

APPLICANT: Janaal Coleman

PETITION NO: Z- 49

PHONE#: 404-820-3600 EMAIL: JanaalColeman@gmail.com

HEARING DATE (PC): 06-07-16

REPRESENTATIVE: Janaal Coleman

HEARING DATE (BOC): 06-21-16

PHONE#: 404-820-3600 EMAIL: JanaalColeman@gmail.com

PRESENT ZONING GC

TITLEHOLDER: Jasara, Inc.

PROPOSED ZONING: NRC

PROPERTY LOCATION: Northern corner of Austell Road and

Callaway Road

PROPOSED USE: Add Fruit Stand

(2688 Austell Road)

ACCESS TO PROPERTY: Callaway Road and Austell Road

SIZE OF TRACT: .80 acre

DISTRICT: 19

PHYSICAL CHARACTERISTICS TO SITE: Existing Convenience

LAND LOT(S): 556,557

Store with fuel sales; Existing Emissions Station

PARCEL(S): 62

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-15/El Dorado Subdivision

SOUTH: CF/Undeveloped property

EAST: GC/Corner Plaza

WEST: GC/Undeveloped Property

Adjacent Future Land Use:

Northeast: Neighborhood Activity Center (NAC)

Southeast: Neighborhood Activity Center (NAC)

Southwest: Neighborhood Activity Center (NAC)

Northwest: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ VOTE _____

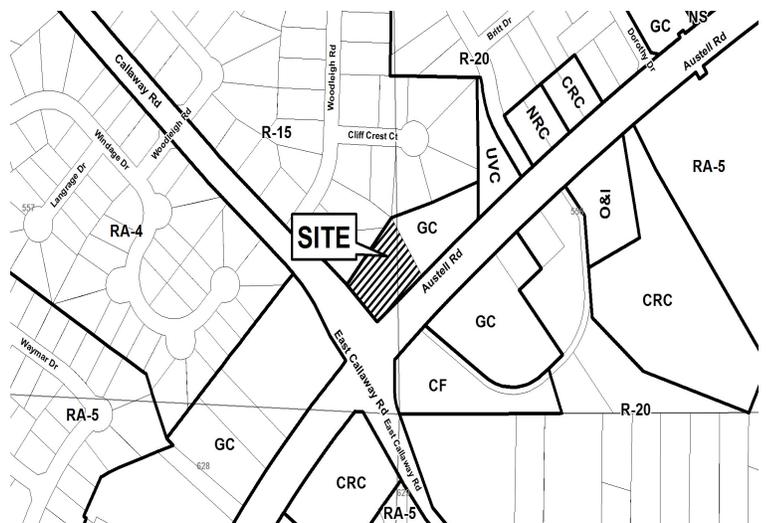
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

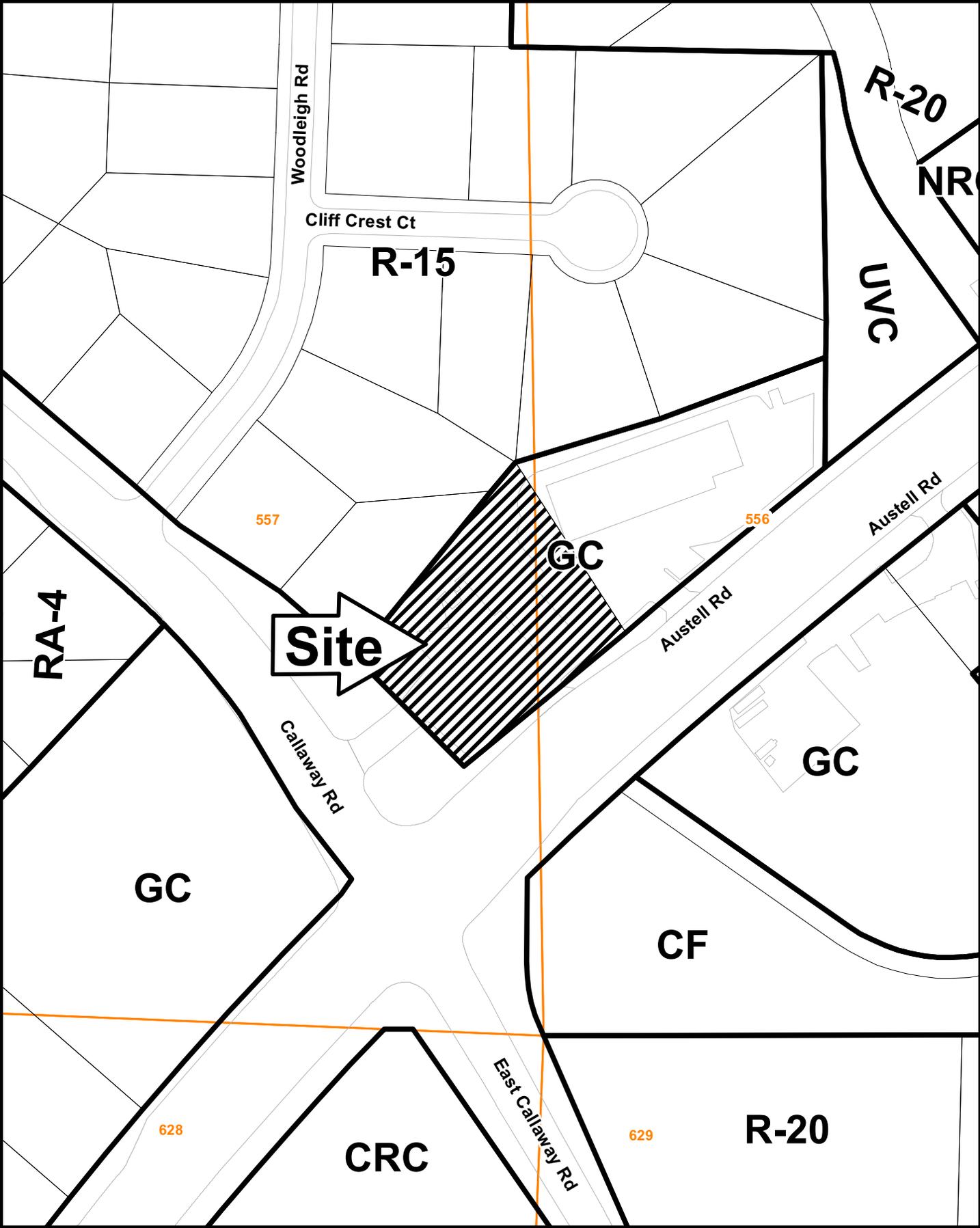
REJECTED _____ SECONDED _____

HELD _____ VOTE _____

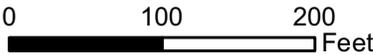
STIPULATIONS:



Z-49-2016 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: Janaal Coleman

PETITION NO.: Z-49

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Kim Wakefield

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 3 (total) **Total Square Footage of Development:** 3109.6

F.A.R.: .089 **Square Footage/Acre:** 3887

Parking Spaces Required: 15 **Parking Spaces Provided:** 10

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of adding a portable shed to the site to operate a fruit stand. Applicant states there will not be any electrical or plumbing in the building. The hours of operation will be Monday through Sunday, from 10 a.m. until 8 p.m.

The following variances will be needed to accommodate the request:

1. Waive required 20 foot landscape buffer adjacent to residentially zoned property to 15.5 feet behind existing emission station;
2. Waive required parking from 15 spaces to 10 spaces;
3. Allow existing Emissions Station to operate from a temporary building;

Cemetery Preservation: No comment.

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: Janaal Coleman
PRESENT ZONING: GC

PETITION NO.: Z-49
PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to NRC for the purpose of adding a fruit stand. The .80 acre site is located on the Northern corner of Austell Road and Callaway Road at 2688 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 in 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: Neighborhood Activity Center (NAC)
Southwest: Neighborhood Activity Center (NAC)
Northwest: Low Density Residential (LDR)

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.

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PETITION FOR: NRC

PLANNING COMMENTS: continued

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

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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 / NW 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: Callaway 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

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 Comments: Existing sewer customer. No additional wastewater flow anticipated

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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STORMWATER MANAGEMENT COMMENTS

No comments.

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PETITION FOR: NRC

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
Callaway Road	6,100	Major Collector	45 mph	Cobb County	80'
Austell Road	30,600	Arterial	45 mph	Georgia DOT	100'

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

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

COMMENTS AND OBSERVATIONS

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

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 fruit stand to be outside of right-of-way limits.

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

STAFF RECOMMENDATIONS

Z-49 JANAAL COLEMAN

- 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. Adjacent and nearby properties are zoned and developed for retail and single-family uses.
- 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 property has been utilized with these existing uses for many years and the requested additional use is a permitted 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*, which delineates this property as being in 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. The rezoning will bring the property into compliance with the NAC land use category.

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

1. Site plan received in Zoning Division on April 7, 2016, with District Commissioner approving minor modifications;
2. Compliance with Commercial produce and agricultural produce stands code;
3. Fire Department comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations;
6. Department of Transportation comments and recommendations; and
7. Permitted uses are only convenience store with fuel sales, emissions stations and fruit stand. Any other uses to be approved by the Board of Commissioners as Other Business.

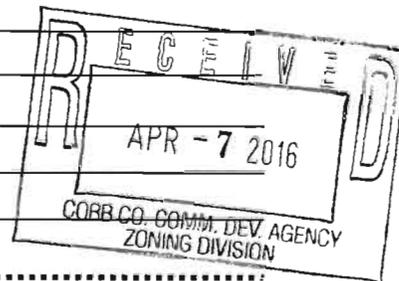
The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

June 2016

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: _____



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

- a) Proposed use(s): Fruit Stand
- b) Proposed building architecture: 10 x 20 portable shed that is enclosed with windows & doors. No electrical or plumbing needed
- c) Proposed hours/days of operation: Sunday-Sat 10-8pm
- d) List all requested variances: Tues-Sun 10-6pm, 8am-8pm, 8am-6pm, 10am-7pm

.....
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).

April 6, 2016

Zoning Division
HR Staff
Cobb County Community Development Agency
1150 Powder Springs Street, Suite 400
Marietta, GA 30064



Documented Analysis of Impact:

To respect of each of the following matters;

- a. The zoning permit will permit a use suitable in view of the use and development of adjacent and nearby properties,
- b. The zoning permit will not adversely affect the existing use or usability of adjacent and nearby properties,
- c. The zoning permit will allow property economic uses as like currently zoned
- d. The zoning permit will not result in a use where it would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools,
- e. The zoning permit is in conformity with the policy and the intent of the land use plan; and
- f. There are no such 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.

Sincerely,


Umesh Domir

4-6-16




My current structure is:

- 10 x 20 Shed (portable)
- With loft space, windows & doors
- Similar porch to picture shown
- can be moved easily with Heavy duty truck
- can be placed on either concrete or grass
- Can be ~~secured~~ secured.
- No Homeade foods, fruits and vegetables from farmers or farmer market only.