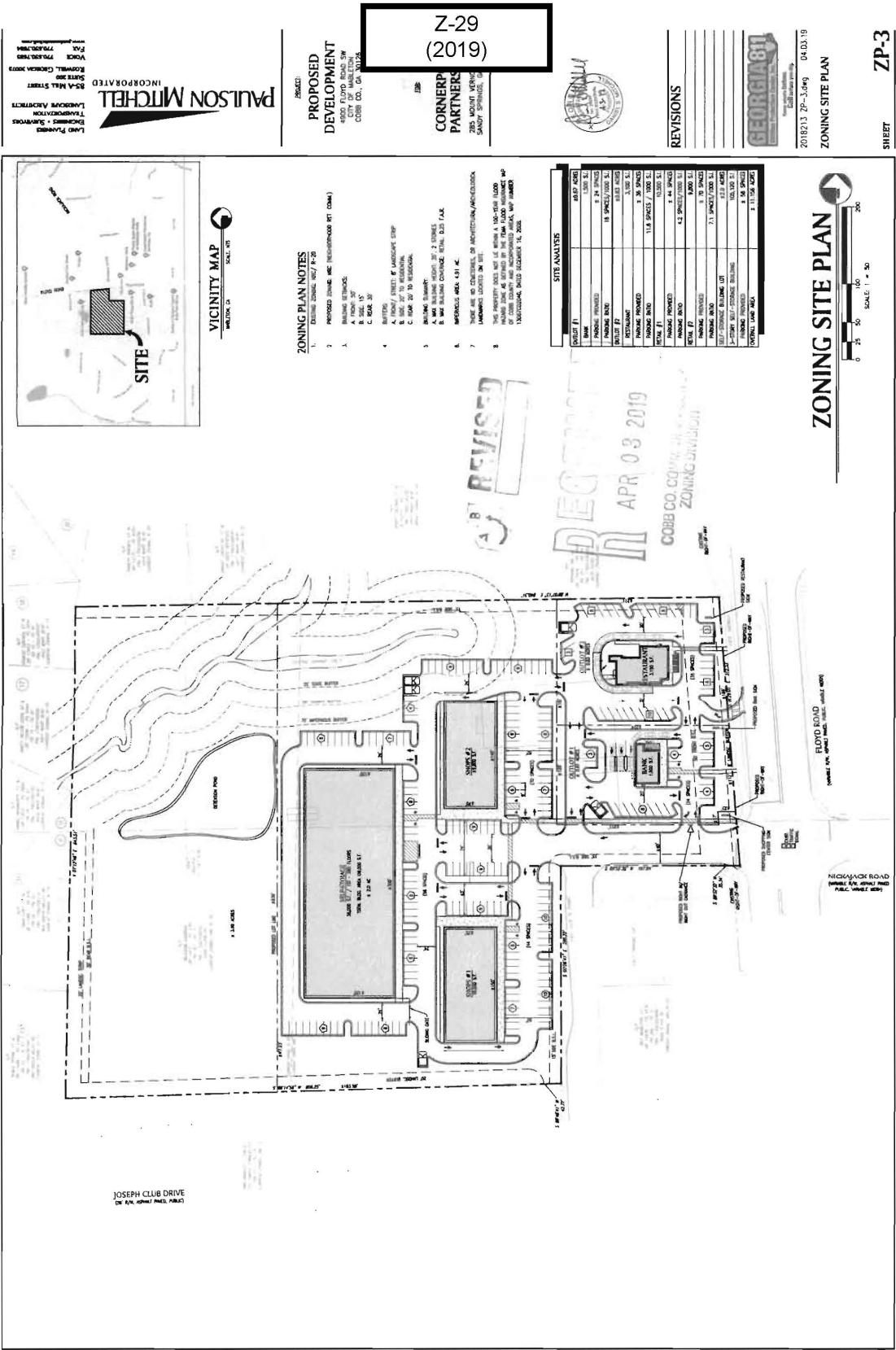
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## FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Jason Campbell)

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

1. Site plan received by the Zoning Division on April 3, 2019;
2. Proposed storage facility not to exceed two stories;
3. Variances mentioned in the Zoning Comments section;
4. Fire Department comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations; and
7. Department of Transportation comments and recommendations.



Z-29 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

Land Lot  
City Boundary



North

**Zoning:** NRC (Neighborhood Retail Commercial), and R-20 (Single-family Residential)

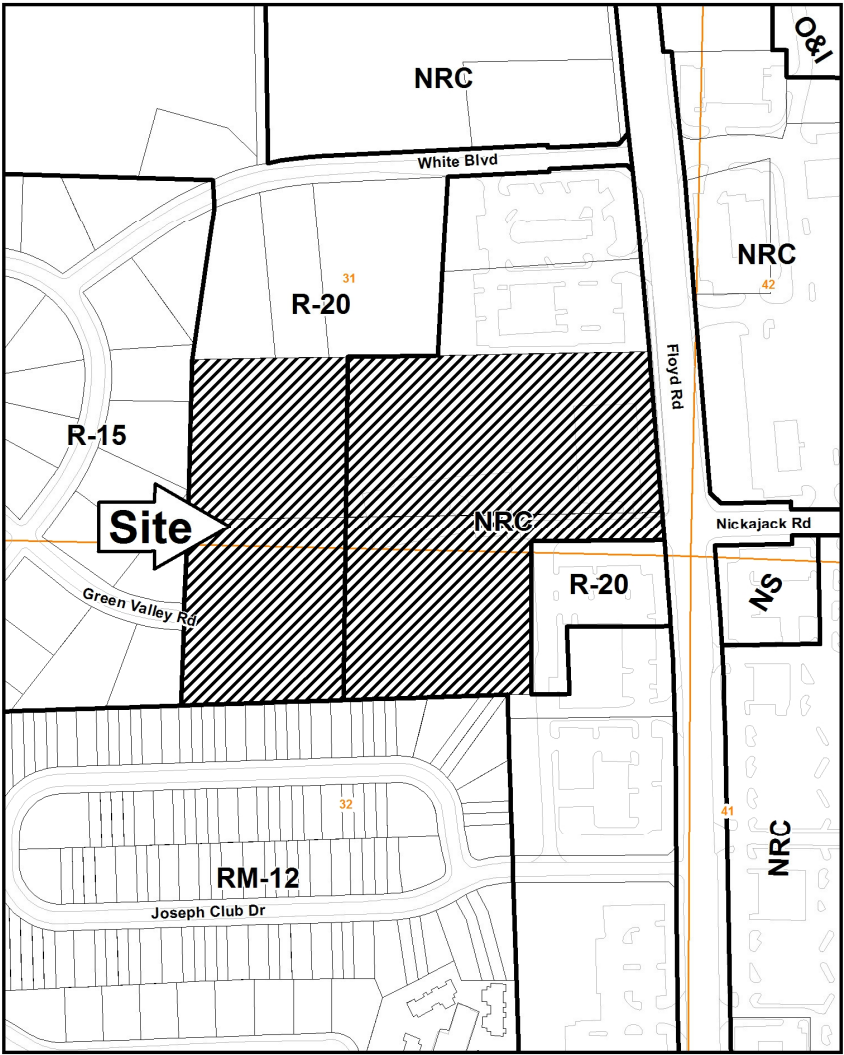
**Future Land Use:** NAC (Neighborhood Activity Center)

**Z-29 2019-GIS**

WEST

**Zoning:** R-15 (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.

0 100 200 Feet

Zoning Boundary  
City Boundary

EAST

**Zoning:** NRC (Neighborhood Retail Commercial), and R-20 (Single-family Residential)

**Future Land Use:** NAC (Neighborhood Activity Center)

SOUTH

**Zoning:** RM-12 (Multi-family Residential), and R-20 (Single-family Residential)

**Future Land Use:** MDR (Medium Density Residential), and NAC (Neighborhood Activity Center)

## DEPARTMENT COMMENTS- Zoning Division

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### 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.

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

## DEPARTMENT COMMENTS- Zoning Division (Continued)

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### Requested zoning district for the property

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

### Summary of the applicant's proposal

The applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of a commercial development consisting of two retail buildings in the middle of property totaling 20,300 square feet, a freestanding climate controlled self-service storage facility on the north side of the property, and a 1,500 square-foot bank and 3,100 square-foot restaurant on the south side of the property along Floyd Road. The proposed storage facility on the north side of the property will be a three-story building having a total of 108,000 square feet. The applicant has also submitted an application for a Special Land Use Permit (SLUP) to be heard concurrently with this application.

### Non-residential criteria

Proposed # of buildings: 5

Proposed # of stories: Four one-story buildings and one three-story building

Total sq. footage of development: 128,997

Floor area ratio: 0.27

Square footage per acre: 11,912

Required parking spaces: 157

Proposed parking spaces: 230

Acres in floodplain or wetlands: 0

Impervious surface shown: 44%

### **DEPARTMENT COMMENTS- Zoning Division (continued)**

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#### **Are there any zoning variances?**

Yes, the rezoning will require the following contemporaneous variances:

1. Reduction of the front setback from 50 feet to 15 feet for western half of property that runs parallel with Floyd Road; and
2. Reduction of the 20-foot landscape buffer along the residentially zoned property along the southeast property line to 0 feet.

### **DEPARTMENT COMMENTS- Fire Department**

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Plans as drawn will not meet fire department access requirements in rear of building. The proposal creates a very long dead end driveway that fire apparatus can't navigate.

### **DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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No comments.

### **DEPARTMENT COMMENTS- Cemetery Preservation**

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No comment.

### **DEPARTMENT COMMENTS- School System**

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

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Clay Branch
4. Wetlands: Possibly, Not Verified      Location: within stream and adjacent buffer
5. Streambank buffer zone: Yes
6. County Buffer Ordinance: 50' each side of creek channel.
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. Stormwater discharges through an established residential neighborhood downstream.
10. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
11. Based on the current site layout a buffer variance will be required to accommodate the parking and drive located to the northwest of the Shops #2 Building. It appears that there is sufficient onsite area to allow for buffer averaging.



## DEPARTMENT COMMENTS- Planning Division

**Cobb 2040 Comprehensive Plan:** The parcel is within the Public Institutional (Pi) future land use category. The purpose of the PI category is to provide for certain state, federal or local government and institutional uses such as government administrative building complexes, police and fire stations, schools and colleges, churches, hospitals and the like.

**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

However, on both sides of this property there is the following: In order to better implement and promote the nodal concept of development at the intersection of Floyd Road and Nickajack Road the Board of Commissioners has extended the NAC to the west side of Floyd Road in Land Lots 31 and 32 of the 17<sup>th</sup> District. In order to encourage development plans that are architecturally compatible with the existing uses on the east side of Floyd Road and to promote coordinated access within the NAC, the Board of Commissioners has determined the necessity for a unified development plan for this extension. All highlighted properties or substantial combination thereof, must be assembled and included in one rezoning/development plan. Buffering to adjacent residential uses, architectural compatibility, shared access and land use transition will be of paramount importance and assemblage rezoning application will be evaluated for appropriateness based upon these criteria.

**Masterplan/ Corridor Study – South Cobb Implementation Strategy** ☒ 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 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)*

(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](http://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)

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**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**

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**Water comments:**Available at development: ☒ YES ☐ NOFire flow test required: ☒ YES ☐ NO

Size and location of existing water main(s): 12" in Floyd Rd

Additional water comments:

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

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**Sewer comments:**In the drainage basin: ☒ YES ☐ NOAt development: ☐ YES ☒ NO

Approximate distance to nearest sewer: 80' west in Green Valley Rd ROW

Estimated waste generation (in G.P.D.): Average daily flow = 2,000

Peak flow = 5,000

Treatment plant: South Cobb WRF

Plant capacity: ☒ Yes ☐ NOLine capacity: ☒ YES ☐ NOProjected plant availability: ☒ 0-5 years ☐ 5-10 years ☐ over 10 yearsDry sewers required: ☐ YES ☒ NOOff-site easement required: ☐ YES\* ☒ NOFlow test required: ☐ YES ☒ NOLetter of allocation issued: ☐ YES ☒ NOSeptic tank recommended by this department: ☐ YES ☒ NOSubject to Health Department approval: ☐ YES ☒ NO

Additional sewer comments:

\*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

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	North of White Boulevard	30,000	D

*Based on 2016 AADT counting data taken by GDOT, as published on their website, 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 west side of Floyd 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 a traffic study. The traffic study should include existing and base year (full build out year) Build and No Build analysis; and horizon year (base year + 10 years) Build and No Build analysis. Study assumptions (such as study intersections, trip distribution and annual growth rate) should be agreed to by Cobb DOT before completing the study. Cobb DOT recommendations may be revised after the study's receipt.
4. Recommend full-access points on the private roadway be a minimum of 250 ft (tangent) from the Floyd Road at Nickajack Road signalized intersection, or be restricted to right-in/ right-out.



**DEPARTMENT COMMENTS- Transportation (continued)**

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5. Recommend developer contribute 100% of the cost for any traffic signal upgrades, if and when warranted and installation approved by Cobb County DOT. Signal upgrades may include, but are not limited to, the addition of a protected/ permissive left turn arrow from Floyd Road into the site.
6. Recommend a deceleration lane for the entrance on Floyd Road.

STAFF ANALYSIS

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Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

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

It is Staff's opinion that the applicant's proposal for the retail portion will permit a use that is suitable in view of the use and development of adjacent and nearby property. Other properties along this section of Austell Road are zoned and developed for retail 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 zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property, with the exception of the three-story storage facility. The height of the applicant's proposed three-story storage building may exceed those of adjacent building, and may impact the view shed of adjacent residential property.

**C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;**

It is Staff's opinion that the applicant's proposal will not cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools. The property is situated and accessed along a commercial area on Floyd Road.

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

It is Staff's opinion that the zoning proposal is not in conformity with the property's current Public Institutional (PI) future land use category; however, Staff believes the PI land use category is in place because of the property's use as a church for many years. The abutting commercial properties to the north and south, as well as the commercial properties across Floyd Road, are in the Neighborhood Activity Center (NAC) future land use category. It is Staff's opinion that the property would otherwise also be in a NAC and the proposed rezoning would be in conformance with the policies and intent of the *Cobb County Comprehensive Plan*.

STAFF ANALYSIS (Continued)

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**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 or changing conditions affecting the use and development of the property which give supporting grounds for approving the zoning proposal. The subject property has been used as a church for a number of years and as such is currently shown to be within the PI (Public Institutional) future land use designation. Staff believes had the church use not existed the property would be in the same NAC future land use category as other properties along this section of Floyd Road. The requested NRC zoning district would then be appropriate. However, Staff believes the height of the proposed storage facility should not exceed two stories.

**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.**



- 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 consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being within the NAC.
- F. There is no substantial relationship between the existing split zoning classifications of R-20 & 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 have an adverse effect upon this proposed rezoning.

Respectfully submitted, this the 7 day of Feb, 2019.

~~SAMS, LARKIN, HUFF & BALLI, LLP~~

By: 

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



a) Proposed unit square-footage(s): N/A

b) Proposed building architecture: \_\_\_\_\_

c) List all requested variances: \_\_\_\_\_

**RECEIVED**  
**FEB 07 2019**  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

a) **Proposed use(s):** Retail & Climate Controlled Self Service Storage Facility ("CCSSSF")

b) **Proposed building architecture:** Complimentary to existing retail architecture along this area of Floyd Road.

c) **Proposed hours/days of operation:** 8 a.m. - 11 p.m. daily.

d) **List all requested variances:** None known at this time

The Subject Property is located and/or has direct contiguity to a Neighborhood Activity Center ("NAC") on the County's Future Land Use Map/Comprehensive Land Use Plan both of which contemplate and provide for the uses sought.

(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.

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**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 \_\_\_\_\_