



APPLICANT: Victor Okereke

PHONE#: 404-790-6471 EMAIL: vikenna@gmail.com

REPRESENTATIVE: Victor Okereke

PHONE#: 404-790-6471 EMAIL: vikenna@gmail.com

TITLEHOLDER: Victor Okereke

PROPERTY LOCATION: On the southeast side of Austell Road,  
north of Arkose Drive  
(2317 Austell Road)

ACCESS TO PROPERTY: Austell Road

PHYSICAL CHARACTERISTICS TO SITE: \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

NORTH: LRO/Bail Bonds Company  
SOUTH: GC/Daycare  
EAST: R-20/ Single-family Residences  
WEST: GC/Car Wash

*Adjacent Future Land Use:*  
Northeast: Neighborhood Activity Center (NAC)  
Southeast: Low Density Residential (LDR)  
Southwest: Neighborhood Activity Center (NAC)  
Northwest: Neighborhood Activity Center (NAC)

PETITION NO: Z-61

HEARING DATE (PC): 08-02-16

HEARING DATE (BOC): 08-16-16

PRESENT ZONING GC

PROPOSED ZONING: NRC

PROPOSED USE: Professional Office

SIZE OF TRACT: 0.3 acre

DISTRICT: 17

LAND LOT(S): 59

PARCEL(S): 40

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

COMMISSION DISTRICT: 4

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

HELD \_\_\_\_\_ VOTE \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

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

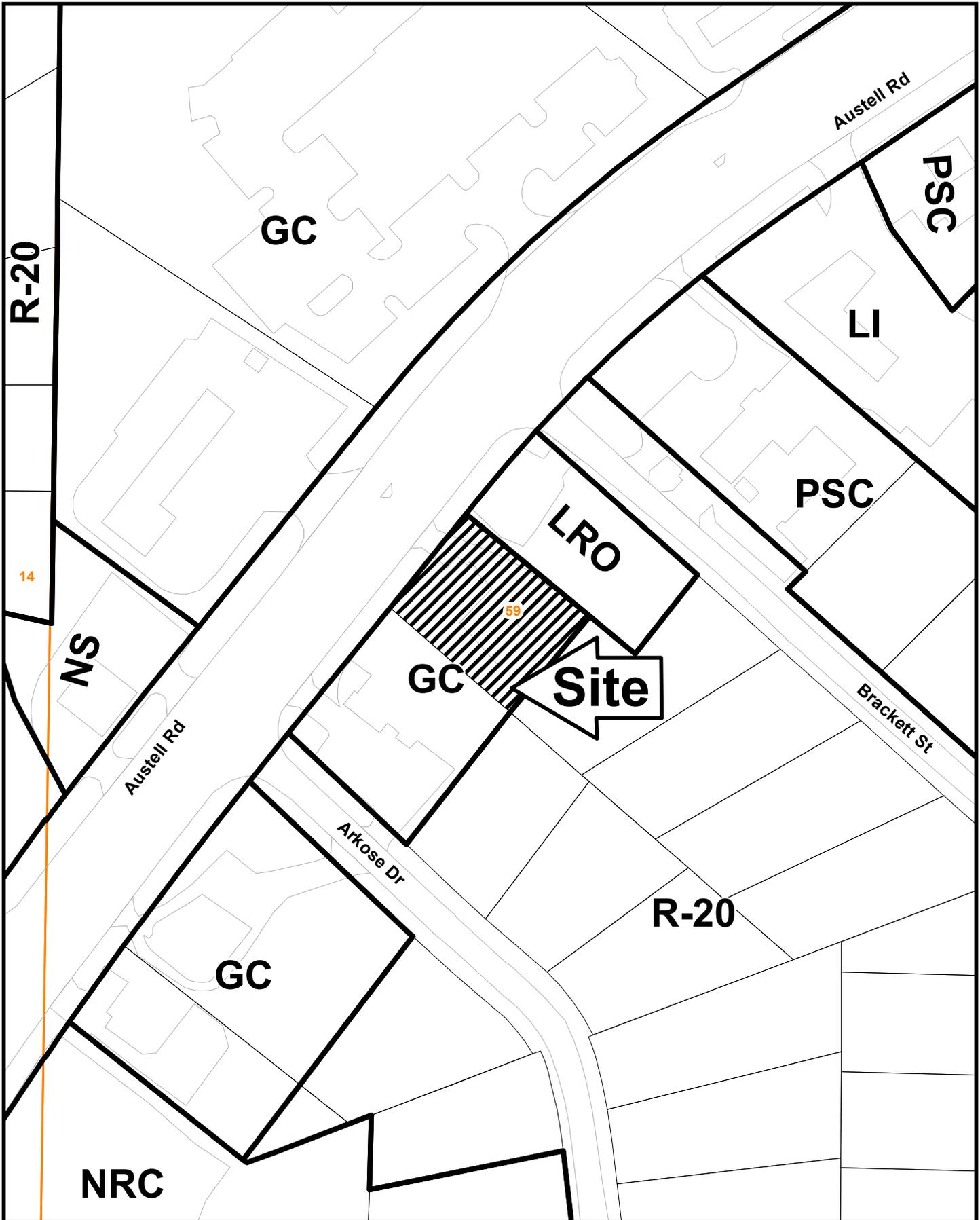
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ VOTE \_\_\_\_\_

STIPULATIONS:



# Z-61-2016 GIS



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

0 100 200 Feet

City Boundary  
Zoning Boundary

**APPLICANT:** Victor Okereke

**PETITION NO.:** Z-61

**PRESENT ZONING:** GC

**PETITION FOR:** NRC

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**ZONING COMMENTS:**

**Staff Member Responsible:** Kim Wakefield

**Land Use Plan Recommendation:** Neighborhood Activity Center (NAC)

**Proposed Number of Buildings:** 2 **Total Square Footage of Development:** 2489

**F.A.R.:** .190 **Square Footage/Acre:** 8296.66

**Parking Spaces Required:** 6 **Parking Spaces Provided:** 6 (estimated)

Applicant is requesting Neighborhood Retail Commercial (NRC) zoning district for the purpose of a 448 square foot addition to the main structure. They currently operate a healthcare facility with three employees from the existing house on the property. The hours of operation are 8 a.m. until 5 p.m. on Monday and Wednesday, 11 a.m. until 6 p.m. on Tuesday and Thursday, and 8 a.m. until 1 p.m. on Friday.

The following variances will be needed to accommodate the request:

1. Waive the minimum lot size from 20,000 square feet to 13,068 square feet;
2. Waive the front setback from 50 feet to 17 feet;
3. Waive the side setback from 15 feet to 10.5 feet;
4. Waive the side setback for an accessory structure from 15 feet to 3 feet;
5. Waive the rear setback for an accessory structure from 30 feet to 10 feet;
6. Waive the required minimum 20-foot landscaped screening buffer to be reduced to 10 feet at garage location;

**Cemetery Preservation:** No comment.

\*\*\*\*\*

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**PETITION NO.: Z-61**

**PRESENT ZONING: GC**

**PETITION FOR: NRC**

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**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
<b>Elementary</b>			
<b>Middle</b>			
<b>High</b>			

- School attendance zones are subject to revision at any time.

**Additional Comments:**

Approval of this petition will not have a significant impact on the enrollment for Cobb County School District.

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**FIRE COMMENTS:**

NO 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: Victor Okereke**

**PETITION NO.: Z-61**

**PRESENT ZONING: GC**

**PETITION FOR: NRC**

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to NRC for the purpose of professional offices. The 0.3 acre site is located on the southeast side of Austell Road, north of Arkose Drive (2317 Austell Road).

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary?  Yes  No  
If yes, has the city of \_\_\_\_\_ been notified?  Yes  No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with GC 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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

Northeast: Neighborhood Activity Center (NAC)  
Southeast: Low Density Residential (LDR)  
Southwest: Neighborhood Activity Center (NAC)  
Northwest: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is located within the boundary of the Austell Road Corridor Study

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 Smyrna-Osborne 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.

**APPLICANT: Victor Okereke**

**PRESENT ZONING: GC**

**PETITION NO.: Z-61**

**PETITION FOR: NRC**

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**PLANNING COMMENTS:**

CONT.

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>.

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

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

If so, which particular safety zone is this property within?

CZ (Clear Zone)  APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Victor Okerek

PETITION NO. Z-061

PRESENT ZONING GC

PETITION FOR NRC

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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): 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.

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**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: ~100' NE in Brackett St

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

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

Dry 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 Health Dept approval required for continued use of existing septic system. If repair is Comments: required, site must connect to sewer

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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<b>STORMWATER MANAGEMENT COMMENTS</b>
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This is an existing facility and no significant site improvements are proposed. Stormwater Management must be provided upon redevelopment or substantial improvement to the site.

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**PRESENT ZONING:** GC

**PETITION FOR:** NRC

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**TRANSPORTATION COMMENTS:**

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 2006 traffic counting data taken by Cobb County DOT for 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 applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

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

## STAFF RECOMMENDATIONS

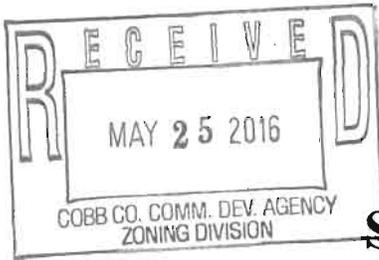
### **Z-61 VICTOR OKEREKE**

- 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 applicant intends to continue to use the property as it is presently being used with a small addition.
- 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. There will be no changes to the use of the property.
- 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 as being within a Neighborhood Activity Center (NAC) land use category for uses that serve neighborhood residents and businesses. The requested Neighborhood Retail Commercial (NRC) zoning category is compatible with the Neighborhood Activity Center (NAC) and the proposed use is allowed.
- 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.

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

1. Site plan received in Zoning Division on May 25, 2016, with District Commissioner approving minor modifications;
2. Parking lot to be striped with Zoning Division Manager approving parking plan;
3. Applicant to install a 10 foot landscape buffer adjacent to residentially zoned property;
4. No outdoor storage or display or merchandise;
5. No automotive uses or light automotive repair;
6. Stormwater Management Division comments and recommendations;
7. Department of Transportation comments and recommendations;
8. Fire Department comments and recommendations;
9. Water and Sewer Division 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. Z-61  
Aug. 2016

# 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- a) Proposed use(s): HEALTHCARE
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: 8:00A - 5:00P (M,W)  
11:00A - 6:00P (T, TH), 8:00A - 1:00P (F)
- d) List all requested variances: \_\_\_\_\_  
GC → NRC  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**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).** NO

\_\_\_\_\_  
\_\_\_\_\_

WELLNESS FAMILY CLINIC  
2317 AUSTELL RD, MARIETTA  
Requirements for Rezoning Application  
Page 2  
NAME: VICTOR OKEREKE

Z 61

Z-61 (2016)  
Impact Analysis

4. A current legal description of the subject property. If the application consists of several tracts, a legal description of each tract is required. A separate legal description of each zoning classification is also required, as well as an overall description of all tracts and/or classifications combined. No legal description should include more property than what has been requested for rezoning.
5. A copy of the paid tax receipt for the subject property or a statement signed by an official in the Tax Commissioner's Office or other official document issued by the Tax Commissioner's Office indicating the taxes have been paid. Properties with delinquent taxes may be withdrawn by the staff, or may be delayed or denied by the Board of Commissioners'.
6. A copy of current site plan and current boundary survey drawn to scale by a registered engineer, architect, land planner, or land surveyor currently registered in accordance with applicable state laws. (Plans must be stamped). These plans must include: a) north arrow; b) land lot lines; c) district lines; d) lot lines; e) angles; f) bearing and distances; g) adjoining street with right-of-way (present and proposed); h) paving widths; i) the exact size and location of all buildings along with intended use; j) buffer areas; k) parking spaces; l) lakes and streams; m) utility easements; n) limits of the 100-year flood plain and acreage of flood plain; o) cemeteries; p) wetlands; q) access points; and r) stream buffers (minimum 50' buffer).

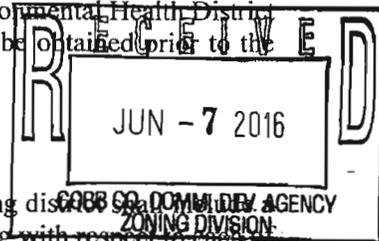
NOTE: Five (5) drawings shall be no larger than 36" x 48" and two (2) copies must be 8½" x 11".

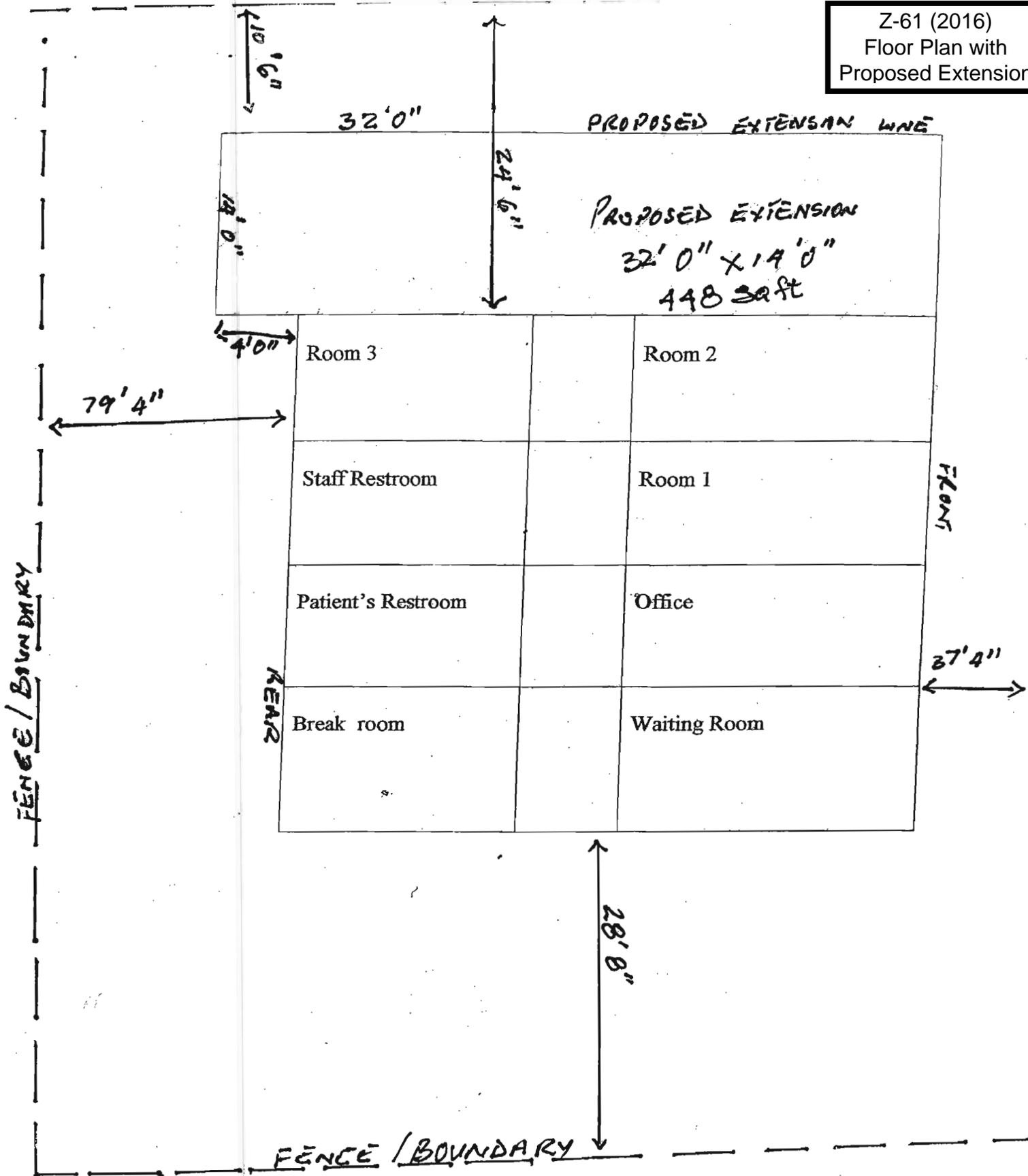
7. If the property is or will be on septic tank, contact the Cobb County Health Department (770-435-7815). A site plan and soils analysis will be required for review by the Environmental Health District Project Manager. Approval by the Cobb County Health Department must be obtained prior to the filing of the application for Rezoning.

8. Zoning Application Disclosure forms attached hereto must be completed.

- \*9. Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

- (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; *Yes.*
- (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; *NO. There will not be any adverse effect on the use of adjacent or nearby property.*
- (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; *yes. it is a clinic (Health)*
- (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; *NO. The addition will not cause any excessive or burdensome use to any of mentioned above.*
- (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and *Yes*
- (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. *NO. There are no other existing or challenging conditions that will affect the use and development of this property*





2317 AUSTELL RD, MARIETTA, GA