

APPLICANT: Akeem Akangi

PETITION NO: Z-72

PHONE#: 678-570-9695 **EMAIL:** DBA-TUNBOL@YAHOO.COM

HEARING DATE (PC): 09-08-16

REPRESENTATIVE: Akeem Akangi

HEARING DATE (BOC): 09-20-16

PHONE#: 678-570-9695 **EMAIL:** DBA-TUNBOL@YAHOO.COM

PRESENT ZONING GC, NS

TITLEHOLDER: William Derek Duke and Jennifer D. Sibley;

George W. Thompson, Jr.; Truman Travis

PROPOSED ZONING: CRC

PROPERTY LOCATION: South side of Veterans Memorial Highway,

and on the north side of South Gordon Road

PROPOSED USE: Truck Rental

(1605, 1608, and 1621 Veterans Memorial Highway)

ACCESS TO PROPERTY: Veterans Memorial Hwy, South Gordon

SIZE OF TRACT: 1.079

Road

DISTRICT: 18 & 19

PHYSICAL CHARACTERISTICS TO SITE: One story brick

LAND LOT(S): 33 & 1300

building

PARCEL(S): 36

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS/ Retail Shopping Center

Adjacent Future Land Use:

SOUTH: R-20/ Church and Cemetery

North: Neighborhood Activity Center (NAC) and Public Institutional (PI)

EAST: R-20/ Church and Cemetery

Southeast: Public Institutional (PI)

WEST: NS/ Single Family Home

West: Neighborhood Activity Center (NAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

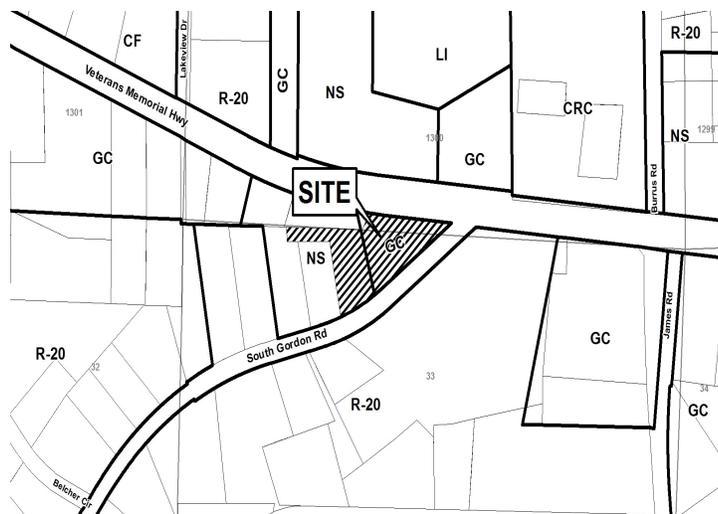
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

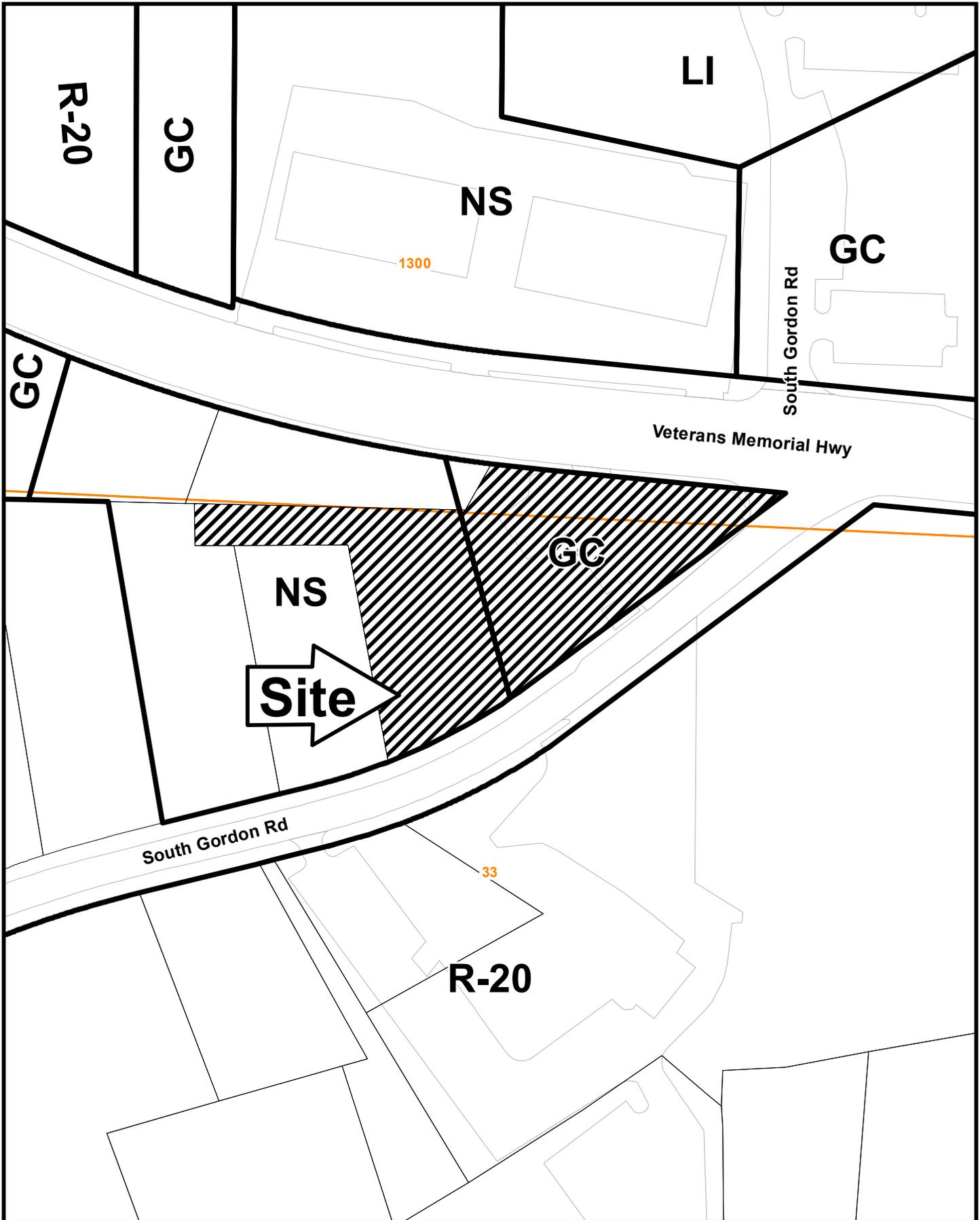
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

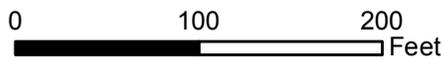
STIPULATIONS:



Z-72-2016 GIS



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Akeem Akangi

PETITION NO.: Z-72

PRESENT ZONING: GC, NS

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 2400

F.A.R.: 0.5 **Square Footage/Acre:** 2268

Parking Spaces Required: 12* **Parking Spaces Provided:** 21

*Automobile truck and trailer lease and rental facilities (accessory use) require 1 space per employee, 1 space per vehicle parked on-site is not included with the parking spaces required count.

The applicant is requesting the CRC zoning district for the purpose of adding a truck rental facility to the existing retail store. The applicant does not intend to make any changes to the existing building and will use the existing parking lot. The property as it is currently zoned is grandfathered as GC/NS and is a non-conforming use. A nonconforming use cannot be changed to another nonconforming use and can continue only in the original building structure or land area that was originally occupied by the nonconforming use. This request will also require the following contemporaneous variance;

- Waive the Major Side Setback (South Gordon Road) from 25 feet to 19.86 feet.

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:

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: Akeem Akangi

PETITION NO.: Z-72

PRESENT ZONING: GC, NS

PETITION FOR: CRC

SCHOOL COMMENTS:

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

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

Comments: Approval of this petition will not have an impact on the enrollment at Cobb County schools.

APPLICANT: Akeem Akangi

PETITION NO.: Z-72

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: Akeem Akangi

PETITION NO.: Z-72

PRESENT ZONING: GC

PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to CRC for the purpose of truck rental. The 1.079 acre site is located on the south side of Veterans Memorial Highway, and on the north side of South Gordon 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 Austell 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:

North: Neighborhood Activity Center (NAC) and Public Institutional (PI)
Southeast: Public Institutional (PI)
West: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or 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 South Cobb 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

APPLICANT: Akeem Akangi

PETITION NO.: Z-72

PRESENT ZONING: GC

PETITION FOR: CRC

PLANNING COMMENTS:

CONT.

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 Akeem Akangi

PETITION NO. Z-072

PRESENT ZONING GC

PETITION FOR CRC

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): 12" DI / S side of Veteran's Memorial Hwy

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

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.

APPLICANT: Akeem Akangi

PETITION NO.: Z-72

PRESENT ZONING: GC

PETITION FOR: CRC

STORMWATER MANAGEMENT COMMENTS

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.

APPLICANT: Akeem Akangi

PETITION NO.: Z-72

PRESENT ZONING: GC

PETITION FOR: CRC

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
South Gordon Road	3,800	Major Collector	40 mph	Cobb County	80'
Veterans Memorial Highway	28,600	Arterial	45 mph	Georgia DOT	100'

*Based on 2008 traffic counting data taken by Cobb County DOT for South Gordon Road.
Based on 2008 traffic counting data taken by Cobb County DOT for Veterans Memorial Highway.*

COMMENTS AND OBSERVATIONS

South Gordon Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Veterans Memorial 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 to 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 South Gordon Road, a minimum of 40' from the roadway centerline upon redevelopment.

Recommend applicant consider entering into a development agreement pursuant to 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 south side of Veterans Memorial Highway, a minimum of 50' from the roadway centerline upon redevelopment.

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.

Recommend removing and closing easternmost driveway entrance along Veterans Memorial Highway frontage that development renders unnecessary.

Recommend reducing the curb cut on south Gordon Road so that it is a minimum of 50 feet from the intersection of Veterans Memorial Highway.

Recommend removing parking spaces that encroaches upon the right-of-way.

Recommend sidewalk, curb, and gutter along the frontage of Veterans Memorial Highway and South Gordon Road.

Recommend right-in right-out for entrance along Veterans Memorial Highway.

STAFF RECOMMENDATIONS

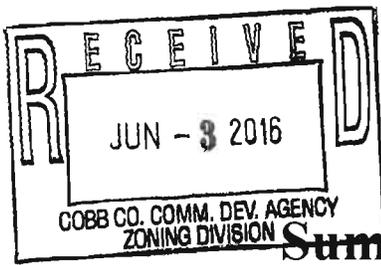
Z-72 AKEEM AKANGI

- 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 building itself will not change nor does the applicant intend to change the primary use of the building.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. The applicant will need to make sure that any large trucks that will be parked at the site will not interfere with the nearby intersection.
- 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 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 Community Retail Commercial (CRC) zoning category is not 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 deleting the applicant's rezoning proposal to NRC. This property is located outside of a community activity center or regional activity center therefor it must be rezoned in order to allow any other uses. Deleting the zoning to NRC will allow the applicant an opportunity to have additional uses consistent with other nearby uses.

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

1. No automotive repair or automotive uses;
2. No outdoor display of merchandise, or outdoor storage;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for 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 No. Z-72

Sept. 2016

Summary of Intent for Rezoning

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

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

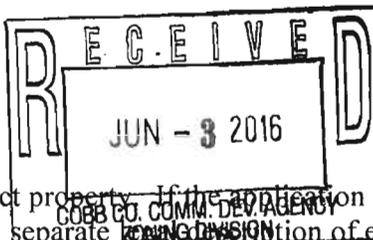
.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): _____
 - b) Proposed building architecture: _____
 - c) Proposed hours/days of operation: _____
 - d) List all requested variances: _____
- _____
- _____
- _____

.....
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).



Requirements for Rezoning Application
Page 2

- 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 zoning classification 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; *THE ADJOINING PROPERTY IS VACANT AND DOES NOT HAVE ENOUGH DEPTH TO CONSTRUCT A BUILDING*
- (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; *THE ZONING PROPOSAL WOULD NOT AFFECT THE VACANT PROPERTY*
- (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; *TRUCK RENTAL IS NEEDED IN THE AREA*
- (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; *LIMITED EQUIPMENT RENTAL WILL NOT AFFECT THE EXISTING INFRASTRUCTURE AND FACILITIES IN THE AREA*
- (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. *THE PROPERTY IS DEVELOPED AS A SHIPPING CENTER FOR AND FEDEX. THIS WILL NOT CHANGE OR AFFECT THE USE AND DEVELOPMENT OF THE PROPERTY*