



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-37

Public Hearing Dates:

PC: 6-4-19

BOC: 6-18-19

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**SITE BACKGROUND**

Applicant: Komorebi Holdings, LLC

Phone: 404-565-1276

Email: [pkimmick@jackieswineandspirits.com](mailto:pkimmick@jackieswineandspirits.com)

Representative Contact: Christina Moore

Phone: 678-336-7278

Email: [cmoore@taylorenghish.com](mailto:cmoore@taylorenghish.com)

Titleholder: CenterState Bank, N.A.

Property location and address: East side of  
Johnson Ferry Road, south of Shallowford Road  
(3140 Johnson Ferry Road)

Access to Property: Johnson Ferry Road

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**QUICK FACTS**

Commission District: 2-Ott

Current Zoning: LRO (Low Rise Office)

Current use of property: Former bank building

Proposed zoning: NRC (Neighborhood Retail  
Commercial)

Proposed use: Retail

Future Land Use Designation: NAC (Neighborhood  
Activity Center)

Site Acreage: 1.3283 ac

District: 16

Land Lots: 469 and 470

Parcel #'s: 16047000410

Taxes Paid: Yes

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

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

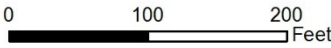
1. Site plan received by the Zoning Division on March 6, 2019, with the District Commissioner approving minor modifications;
2. Variance as outlined in the Zoning Division comments;
3. Fire Department's comments and recommendations;
4. Sewer and Water Division's comments and recommendations;
5. Stormwater Management Division's comments and recommendations; and
6. Department of Transportation's comments and recommendations.





# Z-37 2019-Aerial Map



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

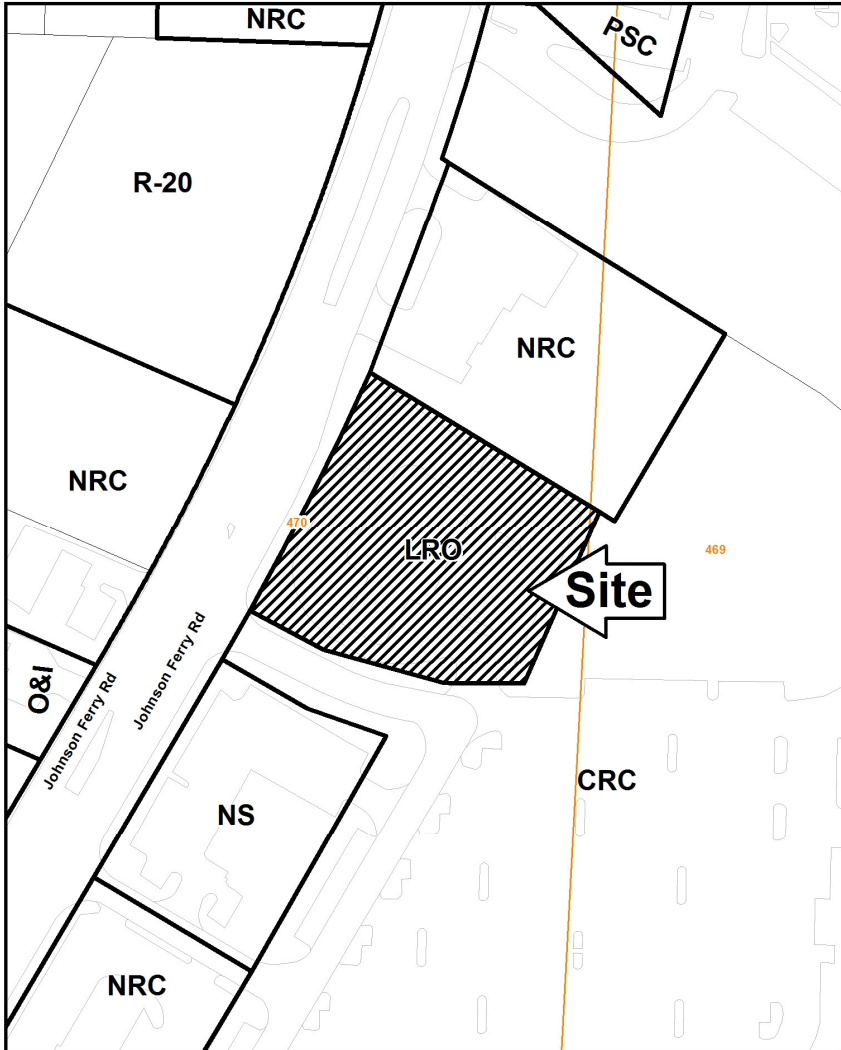


-  Land Lot
-  City Boundary

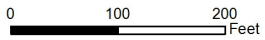
North

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

**Z-37 2019-GIS**



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Zoning Boundary  
 City Boundary

WEST

**Zoning:** NRC  
 (Neighborhood Retail Commercial)

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

EAST

**Zoning:** CRC  
 (Community Retail Commercial)

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

SOUTH

**Zoning:** CRC (Community Retail Commercial)  
**Future Land Use:** NAC (Neighborhood Activity Center)

## DEPARTMENT COMMENTS- Zoning Division

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### **Current zoning district for the property**

The LRO district is established to provide locations for low scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of 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. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent 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 seeking a rezoning of the subject property from the current LRO low rise office district to the NRC neighborhood retail commercial district in order to operate the existing bank building for retail uses instead. The existing structure containing 5,541 gross square feet will remain. Proposed business hours for the potential retail businesses to locate here will be Sunday 12:30pm-6:30pm, Monday through Thursday 10:00am to 10:00pm, and Friday and Saturday 10:00am to 11:00pm.

### **Non-residential criteria**

Proposed # of buildings: 1

Proposed # of stories: 1

Total sq. footage of development: 5,541 sq. ft.

Floor area ratio: 0.10

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

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Square footage per acre: 4,166 sq. ft.

Required parking spaces: 21

Proposed parking spaces: 51

Acres in floodplain or wetlands: 0

Impervious surface shown: 81%

**Are there any zoning variances?**

Yes, the proposed plan will require the following contemporaneous variance:

1. Increase the maximum allowable impervious surface from 70% to 81% (existing).

**DEPARTMENT COMMENTS- Fire Department**

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Change of use will require building and fire department review as part of the building permit process.

**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- Planning Division

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**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** Johnson Ferry / Shallowford Area Plan (JOSH)  Yes  No

**Design guidelines area?**  Yes  No

Does the proposal plan comply with the design requirements?  Yes  No  N/A

**Is the property within an Opportunity Zone?**  Yes  No

*(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)*

**Is the property within an Enterprise Zone?**  Yes  No

*(The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)*

**Is the property eligible for 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](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**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  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 12" in Johnson 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.

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**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 = +/- nominal

Peak flow = +/- nominal

Treatment plant: Big Creek WRF (Fulton County)

Plant capacity:  Yes  NO

Line capacity:  YES  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Dry sewers required:  YES  NO

Off-site easement required:  YES\*  NO

Flow test required:  YES  NO

Letter of allocation issued:  YES  NO

Septic tank recommended by this department:  YES  NO

Subject to Health Department approval:  YES  NO

Additional sewer comments: Existing sewer customer

\*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

## DEPARTMENT COMMENTS- Stormwater Management

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No comments. Stormwater management for this site is provided in the adjacent master detention facility.

## DEPARTMENT COMMENTS- Transportation

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

Roadway	Location	Average daily trips	Level of service
Johnson Ferry Road	North of Oak Lane	31,100	D

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

Johnson 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

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

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 will permit a use that is suitable in view of the use and development of adjacent and nearby property. Properties in the area are zoned NRC, CRC, as well as other commercial and office categories.

**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 proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The property is currently developed as a bank and its reutilization for retail purposes would be consistent with other properties in the area.

**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 proposal will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

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

It is Staff's opinion that the requested NRC neighborhood retail commercial district is in conformity with the *Cobb County Comprehensive Plan*, which delineates this property as being in the NAC neighborhood activity center future land use category. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses.

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 and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The site is currently developed for a bank and would only require minimal renovations for retail use. The area contains other commercial and office uses along Johnson Ferry Road and the applicant's use is consistent with these other uses. Finally, the applicant's requested NRC zoning district and proposed use is compatible with the *Cobb County Comprehensive Plan*.

**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 FOR REZONING  
COBB COUNTY, GEORGIA  
3140 JOHNSON FERR ROAD, MARIETTA, GEORGIA 30062

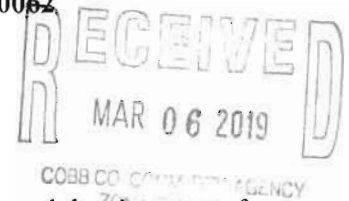


EXHIBIT 9.

Written Analysis of Impact

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

Adjacent and nearby property is zoned NRC, NS and CRC. The proposed zoning of NRC will permit a use that is suitable in view of the use and development of adjacent and nearby property also zoned NRC and other similar commercial zoning designations.

(b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The proposed zoning of NRC will not adversely affect existing use or usability of adjacent or nearby property as such adjacent or nearby property is also zoned NRC or other similar commercial zoning designations.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The Property to be affected is limited by its current zoning designation of LRO, which does not provide for retail commercial use as does the zoning of adjacent or nearby property.

(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;

The proposed zoning of NRC will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The existing streets, transportation facilities, utilities or schools are already being used for uses permitted under NRC and changing the zoning designation of this property will not cause excessive or burdensome use to existing streets.

(e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

Yes, the zoning propose is in conformity with the policy and intent of the land use plan to continue for this area to serve the community/neighborhood by retail commercial use.

(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.

The property was previously zoned RS in 2005 prior to being changed to LRO. The prior designation supports grounds for approval of the zoning proposal of NRC for the property.



Application No. 2-37  
June 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): NA
- b) Proposed building architecture: NA
- c) List all requested variances: NA

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

- a) Proposed use(s): retail
- b) Proposed building architecture: NA - existing structure
- c) Proposed hours/days of operation: Sun 12:30-6:30, M-Th 10AM-10PM, F & Sat 10AM - 11PM
- d) List all requested variances: NA

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

See attached Property Report stating building square footage of 5,652

- .....  
**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: \_\_\_\_\_

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**Names of those Opposed:**

**Comments:**

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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

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**Board of Commissioners Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

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**Names of those Opposed:**

**Comments:**

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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
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