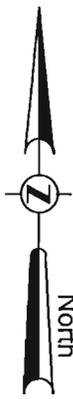


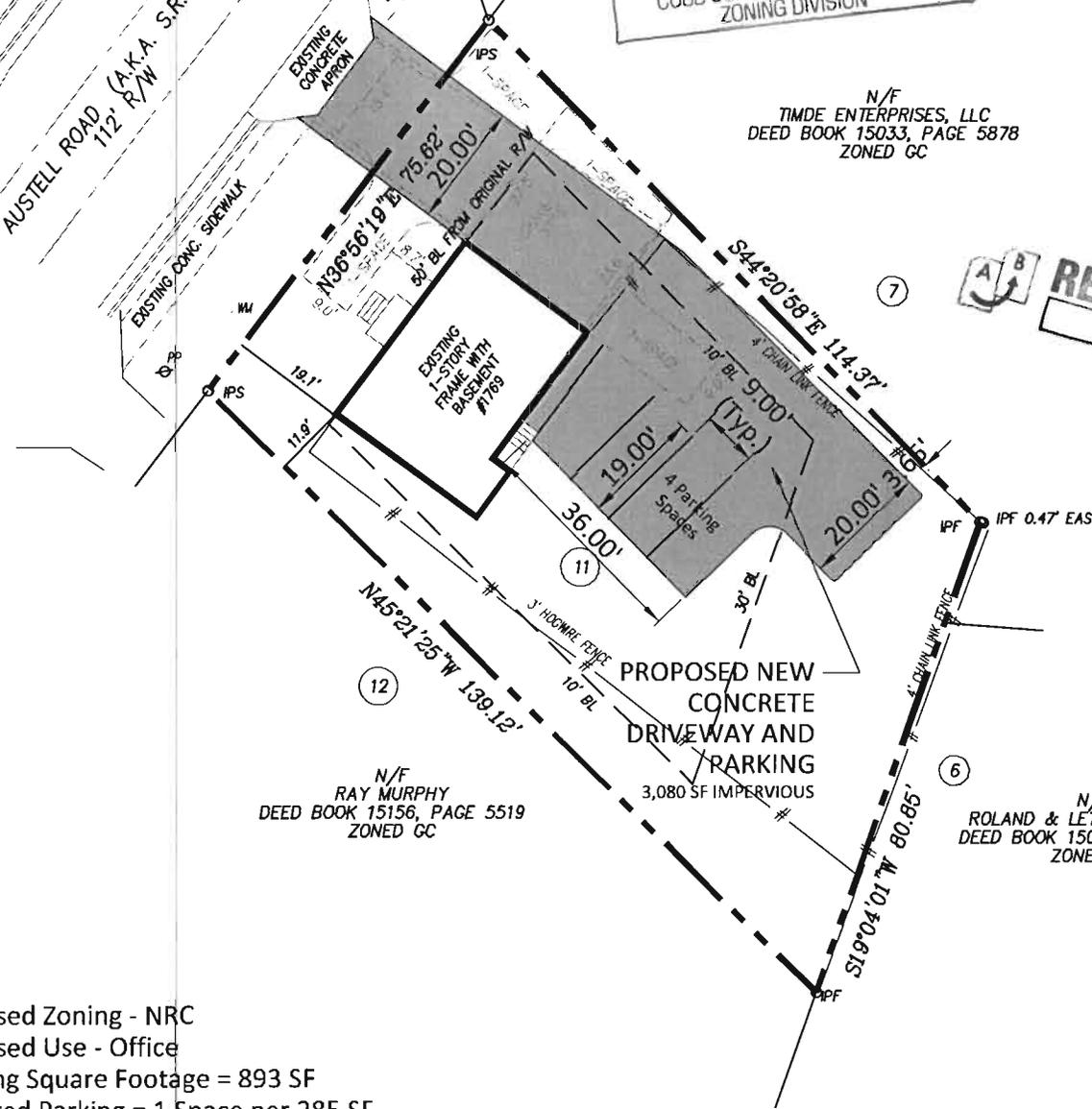
Z-109
(2016)



N/F
TIMDE ENTERPRISES, LLC
DEED BOOK 15033, PAGE 5878
ZONED GC



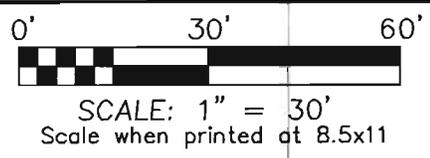
AUSTELL ROAD (A.K.A. S.R. #5)
112' R/W



N/F
RAY MURPHY
DEED BOOK 15156, PAGE 5519
ZONED GC

N/F
ROLAND & LETIN R. ZEDKAJA
DEED BOOK 15026, PAGE 2682
ZONED GC

Proposed Zoning - NRC
Proposed Use - Office
Building Square Footage = 893 SF
Required Parking = 1 Space per 285 SF
Required Parking = 3 Spaces
Parking Provided = 4 Spaces



PROPOSED PARKING PLAN

1769 AUSTELL ROAD
MARIETTA, GA 30008

MELO INVESTMENTS, LLC

SHEET NUMBER

1

OF 1 SHEETS

APPLICANT: Melo Investments, LLC

PETITION NO: Z-109

PHONE#: 404-482-9611 EMAIL: meloconstruction@gmail.com

HEARING DATE (PC): 12-06-16

REPRESENTATIVE: Fernando Melo

HEARING DATE (BOC): 12-20-16

PHONE#: 404-482-9611 EMAIL: meloconstruction@gmail.com

PRESENT ZONING: GC

TITLEHOLDER: Melo Investments, LLC

PROPOSED ZONING: NRC

PROPERTY LOCATION: Located on the southeast side of Austell Road, south of Sandtown Road

PROPOSED USE: Office

ACCESS TO PROPERTY: Austell Road

SIZE OF TRACT: 0.215 acres

PHYSICAL CHARACTERISTICS TO SITE: Existing frame house

DISTRICT: 17

LAND LOT(S): 154

PARCEL(S): 87

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: GC/Vacant property
SOUTH: GC/Single family houses
EAST: GC/Single family houses
WEST: R-20/Single Family houses

Adjacent Future Land Use:
Northeast: Neighborhood Activity Center (NAC)
Southeast: Neighborhood Activity Center (NAC)
Southwest: Medium Density Residential (MDR)
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 _____

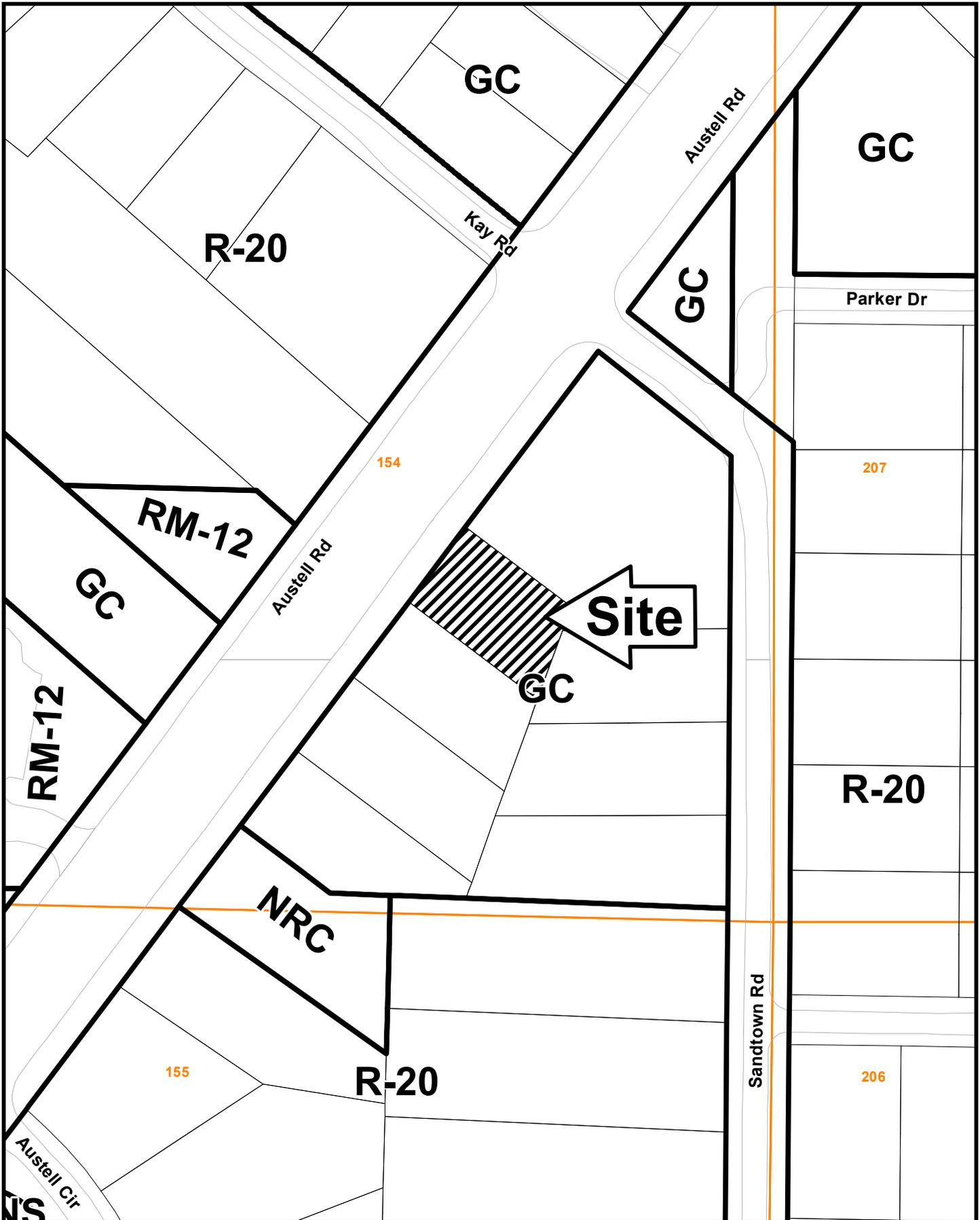
REJECTED _____ SECONDED _____

HELD _____ VOTE _____

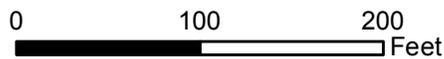
STIPULATIONS:



Z-109-2016 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: Melo Investments, LLC

PETITION NO.: Z-109

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Kim Wakefield

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 (existing) **Total Square Footage of Development:** 892

F.A.R.: 0.095 **Square Footage/Acre:** 4148.83

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

The applicant is requesting a rezoning from General Commercial (GC) to Neighborhood Retail Commercial (NRC) for the purpose of a specialized contractors office without heavy equipment, and including a small showroom. The property was utilized for residential purposes up until approximately a year ago. This fact coupled with the GC zoning in a Neighborhood Activity Center (NAC) requires the property to be rezoned in order to change the use. The applicant states the hours of operation will be Monday through Friday from 8 a.m. until 6 p.m. They have indicated there will be 3 employees on site.

The property is below the minimum required lot size of 20,000 square feet for the requested NRC zoning district, or any other commercial district, by more than half (9,348 square feet). The requirement such as the 8 foot enhanced landscape strip cannot be accommodated with the current plan. However, if they move the parking to the rear, the minimum required parking and the landscape enhancement strip could be accommodated. Currently the sites' drive and parking areas are gravel. These will need to be paved in order to meet County standards. Additionally, the house is in the 50 feet front setback required for any commercial zoning district.

The following contemporaneous variances will be required for this request as proposed:

1. Waive required lot size from 20,000 square feet to 9,348 square feet;
2. Waive the 8 foot landscape enhancement strip; and
3. Waive the front setback from 50 feet to 19 feet.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent lot.

APPLICANT: Melo Investments, LLC

PETITION NO.: Z-109

PRESENT ZONING: GC

PETITION FOR: NRC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u> </u>	<u> </u>	<u> </u>
<u>Middle</u>	<u> </u>	<u> </u>	<u> </u>
<u>High</u>	<u> </u>	<u> </u>	<u> </u>

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

Additional Comments: Approval of this petition will not have an impact on the enrollment at Cobb County schools.

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.

SITE PLAN REVIEW SECTION COMMENTS:

A Land Disturbance Permit must be obtained by the property owner in order to perform any site modifications and/or landscaping which may be required as a rezoning approval stipulation. Contact the Community Development Agency/Site Plan Review Section at 770-528-2147.

APPLICANT: Melo Investments, LLC.

PETITION NO.: Z-109

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to NRC for the purpose of office. The 0.215 acre site is located on the southeast side of Austell Road, south of Sandtown 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 Marietta 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: Neighborhood Activity Center (NAC)
Southwest: Medium Density Residential (MDR)
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?

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: Melo Investments, LLC.

PETITION NO.: Z-109

PRESENT ZONING: GC

PETITION FOR: NRC

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 <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 Melo Investments, LLC

PETITION NO. Z-109

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: 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: Melo Investments, LLC

PETITION NO.: Z-109

PRESENT ZONING: GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

There are no significant site improvements proposed that would require full stormwater management measures. However, the additional pavement needed to meet the parking requirements may cause downstream drainage issues if a concentrated discharge is created. Therefore, it is recommended that an infiltration strip be provided along the downstream edge of the new rear parking area.

APPLICANT: Melo Investments, LLC

PETITION NO.: Z-109

PRESENT ZONING: GC

PETITION FOR: NRC

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Austell Road	31,400	Arterial	45 mph	Georgia DOT	100'

Based on 2011 traffic counting data taken by Cobb County DOT for Shallowford 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 applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Recommend driveway on Austell Road be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.

Recommend driveway width be increased to accommodate two-way traffic.

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

STAFF RECOMMENDATIONS

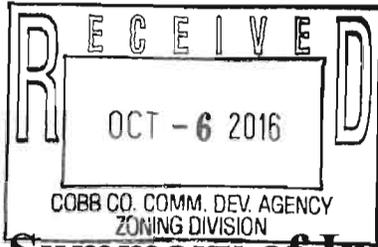
Z-109 MELO ONVESTMENTS, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. The adjacent properties are zoned General Commercial (GC) but they have always been used as residences. Additionally, the property to the south, and continuing on southward, is located in an area designated Medium Density Residential (MDR) on the future land use map.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse effect on the usability of adjacent or nearby property. Neighboring properties consist of single-family detached homes. The proposed use of contractors' office and all this entails with the parking of vehicles and storing of ladders and other contractor type equipment may impact the adjacent residents.
- 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 property is delineated in a Neighborhood Activity Center (NAC). The requested zoning district is compatible with the comprehensive plan.
- 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 property is located in a NAC, it is adjacent to MDR, and all neighboring properties have residential uses, whether "grandfathered" or by zoning. The code requires a 35 foot buffer adjacent to all residentially zoned properties for a specialized contractor without heavy equipment as a special exception use in NRC. While the adjacent properties are not zoned residential, again they all are being used as residences, and would not be protected from the view of the proposed use of this property.

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

1. Property to be brought up to commercial standards, including parking and striped paving;
2. Revised site plan received by Zoning on November 1, 2016, with the District Commissioner approving minor modifications;
3. Chain link and hog-wired fences to be replaced with wooden privacy fencing;
4. Applicant to install a 10 foot landscape buffer along the south and east property lines;
5. No outdoor storage or outdoor display of merchandise;
6. House to be repaired and repainted with District Commissioner approving the final paint color;
7. Fire Department comments and recommendations;
8. Water and Sewer Division comments and recommendations;
9. Stormwater Management Division comments and recommendations;
10. 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. 2-109

Dec. 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): OFFICE
- b) Proposed building architecture: UNCHANGED
- c) Proposed hours/days of operation: 8AM-6PM. MON-FRI
- d) List all requested variances: NONE

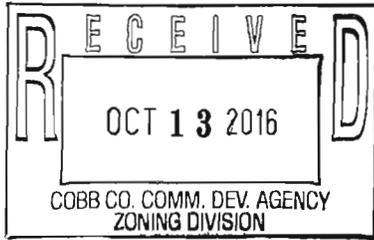
.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

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). NO

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT



APPLICATION NUMBER: Z-109 (2016)

HEARING DATES: December 6, 2016
December 20, 2016

Applicant: Melo Investments, LLC

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The property which is the subject of this Application for Rezoning is an 0.215 acre tract located at 1769 Austell Road, Land Lot 154, 17th District, 2nd Section of Cobb County, Georgia. The property is currently zoned GC, and the surrounding adjacent properties are also zoned GC. The existing use was residential, but the underlying zoning and Land Use is commercial. The proposed NRC is more restrictive than GC, so it should be an improvement compared to the surrounding existing zoning.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed use will comply with any existing zoning requirements along adjacent properties.
- (c) The property as zoned does not have a reasonable economic use since the existing zoning district is not allowed based on the Land Use Plan. Approval of the requested zoning will allow for the intended office use.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (e) This zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia.
- (f) This zoning proposal simply proposes to change from GC which is no longer allowed in the current Land Use category to NRC which is a more restrictive category and is appropriate for the proposed use of office.