

APPLICANT: Amadu Mane

PHONE#: 678-923-3260 **EMAIL:** maneamadu@yahoo.com

REPRESENTATIVE: Amadu Mare

PHONE#: 678-923-3260 **EMAIL:** maneamadu@yahoo.com

TITLEHOLDER: Deepak Pahari

PROPERTY LOCATION: Northwest corner of South Gordon Road
and Old Alabama Road
(1956 Old Alabama Road)

ACCESS TO PROPERTY: South Gordon Road and Old Alabama
Road

PHYSICAL CHARACTERISTICS TO SITE: One story brick
building

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS/ Single Family Home
SOUTH: RM-8/ Cottage Villas Subdivision
EAST: NS/ Automotive repair shop
WEST: R-20/ Church

Adjacent Future Land Use:

North: Low Density Residential (LDR)
East: Neighborhood Activity Center (NAC)
South: High Density Residential (HDR)
West: Low Density Residential (LDR)

PETITION NO: Z-42

HEARING DATE (PC): 06-07-16

HEARING DATE (BOC): 06-21-16

PRESENT ZONING GC

PROPOSED ZONING: NRC

PROPOSED USE: Grocery Store

SIZE OF TRACT: 0.29 acre

DISTRICT: 18

LAND LOT(S): 147

PARCEL(S): 28

TAXES: PAID X **DUE**

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **VOTE**

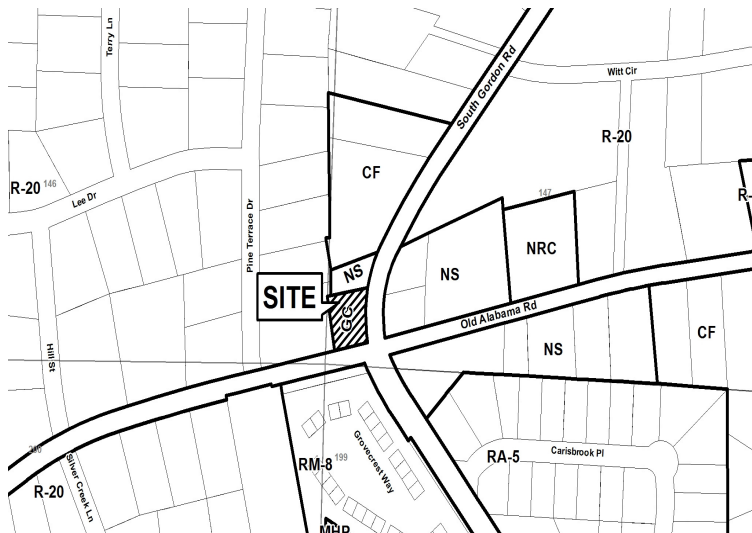
BOARD OF COMMISSIONERS DECISION

APPROVED **MOTION BY**

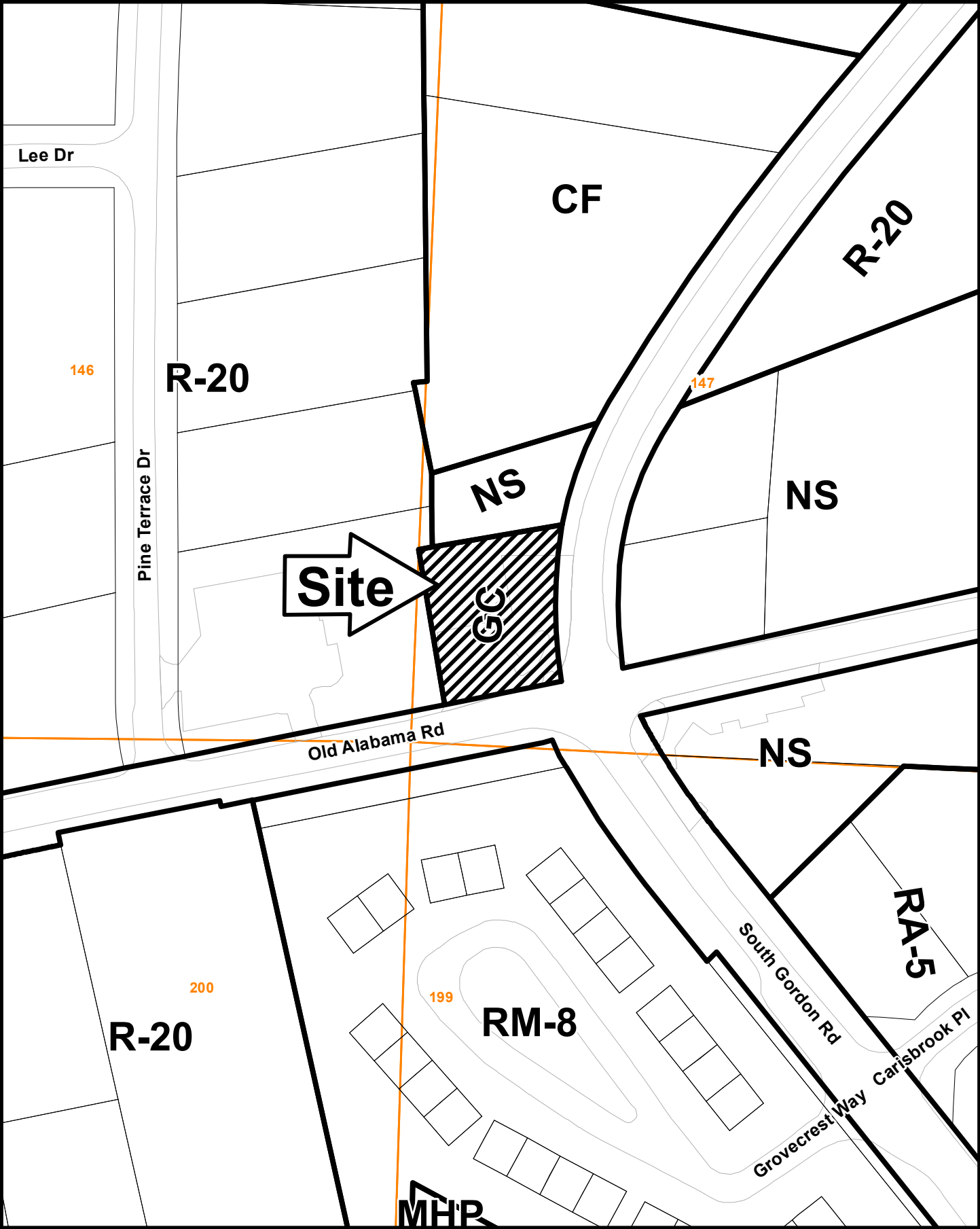
REJECTED **SECONDED**

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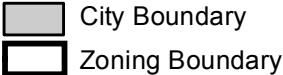
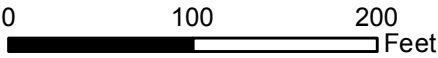
STIPULATIONS:



Z-42-2016 GIS



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



\APPLICANT: Amadu Mane

PETITION NO.: Z-42

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 Total Square Footage of Development: 1960

F.A.R.: .15 Square Footage/Acre: 6759

Parking Spaces Required: 10 Parking Spaces Provided: 5

The application is requesting to rezone from GC (general commercial) to NRC (neighborhood retail commercial). The code states any existing, developed GC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered. According to the applicant this building was built in the early 1970's and has always been used as a store. The applicant intends to continue to operate a store between the hours of 9:00 am to 9:00 pm 7 days a week. The applicant intends to paint the outside of the exterior of the building and some minor interior renovations. The parking lot will be repaved and striped to meet the minimum required. The applicant is requested the proposed contemporaneous variances;

1. Waive the minimum lot size from 20,000 square feet to 12,770 square feet;
2. Waive the rear setback from 30 feet to 21 feet and;
3. Waive the side setback from 15 feet to 6 feet.

Cemetery Preservation: No comment.

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PETITION NO.: Z-42

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to NRC for the purpose of a grocery store. The 0.29 acre site is located on the northwest corner of South Gordon Road and Old Alabama.

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: Low Density Residential (LDR)
East: Neighborhood Activity Center (NAC)
South: High Density Residential (HDR)
West: Low Density Residential (LDR)

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.

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PRESENT ZONING: GC

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

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 Amadu Mane

PETITION NO. Z-042

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): 6" DI / N side of Pld Alabama 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: 425' S in South Gordon Road

Estimated Waste Generation (in G.P.D.): A D F= 160 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

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. No site changes
Comments: proposed.

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

STORMWATER MANAGEMENT COMMENTS

This is an existing facility and no substantial site improvements are proposed. Stormwater Management must be provided upon redevelopment or substantial improvement to the site.

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PRESENT ZONING: GC

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
Old Alabama Road	7200	Major Collector	45 mph	Cobb County	80'
South Gordon Road	3800	Major Collector	40 mph	Cobb County	80'

Based on 2008 traffic counting data taken by Cobb County DOT for Old Alabama Road.

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

COMMENTS AND OBSERVATIONS

Old Alabama 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.

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.

RECOMMENDATIONS

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

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 north side of Old Alabama Road, a minimum of 40' from the roadway centerline upon redevelopment.

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 east side of South Gordon Road, a minimum of 40' from the roadway centerline upon redevelopment.

Recommend sidewalk along the Old Alabama Road and South Gordon Road frontages.

Recommend relocating driveways a minimum of 75 feet from the intersection of Old Alabama Road and South Gordon Road.

Recommend restricting the Old Alabama Road and South Gordon Road driveways to right in/right out and to be in compliance with commercial driveway standards.

STAFF RECOMMENDATIONS

Z-42 AMADU MANE

- 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 only intends to spruce up the property. The property will be used the same as it has been for many years.
- 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. There will be no changes to the use of the property, in fact changes in the parking layout will enhance the usability of surrounding properties.
- 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*. This property is located within Neighborhood Activity Center (NAC). The small scale of the proposed use would be consistent with small offices, limited retail, and grocery stores.
- 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 proposed use is permitted under the requested NRC zoning district and the NAC land use category.

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

- 1. Exterior paint colors to be approved by the District Commissioner;
- 2. Grocery store use only;
- 3. No outdoor display of merchandise;
- 4. No automotive uses or light auto repair;
- 5. Parking lot to be repaved and striped with Zoning Division Manager approving parking plan;
- 6. Department of Transportation comments and recommendations; and
- 7. 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-42

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: _____

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

- a) Proposed use(s): Same as previously used: small grocery store.
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)

I purchased this property for use as a grocery store. I did not know the county had changed the zoning. I only wish to operate a small grocery store.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? no
(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).

REZONING, CHANGE IN CONDITIONS AND SPECIAL USE PERMIT STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (a) Whether the zoning proposal will permit a use that is suitable in view of the use and of adjacent and nearby property;
Yes
- (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
No
- (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
Yes
- (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;
No
- (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.
No

