



APPLICANT: Qin Zhang

PHONE #: (770) 856-0076 EMAIL: CQZ2001us@yahoo.com

REPRESENTATIVE: Runquan Feng

PHONE #: (678) 698-8686 EMAIL: runfeng@hotmail.com

TITLEHOLDER: Qin Zhang

PROPERTY LOCATION: southwest corner of Austell Road and Evergreen Drive

ACCESS TO PROPERTY: Austell Road and Evergreen Drive

PHYSICAL CHARACTERISTICS TO SITE: one-story brick home on a basement

**CONTIGUOUS ZONING/DEVELOPMENT**

NORTH: O&I/ Single family home converted to office space

SOUTH: O&I/ Wooded undeveloped lot

EAST: R-20/ South Cobb High School

WEST: O&I/ Single family home converted to office space

PETITION NO: Z-76

HEARING DATE (PC): 12-05-17

HEARING DATE (BOC): 12-19-17

PRESENT ZONING: R-20

PROPOSED ZONING: O&I

PROPOSED USE: office

SIZE OF TRACT: 0.289 ac

DISTRICT: 19

LAND LOT(S): 1140

PARCEL(S): 15

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

COMMISSION DISTRICT: 4

*Adjacent Future Land Use:*

North: NAC

East: PI

South: NAC

West: NAC

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

HELD \_\_\_\_\_ VOTE \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

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

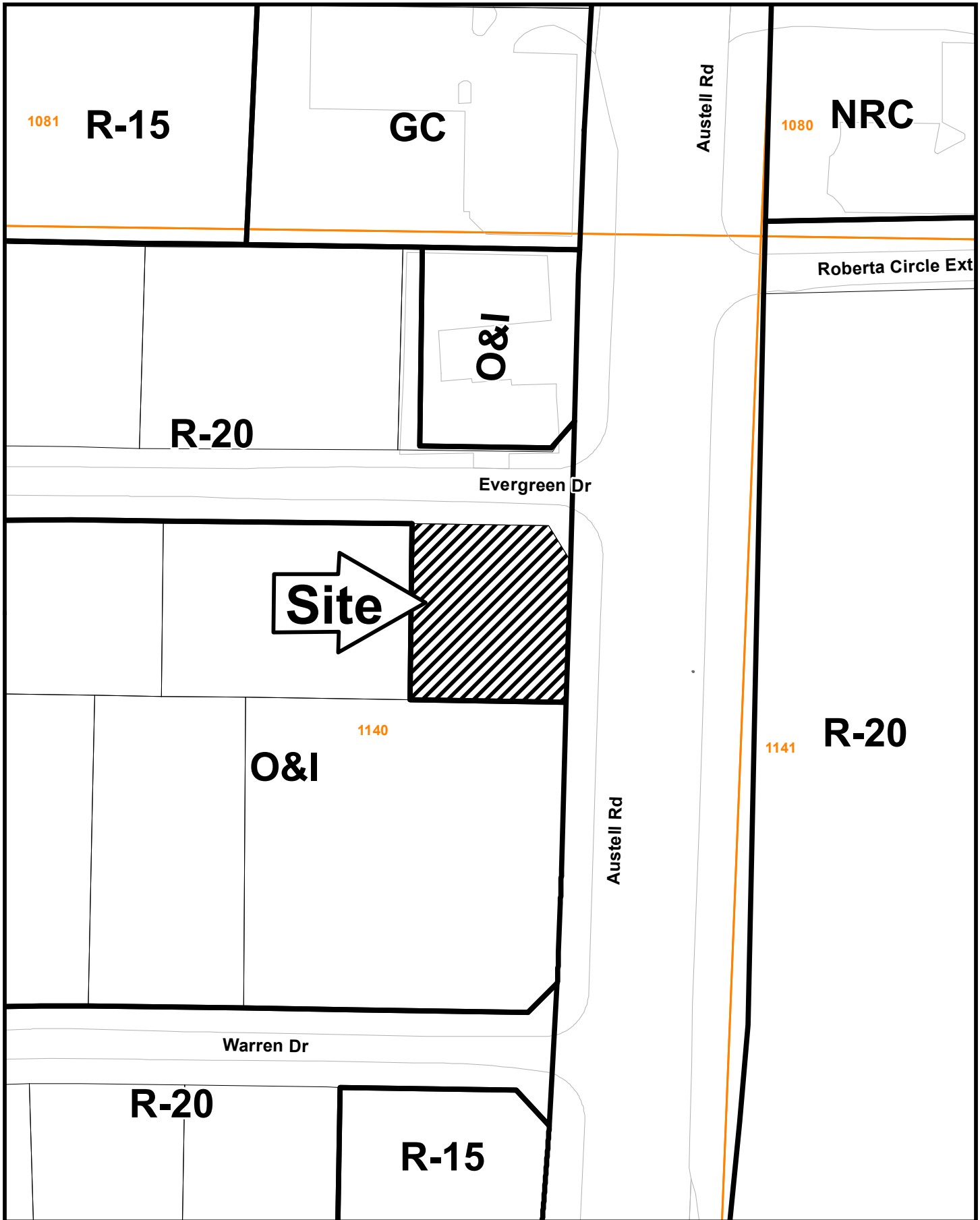
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ VOTE \_\_\_\_\_

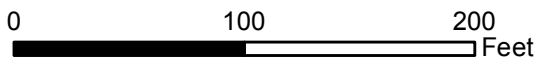
STIPULATIONS:





# Z-76 2017-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: Qin Zhang

PETITION NO.: Z-76

PRESENT ZONING: R-20

PETITION FOR: O&I

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**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:** 1416

**F.A.R.:** .11 **Square Footage/Acre:** 4882.7

**Parking Spaces Required:** 5 **Parking Spaces Provided:** 5

The applicant is requesting the O&I zoning district in order to operate an office. The request is to convert the existing house to a 1416 square foot office. The applicant will widen the driveway to accommodate a parking lot with five spaces. There are no proposed changes to the exterior of the building, and the applicant intends to use the basement for storage related to the office use. The operating hours will be 9 a.m. through 6 p.m., Monday through Friday.

The applicant will require the following contemporaneous variances;

1. Waive the major side setback from 25 feet to 6.4 feet;
2. Waive the landscape enhancement strip requirement; and
3. Waive the required lot size from 20,000 square feet to 12,611.15 square feet.

**Cemetery Preservation:** No comment.

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**APPLICANT:** Qin Zhang **PETITION NO.:** Z-76

**PRESENT ZONING:** R-20 **PETITION FOR:** O&I

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**SITE PLAN REVIEW SECTION COMMENTS:**

If this rezoning application is approved, the property owner will be required to obtain a Land Disturbance Permit in order to perform the proposed site improvements as well as any other site modifications that are required as approval stipulations. Contact Site Plan Review, 770-528-2147.

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PRESENT ZONING: R-20

PETITION FOR: O&I

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**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
NOT SUBMITTED	_____	_____	_____
<b>Elementary</b> NOT SUBMITTED	_____	_____	_____
<b>Middle</b> NOT SUBMITTED	_____	_____	_____

**High**

- School attendance zones are subject to revision at any time.

**Additional Comments:** Approval of this petition will not have an impact on the enrollment.

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**PRESENT ZONING: R-20**

**PETITION FOR: O&I**

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**FIRE COMMENTS:**

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

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PRESENT ZONING: R-20

PETITION FOR: O&I

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning to allow the site to be used for office. The 0.289 acre site is located on the southwest corner of Austell Road and Evergreen Drive.

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

This application pertains to a site designated as Neighborhood Activity Center (NAC) future land use category. 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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: NAC  
East: Public Institution (PI)  
South: NAC  
West: NAC

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 \_\_\_\_\_ 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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**PLANNING COMMENTS:**

CONT.

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 [www.cobbcounty.org/planning](http://www.cobbcounty.org/planning).

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?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area

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PETITION NO. Z-076

PRESENT ZONING R-20

PETITION FOR O&I

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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 / W side of Austell Road

Additional Comments: Meter must be converted to commercial meter

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: on site

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 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.

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**STORMWATER MANAGEMENT COMMENTS**

No substantial improvements are proposed. Stormwater management must be provided upon redevelopment or substantial site improvement (>5000 sf).

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**TRANSPORTATION COMMENTS:**

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Austell Road	Arterial	45 mph	Georgia DOT	100'
Evergreen Drive	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Austell Road	North of Elmwood Drive	34,500	F
Evergreen Drive	N/A	N/A	N/A

*Based on 2013 traffic counting data taken by Cobb County DOT for Austell Road.  
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.  
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

**COMMENTS AND OBSERVATIONS**

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.

Evergreen Drive is classified as a local 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 to 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 Evergreen Drive, a minimum of 25' from the roadway centerline.

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

Recommend removing and closing the driveway apron along the Austell Road frontage that development renders unnecessary.

Recommend commercial driveway on Evergreen Drive be installed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards.

Recommend the driveway on Evergreen Drive be a minimum of 50 feet from the intersection of Austell Road.

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

## STAFF RECOMMENDATIONS

### Z-76 QIN ZHANG

- 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 does not intend to change the existing house. Other houses in the immediate area are zoned O&I and are used in this same fashion.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. This request will allow the applicant to use this property in a similar way that is consistent with contiguous 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan* which delineates this property in a Neighborhood Activity Center. 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. It should be noted that the Board of Commissioners uses the future land use map as a guide in the decision making process. There are circumstances when decisions will be made that are contrary to this document based upon a change in market conditions, information unbeknownst to staff/community in the preparation of this document, or some other condition.
- 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. This request will allow the applicant to use the property in a way that is consistent with the surrounding uses.

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

1. Site plan received by the Zoning Division on September 29, 2017, with the District Commissioner approving minor modifications;
2. Professional office use only;
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. 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-14  
Dec. 2017

# 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) List all requested variances: \_\_\_\_\_

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

- a) Proposed use(s): office
- b) Proposed building architecture: four side brick, no proposed building changes
- c) Proposed hours/days of operation: 9 AM to 6 PM
- d) List all requested variances: none

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

none

.....  
**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).

None

- a. The property is suitable for office use, it is located in the intersection of Austell Road and Evergreen Dr. The ~~property~~ next to this property is for office use.
- b. The ~~zoning~~ zoning will not have adversely affect the existing use or usability of adjacent or nearby properties. it will have positive impact for nearby properties.
- c. The property will ~~not~~ be affected for its reasonable economic use as currently zoned.
- d. The zoning proposal will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- e. Zoning proposal is in conformity with the policy and intent of the land use plan.
- f. There will not be any other existing or changing conditions affecting the use and development of the property.

