



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

Case # Z-48
Public Hearing Dates:
PC: 7-2-19
BOC: 7-16-19

SITE BACKGROUND

Applicant: SAW Holding, LLC

Phone: 404-421-7869

Email: sawdreamhome@gmail.com

Representative Contact: Wael R. Malak

Phone: 404-421-7869

Email: sawdreamhome@gmail.com

Titleholder: Saw Holding, LLC

Property location and address: Northeast corner
of Ebenezer Road and Canton Road
(4076 Ebenezer Road)

Access to Property: Ebenezer Road

QUICK FACTS

Commission District: 3-Birrell

Current Zoning: NS (Neighborhood Shopping)

Current use of property: Vacant office building

Proposed zoning: NRC (Neighborhood Retail
Commercial)

Proposed use: Office, restaurants, and/or shopping
center

Future Land Use Designation: NAC (Neighborhood
Activity Center)

Site Acreage: 1.7 ac

District: 16

Land Lots: 228

Parcel #'s: 160228000050

Taxes Paid: Yes

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 4, 2019, for the lot with the existing building, with the District Commissioner approving minor modifications;
2. Variance in Zoning Comments;
3. Site Plan Review (County Arborist) comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations; and
6. Department of Transportation comments and recommendations;
7. Board of Commissioners to approve the site plan for the vacant lot;

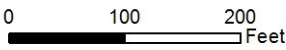
FINAL ZONING STAFF RECOMMENDATION (Continued)

8. District Commissioner to approve the building architecture; and
9. Canton Road Design Guidelines to be followed for the vacant lot.

Z-48 2019-Aerial Map



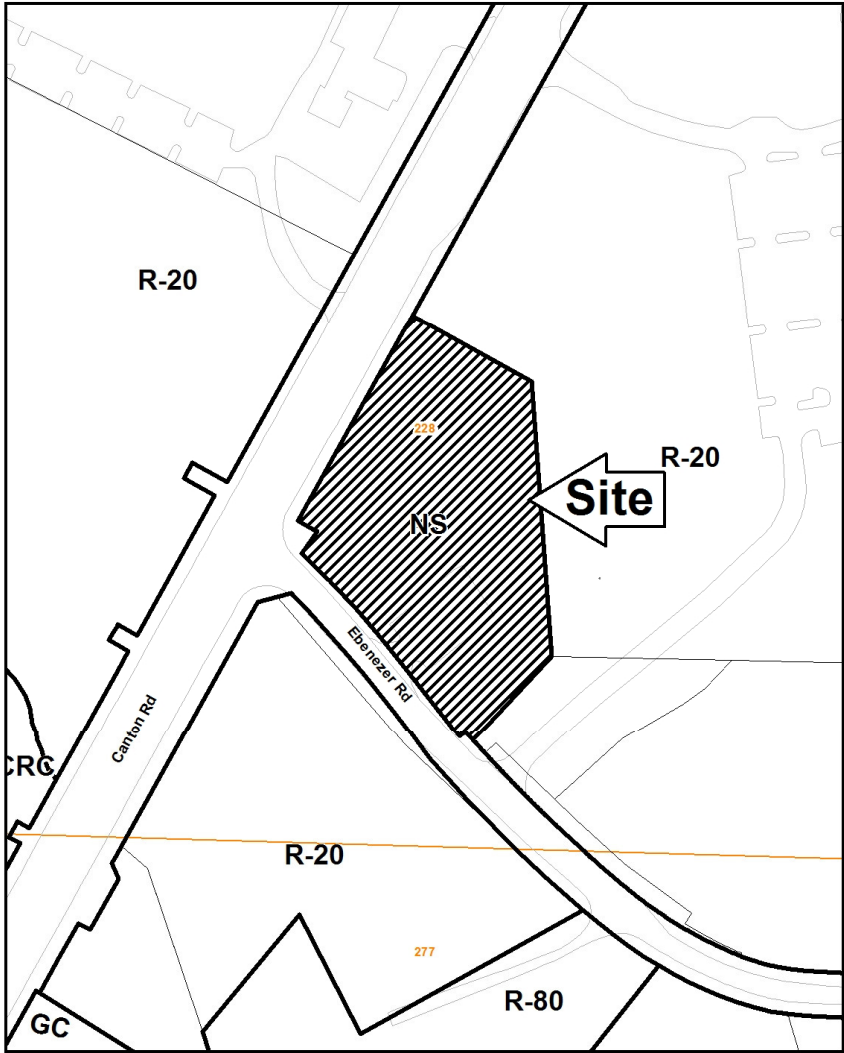
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Land Lot
- City Boundary

North
Zoning: R-20 (Single-family Residential)
Future Land Use: MDR (Medium Density Residential)

Z-48 2019-GIS



WEST
Zoning: R-20
 (Single-family Residential)

Future Land Use: PRC (Parks, Recreation, Conservation)

EAST
Zoning: R-20
 (Single-family Residential)

Future Land Use: MDR
 (Medium Density Residential)

SOUTH
Zoning: R-20 (Single-family Residential)
Future Land Use: PRC (Parks, Recreation, Conservation)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

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

Requested zoning district for the property

The 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 restaurants, grocery store, and offices. The architecture will be the same that existing on the property. The proposed hours of operation will be daily from 8 a.m. until 12 a.m. The applicant intends to split the parcel in order to create a second lot (1.16 acres).

DEPARTMENT COMMENTS- Zoning Division

Non-residential criteria

Proposed # of buildings: 1 (Existing)
Proposed # of stories: 1
Total sq. footage of development: 2,241 square feet
Floor area ratio: .029
Square footage per acre: 1,273 square feet
Required parking spaces: To be determined based on final use.
Proposed parking spaces: To be determined based on final use.
Acres in floodplain or wetlands: 0 ac
Impervious surface shown: Maximum not to exceed 70%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the proposed plan will require a contemporaneous variance to reduce the rear setback from the required 30 feet to 15 feet for both lots.

DEPARTMENT COMMENTS- Fire Department

No Comments.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

Regardless of future development plans, 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.

Approximately .6 acres of this property along Canton Road was recently cleared without approval, including a portion of a state water buffer and FEMA 100 year floodplain. Applicant should perform no further site work (including tree removal) without obtaining approval from Cobb County Community Development Agency.

DEPARTMENT COMMENTS- Cemetery Preservation

There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

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: Yes
2. Flood hazard zone: Zone AE
3. Drainage Basin: Little Noonday Creek
4. FEMA Designated 100-year Floodplain Flood.
5. Wetlands: No
6. Streambank buffer zone: Possibly, Not Verified
7. County Buffer Ordinance: 50' each side of creek channel.
8. Special site conditions and/or additional comments:
 - Existing upstream offsite discharges must be conveyed through the site.
 - A significant portion of this site is located within the 100-year floodplain. No fill may be placed within the regulatory floodplain elevation (917.6 ft NAVD)

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 Yes No

Design guidelines area? Yes No

If yes, design guidelines area: Canton Road 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 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): 6" in Ebenezer Rd and 8" in Canton Rd

Additional water comments: existing structure (Tract B) currently served by water

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: +/- 500 ft south in Canton Road

Estimated waste generation (in G.P.D.): Average daily flow = insufficient info to determine

Peak flow = insufficient info to determine

Treatment plant: Noonday WRF

Plant capacity: Yes NO

Line capacity: YES NO

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

Dry sewers required: YES NO

Off-site easement required: YES* NO

Flow test required: YES NO

Letter of allocation issued: YES NO

Septic tank recommended by this department: YES NO

Subject to Health Department approval: YES NO

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

Additional sewer comments: Tract A must connect to sewer. Existing structure on Tract B currently served by septic system. Environmental Health Dept approval required for continued use on reduced parcel if applicant prefers Tract B to remain on septic.

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
Canton Road	Arterial	45	Cobb County	100'
Ebenezer Road	Major Collector	35	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Canton Road	North of Shallowford Road	28,800	D
Ebenezer Road	East of Ebenezer Drive	5,900	C

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Canton Road.

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

Canton 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.

Ebenezer Road is classified as a major collector roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Cobb DOT has a trail project (Canton Road North Trail) along the frontage of Canton Road that will include an 8-12 ft. wide trail with a 2-4 ft. wide grass strip. Recommend applicant donate a minimum of 60' from the centerline of Canton Road for the construction of the trail.

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 east side of Canton Road, a minimum of 60' from the roadway centerline.
2. 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 north side of Ebenezer Road, a minimum of 40' from the roadway centerline.
3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

DEPARTMENT COMMENTS- Transportation (continued)

4. Recommend entrance on Ebenezer Road be relocated a minimum of 250' from the signalized intersection or be restricted to right-in/ right-out.
5. Recommend curb, gutter, and sidewalk along the Ebenezer Road frontage.
6. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed Canton Road North trail project.

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 zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The area has a mixture of residential, commercial and institutional 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. The property had been used for years as a professional office. The applicant is wants to be able to use the property for retail, restaurants and offices. Under the requested Neighborhood Retail Commercial zoning category, these uses are allowed on a small scale.

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 zoning proposal will not result in a use which will or could cause an excessive 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 zoning proposal is in conformity with the policies and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Neighborhood Activity Center (NAC) future land use category. The requested NRC zoning district and the proposed uses are compatible with the NAC land use designation. The property lost its ability to use its current Neighborhood Shopping (NS) zoning district.

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 or changing conditions affecting the use and development of the property which give supporting grounds for approving the zoning proposal. The property cannot be utilized under its current NS zoning district, located inside the NAC land use designation. The requested NRC zoning district and the proposed uses are compatible with the NAC future land use designation.

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.

RECEIVED
APR 04 2019

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Application No. Z-48
July 2019

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) List all requested variances: _____

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

- a) Proposed use(s): office - Restaurants, Shopping center
- b) Proposed building architecture: Existing - Same
- c) Proposed hours/days of operation: 8-12
- d) List all requested variances: _____

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

We are seeking to split the lot into two lots as shown in the survey.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

No

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

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Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____