



**APPLICANT:** Wendell L. Fowler

**PHONE#:** 404-427-9866 **EMAIL:** wendellfowler75@yahoo.com

**REPRESENTATIVE:** Wendell L. Fowler

**PHONE#:** 404-388-8247 **EMAIL:** wendellfowler75@yahoo.com

**TITLEHOLDER:** Wendell L. Fowler

**PROPERTY LOCATION:** North side of Old Alabama Road, east of South Gordon Road (1884 Old Alabama Road).

**ACCESS TO PROPERTY:** Old Alabama Road

**PHYSICAL CHARACTERISTICS TO SITE:** Concrete Block Building

**PETITION NO:** Z- 5

**HEARING DATE (PC):** 02-03-15

**HEARING DATE (BOC):** 02-17-15

**PRESENT ZONING:** GC

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Auto Mechanic Shop

**SIZE OF TRACT:** 0.911 acre

**DISTRICT:** 18

**LAND LOT(S):** 147

**PARCEL(S):** 47

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/ Church
- SOUTH:** NS/ Single Family Home
- EAST:** R-20/ Church
- WEST:** NS/ Single Family Home

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

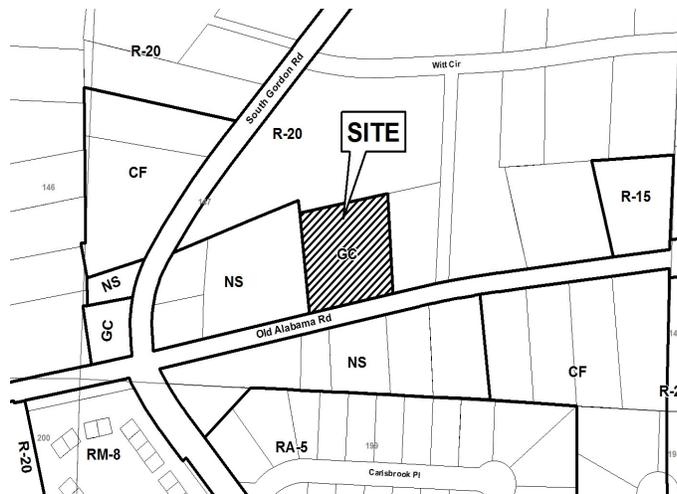
**BOARD OF COMMISSIONERS DECISION**

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

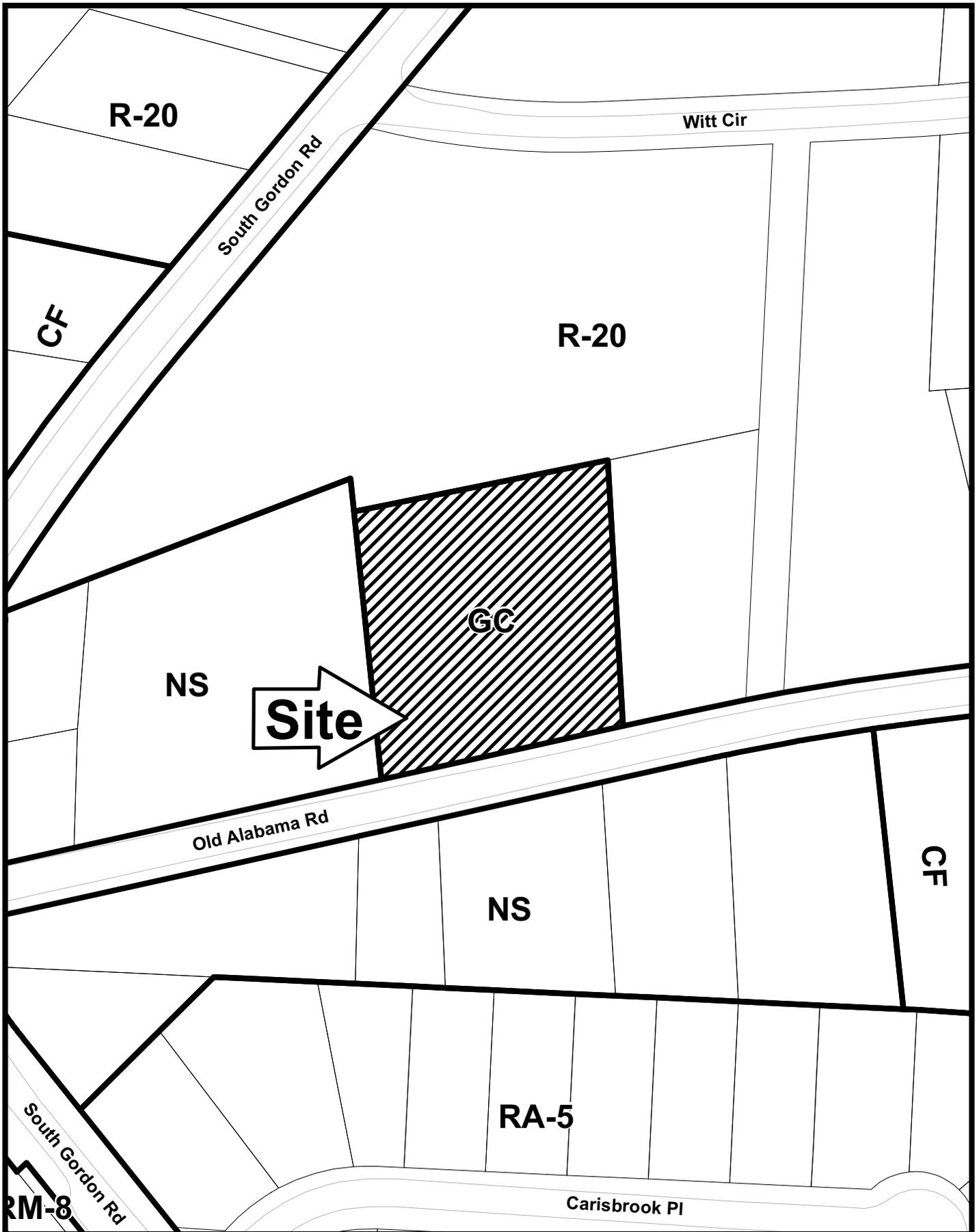
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

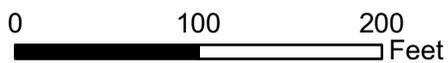
**STIPULATIONS:**



# Z-5



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Wendell L. Fowler

PETITION NO.: Z-5

PRESENT ZONING: GC

PETITION FOR: NRC

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**ZONING COMMENTS:**

**Staff Member Responsible:** Donald Wells

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 2080

**F.A.R.:** .05      **Square Footage/Acre:** 2283.2

**Parking Spaces Required:** 13      **Parking Spaces Provided:** 0

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning category to restart a light automotive repair business. The property has been vacant for at least six (6) months and lost its status of a non conforming use. The codes states a nonconforming use cannot be reinstated after it has been abandoned for a period longer than six (6) months. Applicant intends to use the existing 4 garage building as it stands today. The proposed hours of operation will be Monday through Friday 8 am to 5 pm and some weekends. Applicant will do all automotive repairs inside the building as required by the County Code, and does not intended to make any changes to the building. The received site plan has no marked parking spaces and the driveway is appears to be gravel. The code requires 3 parking spaces per, 1 space per employee.

The applicant is requesting contemporaneous variances to waive the number of marked parking space from 13 to 0, and to waive the surfacing requirement that all vehicles must be parked on a hard and treated surface.

**Cemetery Preservation:** No comment.

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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: Wendell L. Fowler

PETITION NO.: Z-5

PRESENT ZONING: GC

PETITION FOR: NRC

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to NRC for purposes of auto mechanic shop. The 0.911 acre site is located on the north side of Old Alabama Road, east of South Gordon Road.

**Comprehensive Plan**

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

APPLICANT: Wendell L. Fowler

PETITION NO.: Z-5

PRESENT ZONING: GC

PETITION FOR: NRC

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**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 Wendell L. Fowler

PETITION NO. Z-005

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): 12" DI / N side of Old Alabama Road

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: 340' S in Carlsbrook Place

Estimated Waste Generation (in G.P.D.): A D F= 166 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

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 Health Dept approval required for continued use of existing septic system.  
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:** GC

**PETITION FOR:** NRC

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**STORMWATER MANAGEMENT COMMENTS**

No substantial site improvements are proposed. All vehicle repairs must be performed inside the building.

**APPLICANT: Wendell Fowler**

**PETITION NO.: Z-5**

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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
Old Alabama Road	3,700	Major Collector	45	Cobb	80'

*Based on [2014] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Old Alabama Road is classified as a major collector and according to the available information the existing right-of-way meets the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend driveway be paved with a treated hardened surface for a minimum of 25' or the edge of the County right-of-way, whichever is greater in length.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements at the time of redevelopment.

Recommend a taper for the Old Alabama Road access at the time of redevelopment.

Recommend a sidewalk for the Old Alabama Road at the time of redevelopment.

## STAFF RECOMMENDATIONS

### **Z-5 WENDELL L. FOWLER**

- 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 is seeking to rezone the property to resume a light automotive repair use. The building was built over 30 years ago with the intentions of small scale repair shop. There is an established church to the north and east of the property.
- 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 will allow the applicant to not only provide a need for the surrounding single family homes. The property will no longer remain vacant and will encourage the upkeep 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 to be within a NAC Neighborhood Activity Center land use category. This NAC category seeks to encourage uses that serve neighborhood residents and businesses.
- 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 is to continue an existing use, and there will be no changes to existing building. Also, by removing its current "grandfathered" status, the property will be allowed to make improvements and continue upkeep of the property.

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

- All parking to be paved and striped to County standards;
- Site plan received by the Zoning Division December 2, 2014;
- Any changes in use will require applicant to bring property up to current zoning standards;
- No outdoor storage or display of merchandise; 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 #: 2-5

PC Hearing Date: 2-3-15

BOC Hearing Date: 2-17-15

# 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): Auto shop, mechanics, brakes, tire changes, oil changes Fluid checks etc
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: Monday thru Friday 8-5  
Some Weekends
- 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). \_\_\_\_\_

\_\_\_\_\_

.....  
**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: 10/1/2014

Applicant name (printed): Wendell L. Fowler