

Cobb County Community Development Agency Zoning Division

Public Hearing Dates: PC: 10-1-19

BOC: 10-15-19

Case # Z-57

1150 Powder Springs St. Marietta, Georgia 30064

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Applicant: Erik Klein/Rita Klein

Phone: 404-409-8100

Email: doctorklein@yahoo.com

Representative Contact: Erick Klein or Rita Klein

Phone: 404-409-8100

Email: doctorklein@yahoo.com

Titleholder: ASAL Properties, LLC

Property location and address: Southwest side of Providence Road, east of Roswell Road

(4198 Providence Road)

Access to Property: Providence Road

QUICK FACTS

Commission District: 2-Ott

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

Current use of property: Single-family house

Proposed zoning: CRC (Community Retail

Commercial)

Proposed use: Professional Office

Future Land Use Designation: CAC (Community

Activity Center)

Site Acreage: 0.520 ac

District: 16; Land Lot(s): 898

Parcel #'s: 16089800120

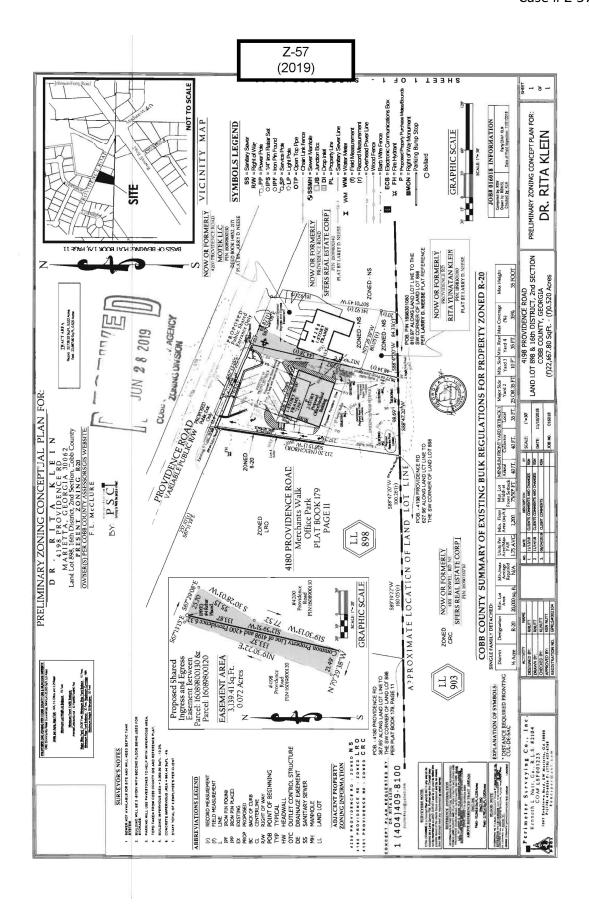
Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Donald Wells)

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

- 1. Site plan received by the Zoning Division on June 28, 2019, with the District Commissioner approving minor modifications;
- 2. Professional office uses only;
- 3. Variance in 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-57 2019-Aerial Map



North

Zoning: R-20 (Single Family Residential)

Future Land Use: CAC (Community Activity Center)

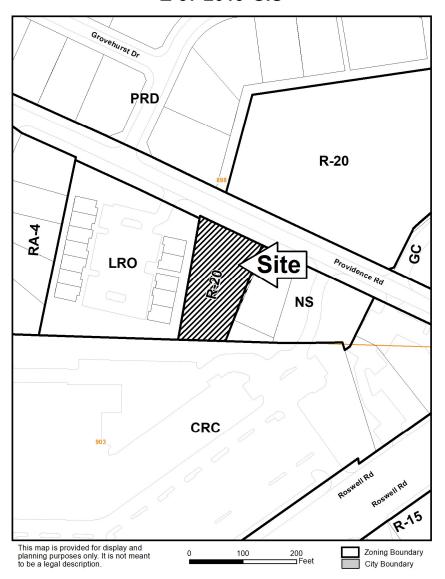
Z-57 2019-GIS

<u>WEST</u>

Zoning: LRO (Low Rise Office)

Future Land Use: CAC (Community

Activity Center)



EAST

Zoning: NS (Neighborhood Shopping)

Future Land
Use: CAC
(Community
Activity Center)

SOUTH

Zoning: CRC (Community Retail Commercial)

Future Land Use: CAC (Community Activity Center)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

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.

Requested zoning district for the property

The CRC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the CRC district should be done so as compact unified centers. CRC districts should be located on properties which are delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Additionally, the desired quadrant location will provide for planned developments and one-destination shopping and service locations to serve the community, and will minimize traffic congestion.

Summary of the applicant's proposal

The applicant is requesting the CRC zoning district to open and operate a professional office. The applicant intends to renovate the current house and will be similar in architecture and size as the office next door. The proposed renovations will increase the current building to 6000 total square feet and add a second story. The second story will be used for storage. The office will operate Monday through Friday from 9 AM to 5 PM have a total of 4 employees.

Non-residential criteria

Proposed # of buildings: 1 Proposed # of stories: 2

Total sq. footage of development: 6,000

Floor area ratio: .26

Square footage per acre: 11,494 Required parking spaces: 22 Proposed parking spaces: 14 Acres in floodplain or wetlands: 0

Impervious surface shown: Will not exceed 70%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Waive the minimum parking requirements from 22 parking spaces to 14 parking spaces.

DEPARTMENT COMMENTS- Fire Department

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

Plans do not show a fire hydrant within 500 feet of the furthest corner of the proposed/existing building as measured along the apparatus drive path.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comments.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

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 Thompson Creek

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. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
- 11. Special site conditions and/or additional comments:
 - Runoff from this site flows offsite to the south down a steep slope into a parking lot at the rear of Providence Square Shopping Center. There is no existing stormwater infrastructure to convey a concentrated discharge from the site. This will need to addressed at Plan Review and may require some type of drop structure and associated drainage easement.

DEPARTMENT COMMENTS- Planning Division

future land use category. The purpose of the CAC category is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores. **Consistent Comprehensive Plan Designation:** Inconsistent House Bill 489 Intergovernmental Agreement Zoning Amendment Notification Is the proposal within one-half mile of a city boundary? Yes imes No Was the city notified? No \times N/A Yes **Specific Area Policy Guidelines:** Yes | No \bowtie No Masterplan/ Corridor Study Yes \times No Design guidelines area? Yes \bowtie N/A Does the proposal plan comply with the design requirements? Yes No ⊠ No Yes 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) ⊠ No Is the property within an Enterprise Zone? Yes (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) No No Yes Is the property eligible for the Façade Improvement Program? (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.)

Cobb 2040 Comprehensive Plan: The parcel is within the Community Activity Center (CAC)

DEPARTMENT COMMENTS- Planning Division (continued)					
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)	Yes	⊠ No			
Note: For more information on incentives, please call the Communit Development Division at 770-528-2018 or find information online at	-				
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:	XES YES	☐ NO	
Fire flow test required:	XES YES	☐ NO	
Size and location of existing water main(s): 8" in	n Providence	e Road	
Additional water comments:			
Note: These comments only reflect what facilities were in exist install/upgrade water mains based on fire flow test results or Fir process.			
Sewer comments:			
In the drainage basin:	XES YES	☐ NO	
At development:	YES	⊠ NO	
Approximate distance to nearest sewer: 260' V	V		
Estimated waste generation (in G.P.D.): Average	ge daily flow	<i>i</i> = 240	
Peak f	low = 600		
Treatment plant: R. L. Sutton WRF			
Plant capacity:		NO	
Line capacity:	XES YES	☐ NO	
Projected plant availability:	◯ 0-5 yea	ırs 🗌 5-10 y	years over 10 years
Dry sewers required:	YES	igwedge NO	
Off-site easement required:	YES*	$oxed{oxed}$ NO	*If off-site easements are required, the developer/owner must submit easements to
Flow test required:	YES	$oxed{oxed}$ NO	the CCWS for review and approval as to form and stipulations prior to the execution of
Letter of allocation issued:	YES	$oxed{oxed}$ NO	easements by the property owners. All easement acquisitions are the responsibility of
Septic tank recommended by this department:		☐ NO	the developer/owner.
Subject to Health Department approval:	XES YES	☐ NO	

Additional sewer comments: Public sewer is essentially inaccessible due to the topography and existing development surrounding the parcel.

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
Providence Road	Minor Collector	35	Cobb DOT	60'

Roadway	Location	Average daily trips	Level of service
Providence Road	East of Coyte Drive	6,000	D

Based on 2016 traffic counting data taken by Cobb County DOT for Providence 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

Providence Road is classified as a minor collector roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

- 1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
- 2. Recommend appropriate signing and marking for one-way ingress and egress, as detailed in the Plan Review process.

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;

The applicant's proposal is in an area that contains a mixture of office and retail establishments, and a shopping center.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

This property is situated between an office park and a dental office. The proposed use will not affect the usability of nearby properties.

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 applicant's rezoning proposal is in conformity with the policies and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being with the Community Activity Center (CAC) future land use category. The purpose of the CAC category is to provide for areas that can meet the immediate needs of several neighborhoods or communities.

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 that there are existing or changing conditions affecting the use and development of the property which give supporting grounds for approval of the zoning proposal. Due to the low intensity, the proposed use will also help provide a transition to the single family uses nearby. The applicant's proposal is consistent with, and compatible to other office uses in the area.

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.

Rezoning Application Z57- 4198 Providence Rd , Marietta , GA 30062 Erik and Rita Klein

Item 9 (a-f) from the Rezoning Application:

- A. This property is surrounded on three sides by commercial properties and a power plant across the street. It is the only residential property in between all commercial so in our opinion the intended rezoning and use is suitable for this property.
- **B.** The proposed zoning will not adversely affect the existing use or usability of adjacent or nearby properties.
- C. The property does not have a reasonable economic use as currently zoned as it is the only residential property surrounded by commercial properties and it is not livable/usable as is.
- D. The proposed zoning will not result or cause excessive or burdensome use of existing streets, transportation, facilities, utilities or schools because we are not adding any extra points of entry to the property. We will be sharing one exit point with the property next door and keeping the current driveway into the property, adjusting the position of that driveway to fit the new design of the property. Plus this will be an office so we will not have high volume of customers.
- E. The Zoning Proposal <u>is</u> in conformity with the policy and intent of the land use plan.
- F. We have attached pictures of the property as is and a conceptual building which will be similar to the remodel we did next door to the said property in 2012. We took an old decrepit building that was an eye soar and replaced it with a beautiful modern office. In effect, we are beautifying the neighborhood. Our plan is to build something very similar on 4198 Providence Rd as we did out our office property next door at 4200 Providence Rd. Please see attached before and after pictures.

Thank You for your time!





Application No. 2-57

Oct. 2019

COBB CO. COMP DEV ACENTA ZONNG DIVISION

\$ummary of Intent for Rezoning

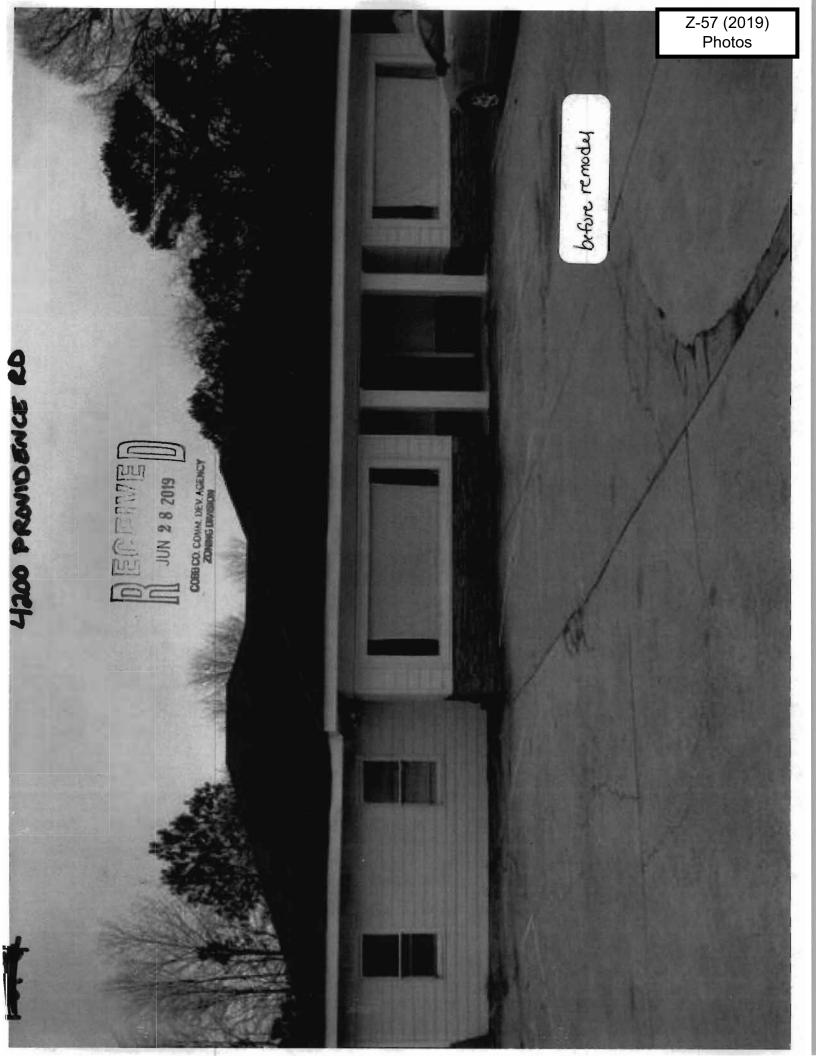
Part 1.	Residen	itial Rezoni	ng Information (attach additional information if needed)
	a)	Proposed	unit square-footage(s): 600059f1 - 2 Story building - Second floor storage
	b)		building architecture:
	c)	List all re	quested variances:
Part 2.	Non-res a)		use(s): Professional office - medical /Dental
	b)	Proposed	building architecture:
	c)	Proposed	hours/days of operation: Monday - Friday 9AM - 5 PM
	d)	List all re	quested variances:
Part 3	3. Other	r Pertinent	Information (List or attach additional information if needed)
_			property is surrounded by commercial properties on all
	4 518	les. Plea	se see attacked photos of property next door (4200 Providence ld)
	We re	modelled	that property in 2012 - We plan on doing Something Simular here. to beautify the neighborhood.
Part 4.	Is any	of the prop	erty included on the proposed site plan owned by the Local, State, or Federal Government?
	(Please	list all Rig	ht-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a
			ng where these properties are located).
		N	0

4198 Providence Rd

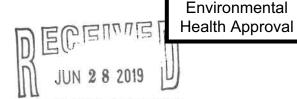




Current Street view



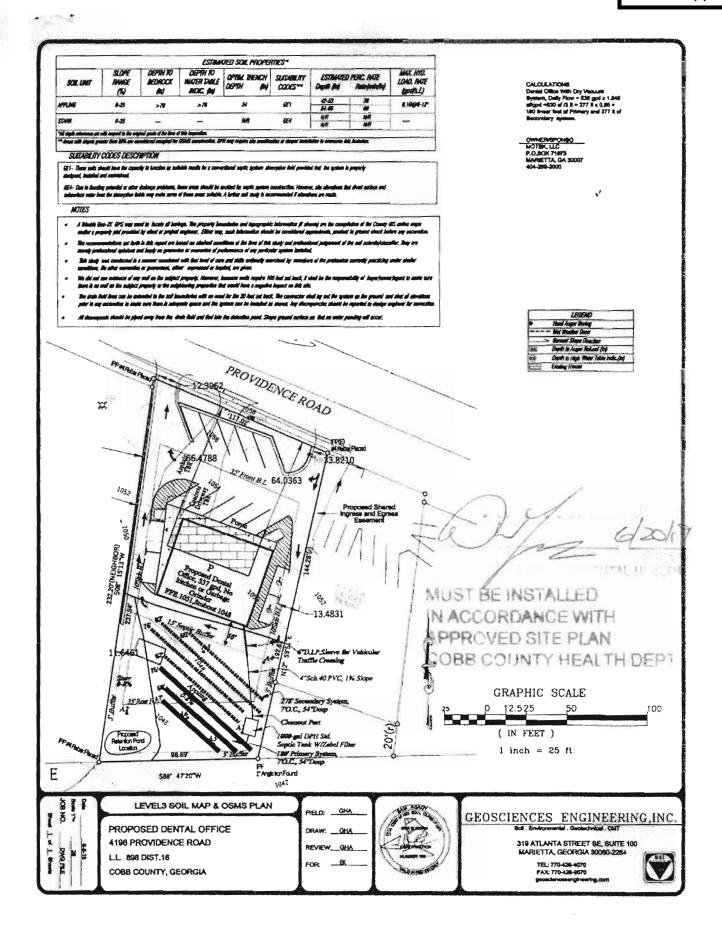






APPLICATION FOR CONSTRUCTION PERMIT AND SITE SPERMAL FOR ON-SITE SEWAGE MANAGEMENT SOMETHINGS

Date 6 18 19 Amount Paid \$ 645 DHD # 05C · 033 · 013 46 Received By Thea
Invoice # 571306 Authorization # 06127C Check # Cash MC Wisa Discover
Address 4198 Providence Rd city Marietta zip 30062
Subdivision Name Lot Phase Land Lot 898 District 16 Section 2 nd
I hereby apply for a construction permit to install an ion-site sewage management system and agree that the system will be installed to conform to the requirements of the Rules of the Georgie Department of Public Health, Chapter 290-5-26, I understand that a final inspection is required. I will notify Cobb 8, Douglas Public Health upon completion of construction and before applying the final cover.
Property Owner's Name Erik Klein, Rita Kkin phone. 404 259-2000
OWNER Address PO BOX 71673, Marie Ha GA 30007 * 404 409-8100
owner's Email doctorKiein@yahoo.com Applicant's Email toctorKiein@yahoo.com
Permit Applicant's Name Same as above Phone
Applicant's Address
Facility Type Single Family Other Office (professional) #Bedrooms # Gailons / Day 75366
Water Supply Public Community Individual Well Located required distance from possible pollution source? Yes No
Lot Stre Front 117.62 ft. Back 98,109 ft. Right Side 192.62 ft. Left Side 237.54 ft. Square ft. (or acres) 645.8 189.45. House
Design Ground Level _ Split Level _ With Basement Garbage Disposal _ Yes _ No _ Level Ground Level Split Level Basement
I certify that the location of this house, signific tank and drain field meets local codes and the Department of Natural Resources, EPD, Chapter 391-3-1601 for water supply, water sheds.
Owner/Agent Signature Date
OFFICE USE ONLY
Soil Conditions Percoletion Rate 00 Min / in Water Table Depth 78 in Suitable Seil Type 4ff 1/25 Loading Rate Gal / sq ft Depth to Rock > 78 in
Sewage Disposal Conventional High Capacity Alternative
Total Capacity Sopiic Tank / COO Gals Dosing Tank Gals ATU Tank Gals Grease Trap Gals
Layout Method Distribution Box Senial Field Lavel Field Dother
Primary LF 180' _ Trench Depth (Inches) 5\forall'' Site Approved Pres No
Absorption Field Area
Special Conditions:
 Install a 1000 Gal. septic tank with filter on the outlet. Install MEN Linear feet of high capacity type trenches at a depth of 54"
/80 as outlined on the approved site plan.
All field lines shall remain a minimum of 15 feet from any embankments and 100 feet from any wells or springs.
 All field lines shall remain a minimum of 50 feet from any streams or other bodies of water. Reserve area shall be preserved for future repairs. (277')
System design is for a restroom use only no food service (maximum 536GPD)
See attached approved site plan for complete details. Or additions to this
plan must be approved
A permit is hereby granted to install or construct the on-site sewage management system described above. Of CO. This permit is not valid unless properly signed below, and expires twelve (12) months from the issue date.
susnes of a construction permit for an on-site sewage management system, and subsequent approval of same by representatives of the Georgia Department of Public
lealth or the Cobb & Douglas Public Health shall not be construed as a guarantee that such system will function satisfactority for a given period of time; furthermore, said expresentatives do not, by an action taken in affecting compliance with these rules, assume any liability for damages which are caused; or which may be caused, by the halfunction of such system. Any site modification including burief debris may void this permit.
pproved by I with Title CM Date 6/20/19
Cobir & Douglas Pyplic Health Representative
//



Planning Commission Decision

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