

Z-25
(2016)

19.618' - THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 1

SURVEY NOTES:

- 1.) ALL DISTANCES ON SURVEY ARE HORIZONTAL DISTANCES.
- 2.) ALL DISTANCES ON SURVEY ARE SHOWN AS "GROUND" DISTANCES.
- 3.) ALL DISTANCES ON SURVEY ARE EXPRESSED IN U.S. SURVEY FEET.
- SECONDS ARE NOT SHOWN, IT IS TO BE UNDERSTOOD THAT MINUTES ARE 00 AND SECONDS ARE 00.
- 5.) NO CEMETERIES OBSERVED WHILE SURVEYING PROPERTY.
- 6.) RIGHT OF WAY OF JOHNSON FERRY ROAD IS SHOWN BASED ON MONUMENTS FOUND IN THE FIELD. NO R/W DEED FOUND. SEE COBB COUNTY DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAN PROJECT NO. 4311 & 4312 FOR JOHNSON FERRY ROAD DATED NOV. 22, 1988 AND LAST REVISED AUG. 8, 1989 BY GREENHORN & O'MARA, INC.
- 7.) PAINT STRIPING SHOWN BASED ON AERIAL PHOTO AND ITS LOCATION IS APPROXIMATE IN NATURE.
- 8.) PARCEL I IN D.B. 2951, PG. 97 DOES NOT FORM A MATHEMATICALLY CLOSED FIGURE.

**TOTAL AREA
SURVEYED
1.19 AC.**

N ~ F
HAMMETT-LASSITER
INVESTORS, LLC
D.B. 13837, PG. 278
ZONED LPO

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-62.

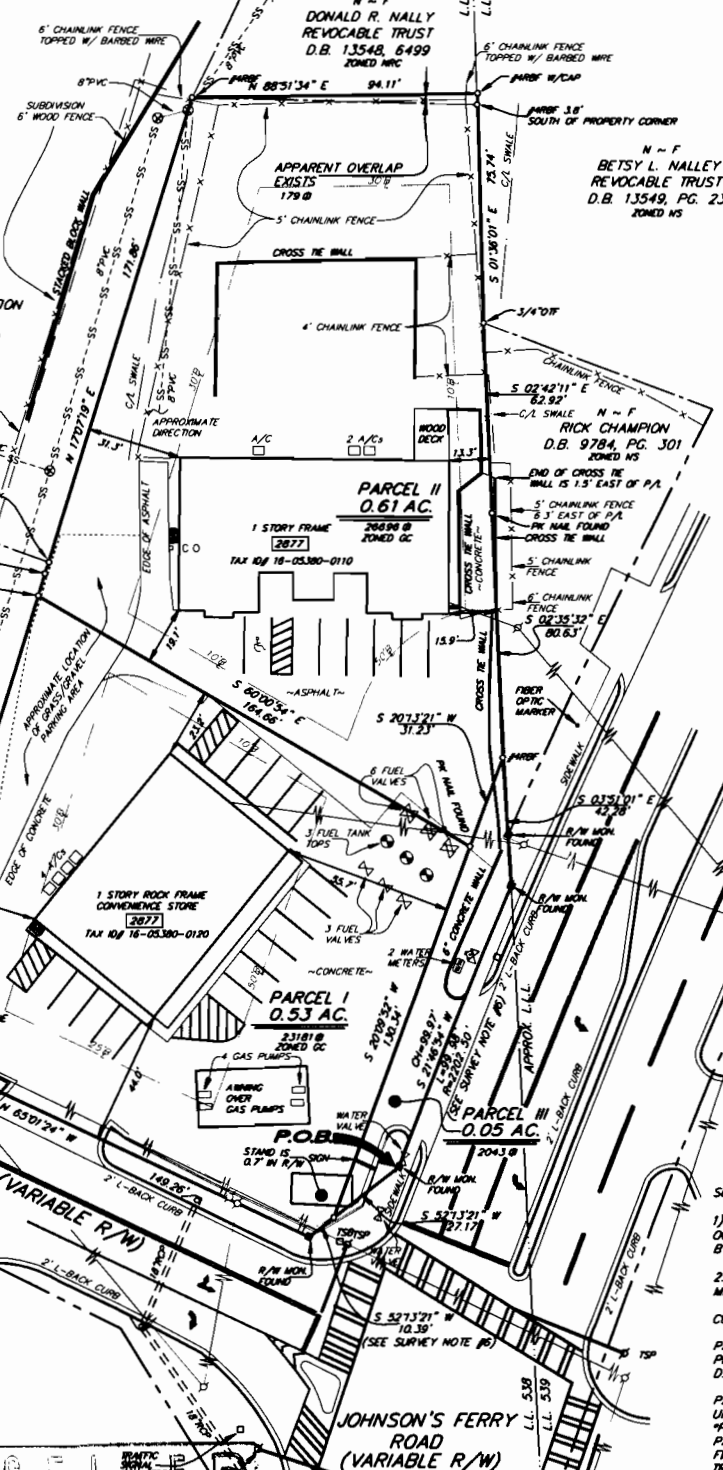


JAN 11 2016

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER 130052 MAP NUMBER 13067 C 0088 H DATED MARCH 4, 2013



□	P.R. - POWER POLE
⊗	L.P. - LIGHT POLE
⊕	F.H. - FIRE HYDRANT
⊙	M.H. - SANITARY SEWER MANHOLE
⊖	W.M. - WATER METER
⊕	G.M. - GAS METER
⊕	R.B.S. - REINFORCING BAR SET
⊕	R.B.F. - REINFORCING BAR FOUND
⊕	C.T.F. - CRAMP TOP PIPE FOUND
⊕	O.T.F. - OPEN TOP PIPE FOUND
⊕	R/W MON. - RIGHT-OF-WAY MONUMENT
—X—	TYPE OF FENCE
⊕	J.B. - JUNCTION BOX
⊕	D.I. - DROP INLET / YARD INLET
⊕	C.B. - CATCH BASIN
⊕	R.C.P. - REINFORCED CONCRETE PIPE
⊕	C.M.P. - CORRUGATED METAL PIPE
⊕	F.F.E. - FINISHED FLOOR ELEVATION
⊕	W.V. - WATER VALVE
⊕	C.O. - SEWER CLEAN OUT
⊕	TELEPHONE MANHOLE
⊕	OVERHEAD POWER LINES
⊕	H.W. - HEADWALL
⊕	POWERBOX
⊕	STREET ADDRESS
—W—	WATER LINE
—T—	UNDERGROUND TELEPHONE LINE
—G—	GAS LINE
—E—	UNDERGROUND ELECTRICAL LINE

SURVEY REFERENCES:

- 1.) ORIGINAL SURVEY FOR EMORY STEWART DATED OCTOBER 17, 1980, LAST REVISED OCTOBER 12, 1983 BY GASKINS & HOGAN SURVEYING COMPANY.
- 2.) SURVEY FOR PINE CREST NURSERY SCHOOL DATED MARCH 6, 1992 BY GASKINS SURVEYING CO.

CURRENT OWNER:

PARCELS I & II
PINECREST NURSERY SCHOOL, INC.
D.B. 2951, PG. 97

PARCEL III
UNDETERMINED, NO DEED FOUND.
PROPERTY LINE SHOWN BASED ON D.B. 2951, PG. 97.
PARCELS I & II AND BASED ON MONUMENTS FOUND IN FIELD AND COBB COUNTY DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLAN PROJECT NO. 4311 & 4312 FOR JOHNSON FERRY ROAD DATED NOV. 22, 1988 AND LAST REVISED AUG. 8, 1989 BY GREENHORN & O'MARA, INC.



BOUNDARY RETRACEMENT
SURVEY UPDATE FOR:

**PINECREST NURSERY
SCHOOL, INC.**
#2877 JOHNSON FERRY ROAD

LOCATED IN L.L. 538
16th DISTRICT, 2nd SECTION
COBB COUNTY, GA.

Gaskins
SURVEYING & PLANNING CONSULTANTS

Marina Office
1264 Powder Springs Rd
Marietta, GA 30066
Phone: (770) 424-7168

Central Office
147 Bankers College Plaza
Ste. B Canton, GA 30114
Phone: (770) 479-9880

FIELD DATE: 1-06-15
OFFICE DATE: 1-08-15
SCALE: 1"=30'

DRAWN BY: MAN
CHECKED BY: DCO
FILE: S/28ND/COBB/16/...

APPLICANT: Pine Crest Nursery School, Inc.
PHONE#: 678-362-513 **EMAIL:** coppolajo@aol.com
REPRESENTATIVE: Garvis L. Sams, Jr.
PHONE#: 770-422-7016 **EMAIL:** gsams@slhb-law.com
TITLEHOLDER: Pine Crest Nursery School, Inc.

PROPERTY LOCATION: West side of Johnson Ferry Road, north
of Lassiter Road.

ACCESS TO PROPERTY: Johnson Ferry Road and Lassiter Road

PHYSICAL CHARACTERISTICS TO SITE: Existing one story
frame building

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NRC/Auto Repair Center
SOUTH: GC/Convenience Store
EAST: NS/East Cobb Auto Center and undeveloped lot
WEST: SC/Garden Gate on Lassiter

PETITION NO: Z-25
HEARING DATE (PC): 03-01-16
HEARING DATE (BOC): 03-15-16
PRESENT ZONING: GC
PROPOSED ZONING: NRC
PROPOSED USE: Daycare, Personal Care
and Retail
SIZE OF TRACT: 0.61 acre
DISTRICT: 16
LAND LOT(S): 538
PARCEL(S): 11
TAXES: PAID X **DUE** _____
COMMISSION DISTRICT: 3

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC)
East: Neighborhood Activity Center (NAC)
Southwest: Neighborhood Activity Center (NAC)
Northwest: Neighborhood Activity Center (NAC) and Medium Density Residential (MDR)

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

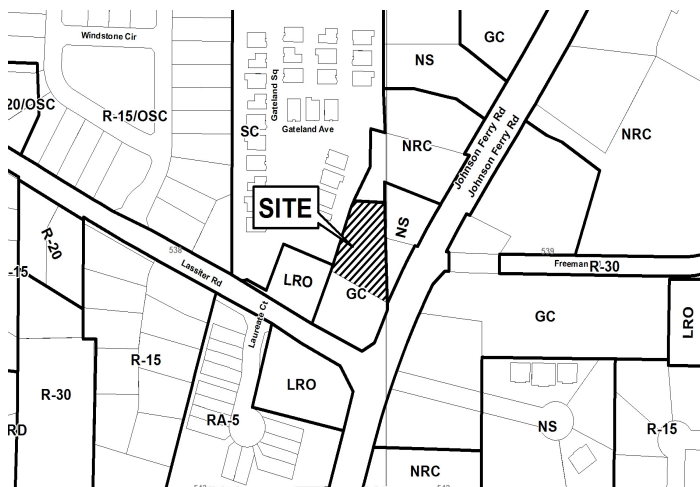
PLANNING COMMISSION RECOMMENDATION

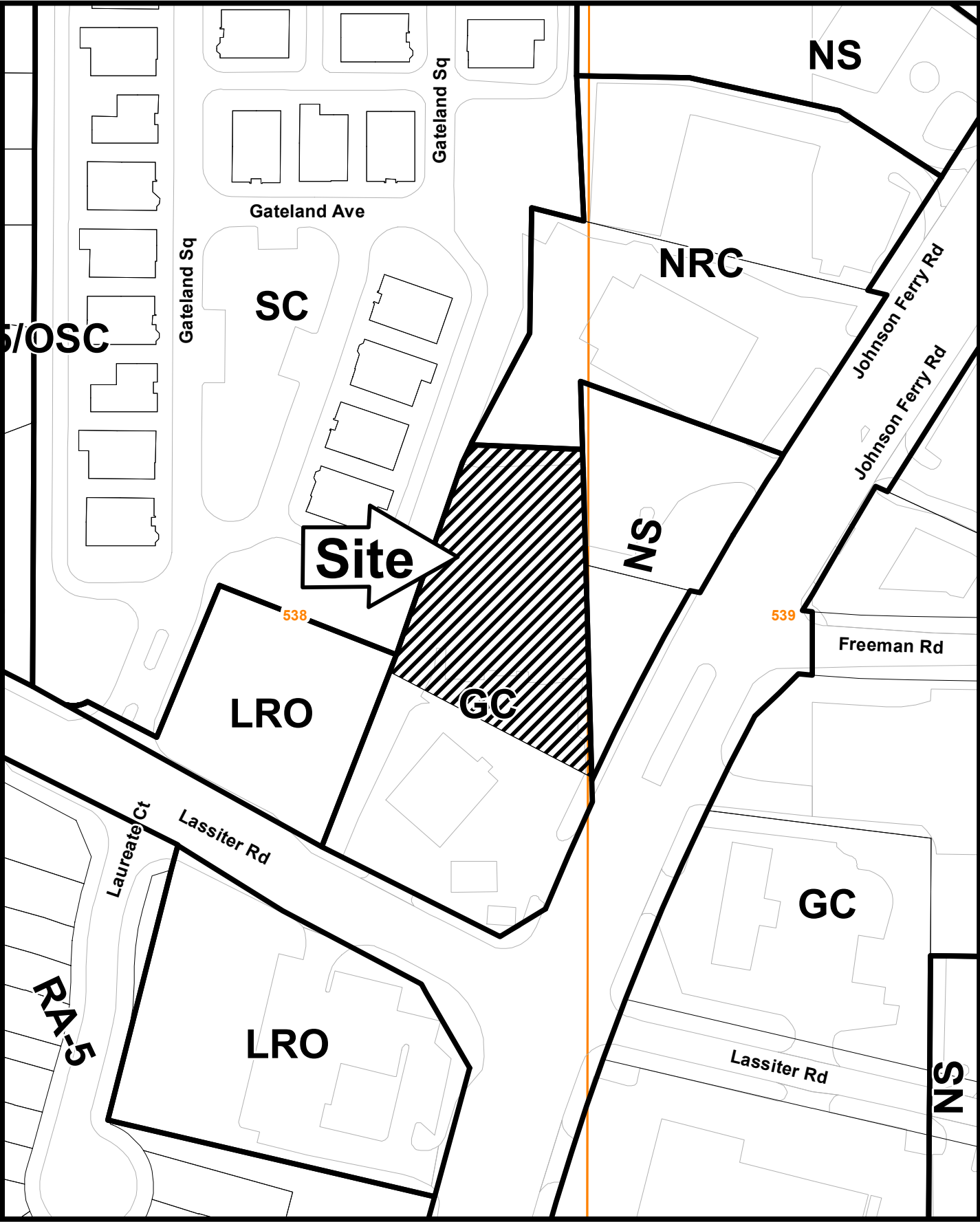
APPROVED _____ **MOTION BY** _____ **REJECTED** _____ **SECONDED** _____
HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

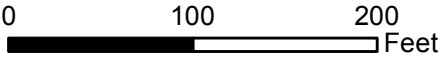
APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

STIPULATIONS:





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



- City Boundary
- Zoning Boundary

APPLICANT: Pine Crest Nursery School, Inc.

PETITION NO.: Z-25

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: 1 **Total Square Footage of Development:** 4176

F.A.R.: .16 **Square Footage/Acre:** 6878

Parking Spaces Required: Daycare - 20 **Parking Spaces Provided:** 6
Retail - 16

The applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district in order to be able to utilize the existing building and property. The current zoning category (GC) is not consistent with the comprehensive land use plan. The existing building was used for a daycare. The applicant's proposed uses for the existing facility are day care, personal care or retail uses allowed under the NRC district. They do not propose any site changes at this time. The daycare has shared parking with the adjoining convenience store for years, that's why this lot has a shortage of parking.

The request will require the following contemporaneous variances:

1. Waive the required road frontage from 50 feet to 0;
2. Waive required parking to 6 spaces.

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: Pine Crest Nursery School, Inc.

PETITION NO.: Z-25

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to NRC for the purpose of daycare, personal care or retail. The 0.61 acre site is located on Johnson Ferry Road and Lassiter 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 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: Neighborhood Activity Center (NAC)
East: Neighborhood Activity Center (NAC)
Southwest: Neighborhood Activity Center (NAC)
Northwest: Neighborhood Activity Center (NAC) and Medium Density Residential (MDR)

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?

Continued on next page

APPLICANT: Pine Crest Nursery School, Inc.

PETITION NO.: Z-25

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS: (Continued)

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>.

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

APPLICANT Pine Crest Nursery School

PETITION NO. Z-025

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): 8" DI / W side of Johnson Ferry 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: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: Big Creek

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw 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: Pine Crest Nursery School, Inc.

PETITION NO.: Z-25

PRESENT ZONING: GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

No comments.

APPLICANT: Pine Crest Nursery School, Inc.

PETITION NO.: Z-25

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
Johnson Ferry Road	30,800	Arterial	45 mph	Cobb County	100'
Lassiter Road	6300	Minor Collector	35 mph	Cobb County	60'

*Based on 2010 traffic counting data taken by Cobb County DOT for Johnson Ferry Road.
Based on 2009 traffic counting data taken by Cobb County DOT for Lassiter Road.*

COMMENTS AND OBSERVATIONS

Johnson Ferry Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Lassiter Road is classified as a minor collector and according to the available information the existing right-of-way may 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 no additional access without approval from Cobb County DOT.

STAFF RECOMMENDATIONS

Z- 25 PINE CREST NURSERY SCHOOL, INC.

- 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 use is located in an area that has a mixture of uses including retail, office and residential.
- 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. Staff believes the proposed use will be compatible with nearby 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*, which delineates this property as being in the Neighborhood Activity Center (NAC) land use category. The requested NRC zoning district is compatible with the NAC land use category and the proposed uses are permitted in the NRC zoning district. The NAC category seeks to encourage such uses as small offices, limited retail uses and other low intense uses to serve the surrounding 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. The request is simply to allow the existing building and property to be utilized. The applicant's proposal is consistent with the *Cobb County Comprehensive Plan* and will be compatible with other uses along this portion of Johnson Ferry Road.

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

- 1. Site plan received by the Zoning Division on January 11, 2016;
- 2. Variances noted in Zoning comments;
- 3. Fire Department comments and recommendations;
- 4. Water and Sewer comments and recommendations;
- 5. Stormwater Management Division comments and recommendations;
- 6. 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.

Application No. Z-25

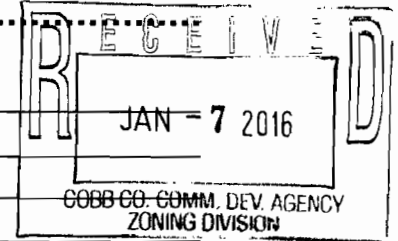
PC: March 1, 2016

BOC: March 15, 2016

Summary of Intent for Rezoning *

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): N/A
- 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): Day Care, Personal Care or other similar uses allowable under the NRC district.
- b) Proposed building architecture: As-built.
- c) Proposed hours/days of operation: Monday - Saturday, 7:00 a.m. until 6:00 p.m.
- d) List all requested variances: A variance seeking a waiver of the required road frontage by continued utilization of the subject property via inter-parcel access to Johnson Ferry Road and Lassiter Road, respectively.
- _____
- _____

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

The subject property was utilized for a number of years as a day care center; however, through non-use, the property lost its non-conforming "grandfathered" exemption thus necessitating a rezoning to the NRC district. Additionally, the subject property is situated in an area under the Future Land Use Map which is classified as a Neighborhood Activity Center ("NAC") under and pursuant to Cobb County's Future Land Use Map.

.....

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).

N/A

* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

ZONING IMPACT STATEMENT FOR THE
REZONING APPLICATION OF
PINE CREST NURSERY SCHOOL, INC.
A GEORGIA DOMESTIC PROFIT CORPORATION

COMES NOW, PINE CREST NURSERY SCHOOL, INC., A
GEORGIA DOMESTIC PROFIT CORPORATION, and, pursuant to §134-121(a)(7) of
the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Johnson Ferry Road Corridor.


- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is within an area designated as Neighborhood Activity Center (“NAC”) under Cobb County’s Future Land Use Map. The property is adjacent to a convenience market with fuel sales and various commercial office and retail uses.

- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. The subject property formerly enjoyed a non-conforming “grandfathered” exemption; however, after the statutory period of time, the subject property lost its present entitlement to be used under the GC classification.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is located within an Neighborhood Activity Center ("NAC") Future Land Use Category and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of General Commercial ("GC") which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this area of the Atlanta Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 70th day of January, 2016.

SAMS, LARKIN HUFF AND BALLI, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950