

Rezoning Plat

415 Pat Mel Road

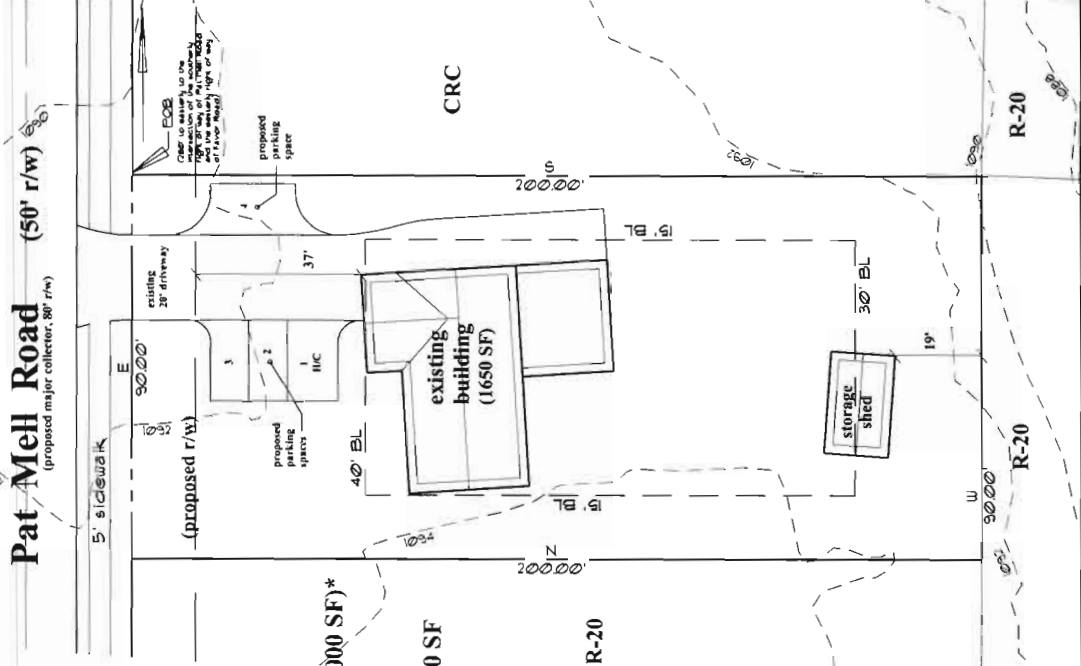
Cobb County, Georgia
Land Lot 132, 17th District, Station 5 2016

prepared for:
Mrs. Gracie Lee Ann Meyer
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

DGM
LAND PLANNING
CONSULTANTS



975 Cobb Place
Bldg. Suite 212
KENNESAW
GA 30144
770 514-9006
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Site Data

Total Site Area: .413 AC (18,000 SF)*
Existing Zoning: R-20
Proposed Zoning: NRC
Total Building Area Shown: 1,650 SF
NRC Building Setbacks:
front: 40' (collector) 37' requested*
side: 15'
rear: 30' 19' requested*
*contemporaneous variance requested R-20

- NOTES:**
1. Easements from utility deeds.
 2. Topographic information from Cobb County GIS.
 3. According to Flood Insurance Rate Map (FIRM) 13024-CL-14, dated March 4, 2013, no portion of this site contains floodplain.
 4. No easements are known to exist on site.
 5. No streams or wetlands are known to exist on site.
 6. No archaeological or architectural landmarks are known to exist.
 7. No utility easements are known to exist on site.

APPLICANT: Gracie Lee Ann Meraz
PHONE#: 678-531-2739 **EMAIL:** _____
REPRESENTATIVE: Adam J. Rozen
PHONE#: 770-422-7016 **EMAIL:** arozen@slhb-law.com
TITLEHOLDER: Gracie Lee Ann Meraz

PETITION NO: Z-57
HEARING DATE (PC): 07-07-16
HEARING DATE (BOC): 07-19-16
PRESENT ZONING: R-20

PROPERTY LOCATION: On the south side of Pat Mell Road, east
Austell Road
(415 Pat Mell Road)

PROPOSED ZONING: NRC

ACCESS TO PROPERTY: Pat Mell Road

PROPOSED USE: Nonautomotive Repair
Facility (painting equipment repairs/services)

PHYSICAL CHARACTERISTICS TO SITE: One-story residential
structure

SIZE OF TRACT: 0.413 acre
DISTRICT: 17
LAND LOT(S): 132
PARCEL(S): 3
TAXES: PAID X **DUE** _____

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: 4

NORTH: CF, NRC/ Single-family residence, daycare
SOUTH: R-20/ Single-family residence
EAST: CRC/ Retail commercial
WEST: R-20/ Single-family residence

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC)
East: Neighborhood Activity Center (NAC)
South: Neighborhood Activity Center (NAC)
West: Neighborhood Activity Center (NAC)

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

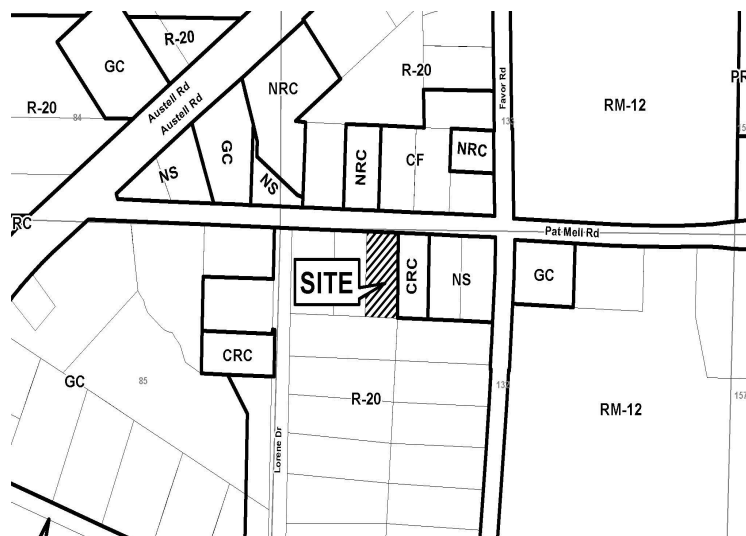
PLANNING COMMISSION RECOMMENDATION

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

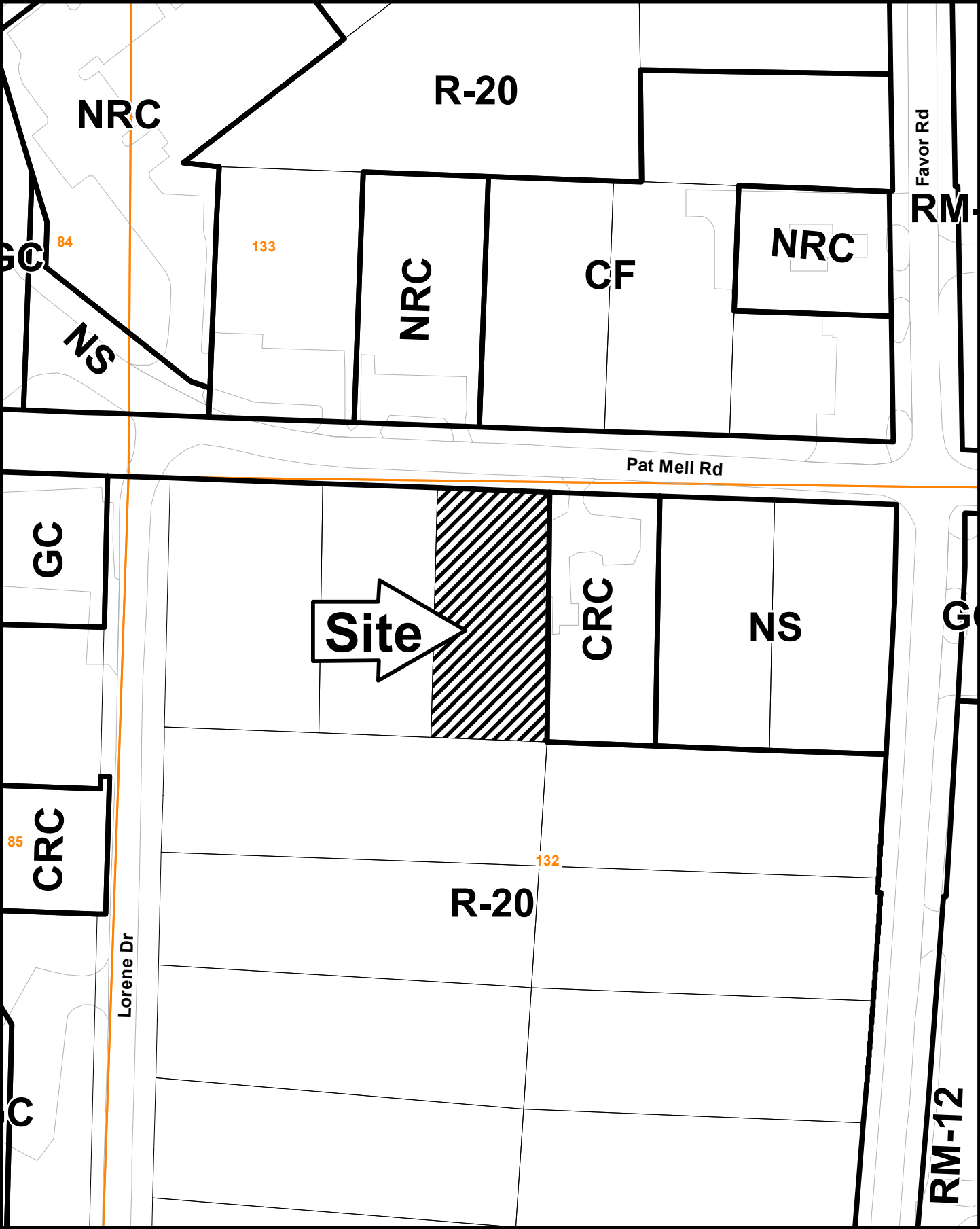
BOARD OF COMMISSIONERS DECISION

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

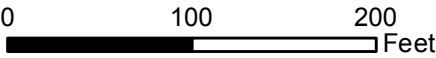
STIPULATIONS:



Z-57-2016 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: Gracie Lee Ann Meraz

PETITION NO.: Z-57

PRESENT ZONING: R-20

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:** 1,650 sq. ft.

F.A.R.: 0.09 **Square Footage/Acre:** 3,995 sq. ft.

Parking Spaces Required: 10 **Parking Spaces Provided:** 4

The applicant is requesting a rezoning of the subject property from the R-20 single-family residential district to the NRC neighborhood retail commercial district in order to operate a nonautomotive repair establishment (painting equipment repairs and service). The property, currently a residence, will be utilized as is with the necessary improvements to bring it up to commercial standards including improving the driveway and adding parking spaces as well as making minor alterations to the building and painting the exterior.

The business will operate Monday through Friday 9:00 a.m. to 6:00 p.m. and from 10:00 a.m. to 4:00 p.m. on Saturdays. Two or three employees will work at the business.

To account for the as built nature of the property, the following variances are requested:

1. Reduce the minimum lot size from the required 20,000 sq. ft. to the existing 17,990 sq. ft.;
2. Reduce the minimum required parking from an estimated 10 spaces to four (4);
3. Reduce the front setback from the required 40 feet to 37 feet;
4. Reduce the rear setback from the required 30 feet to 19 feet;
5. Reduce the required 20 foot landscape buffer adjacent to residential properties to 10 feet adjacent to the western property line and to 15 feet adjacent to the southern property line.

Cemetery Preservation: No comment.

APPLICANT: Gracie Lee Ann Meraz

PETITION NO.: Z-57

PRESENT ZONING: R-20

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: Gracie Lee Ann Meraz

PRESENT ZONING: R-20

PETITION NO.: Z-57

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to NRC for the purpose of non-automotive repair facility (painting equipment repairs / services). The 0.413 acre site is located on the south side of Pat Mell Road, east of Austell Road (415 Pat Mell 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 R-20 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)

South: Neighborhood Activity Center (NAC)

West: Neighborhood Activity Center (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 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.

APPLICANT: Gracie Lee Ann Meraz
PRESENT ZONING: R-20

PETITION NO.: Z-57
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

APPLICANT Gracie Lee Ann Meraz

PETITION NO. Z-057

PRESENT ZONING R-20

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" CI / S side of Pat Mell 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: 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.

APPLICANT: Gracie Lee Ann Meraz

PETITION NO.: Z-57

PRESENT ZONING: R-20

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

This is an existing facility and less than 5000 sf of additional impervious coverage is proposed to accommodate required parking. Stormwater Management must be provided upon redevelopment or substantial improvement to the site.

APPLICANT: Gracie Lee Ann Meraz

PETITION NO.: Z-57

PRESENT ZONING: R-20

PETITION FOR: NRC

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Pat Mell Road	9,800	Major Collector	35 mph	Cobb County	80'

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

COMMENTS AND OBSERVATIONS

Pat Mell 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 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 Pat Mell Road, a minimum of 40' from the roadway centerline.

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

Recommend curb, gutter, and sidewalk along the Pat Mell Road frontage.

Recommend driveway width on Pat Mell Road to be 24' for two way access.

STAFF RECOMMENDATIONS

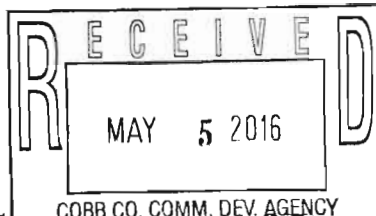
Z-57 GRACIE LEE ANN MERAZ

- 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 request for rezoning is to allow a commercial use in an area that is already predominately commercial and for a use (nonautomotive repair) that is relatively low intensity.
- 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. The request to utilize the property for nonautomotive repair should not have an adverse impact upon those surrounding properties that are already commercial. To ensure less impact to those remaining residential neighbors to the west and south, a landscape buffer and possible fencing should be installed.
- 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 to be within the NAC neighborhood activity center future land use category. This category forecasts businesses that are low intensity that serve area residents and other businesses. The proposed nonautomotive repair facility for painting equipment fulfills this intent.
- 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. Located within in an area forecast for commercial development – the NAC future land use category, the request to allow for a lower intensity use such as painting equipment repair is suitable given the surrounding, existing commercial development. Further, if steps are taken to buffer the site where there exist residential neighbors, the potential for adversely affecting those neighbors can be lessened or eliminated.

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

- 1. Site plan received by the Zoning Division on May 5, 2016, with District Commissioner approving minor modifications;
- 2. Landscape buffers and privacy fencing to be installed adjacent to residential properties (approximately 15 ft. adjacent to the southern property line and approximately 10 ft. adjacent to the western property line), to be approved by County Arborist;
- 3. No automobile related uses allowed (i.e. auto repair, emissions stations, or fuel service stations);
- 4. Fire Department comments and recommendations;
- 5. Stormwater Management Division comments and recommendations;
- 6. Water and Sewer Division comments and recommendations;
- 7. Department of Transportation comments and recommendations;
- 8. 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; and
- 9. No outdoor storage or display of merchandise.

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-57
PC Hearing: 7-7-16
BOC Hearing: 7-19-16

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): Paint Sprayer Equipment Maintenance & Repair/Service
- b) Proposed building architecture: As built, with exterior painting and minor alterations
- c) Proposed hours/days of operation: 9:00 a.m. to 6:00 p.m. - Monday - Friday and 10:00 a.m. - 4:00 p.m. on Saturday
- d) List all requested variances: Reduce the minimum lot size from 20,000 sq. ft. to 18,000 square feet (Sec. 134-213(4)(a); Reduce the minimum parking to 4 spaces (Sec. 134-272(5)(d); Reduce the minimum front setback to as-built location (Sec. 134-213(4); Reduce the minimum rear setback to as-built accessory structure location.

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

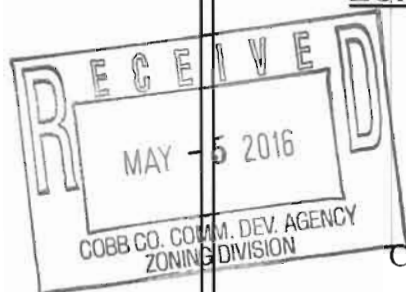
The subject property is in an area under Cobb County's Future Land Use Map which is denominated as Neighborhood Activity Center which contemplates the use proposed.

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 known at this time.

* 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 GRACIE LEE ANN MERAZ



COMES NOW, GRACIE LEE ANN MERAZ, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

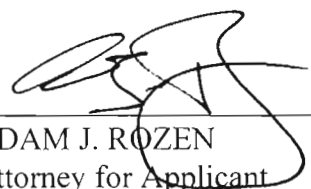
- A. The zoning proposal will permit a use of the property which is suitable in the context of development, uses and existing zonings in and around this section of Pat Mell Road and its nearby intersection with Austell Road.

- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties, the preponderance of which are designated as General Commercial (“GC”), Neighborhood Shopping (“NS”), Future Commercial (“CF”) and Neighborhood Retail Commercial (“NRC”) all located within an Neighborhood Activity Center (“NAC”) on Cobb County’s Future Land Use Map. Additionally, although lying within the same Neighborhood Activity Center, there are existing Community Retail Commercial (“CRC”) zoned properties and uses directly adjacent to and west of the Property.

- C. The subject property to be affected by the zoning proposal has limited 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. Additionally, the immediate proximity to Pat Mell's intersection with Austell Road which is almost exclusively commercial in nature leaves very little to no utility for the Property as currently zoned.
- 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. There is a sidewalk along the property frontage.
- E. The zoning proposal is consistent with the uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being within an existing Neighborhood Activity Center ("NAC") area. There are intensive existing NRC zoned uses immediately north of and across the street from this site and GC zoned uses immediately nearby.

- F. There is no substantial relationship between the existing zoning classification of R-20 and NRC 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 nearby and along this section of the Austell Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

SAMS, LARKIN HUFF AND BALLI, LLP

By: 
ADAM J. ROZEN
Attorney for Applicant
Ga. Bar No. 161610