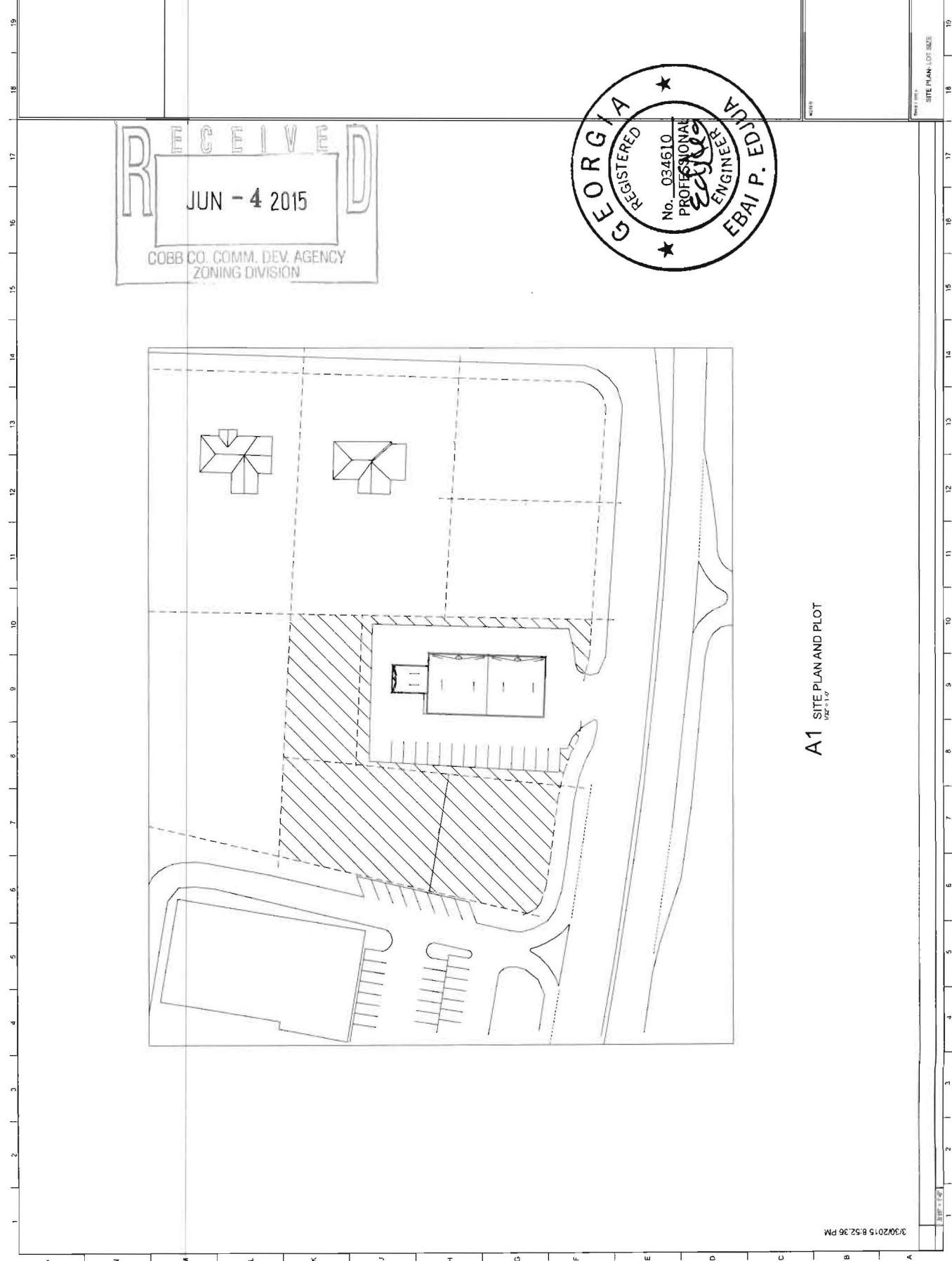


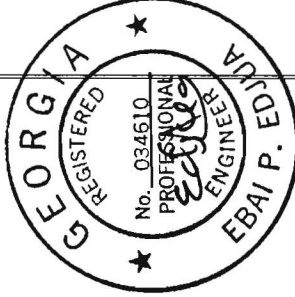
Z-74  
(2015)

MEDICAL OFFICE SPACE (5720 SF)  
4898 AUSTELL RD, AUSTELL GA 30108

000



RECEIVED  
 JUN - 4 2015  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION



A1 SITE PLAN AND PLOT  
SCALE: 1/8" = 1'-0"

3/30/2015 8:52:36 PM

**APPLICANT:** Paul Edjua (Popol, LLC)

**PETITION NO:** Z-74

**PHONE#:** (530) 848-5863 **EMAIL:** Pedjua@yahoo.com

**HEARING DATE (PC):** 08-04-15

**REPRESENTATIVE:** Paul Edjua

**HEARING DATE (BOC):** 08-18-15

**PHONE#:** (530) 848-5863 **EMAIL:** Pedjua@yahoo.com

**PRESENT ZONING:** GC

**TITLEHOLDER:** Popol, LLC

**PROPOSED ZONING:** NRC

**PROPERTY LOCATION:** West side of Austell Road, south of

Warren Drive

**PROPOSED USE:** Medical Office

(4898 Austell Road).

**ACCESS TO PROPERTY:** Austell Road

**SIZE OF TRACT:** 0.458 acre

**DISTRICT:** 19

**PHYSICAL CHARACTERISTICS TO SITE:** One Story block

**LAND LOT(S):** 1140

building

**PARCEL(S):** 65

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** GC, R-20/ Vacant, Warren Subdivision

**SOUTH:** CRC/ Vacant parcel

**EAST:** R-20/ South Cobb High School

**WEST:** CRC/ Vacant parcel

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

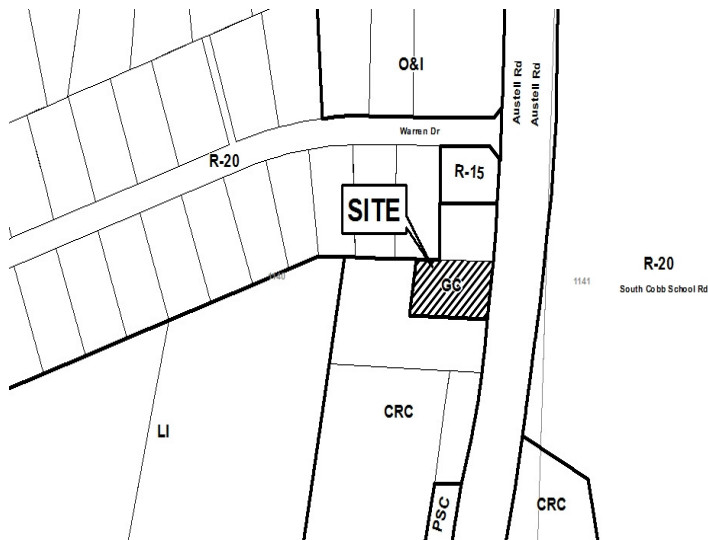
**BOARD OF COMMISSIONERS DECISION**

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

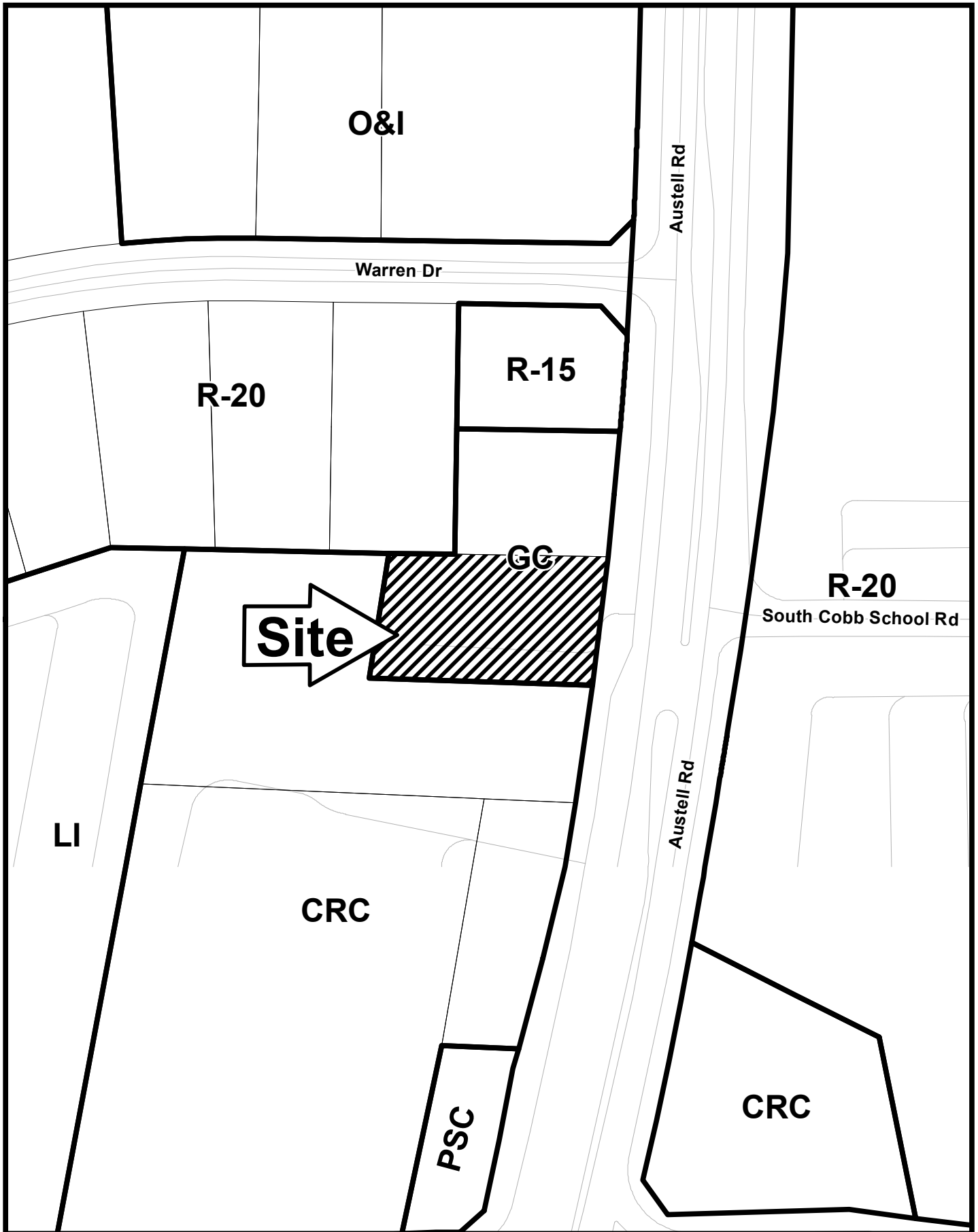
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

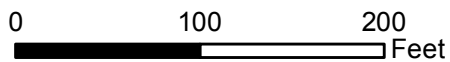
**STIPULATIONS:**





# Z-74



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Paul Edjua (Popol, LLC)

**PETITION NO.:** Z-74

**PRESENT ZONING:** GC

**PETITION FOR:** NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

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

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 5,720 sq. ft.

**F.A.R.:** 0.29      **Square Footage/Acre:** 12,489.08 sq. ft.

**Parking Spaces Required:** 20      **Parking Spaces Provided:** 15

The applicant is requesting rezoning from the GC (general commercial) district to the NRC (neighborhood retail commercial) district in order to operate a walk in professional medical office. The rezoning is necessary as the property, currently zoned GC, is not in compliance with the existing NAC (neighborhood activity center) future land use category. The applicant, Dr. Edjua, is the physician that will attend to patients at the facility with a front desk staff working 8 a.m. to 9 p.m. six (6) or seven (7) days a week with a substitute physician filling in during Dr. Edjua’s absences and off duty hours. No improvements are proposed for the site.

The following variances are needed to accommodate existing conditions:

1. A waiver of the required lot size from 20,000 square feet to 19,982 square feet;
2. A waiver of the front setback from 50 feet to 16 feet;
3. A waiver of the side setback from 15 feet to 10 feet adjacent to the north property line.
4. A waiver of required parking spaces from 20 to 15.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**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: Paul Edjua (Popol, LLC)

PETITION NO.: Z-74

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to NRC for purpose of a medical office. The 0.458 acre site is located on the west side of Austell Road, south of Warren Drive (4898 Austell 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.

Adjacent Future Land Use

North: Neighborhood Activity Center (NAC)  
East: Public/Institutional (PI) – across Austell Road  
South: Neighborhood Activity Center (NAC)  
West: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

N/A

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 N/A

Does the current site plan comply with the design requirements? N/A

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: Paul Edjua (Popol, LLC) \_\_\_\_\_

PETITION NO.: Z-74 \_\_\_\_\_

PRESENT ZONING: GC \_\_\_\_\_

PETITION FOR: NRC \_\_\_\_\_

\*\*\*\*\*

**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 Paul Edjua (Popol, LLC)

PETITION NO. Z-074

PRESENT ZONING GC

PETITION FOR NRC

\*\*\*\*\*

**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 / W 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: Austell Road ROW

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.

APPLICANT: Paul Edjua (Popol, LLC)

PETITION NO.: Z-74

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Buttermilk Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITIONS

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of any increased volume of runoff generated by the proposed project on downstream receiving system.



APPLICANT: Paul Edjua (Popol, LLC)

PETITION NO.: Z-74

PRESENT ZONING: GC

PETITION FOR: NRC

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**STORMWATER MANAGEMENT COMMENTS – Continued**

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This is an existing facility. The site currently discharges to the southeast corner into the GDOT R/W via a concrete flume. No significant site changes are proposed that would change the existing stormwater conditions.
2. Upon redevelopment or substantial site improvement the site will need to meet current stormwater management requirements.

**APPLICANT: Paul Edjua (Popol, LLC)**

**PETITION NO.: Z-74**

**PRESENT ZONING: GC**

**PETITION FOR: NRC**

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

*Based on 2013 traffic counting data taken by Cobb County DOT for Austell Road.*

**COMMENTS AND OBSERVATIONS**

Austell Road is classified as an arterial, state route, 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.

GDOT permits will be required for all work that encroaches upon State right-of-way.

Recommend replacing disturbed curb, gutter, and sidewalk along the Austell Road frontage.

## STAFF RECOMMENDATIONS

### **Z-74 PAUL EDJUA (POPOL, 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. A professional medical office is appropriate for this established commercial property located near the intersection of Austell and Clay Roads, a recognized commercial node. Also, it will serve as an appropriate step-down in use intensity to nearby residences to the north and west.
- 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 proposed use of a medical office should be less intense than previous businesses at the site. With appropriate buffering to the lone adjacent residential neighbor, the site's current and future use and be assured not to pose a nuisance to nearby residents.
- 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*. Located within an area the *Plan* delineates as a NAC (neighborhood activity center), the request represents an appropriate use to serve neighborhood residents. The low intensity, one story building with a FAR under 0.5 (0.29) serves the purposes of this future 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 approving the applicant's rezoning proposal. The property's current GC zoning coupled with the NAC future land use category necessitates its rezoning. Also, the current request represents a use that utilizes the existing building while not posing increased intensity and provides needed services to area residents.

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

- Site plan received by the Zoning Division on June 4, 2015 with District Commissioner approving minor modifications;
- Landscape screening buffer measuring 20 feet in depth to be planted adjacent to the residential neighbor to the north located within Warren Subdivision, buffer plan to be approved by County Arborist;
- Fire Department comments and recommendations;
- 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.**

August 2015

## 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): Medical office space
  - b) Proposed building architecture: One story medical space
  - c) Proposed hours/days of operation: 6/7 days a week from 8am-9pm
  - d) List all requested variances: \_\_\_\_\_
- N/A
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**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

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

**IMPACT OF PROPOSED REZONING**

- A. The new medical clinic (Walk in Clinic) will be of tremendous benefit to the surrounding community which currently has limited walk in Medical Clinics. Given the fact that there is an established pharmacy "Rite Aid" which has been in existence for 20 years, the new medical clinic will serve as a one stop shop for patients in the community – ease of access to the medical clinic and filling their prescriptions at Rite Aid Pharmacy. Secondly, there is an adjacent High School from the Medical Clinic; the presence of the clinic will benefit the students who now have easy access to a walk in Medical Clinic that is in close proximity to their school rather than a visit to the emergency department.
- B. There will be no adverse effects as the community will benefit tremendously from the new walk in Medical Clinic.
- C. It might have a minimal reasonable economic value than currently zoned.
- D. The rezoning will not have a burdensome use of existing streets, transportation facilities, utilities or schools. The previous use of the property (Marshall Art) had more traffic flow to/from the property than the future proposed Medical Clinic. The Marshall Art had multiple daily sessions of activities with multiple participants per session; it is very unlikely for a Medical Clinic to have such influx of individuals with an average of 5 patients visit per hour in a standard "walk in clinic".
- E. It is in conformity with the policy and intent of the land use plan.
- F. There are no existing/changing conditions that affect the use and development of the property

PAUL ENJUA

FORA 6-4-2015

**Proposed Used of 4898 Austell Road, Austell, Georgia**

The proposed property will be a Medical office with a walk in service available for patients in need of same day attendance. The office will primarily be operated by me - a physician (Paul Edjua, MD); in addition, there will be a front desk staff and a medical assistance. The hours of operation will be from 8am to 9pm to improve same attendance as this will subsequently build up and establish patient clientele. The expectant flow of patients is anticipated to be two to four patients per hour.

In my (Paul Edjua's) absence, there will be a substitute physician to continue servicing the Medical office. A substitute physician will be operating the office (like any medical office) in my absence during my vacation or time off duty. The Medical office will also be proving basic Lab and diagnostic services to patients.

PAUL EDJUA MD

