

Z-19  
(2014)

CITY OF KENNESAW, COBB COUNTY, GEORGIA  
DISTRICT 20  
LAND LOT 175 & 176  
TIDWELL NORTH COBB, LLC  
RETRACTMENT SURVEY FOR  
COBB COUNTY, GEORGIA  
DATE: 03/11/14  
JOB NO.: 10000000



REVISIONS

WORTHY, INC.  
RD  
N 30075

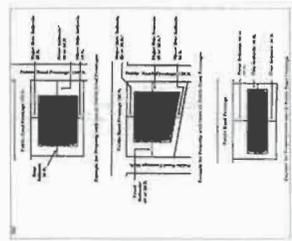


COBB COUNTY GEORGIA  
FILED IN OFFICE  
2014 MAR -3 PM 4:08  
COBB COUNTY ZONING DIVISION  
DEED BOOK 4512 PAGE 219  
SUBJECT: 2001300000



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CONCRETE DRIVE  
ASPHALT  
CONCRETE MEDIAN

DEED BOOK 4512 PAGE 219  
SUBJECT: 2001300000

COBB PARKWAY (APPARENT 200' R/W)

- LEGEND**
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**APPLICANT:** Jim and Julia Tidwell  
(404) 667-1338

**REPRESENTATIVE:** Robert Armstrong  
404-790-6100

**TITLEHOLDER:** Tidwell North Cobb, LLC

**PROPERTY LOCATION:** Northeast side of Cobb Parkway,  
southwest side of Old 41 Highway, southeasterly of McCollum Parkway  
(2390 Cobb Parkway).

**ACCESS TO PROPERTY:** Cobb Parkway and Old 41 Highway

**PHYSICAL CHARACTERISTICS TO SITE:** Sunbelt Rentals  
Building/auto paint and body shop

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** GC/Truck Repair and City of Kennesaw - Boat Store
- SOUTH:** GC/Cobb County Emergency Services
- EAST:** LI/FedEx Hub and HI/McCollum Airport
- WEST:** City of Kennesaw/Office-Warehouse

**PETITION NO:** Z-19

**HEARING DATE (PC):** 05-06-14

**HEARING DATE (BOC):** 05-20-14

**PRESENT ZONING:** GC

**PROPOSED ZONING:** LI

**PROPOSED USE:** Equipment Leasing  
and Trailer Sales and Service

**SIZE OF TRACT:** 6.003 acres

**DISTRICT:** 20

**LAND LOT(S):** 175, 176

**PARCEL(S):** 3

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**OPPOSITION: NO. OPPOSED** \_\_\_\_\_ **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

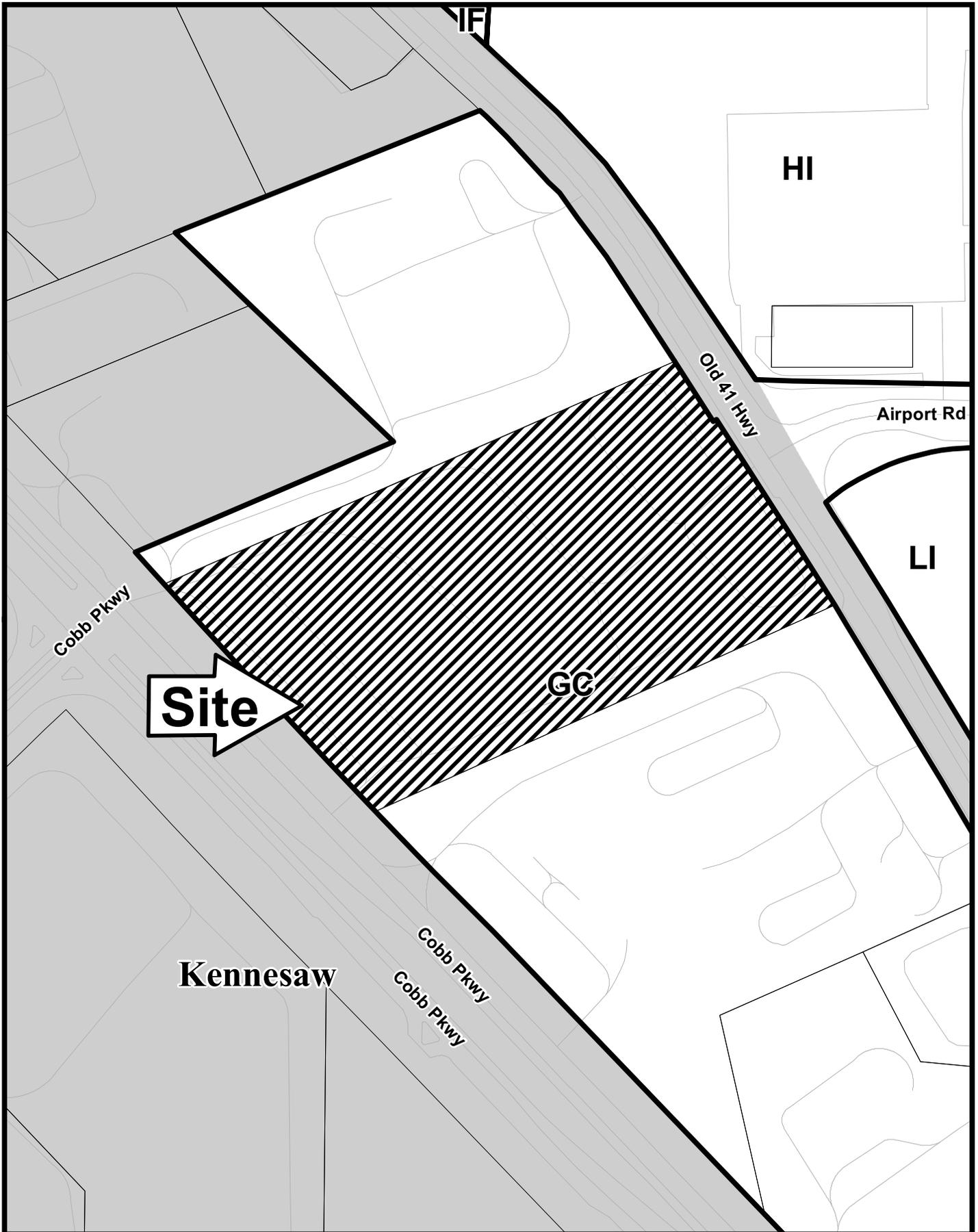
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

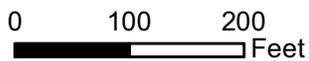
**STIPULATIONS:**



# Z-19



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Jim and Julia Tidwell

PETITION NO.: Z-19

PRESENT ZONING: GC

PETITION FOR: LI

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**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Priority Industrial Area (PIA)-Industrial Subcategory

**Proposed Number of Buildings:** 3(Existing) **Total Square Footage of Development:** 28,586

**F.A.R.:** 0.109 **Square Footage/Acre:** 4,761

**Parking Spaces Required:** \_\_\_\_\_ **Parking Spaces Provided:** 33 lined spaces

Applicant is requesting the rezone the subject property to the Light Industrial (LI) zoning category for the purpose of continuing the existing equipment leasing/rental business, making interior and exterior renovations and adding a cargo/utility trailer sales and repair business to the property. The current GC zoning cannot be further utilized to make renovations and add the new business to the building on the Old 41 Highway side of the property. The building on the Cobb Parkway side of the property has been used for 15 years for the equipment leasing/rental facility. Part of the terms of the new lease includes the property owner undertaking a substantial interior and exterior renovation of the main facility. The hours of operation will be 7 a.m. to 9 p.m. seven days a week. The existing equipment lease/rental business has 8-10 employees and the additional cargo/utility business will have four or five employees.

**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.

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**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Jim and Julia Tidwell

PETITION NO.: Z-19

PRESENT ZONING: GC

PETITION FOR: LI

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to LI for purpose of equipment leasing and trailer sales and services. The 6.003 acre site is located on the northeast side of Cobb Parkway, southwest side of Old 41 Highway, southeasterly of McCollum Parkway.

Comprehensive Plan

The parcel is within a Priority Industrial Area (PIA) future land use category, with GC zoning designation. The purpose of the PIA is to provide protection for industrial areas that can support future job growth for industrial, manufacturing, office/warehouse, technology, biomedical and distribution uses. Typical uses are determined through the PIA and its subcategories. This parcel is located within the sub category Industrial Compatible which can support light industrial, office/warehouse, and distribution uses.

The following professional evaluation and data analysis should be conducted when the Planning Commission and the Board of Commissioners are considering a land use change that alters a PIA property or areas adjacent to PIA properties from its existing Industrial or Industrial Compatible land use category to any other future land use category. In addition, the same professional evaluation and data analysis should be conducted, by the applicant, when the Planning Commission and the Board of Commissioners are requested to consider a zoning change to a PIA property or areas adjacent to PIA properties that alters its zoning designation to one which is not compatible with its existing industrial future land use category (Industrial or Industrial Compatible). Finally, the policy relating to “Adjacency to viable industrial areas” should be considered by the Planning Commission and the Board of Commissioners when a zoning change occurs to a property adjacent to PIA properties:

- ◆ *Job impacts:* Consider the number of existing and future industrial jobs lost, existing and future job opportunities for residents with less than a four-year degree, and job density at the site.
- ◆ *Tax Base Impacts:* Evaluate and compare the tax base impacts between potential uses with the existing zoning and the proposed zoning; as well as, comparing tax base impacts to job impacts.
- ◆ *Viability:* Prioritize developments with immediate uses over potential uses without users lined up.
- ◆ *Transition:* Consider the cost of transitioning a property from one use to another through zoning. Properties made non-conforming may suffer years of deferred maintenance until a viable use surfaces.
- ◆ *Adjacency to viable industrial areas:* Consider negative impacts of residential users on adjacent and viable industrial sites, such as land price uncertainty and conflicts with residents. If a residential project is being considered adjacent to a PIA site, the Planning Commission and Board of Commissioners should consider requiring additional and enhanced buffering and screening requirements on the residential project in order to protect the residential land users as well as the viability of the adjacent industrial users.

Master Plan/Corridor Study

Not applicable.

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. No further comment. No action by applicant requested at this time.

APPLICANT: Jim and Julia Tidwell

PETITION NO.: Z-19

PRESENT ZONING: GC

PETITION FOR: LI

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**PLANNING COMMENTS**  
**(Continued):**

Design Guidelines

Is the parcel in an area with Design Guidelines?     Yes             No

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

Incentive Zones

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 available 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 investments.

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.

Special Districts

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

APPLICANT Jim and Julia Tidwell

PETITION NO. Z-019

PRESENT ZONING GC

PETITION FOR LI

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**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 8" CI / W side of Old Hwy 41

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: Noontday

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/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

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 Existing sewer customer  
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Jim and Julia Tidwell

PETITION NO.: Z-19

PRESENT ZONING: GC

PETITION FOR: LI

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on \_\_\_\_\_.

APPLICANT: Jim and Julia Tidwell

PETITION NO.: Z-19

PRESENT ZONING: GC

PETITION FOR: LI

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**STORMWATER MANAGEMENT COMMENTS – Continued**

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. No site improvements are proposed at the present time. Any future improvements or redevelopment must meet current Stormwater Management requirements.

**APPLICANT: Jim and Julia Tidwell**

**PETITION NO.: Z-19**

**PRESENT ZONING: GC**

**PETITION FOR: LI**

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**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cobb Parkway	42,600	Arterial	45 mph	Georgia DOT	100'
Old 41 Highway	14,600	Arterial	45 mph	Cobb County	100'

*Based on 2008 traffic counting data taken by Cobb County DOT (Cobb Parkway)  
Based on 2010 traffic counting data taken by Cobb County DOT (Old 41 Highway)*

**COMMENTS AND OBSERVATIONS**

Cobb Parkway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Old 41 Highway is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant of 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 Old 41 Highway, a minimum of 50' from the roadway centerline upon redevelopment.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend curb, gutter, and sidewalk along Cobb Parkway frontage.

Recommend curb, gutter, and sidewalk along the Old 41 Highway frontage.

Recommend no changes to access.

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

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## STAFF RECOMMENDATIONS

### **Z-19 JIM AND JULIA TIDWELL**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. This property and nearby properties are similarly zoned with similar uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The existing equipment rental business has been at this location for 15 years and the proposed addition cargo/trailer sales and repair use will be less intense than the former large truck sales and service business that used to be on the property. The existing and the proposed business are both allowed in the proposed LI zoning category.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Priority Industrial Area (PIA) land use category with a subcategory of Industrial. This application is made in an effort to have the zoning and land use categories compatible in order to make renovations and add the proposed cargo/utility sales and repair business.
- E. 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 existing equipment leasing business has been at this location for 15 years. The proposed cargo/utility trailer sales and repair business will be located on the rear (Old 41 Highway side) of the property in what was formerly a large truck sales and repair business. Staff feels the proposed renovations and the additional cargo/utility trailer sales and repair business are similar to other uses in this area and will be less intense than what was originally on the property.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division on March 3, 2014, with the District Commissioner approving minor modifications.
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for the dedication of system improvements to mitigate traffic concerns.

**The recommendations 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 #: Z-19

PC Hearing Date: 5-6-14

BOC Hearing Date: 5-20-14

## 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) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

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 COBB COUNTY ZONING DIVISION

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

- a) Proposed use(s): Equipment Leasing/Rentals (Tenant-Sunbelt Rentals-existing occupant 15 years) Utility and box trailers (Tenant-Trailers Inc.)
- b) Proposed building architecture: existing facility
- c) Proposed hours/days of operation: 7 am to 9 pm seven days a week
- d) List all requested variances: none

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

n/a

.....  
**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

.....  
**Part 5. Is this application a result of a Code Enforcement action? No \_\_\_; Yes \_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).**

Applicant signature: \_\_\_\_\_

Date: 2-28-2014

Applicant name (printed): Robert Armstrong

Rezoning Application Narrative

9) a) The adjacent properties to the north of the site consist of a boat sales/service facility and a heavy truck sales/service facility. To the south of the subject property is a Cobb County Fire Station. The immediate area of Cobb Pkwy is predominantly characterized as being comprised of Commercial and Industrial uses. We believe the rezoning application for Industrial classification is logical and justified based on the existing use adjacent to the subject properties and submarket.

b) The rezoning proposal will not adversely affect the adjacent or nearby properties who have similar uses and users.

c) The majority of the property is currently occupied by a national equipment leasing company (Sunbelt Rentals). The tenant has occupied the site for 15 years. We have negotiated a new lease for a period of 10 years. Part of the terms of the new lease include the owner, Jim Tidwell, undertaking a substantial interior and exterior renovation of the main facility. This proposal to rezone the property will allow for Mr. Tidwell to conduct such renovation and ensure continued reasonable economic use.

d) The rezoning will not cause any additional burden on the streets, transportation facilities, utilities or schools.

e) The application to rezone the subject property to Industrial complies with the Land Use Plan.

f) The site has been leased for 15 years to Sunbelt Rentals. Upon approval of the application, the owner will be undertaking necessary renovations. In the event we are unable to obtain Industrial Zoning Classification Mr. Tidwell cannot proceed with planned renovations. Thus, this information supports approval of the rezoning proposal.

