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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2009-06

**LANDOWNERS:** Eraj Dositareh  
1200 Cobb Parkway North  
Marietta, GA 30062

**APPLICANT:** World Plaza, LLC  
Eraj Dositareh  
1200 Cobb Parkway North  
Marietta, GA 30062

**AGENT:** Parks F. Huff  
Sams, Larkin & Huff, LLP  
376 Powder Springs Street, Suite 100  
Marietta, GA 30064

**PROPERTY ADDRESS:** a portion of 1200 Cobb Parkway North

**PARCEL DESCRIPTION:** Land Lot 931, District 16, Parcel 20

**AREA:** 0.407 acs.                      **COUNCIL WARD:** 4

**EXISTING ZONING:** GC [General Commercial (County)]

**REQUEST:** CRC [Community Retail Commercial (City)]

**FUTURE LAND USE MAP**

**RECOMMENDATION:** CAC (Community Activity Center)

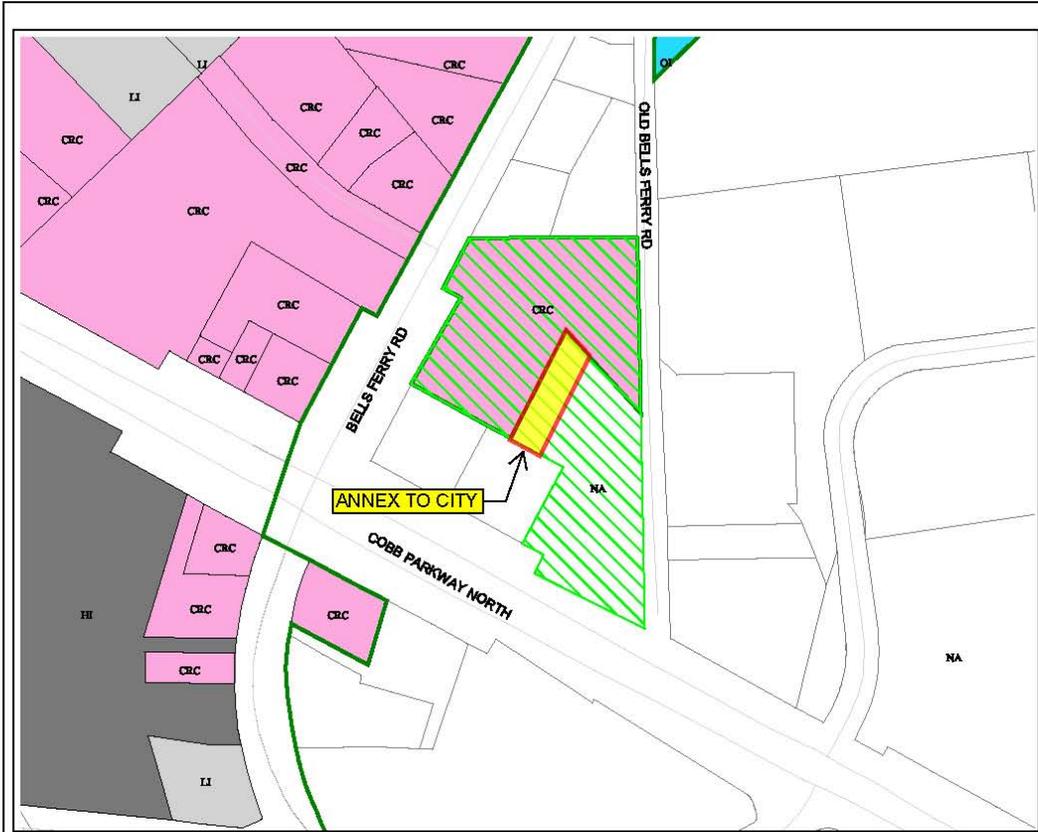
**REASON FOR REQUEST:** The applicant seeks to rezone and annex 0.407 acres in order to develop retail and office space.

**PLANNING COMMISSION HEARING:** Wednesday, April 1, 2009 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, April 15, 2009 – 7:00 p.m.

MAP

# City of Marietta Area Zoning Map

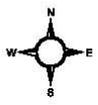


<p><b>Zoning</b></p> <p><b>SINGLE FAMILY RESIDENTIAL</b>          R-1: One Unit/Acre          R-2: Two Unit/Acre          R-3: Three Unit/Acre          R-4: Four Unit/Acre</p> <p><b>ATTACHED FAMILY RESIDENTIAL</b>          RA-4: Four Unit/Acre          RA-6: Six Unit/Acre          RA-8: Eight Unit/Acre</p> <p><b>PLANNED RESIDENTIAL DEV.</b>          PRD(SF): Planned Residential Dev.          MHP: Manufactured Housing Park</p> <p><b>MULTI-FAMILY RESIDENTIAL</b>          RM-8: Eight Unit/Acre          RM-10: Ten Unit/Acre          RM-12: Twelve Unit/Acre          RH: Residential High Rise          PRD(MF): Planned Residential Dev.</p>	<p><b>COMMERCIAL</b>          NRC: Neighborhood Retail          CRC: Community Retail          RRC: Regional Retail          CBD: Central Business District          PCD: Planned Commercial Dev.          MXD: Mixed-Use Dev.          OIT: Office Institutional Trans.          LRO: Low-Rise Office          OO: Office Institutional          OS: Office Services          OHR: Office High-Rise</p> <p><b>INDUSTRIAL</b>          LI: Light Industrial          HI: Heavy Industrial          PID: Planned Industrial Dev.</p> <p> City Limits</p>	<p><i>District</i></p> <p><b>16</b></p>	<p><i>Land Lot</i></p> <p><b>09320</b></p>	<p><i>Parcel</i></p> <p><b>0040</b> <b>C</b></p>	<p><i>Zoning</i></p> <p><b>CRC</b> <b>NA</b></p>
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**Comments:**  
 Portion of 1200 Cobb Parkway

**Date**  
 03/19/2009

**Planning and Zoning Department**

1" = 200'

**PICTURES OF PROPERTY**



View of property to be annexed



Utility line in easement area

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## STAFF ANALYSIS

### *Location Compatibility*

The applicant, World Plaza, LLC, is requesting to annex and rezone a 0.407-acre tract of land that is currently part of a tract known as 1200 Cobb Parkway North. This land will be consolidated with adjacent property currently within city limits, known as 1290 Bells Ferry Road. The parcel currently lies within Cobb County and is zoned GC (General Commercial). Should the parcel be annexed and rezoned to CRC (Community Retail Commercial) as requested, the applicant intends to construct buildings containing retail and office uses on the tract located at 1290 Bells Ferry Road.

The properties to the immediate south in Cobb County are also zoned GC and contain retail uses, while properties to the east (across Old Bells Ferry Road) of the subject property are zoned LI (Light Industrial) in Cobb County. The adjacent property to the north is zoned CRC, but is currently undeveloped. A utility line easement runs across the northern portion of the site.

### *Use Potential and Impacts*

According to information submitted by the applicant, the proposed development will include a retail building (approximately 181,452) facing Bells Ferry Road, and a proposed office and warehouse building that will be approximately 26,301 square feet. The property located at 1200 Cobb Parkway North is already developed; however, annexation of the remaining green space would allow the applicant to develop the site on Bells Ferry Road contiguously. The existing and proposed retail areas would include interparcel access and shared parking.

Cobb County has designated the FLU (Future Land Use) for the subject property as CAC (Community Activity Center). Marietta's Comprehensive Plan identifies the same FLU, or CAC, for the site located at 1290 Bells Ferry Road. Under the city's CAC classification, retail/office would be a compatible use.

### *Environmental Impacts*

Given that the subject property is currently undeveloped, any development would substantially increase the amount of impervious surface and runoff. This property does not lie in a floodplain and does not appear to have any creeks running through it. It is unlikely that any endangered species or wetlands currently exist on the property.

Public Works have made two comments regarding environmental conditions on the site:

- The site was previously a landfill. A structural engineer must inspect the site, provide any necessary tests / borings, and certify the structural adequacy for building and parking construction.
- All permits which may be required by GA EPD must be obtained for construction on a landfill, etc. If any site clean-up is required, it is the responsibility of the owner.

### *Economic Functionality*

The subject property and adjacent property on Bells Ferry Road are undeveloped. The proposed use is compatible with adjacent properties to the south, which also contain small-scale retail and office uses. The proposed zoning designation is equivalent to Cobb County's current zoning designation, which grants the property reasonable economic use and allows the applicants to proceed with proposed plans.

### *Infrastructure*

The proposed use will have little to no impact on the schools, emergency services, or water infrastructure in the area. Marietta Power does presently serve the site, but the annexation should not affect service.

The Public Works Department has identified a 72" storm drain pipe on the site, and commented that it must be thoroughly investigated by a professional engineer to certify to the pipe's integrity. Public Works staff has also confirmed that an access easement/agreement is necessary for interparcel access between 1200 Cobb Parkway North and 1290 Bells Ferry Road. This site lies in an area that is scheduled to undergo future transportation improvements that may affect the development. Cobb County DOT has scheduled intersection improvements at Bells Ferry Road and Cobb Parkway that include:

- Additional left and right turn lanes
- New sidewalk and other pedestrian accommodations
- New roadside signing and pavement markings
- Improved signal timing for better efficiency

### *History of Property*

Because the property has been located within Cobb County, there is no history of variances, rezoning, or special land use permits on the subject property.



*Other Issues*

Trees planted within utility easements must be compatible with utility company standards. Staff will review species compatibility with utility standards and tree species approved in the Landscape Ordinance during the plan review process.



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## ANALYSIS & CONCLUSION

The applicant, World Plaza, LLC, is requesting to annex and rezone a 0.407-acre tract of land that is currently part of a tract known as 1200 Cobb Parkway North. This land will be consolidated with adjacent property currently within city limits, known as 1290 Bells Ferry Road. The parcel currently lies within Cobb County and is zoned GC (General Commercial). Should the parcel be annexed and rezoned to CRC (Community Retail Commercial) as requested, the applicant intends to construct buildings containing retail and office uses on the tract located at 1290 Bells Ferry Road. The tract at 1200 Cobb Parkway North is currently developed; however, the portion of the property to be annexed and the tract at 1290 Bells Ferry Road remain undeveloped. A utility line easement runs across the northern portion of the site.

The Public Works Department has provided comments regarding environmental conditions on the site. The site was previously a landfill, and a structural engineer must certify the structural adequacy for building and parking construction. Public Works has also identified a 72" storm drain pipe on the site, and commented that it must be thoroughly investigated by a professional engineer to certify to the pipe's integrity.

Cobb County has designated the FLU (Future Land Use) for the subject property as CAC (Community Activity Center). Marietta's Comprehensive Plan identifies the same FLU, or CAC, for the site located at 1290 Bells Ferry Road. Under the city's CAC classification, retail/office would be a compatible use.

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_

## DATA APPENDIX

### ***COBB COUNTY - WATER***

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Is a water line adjacent to the property?	No
If not, how far is the closest water line?	150 feet
Size of the water line?	6 inches
Capacity of the water line?	---
Approximate water usage by proposed use?	Unknown

### ***CITY OF MARIETTA - SEWER***

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Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	350' W or 220' N
Size of the sewer line?	8-inch
Capacity of the sewer line?	---
Estimated waste generated by proposed development?	A.D.F                  Peak Unknown
Treatment Plant Name?	Noonday
Treatment Plant Capacity?	15 mgd
Future Plant Availability?	15 mgd

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## DATA APPENDIX CONTINUED

### *DRAINAGE AND ENVIRONMENTAL CONCERNS*

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Does flood plain exist on the property?	NO – stream carried in 72” CMP through property outletting at northeast corner
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Noonday 3
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	YES – northeast corner at Old Bells Ferry Road, 72” CMP outfall to road
Are there other topographical concerns on the parcel?	NO
Are the storm water issues related to the application?	YES – 72” CMP through property
Potential presence of endangered species in the area?	NO

### *Transportation*

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What is the road effected by the proposed change?	Bells Ferry Road Old Bells Ferry Road Cobb Parkway North
What is the classification of the road?	Bells Ferry Road: Arterial Old Bells Ferry Road: Local Cobb Parkway North: Arterial
What is the traffic count for the road?	Bells Ferry Road: 14,420 Old Bells Ferry Road: No Data available Cobb Parkway North: 38,280
Estimated number of cars generated by the proposed development?	Insufficient data provided to determine per ITE
Estimated number of trips generated by the proposed development?	Insufficient data provided to determine per ITE
Do sidewalks exist in the area?	YES – along Bells Ferry Road
Transportation improvements in the area?	YES
If yes, what are they?	Cobb County project – Bells Ferry/Cobb Parkway intersection improvements

- Site plans will be required for construction. Site plans must include, parking, driveways, streets, stormwater management, stormwater quality, 10% downstream analysis, and any other applicable improvements required by City code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. See the Site Development Package for checklists for Site Plans.
- There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain.
- The 72" CMP must be thoroughly investigated by a professional engineer to certify to the pipe integrity. If replacement is required, it must be shown on plans.
- The site was previously a landfill. A structural engineer must inspect the site, provide any necessary tests / borings, and certify the structural adequacy for building and parking construction.
- All permits which may be required by GA EPD must be obtained for construction on a landfill, etc. If any site clean-up is required, it is the responsibility of the owner.



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## DATA APPENDIX CONTINUED

### *EMERGENCY SERVICES*

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Nearest city or county fire station from the development? \_\_\_\_\_

Distance of the nearest station? \_\_\_\_\_

Most likely station for 1<sup>st</sup> response? \_\_\_\_\_

Service burdens at the nearest city fire station (under, at, or above capacity)? \_\_\_\_\_

## Marietta Fire Department

**DATE: 3/9/09**

**TO: Michael Cullen**

**FROM: Keith Person**

**RE: Rezoning and Annexation for portion of 1200 Cobb Parkway North**

**The Fire Department has the following comments for the above-referenced project:**

- Sprinkler protection required for all new commercial buildings; per City of Marietta Fire Sprinkler Ordinance.
- Fire department connection and P.I.V. required
- Fire department access roads shall have an unobstructed width of 20 feet and an unobstructed vertical clearance of 13 feet, 6 inches. Entrances and gated roads may be 14 feet wide where approved.
- Fire department access roads shall have a minimum 35 foot turning radius.
- Fire department access roads shall have a maximum dead end of 150 feet. Fire department access roads greater than 150 feet shall have an approved turn-around for fire apparatus.
- A recent fire flow (test within last 6 months) is required for this project.
- Fire hydrants shall be provided within 400 feet of all portions of commercial buildings.
- Provide proper amount of ADA parking
- A Knox box is required.



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## DATA APPENDIX CONTINUED

### *MARIETTA POWER - ELECTRICAL*

Does Marietta Power serve this site?      Yes \_\_\_\_\_      No \_\_\_\_\_

If not, can this site be served?      Yes \_\_\_\_\_      No \_\_\_\_\_

What special conditions would be involved in serving this site?

Additional comments: