

APPLICANT: Shakti Hospitality, Inc.

770-941-2255

REPRESENTATIVE: Harshad Patel

404-324-3560

TITLEHOLDER: Shakti Hospitality, Inc.

PETITION NO: Z-44

HEARING DATE (PC): 12-05-11

HEARING DATE (BOC): 12-13-11

PRESENT ZONING: HI

PROPOSED ZONING: GC

PROPERTY LOCATION: On the south side of Lee Industrial

Boulevard, east of Six Flags Parkway; and on the north side of

Interstate 20.

PROPOSED USE: Continuation of

Existing Hotel

ACCESS TO PROPERTY: Lee Industrial Boulevard

SIZE OF TRACT: 1.518 acres

DISTRICT: 18

PHYSICAL CHARACTERISTICS TO SITE: Existing three (3)
story motel building.

LAND LOT(S): 602, 603

PARCEL(S): 2

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: GC/HI/ industrial

SOUTH: Interstate 20 ROW

EAST: HI/ industrial

WEST: GC/ gas station

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

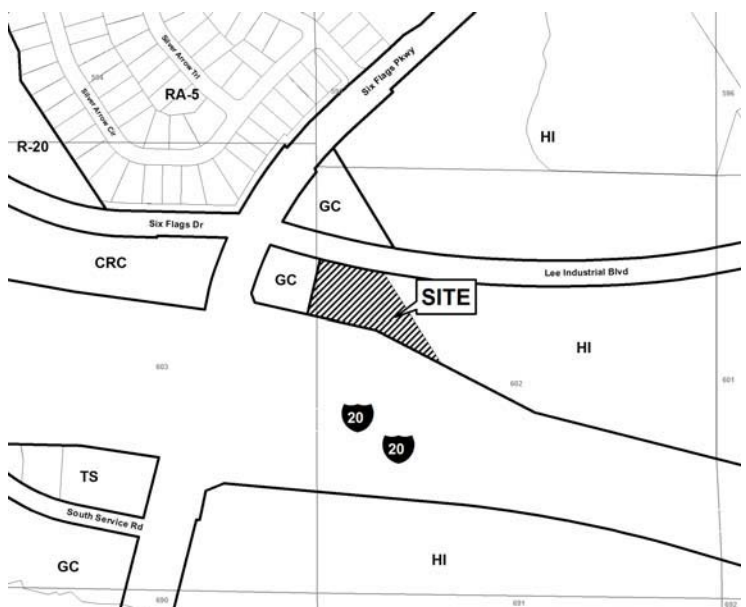
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

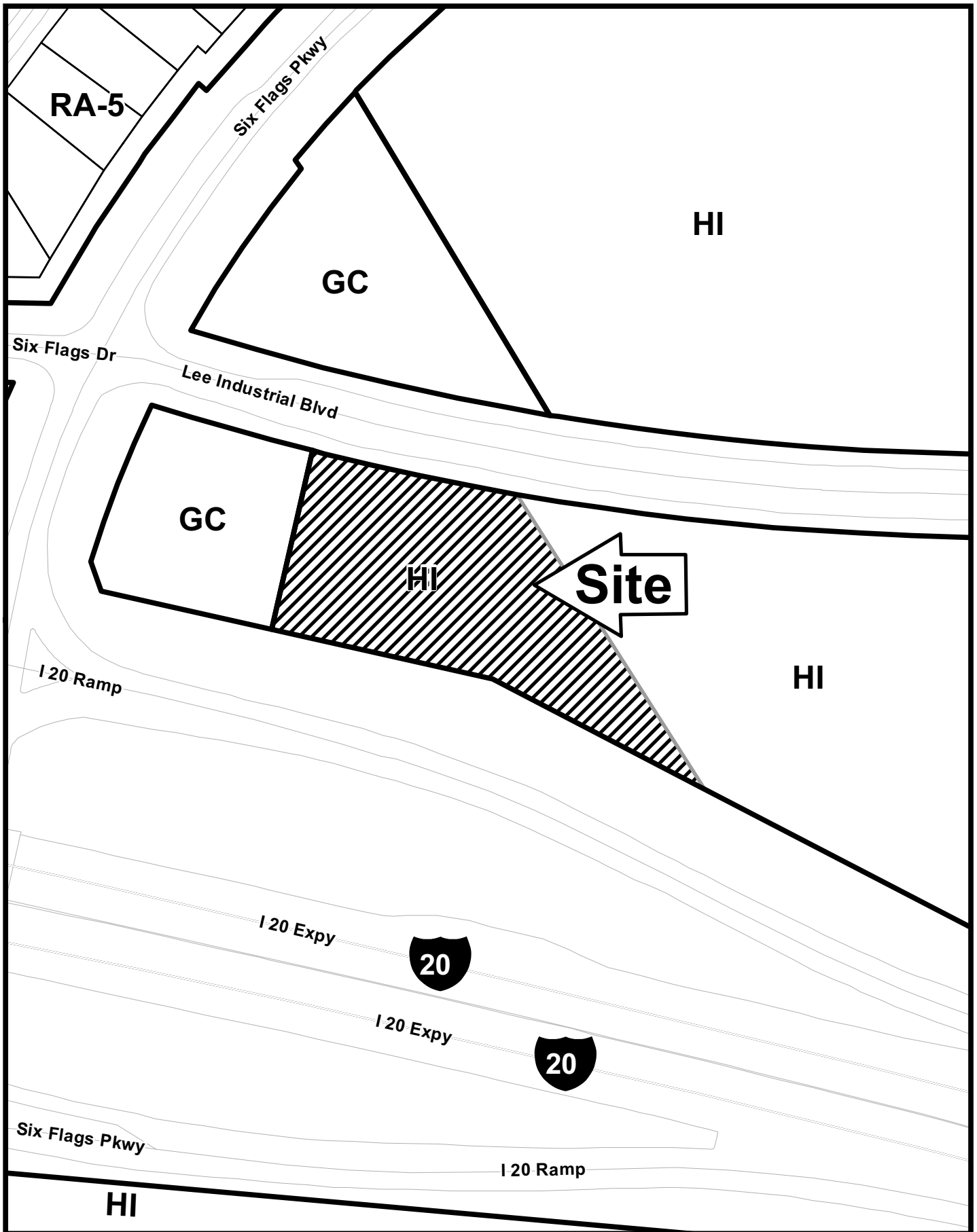
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

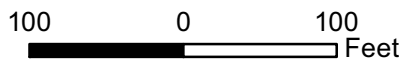
STIPULATIONS:





Z-44



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



-  City Boundary
-  Zoning Boundary

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PETITION FOR: GC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: CAC Community Activity Center

Proposed Number of Buildings: 1 existing

The applicant is requesting a rezoning from HI heavy industrial district to GC general commercial district to reflect the existing and continuing use of the property as a motel. The motel has been in existence since the late 1960s. The rezoning application proposes no increase in density of additional development of the site.

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.

Cemetery Preservation: No comment.

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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>

Additional Comments:

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.

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PETITION NO. Z-044

PRESENT ZONING HI

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): **12" DI / S side Lee Industrial Blvd**

Additional Comments: Currently connected and active

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: **Records show development is connected**

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

Treatment Plant: **S 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 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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DRAINAGE COMMENTS

This is an existing facility and there are no site improvements proposed at this time. Full stormwater management will be required upon redevelopment of any portion of the site.

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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
Lee Industrial Boulevard	6200	Arterial	40 mph	Cobb County	100'

Based on 2011 traffic counting data taken by Cobb DOT (Lee Industrial Blvd)

COMMENTS AND OBSERVATIONS

Lee Industrial Boulevard 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 south side of Lee Industrial Boulevard, a minimum of 50' from the roadway centerline.

Recommend sidewalk along the Lee Industrial Boulevard frontage.

Recommend applicant remove sign and flag pole from right-of-way.

Recommend no parking in the right-of-way.

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

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STAFF RECOMMENDATIONS

Z-44 SHAKTI HOSPITALITY, INC.

- 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 property is located immediately adjacent to Interstate Highway 20 to the south, a gas station to the west, and industrial uses to the east and north.
- 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 request proposes no additional development or additions to the site and simply seeks to bring the zoning in line with the existing use.
- 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*. The parcel which is subject to the request is located within a CAC community activity center future land use category. The request supports the *Plan's* goals of encouraging low to medium retail, commercial uses as well as encouraging those uses to be primarily located near freeway interchanges and arterial roads.
- 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 request proposes no new, additional development of the property but simply seeks to bring the zoning into conformity with the motel use that has existed here for decades. Also, and while not proposed, the approval of this request would allow future work to better maintain or replace the business if that unfortunate need were to arise in the future. Furthermore, the subject property, which lies within an area highlighted as CAC community activity center by the *Cobb County Comprehensive Plan*, proposes a use that is in line with those encouraged by the *Plan*.

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

- Revised site plan received by Zoning Division on October 21, 2011 with District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- 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.

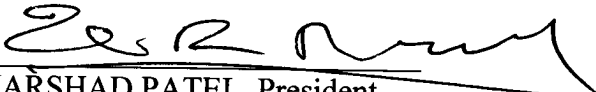
The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

Impact Analysis of the proposed rezoning

Since this rezoning application is being filed for the sole purpose of changing the zoning classification to reflect the existing lot configuration and real property and proposes no increase in density or additional development activities,

- a) The zoning proposal will NOT change anything in view of the use and development of adjacent and nearby property;
- b) This zoning proposal will NOT adversely affect the existing use or usability of adjacent or nearby property;
- c) The property's reasonable economic use as currently zoned will NOT change with new zoning.
- d) The zoning proposal will NOT result in any change in use, Hence, it will NOT or could NOT cause any change to the use of existing streets, transportation facilities, utilities, or schools;
- e) The zoning proposal is in conformity with the policy and intent of the land use plan;
- f) Though located in Heavy Industrial Zone, the property is used as Hotel/Motel. This property was built before zoning regulations went in effect. We are applying for rezoning to change the zoning classification to reflect the existing configuration and use.

I verify that the above statement is true to best of my knowledge.



HARSHAD PATEL, President



Summary of Intent for Rezoning

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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): Same as current use: Hotel/Motel
 - b) Proposed building architecture: N/A
 - c) Proposed hours/days of operation: Same as existing: 24/7
 - d) List all requested variances: _____
- _____

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

Rezoning application is being filed for the sole purpose of changing the zoning classification to reflect the existing use: Hotel/Motel. This rezoning application proposes no increase in density or additional development activities.

.....
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