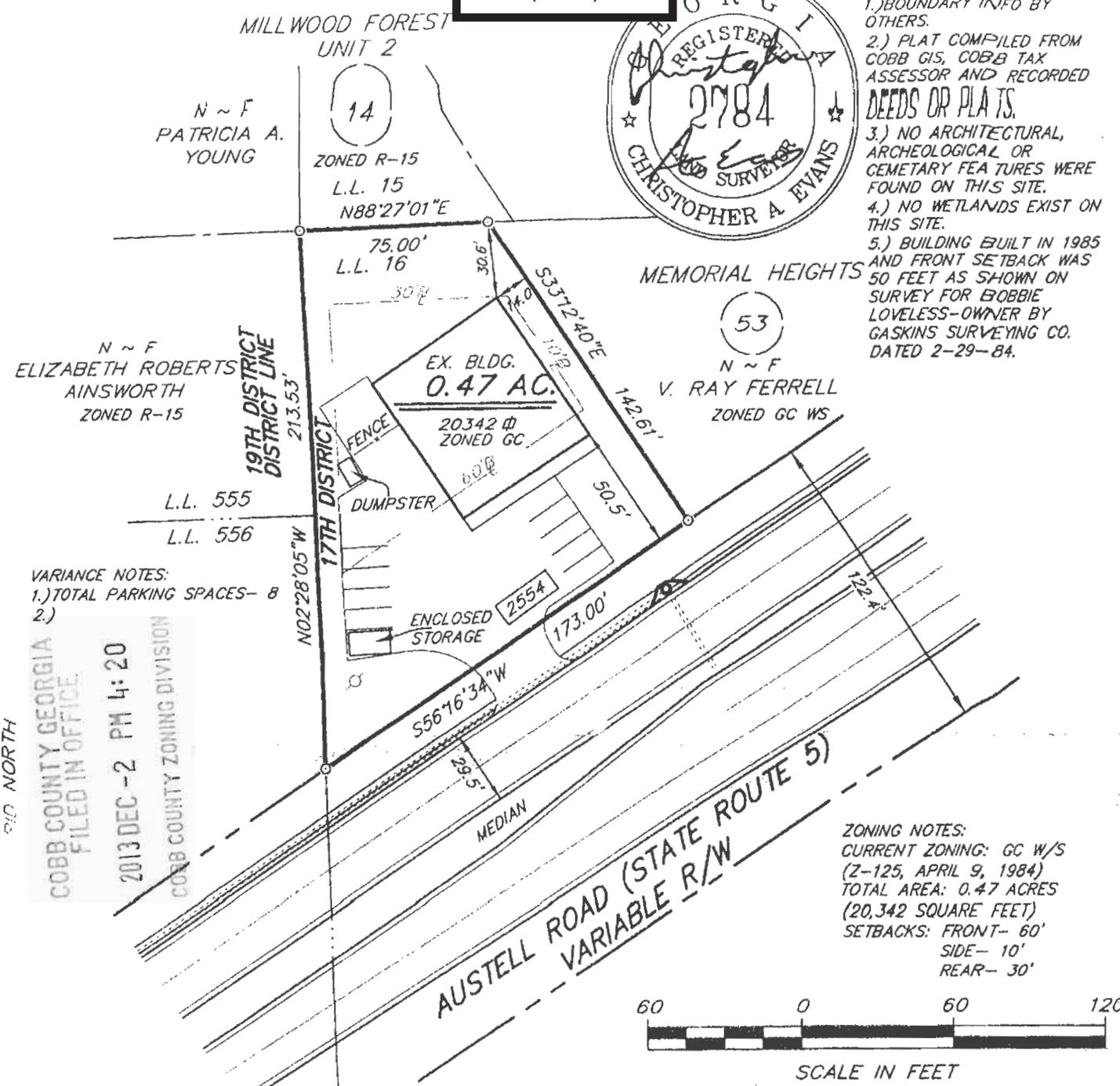


Z-3  
(2014)



NOTES:  
 1.) BOUNDARY INFO BY OTHERS.  
 2.) PLAT COMPILED FROM COBB GIS, COBB TAX ASSESSOR AND RECORDED DEEDS OR PLATS.  
 3.) NO ARCHITECTURAL, ARCHEOLOGICAL OR CEMETARY FEATURES WERE FOUND ON THIS SITE.  
 4.) NO WETLANDS EXIST ON THIS SITE.  
 5.) BUILDING BUILT IN 1985 AND FRONT SETBACK WAS 50 FEET AS SHOWN ON SURVEY FOR BOBBIE LOVELESS-OWNER BY GASKINS SURVEYING CO. DATED 2-29-84.



VARIANCE NOTES:  
 1.) TOTAL PARKING SPACES- 8  
 2.)

ZONING NOTES:  
 CURRENT ZONING: GC W/S  
 (Z-125, APRIL 9, 1984)  
 TOTAL AREA: 0.47 ACRES  
 (20,342 SQUARE FEET)  
 SETBACKS: FRONT- 60'  
 SIDE- 10'  
 REAR- 30'



LINEAR PRECISION OF THIS PLAT : 1/ 10,000+ . MATTERS OF TITLE ARE EXCEPTED.

|            |            |                      |  |
|------------|------------|----------------------|--|
| DATE       | : 2-29-84  | REVISIONS            |  |
| SCALE      | : 1" = 60' | 1-7-11 VARIANCE PLAT |  |
| DRAWN BY   | : JCG/MAN  |                      |  |
| CHECKED BY | : JCG/CAE  |                      |  |
| FIELD BOOK | : ###      |                      |  |

VARIANCE PLAT FOR:  
  
**DAVID E. LOVELESS AND  
 BOBBI W. LOVELESS**  
 2554 AUSTELL ROAD

# Gaskins

ENGINEERING • SURVEYING • LAND PLANNING • ENVIRONMENTAL

LOCATED IN L.L. 16  
 17th DISTRICT, 2nd SECTION  
 COBB COUNTY, GA.

1266 Powder Springs Rd  
 Marietta, Georgia 30064  
 www.gcsurvey.com  
 Phone: (770) 424-7168  
 Fax: (770) 424-7593

Drawing name: S:\And\COBB\17\17\_0016\Loveless\2554\_AUSTELL.dwg  
 Plotted on: Jan 10, 2011 - 8:13am  
 Plotted By: Matt Noel

**APPLICANT:** Tamisha Young  
(678) 886-3765

**REPRESENTATIVE:** Tamisha Young  
(678) 886-3765

**TITLEHOLDER:** Bobbie W. Loveless

**PROPERTY LOCATION:** Northwest side of Austell Road,  
southwest of Hicks Road  
(2554 Austell Road).

**ACCESS TO PROPERTY:** Austell Road

**PHYSICAL CHARACTERISTICS TO SITE:** Developed  
commercial building/parking (former thrift store)

**PETITION NO:** Z-3

**HEARING DATE (PC):** 02-04-14

**HEARING DATE (BOC):** 02-18-14

**PRESENT ZONING:** GC

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Childcare

**SIZE OF TRACT:** 0.47 acre

**DISTRICT:** 17

**LAND LOT(S):** 16

**PARCEL(S):** 52

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-15/ Millwood Forest Subdivision
- SOUTH:** GC/ Retail Shopping Center
- EAST:** GC/ Light Automotive Repair
- WEST:** R-15/ Memorial Heights Subdivision

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

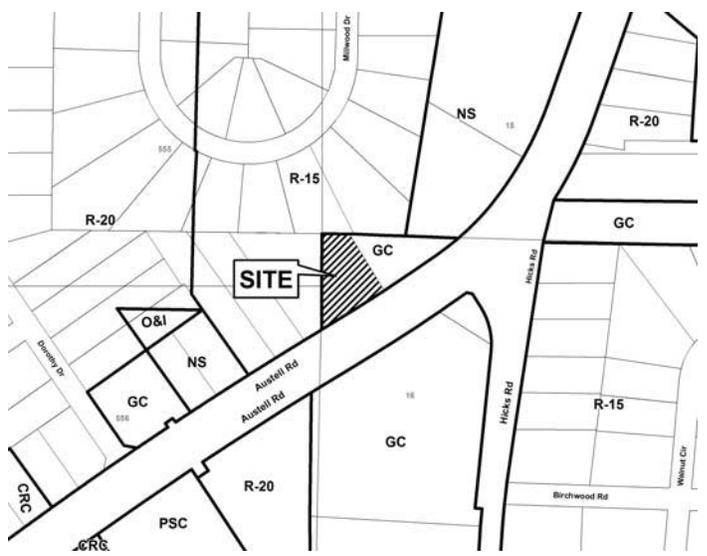
**BOARD OF COMMISSIONERS DECISION**

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

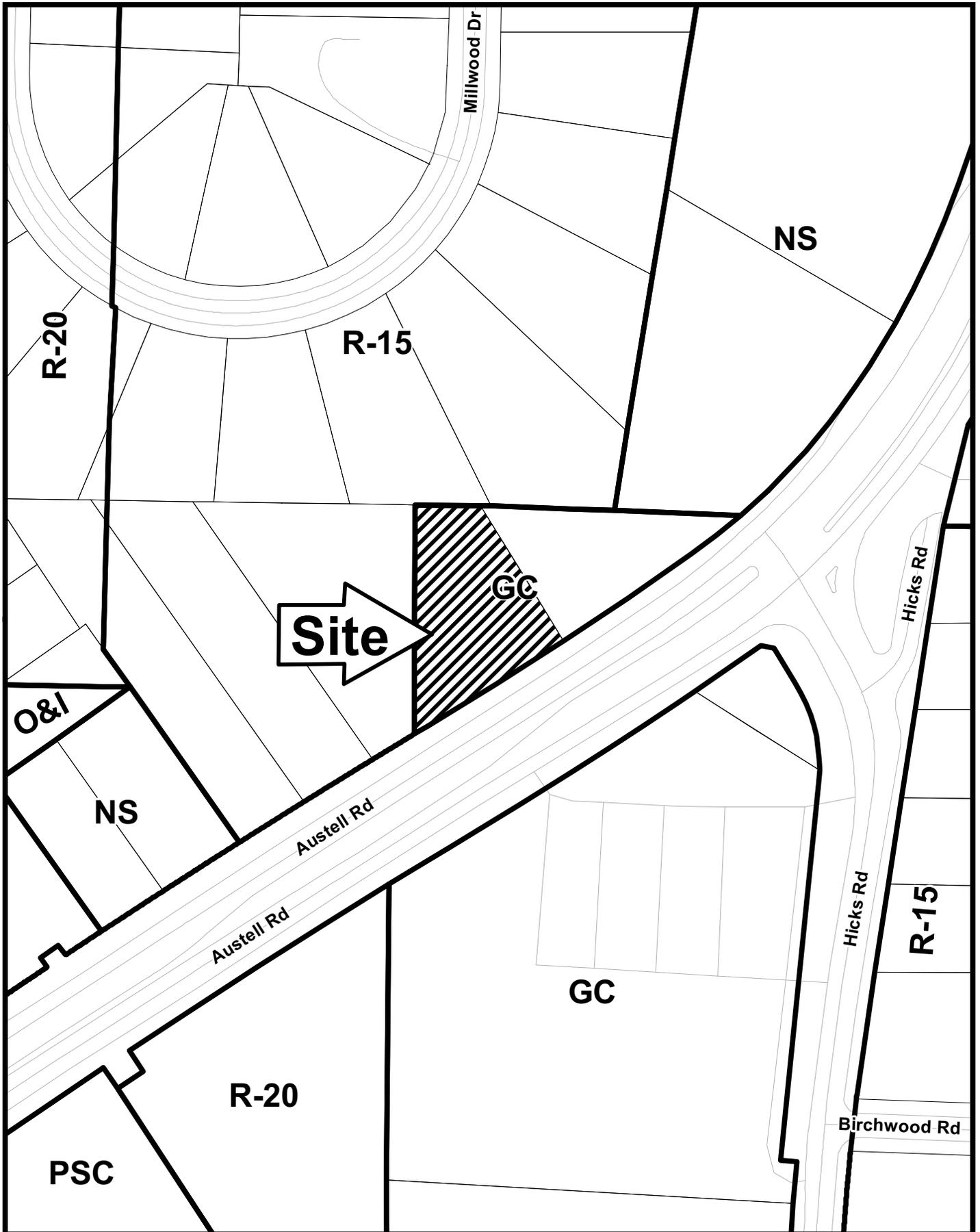
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

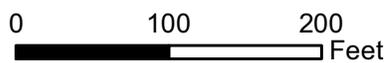
**STIPULATIONS:**



# Z-3



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Tamisha Young

PETITION NO.: Z-3

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**ZONING COMMENTS:**

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

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

**Proposed Number of Buildings:** 1 **Total Square Footage of Development:** 3,900 sq. ft.

**F.A.R.:** 0.19 **Square Footage/Acre:** 8,298 sq. ft.

**Parking Spaces Required:** 20 **Parking Spaces Provided:** 10

The applicant is requesting a rezoning to the NRC Neighborhood Retail Commercial District zoning category in order to operate a childcare center. The property, currently zoned GC General Commercial District and located within a NAC Neighborhood Activity Center future land use category, is considered to have lost its “grandfathered” status with the closure of its last tenant (a thrift store). Therefore, the currently requested rezoning is needed to reuse the property for the proposed childcare center.

The applicant proposes to use the existing building for a childcare center that will service 80-90 children and have 10-12 employees. The hours of operation are proposed to be Monday through Saturday 6:30 a.m. to 6:30 p.m. The site appears to have 10 striped parking spaces as-is rather than the Code-required 20 for a child daycare center.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**FIRE COMMENTS:**

Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.

APPLICANT: Tamisha Young

PETITION NO.: Z-3

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to NRC for purpose of childcare facility. The 0.47 acre site is located at the northwest side of Austell Road, southwest of Hicks 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.

**YES**    indicates applicant has met the corresponding issue.

**NO**     indicates applicant has not met the corresponding issue and/or there is not enough information provided.

**N/A**    indicates issue is not applicable.

APPLICANT Tamisha Young

PETITION NO. Z-003

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 / N side of Austell 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.

\*\*\*\*\*

**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** +224 **Peak=** +560

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 Comments: Existing sewer customer. Additional expected maximum daily flow by converting from retail to daycare.

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: Tamisha Young**

**PETITION NO.: Z-3**

**PRESENT ZONING: GC**

**PETITION FOR: NRC**

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

No comments.

**APPLICANT: Tamisha Young**

**PETITION NO.: Z-3**

**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 |
|--------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Austell Road | 30,600              | Arterial               | 45 mph      | Georgia DOT            | 100'                     |
|              |                     |                        |             |                        |                          |

*Based on 2013 traffic counting data taken by Cobb DOT (Austell Road)*

**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.

**RECOMMENDATIONS**

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

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

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## STAFF RECOMMENDATIONS

### Z-3 TAMISHA YOUNG

- 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 proposed childcare center may be an appropriate reuse of this property and serve as a transition between other commercial retail uses to the northeast and residential uses to the southwest. However, staff has concerns with the applicant not being able to provide the required 20 parking spaces for a daycare.
- 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 site, previously a retail thrift store, will be allowed to be reused and improved going forward by the request for utilization as a childcare center that may be no more impactful as the previous retail uses. Though required when abutting residentially zoned properties, this property does not currently have a landscape buffer and does not propose any additional building construction beyond that which exists currently. However, traffic could possibly back up on Austell Road and the required 20 parking spaces are not available.
- 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*. The *Plan* designates this property to be within the NAC Neighborhood Activity Center which calls for uses that serve neighborhood residents and businesses in a way that serves as a transition between higher intensity uses and adjacent residential areas.
- 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. Necessitated by the property's loss of its "grandfathered" status, the current rezoning proposal follows closely the intent of the *Comprehensive Plan* that seeks to encourage such low scale, transitional uses such as the proposed childcare center. If approved, the rezoning will not only allow this compatible use but encourage further maintenance and investment in a property no longer hindered by its (lack of) "grandfathered" status.

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

- Retail or professional office use only;
- Site plan received by the Zoning Division on December 2, 2013 with minor modifications to be approved by the District Commissioner;
- Minimally agreeable landscape buffering along the property's north and west boundaries adjacent to residentially zoned properties to be reviewed by County Arborist and approved by District Commissioner for installation before issuance of Certificate of Occupancy or other determined date;
- 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.**

COBB COUNTY GEORGIA  
FILED IN OFFICE  
2013 DEC -2 PM 4:20  
COBB COUNTY ZONING DIVISION



Application #: Z-3  
PC Hearing Date: 2-4-14  
BOC Hearing Date: 2-18-14

## 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): Childcare
- b) Proposed building architecture: existing building
- c) Proposed hours/days of operation: 6:30am - 6:30pm  
Mon - Sat
- d) List all requested variances: VA

.....  
**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

.....  
**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: Tamisha Young Date: 12/2/13

Applicant name (printed): Tamisha Young

12/2/2013

# Non-residential Proposed zoning

2554 Austell Rd  
Marietta, Ga 30008

COBB COUNTY GEORGIA  
FILED IN OFFICE

2013 DEC -2 PM 4:20

COBB COUNTY ZONING DIVISION

Z-3 (2014)  
Impact Analysis

- (a) Yes, the zoning proposal for a childcare center will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
- (b) No, the zoning proposal for a childcare center will NOT Adversely affect the existing use or usability of adjacent or nearby properties. In fact I think it will help the adjacent and nearby properties.
- (c) No, it doesn't have a reasonable economic use as currently zoned. There are 3 thrift stores in a row. There is a huge need for childcare on Austell Rd.
- (d) No, the zoning proposal will NOT result in a use which will or could cause an excessive or burdensome use of existing streets, etc.
- (e) Yes, the zoning proposal is in conformity with the policy and intent of the land use plan
- (f) No, there aren't any 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 other than It really has great space for a playground area, Great visibility for enrollment, Great location being near an school and great space inside for a childcare center.