

Z-29
(2016)

PLAT OF RETRACEMENT SURVEY FOR

MCL PROPERTIES, LLC

LOCATED IN LAND LOT 59, 17TH DISTRICT,
2ND SECTION, COBB COUNTY, GEORGIA

2911 AUSTELL ROAD

AREA = 0.298 ACRES
12,992 SQ. FT.

ZONING NOTES

CURRENT ZONING: GC (GENERAL COMMERCIAL)
FUTURE LAND USE MAP CATEGORY: IAC (INDUSTRY ACTIVITY CENTER)
PROPOSED ZONING: IAC (INDUSTRY ACTIVITY CENTER)
BUILDING SETBACKS (FEET): FRONT - 10'
REAR - 10'

VARIANCES REQUESTED: 1. BUILDING SETBACKS - DUE TO RIGHT OF WAY ACQUISITIONS
2. MINIMAL LOT SIZE - DUE TO RIGHT OF WAY ACQUISITIONS

FLOOD STATEMENT
I HAVE THE DATE EXAMINED THE FLOOD INSURANCE EFFECTIVE DATE: MARCH 14, 2016
THE MAP GRAPHICALLY DEPICTS THE SUBJECT PROPERTY TO BE IN ZONE: "X"
"X" = AREAS DETERMINED TO BE OUTSIDE THE 0.5% ANNUAL CHANCE FLOODPLAIN

TECHNICAL DATA
BY: JAMES W. BRUNSON, L.S. 18729
DATE: MARCH 14, 2016
SURVEY ADJUSTMENT: LEAST SQUARES
EQUIPMENT: TOPCON, GPT-3005
PLAT PRECISION: 1/10,000

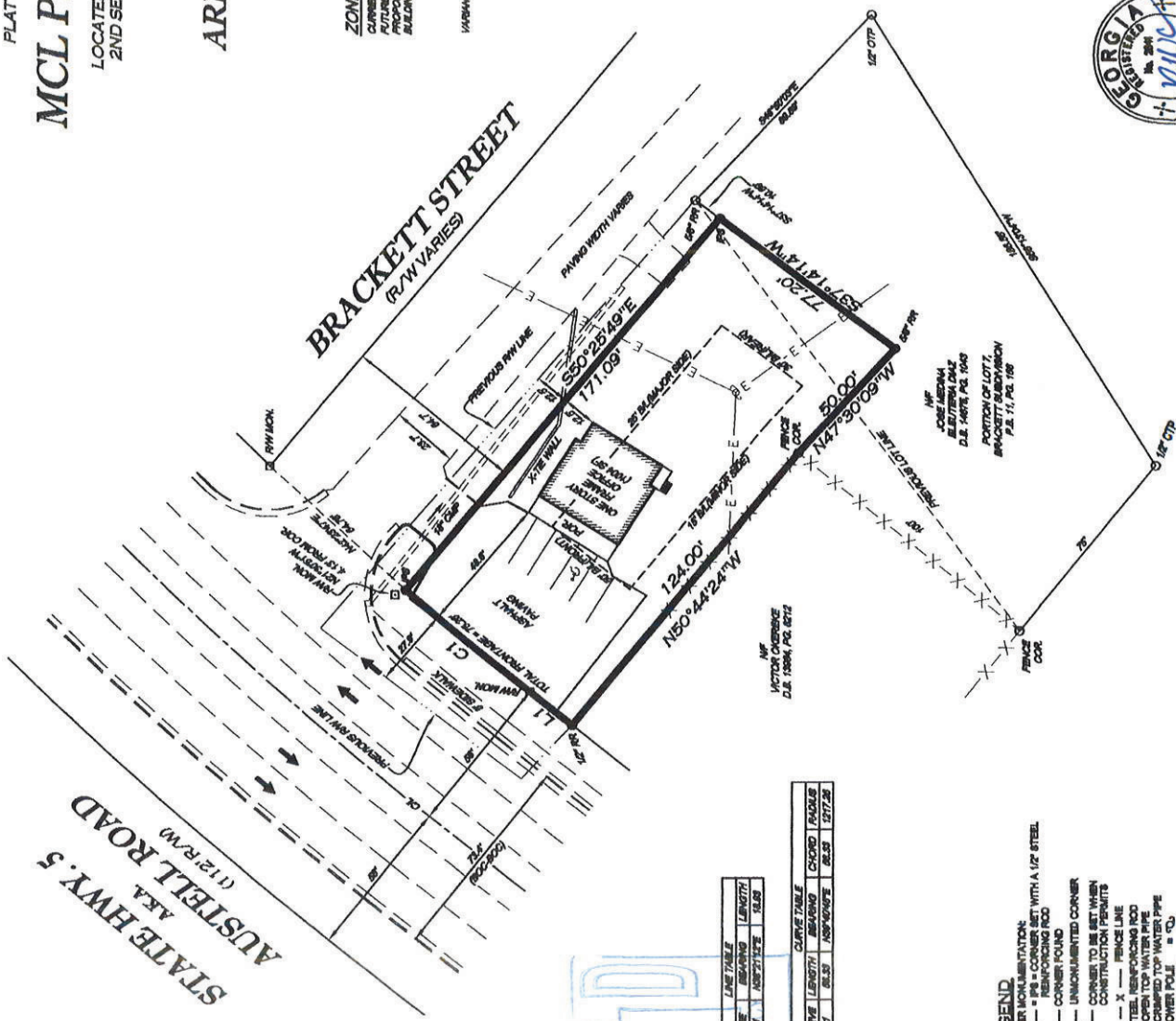
DATE	REVISIONS	DESCRIPTION



PROJ. NO. COB017
FIELD SURVEY DATE: 04/08/16
PLAT DATE: 03/01/16
SCALE: 1" = 30'



THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE PROFESSIONAL ENGINEERING ACT AND THE RULES AND REGULATIONS 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. 44-6-47)



STATE HWY. 5
AUSTELL ROAD
(12.12 R/W)



SURVEY REFERENCES

SUBJECT PROPERTY WARRANTY DEED: D.B. 14422, P.G. 2006
GOVT. RIGHT OF WAY MAP: PROJECT 040400089) COBB CO., LAST REVISED: 08/07

RECEIVED

FEB 4 - 2016

COBB CO. COMM. DEV. AND ZONING DIVISION

LINE	BEARING	LENGTH
L1	N89°21'12"E	58.00

CURVE	LENGTH	BEARING	CHORD	FRADIUS
C1	62.53	N58°50'45"E	62.53	1271.25

LEGEND

- CORNER MONUMENTATION:
 - = IRON CORNER SET WITH A 1/2" STEEL
 - = IRON CORNER SET WITH A 1/2" STEEL
 - = UNCALIBRATED CORNER
 - = CORNER TO BE SET WHEN CONSTRUCTION PERMITS
 - = UNCALIBRATED CORNER
 - = CORNER TO BE SET WHEN CONSTRUCTION PERMITS
- RR = STEEL REINFORCING ROD
- CTP = CRAMP TOP WATER PIPE
- PP = POWER POLE
- SA = SANITARY
- GA = GAS MAIN
- W = WATER MAINS
- L.L.L. = LAND LOT LINE
- R.W. = RIGHT OF WAY
- WATER MAINS = W
- POWER LINES = P
- GAS MAINS = G
- SANITARY SEWER MAIN = S
- IRON OR FORMERLY OWNED BY = IR
- NWAS = NAIL SET AT BASE
- D.B. = DEED BOOK
- P.B. = PLAT BOOK
- R/W MON. = CONCRETE RIGHT OF WAY MONUMENT

SURVEY NOTES:

- 1. THERE IS A NON-ADJACENT DISTURBANCE SURFACE (TROUT STREAM) ADJACENT TO ANY STREAM OR BODY OF WATER BOUNDED BY THE STATE AND THESE THESE WATERS BY COBB COUNTY OR MUNICIPALITIES. THE PROPER AUTHORITY SHOULD BE CONTACTED BEFORE BEGINNING ANY DISTURBANCE NEAR THESE WATERS.
- 2. THIS PLAT WAS PREPARED FOR EXCLUSIVE USE BY THE PERSONS AND/OR ORGANIZATIONS NAMED HEREON. THIS PLAT DOES NOT INTERFERE WITH THE RIGHTS OF THE PERSONS OF THE SURVEYOR.
- 3. ORIGINAL PLATS, NOTES AND OTHER DRAWINGS PREPARED BY THE SURVEYOR AND PROVIDED TO ANY INSTRUMENTS OF SERVICE AND PLATS ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF THE SURVEYOR.
- 4. THE BUILDING SETBACKS SHOWN HEREON ARE BASED ON THE SURVEYOR'S BEST INTERPRETATION AND SHOULD BE RE-ADJUSTED UPON CHECK/RETRACEMENT BY THE COBB COUNTY ZONING DEPARTMENT.
- 5. THERE MAY BE OTHER UTILITIES EXISTING ON THIS PROPERTY THAT ARE NOT SHOWN. ALL DISTURBANCES SHOWN ARE HORIZONTAL/ROUND DISTANCES.

APPLICANT: MCL Properties

PETITION NO: Z-29

PHONE#: 770-435-6650 EMAIL: lynnharper97@yahoo.com

HEARING DATE (PC): 04-01-16

REPRESENTATIVE: Lynn H. Harper

HEARING DATE (BOC): 04-19-16

PHONE#: EMAIL: lynnharper97@yahoo.com

PRESENT ZONING GC

TITLEHOLDER: Marsha M. Mamm, Lynn H. Harper and

PROPOSED ZONING: NRC

Cindy Hollbrook

PROPERTY LOCATION: East side of Austell Road, and the south

side of Brackett Street

PROPOSED USE: Office

(2311 Austell Road).

ACCESS TO PROPERTY: Brackett Street

SIZE OF TRACT: 0.298 acre

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: One Story Frame

LAND LOT(S): 59

Office

PARCEL(S): 78

TAXES: PAID X DUE

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: GC/ Light Automotive Repair Shop

SOUTH: R-20/ Single Family Home

EAST: PSC/ Commercial Building

WEST: GC/ Wellness Clinic

Adjacent Future Land Use:

Northeast: Neighborhood Activity Center (NAC)

Southeast: Low Density Residential (LDR)

Southwest: Neighborhood Activity Center (NAC) and Low Density Residential (LDR)

Northwest: Neighborhood Activity Center (NAC)

OPPOSITION: NO. OPPOSED PETITION NO: SPOKESMAN

PLANNING COMMISSION RECOMMENDATION

APPROVED MOTION BY

REJECTED SECONDED

HELD VOTE

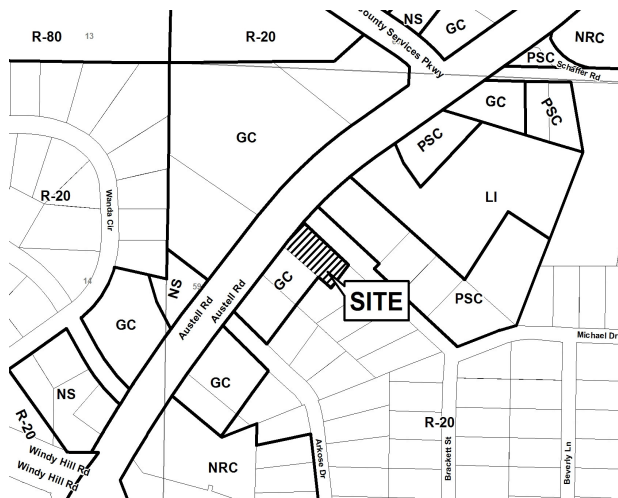
BOARD OF COMMISSIONERS DECISION

APPROVED MOTION BY

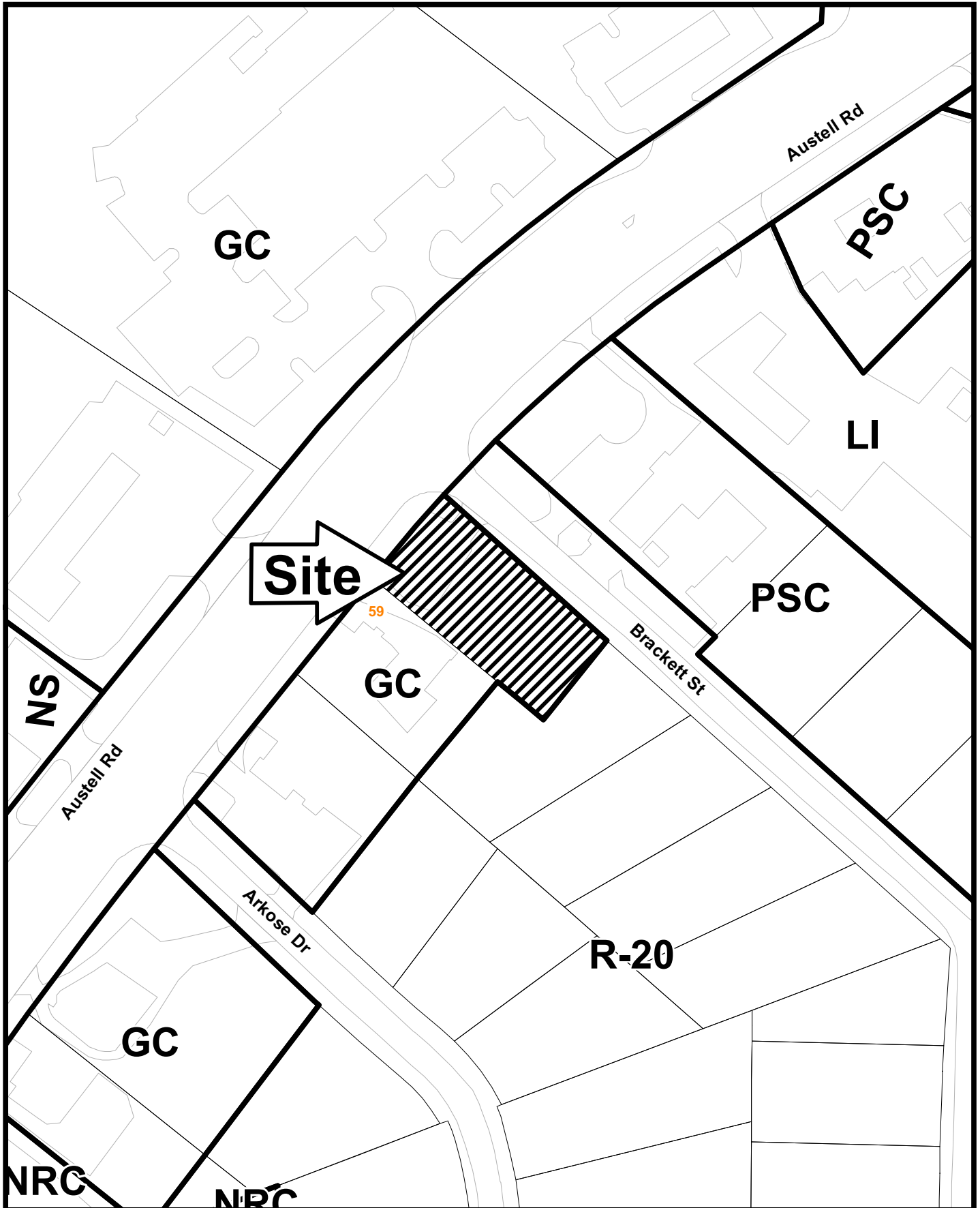
REJECTED SECONDED

HELD VOTE

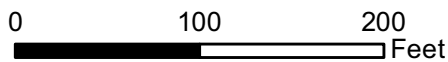
STIPULATIONS:



Z-29



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



- City Boundary
- Zoning Boundary

APPLICANT: MCL Properties

PETITION NO.: Z-29

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 12992

F.A.R.: .08 **Square Footage/Acre:** 3369

Parking Spaces Required: 4 **Parking Spaces Provided:** 4

The applicant is requesting Neighborhood Retail Commercial (NRC) zoning category for the purpose of a bail bonds office. The applicant intends to use the existing 1004 square foot building. The operating hours would be 7 days a week 24 hours a day. The property had been vacant for at least 6 months and has been zoned General Commercial (GC) since the adoption of the zoning code. The property is located outside of a community activity center or a regional activity center, therefore it must be rezoned in order to allow any development. The request will also require the following contemporaneous variances;

- Waive the front setback from the required 50 feet to 48.6 feet;
- Waive the major side setback from the required 25 feet to 12.5 feet and;
- Waive the minimum lot size from the required 20,000 square feet to 12,992 square feet.

Cemetery Preservation: No comment.

FIRE 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: MCL Properties

PETITION NO.: Z-29

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC with stipulations NRC for the purpose of Office. The .298 acre site is located on the east side of Austell Road and the south side of Brackett Street.

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:

- Northeast: Neighborhood Activity Center (NAC)
- Southeast: Low Density Residential (LDR)
- Southwest: Neighborhood Activity Center (NAC) and Low Density Residential (LDR)
- Northwest: Neighborhood Activity Center (NAC)

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?

APPLICANT: MCL Properties

PETITION NO.: Z-29

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 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.

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 MCL Properties

PETITION NO. Z-029

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 / SE 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: In Brackett St 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 Health Dept approval required for continued use of existing septic system. No site changes 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.

APPLICANT: MCL Properties

PETITION NO.: Z-29

PRESENT ZONING: GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

This is an existing facility and no significant site disturbance is proposed. Subject to onsite stormwater management being provided upon redevelopment or substantial improvement.

APPLICANT: MCL Properties

PETITION NO.: Z-29

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	34,500	Arterial	45 mph	Georgia DOT	100'
Brackett Street	N/A	Local	25 mph	Cobb County	50'

Based on 2006 traffic counting data taken by Cobb County DOT for Austell Road.

COMMENTS AND OBSERVATIONS

Austell Road is classified as an arterial, state route, and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Brackett Street is classified as a local 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.

GDOT permits will be required for all work that encroaches upon State right-of-way.

Recommend curb, gutter, and sidewalk along the Brackett Street frontage.

Recommend relocating the driveway on Brackett Street 100 feet from the intersection with Austell Road.

STAFF RECOMMENDATIONS

Z-29 MCL PROPERTIES

- 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 building was built in 1924 and has been used as a bail bonds office on and off for the past 10 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. It will allow the owner to use the property as it has been used for years. It will allow the owner to continue to maintain the building and surrounding property.
- 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 which is to provide areas that serve neighborhood residents and businesses. The Neighborhood Retail Commercial (NRC) zoning district is compatible with the NAC land use category, and the proposed use is permitted under NRC.
- 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 deleting the applicant's rezoning proposal to the LRO zoning district. The property is located outside of a community activity center or regional activity center therefor it must be rezoned in order to allow any uses. Office type uses are consistent with nearby uses.

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

1. Site plan received by the Zoning Division February 4, 2016, with the District Commissioner approving minor modifications;
2. Office uses only;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. 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.

April 2016



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: _____
- _____
- _____
- _____

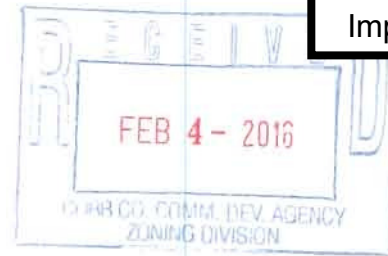
.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): currently bail bonds
 - b) Proposed building architecture: existing
 - c) Proposed hours/days of operation: could be used 24/7
 - d) List all requested variances: _____
- _____
- _____
- _____

.....
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



Requirements for Rezoning Application Page 2 Questions 9. A-F

(a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Property has been used primarily as a Bail Bonds since the 1960s. All property adjacent to 2311 Austell Road is commercial. Because this property was vacant for over a year, it has been required to be rezoned.

(b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

Property is situated between all commercial businesses.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The property is currently to be rezoned for small business use as it has been used since the 1960s. It is located on a street that contains many such businesses.

(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;

The property is only one of many businesses in the area, and therefore, will not cause an impact on existing streets, transportation facilities, utilities or schools.

(e) Whether the zoning proposal is a conformity with the policy and intent of the land use plan. *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.

There are no existing or changing conditions affecting the use and development of the property.