

APPLICANT: Kenny Holzer, as receiver on behalf of Skyline Seven Real Estate, LLC

PHONE#: (404) 812-8912 **EMAIL:** Kholzer@skylineseven.com

REPRESENTATIVE: Kenny Holzer

PHONE#: (404) 812-8912 **EMAIL:** Kholzer@skylineseven.com

TITLEHOLDER: Austell-Cobb, LLC

PROPERTY LOCATION: East side of Austell Road, north of Leila Street (5075 Austell Road).

ACCESS TO PROPERTY: Austell Road

PHYSICAL CHARACTERISTICS TO SITE: Existing retail center

PETITION NO: Z-56

HEARING DATE (PC): 06-02-15

HEARING DATE (BOC): 06-16-15

PRESENT ZONING: PSC

PROPOSED ZONING: GC

PROPOSED USE: Commercial Uses and Assembly Hall for Special Events

SIZE OF TRACT: 11.30 acres

DISTRICT: 19

LAND LOT(S): 1154, 1155, 1214, 1215

PARCEL(S): 33

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** PSC/Retail
- SOUTH:** NS/Wooded lot
- EAST:** RA-5/Oakbluff Subdivision
- WEST:** CRC, LRO, CF, and O&I/Houses, offices and retail

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

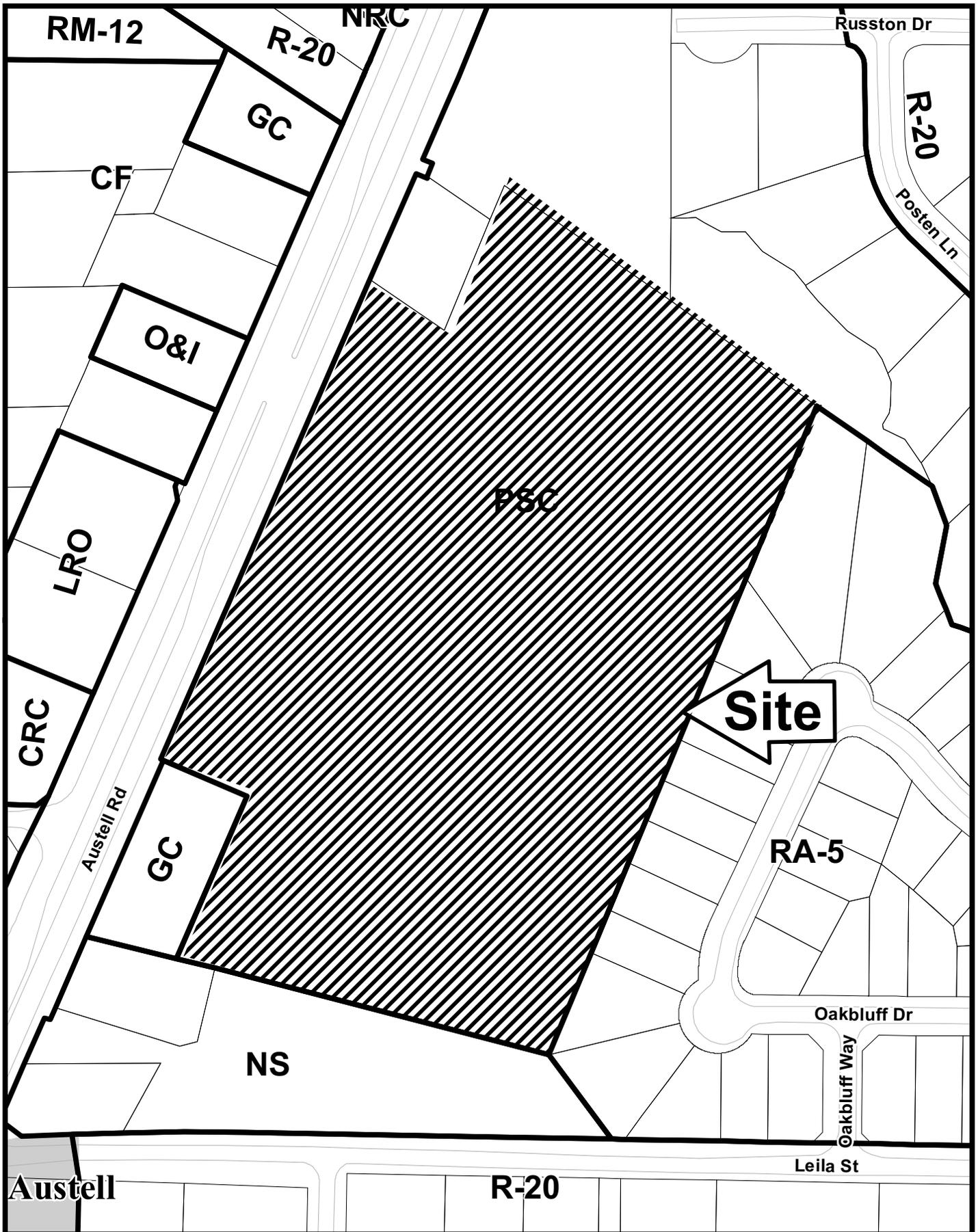
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

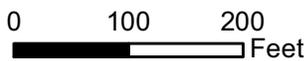
STIPULATIONS:



Z-56



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



City Boundary
Zoning Boundary

APPLICANT: Kenny Holzer, as receiver on behalf of
Skyline Seven Real Estate

PETITION NO.: Z-56

PRESENT ZONING: PSC

PETITION FOR: GC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 2(Existing) **Total Square Footage of Development:** 120,050

F.A.R.: 0.21 **Square Footage/Acre:** 9,440

Parking Spaces Required: 607 **Parking Spaces Provided:** 523

*Proposed new use will require an additional 1 space per 3 seats for the number of people allowed to be in the building at one time.

Applicant is requesting the General Commercial (GC) zoning category for the purpose of adding the additional use of an assembly hall for special events in what was formerly a space leased by the United States Postal Service. The proposed assembly hall is not a permitted use under the property’s current Planned Shopping Center (PSC) zoning category. The property is located in the Neighborhood Activity Center (NAC) land use category and the older PSC zoning category is supposed to be located in a Community Activity Center (CAC) or a Regional Activity Center (RAC) on the future land use map. No expansions or changes to the retail center are proposed.

If zoning is approved, applicant will be required to have a contemporaneous variance number of parking spaces from 607 to 523.

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.

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.

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PETITION NO.: Z-56

PRESENT ZONING: PSC

PETITION FOR: GC

PLANNING COMMENTS:

The applicant is requesting a rezoning from PSC to GC for purpose of special events assembly hall. The 11.30 acre site is located on the east side of Austell Road, north of Leila Street.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with PSC zoning designation. The purpose of the Neighborhood Activity Center (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.

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.

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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PETITION NO.: Z-56

PRESENT ZONING: PSC

PETITION FOR: GC

PLANNING COMMENTS: (Continued)

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

Is this property within the Six Flags Special Service District?

Yes No

APPLICANT Kenny Holzer / Skyline Seven Real Estate

PETITION NO. Z-056

PRESENT ZONING PSC

PETITION FOR GC

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): 6" DI / E side of Austell Rd

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: South Cobb

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.

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PRESENT ZONING: PSC

PETITION FOR: GC

STORMWATER MANAGEMENT COMMENTS

No comments.

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PRESENT ZONING: PSC PETITION FOR: GC

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
Austell Road	34,500	Arterial	45 mph	Georgia DOT	100'

Based on 2013 traffic counting data taken by Cobb DOT (Austell Road)

COMMENTS AND OBSERVATIONS

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

RECOMMENDATIONS

Recommend a deceleration lane on Austell Road for the main driveway.

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

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

STAFF RECOMMENDATIONS

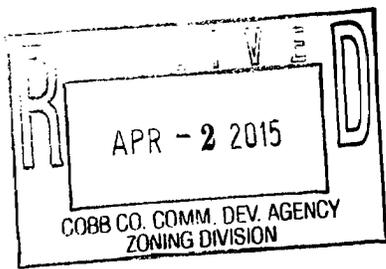
Z-56 KENNY HOLZER, AS RECEIVER ON BEHALF OF SKYLINE SEVEN REAL ESTATE, LLC

- 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. The proposed use will be located in an existing shopping center.
- 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. Nearby properties on this side of Austell are developed for similar commercial uses, including retail shops, light auto repair and restaurants.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Neighborhood Activity Center (NAC) land use category. The requested General Commercial (GC) zoning category is needed for the proposed additional use of an assembly hall for special events. However, the GC zoning category is not compatible with the NAC land use category.
- 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 deleting the applicant's rezoning proposal. The applicant proposes to utilize a space in the existing shopping center that has previously been utilized by the United States Postal Service. No expansions or changes to the building are planned.

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

- Site plan received by the Zoning Division on April 2, 2015, with the District Commissioner approving minor modifications;
- Allow the additional use of an assembly hall for special events;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation comments and recommendations.

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 No. Z56

June
2015

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): N/A
 - b) Proposed building architecture: N/A
 - c) Proposed selling prices(s): N/A
 - d) List all requested variances: N/A
- _____
- _____
- _____

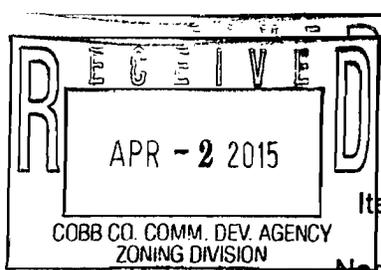
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Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): To change from PSC to GC so as to allow a space formerly leased by the United States Postal Service to act as an assembly hall for special events.
 - b) Proposed building architecture: No changes to the building architecture are contemplated.
 - c) Proposed hours/days of operation: As warranted by demand. No use of the facility as an assembly hall shall occur except between the hours of AM and PM
 - d) List all requested variances: Change of zoning classification from existing PSC to requested GC.
- _____
- _____
- _____

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

.....
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). NONE



Application No.

Z-56

Z-56 (2015)
Impact Analysis

June 2015

Narrative:

- 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 proposed rezoning of the Property will merely amend the existing classification of the Property to be consistent with the current classification of the immediately surrounding properties.

- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

The proposed rezoning of the Property will merely amend the existing classification of the Property to be consistent with the current classification of the immediately surrounding properties. The rezoning of the subject Property will enhance the existing use by permitting a greater range of uses typically found in shopping center parcels generally.

- c. Whether the property to be affected by the zoning propose has a reasonable economic use as currently zoned:

The current zoning classification of the Property limits the pool of potential users of the nontraditional retail space formerly occupied by the United States Postal Service. A change from the existing PSC to the requested GC will accommodate a larger variety of uses, and accordingly will permit greater opportunities to increase the economic use of the 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 proposal will not create an excessive or burdensome use of existing streets, transportation facilities or schools. The proposal is a request to merely change from one classification of retail zoning to the existing classification of all of the surrounding properties.

- e. Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

The proposed rezoning does not conform to the policy and intent of the County's future land use plan, according to staff. However, by changing

the classification from existing PSC to proposed GC, the Property will conform to the zoning of all of the immediately surrounding parcels.

- 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 rezoning proposal is intended to permit the leasing of the end cap space to a permitted use by the current tenant of the "bounce house" space immediately adjacent to the former USPS location. The orientation and features of this particular space do not make the space attractive to typical quality retail users. Since the USPS vacated the space, only one prospect (the tenant described above) has expressed a leasing interest.