



| # | DATE | REVISIONS |
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RJASANI ENT LLC
1233 BIRCH STREET, SUITE 200
SAN RAFAEL, CA 94903
PHONE: 415.881.4844
EMAIL: RJASANI@RJASANI.COM

PAT MELL
RJASANI ENT LLC
375 PAT MELL ROAD
MARETTA, CA 94060

CHECKED BY: RYC
DRAWN BY: K.J.H.
JOB NO: SHEET
16-151
DATE: 11/15/16

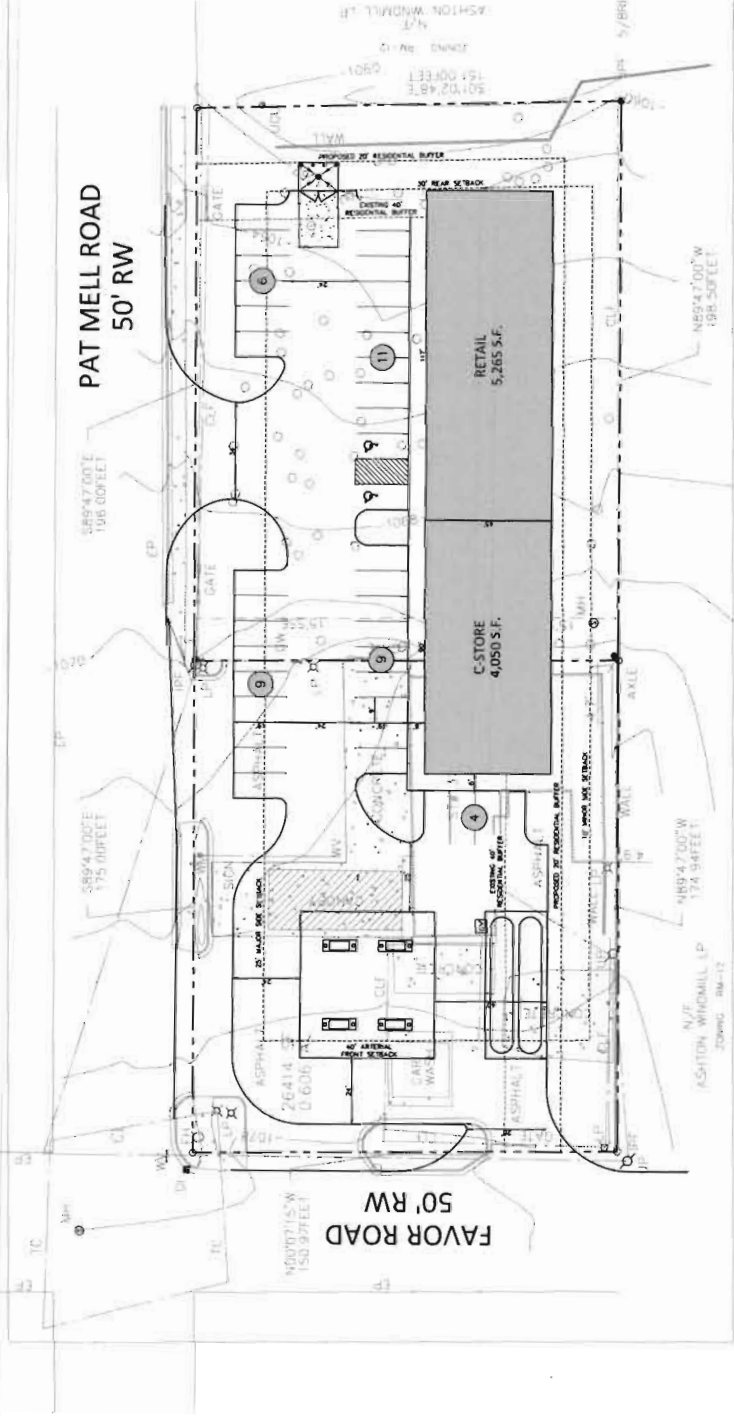


| SITE SUMMARY | |
|-------------------------|----------------------|
| APPROXIMATE LOCATION | CONTRACT AND MAPPING |
| CURRENT ZONING | PROPOSED ZONING |
| PROPOSED USE | C-COMMERCIAL |
| TOTAL SITE AREA | 6.53 AC |
| PROPOSED FOOTPRINT | 5,285 S.F. RETAIL |
| NET SITE AREA | 6.53 AC |
| NET AREA OF LOT | 4.00 AC |
| NET AREA OF TRACT | 1.53 AC |
| NET AREA OF SUBTRACT | 1.00 AC |
| NET AREA OF IMPROVEMENT | 1.00 AC |
| NET AREA OF REMAINDER | 3.53 AC |
| NET AREA OF REMAINDER | 3.53 AC |
| NET AREA OF REMAINDER | 3.53 AC |
| NET AREA OF REMAINDER | 3.53 AC |
| NET AREA OF REMAINDER | 3.53 AC |

| PARKING SUMMARY | | |
|-----------------|----------|----------|
| STREETS | REQUIRED | PROVIDED |
| TOTAL | 37 | 37 |
| STREETS | REQUIRED | PROVIDED |
| TOTAL | 37 | 37 |

REMARKS: BASED ON SPACE PER 100 S.F.
 • COMPLIANCE WITH 2015 CALIFORNIA PLANNING AND ZONING ACT
 • COMPLIANCE WITH 2015 CALIFORNIA PLANNING AND ZONING ACT
 • COMPLIANCE WITH 2015 CALIFORNIA PLANNING AND ZONING ACT
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 • COMPLIANCE WITH 2015 CALIFORNIA PLANNING AND ZONING ACT

| DESIGN REQUIREMENTS | |
|---------------------|--------|
| DESIGN SPEED | 35 MPH |
| DESIGN TRUCK | WB-97 |
| DESIGN TRUCK | WB-97 |
| DESIGN TRUCK | WB-97 |
| DESIGN TRUCK | WB-97 |
| DESIGN TRUCK | WB-97 |



589'4.7'00" E
373.4'4" FEET

PRELIMINARY CONCEPT

24-HR EMERGENCY CONTACT: RAHAL JASANI (404) 230-0700

APPLICANT: Siasim Pat Mell, LLC

PETITION NO: Z-6

PHONE#: (678) 924-0835 **EMAIL:** N/A

HEARING DATE (PC): 02-07-17

REPRESENTATIVE: Garvis L. Sams, Jr.

HEARING DATE (BOC): 02-21-17

PHONE#: (770) 422-7016 **EMAIL:** gsams@slhb-law.com

PRESENT ZONING: GC, RM-12

TITLEHOLDER: Lubin A. Trivino

PROPOSED ZONING: NRC

PROPERTY LOCATION: Southeast corner of Pat Mell Road and Favor Road

PROPOSED USE: Convenience Store with Fuel Sales and Retail

ACCESS TO PROPERTY: Pat Mell Road and Favor Road

SIZE OF TRACT: 1.29 ac

PHYSICAL CHARACTERISTICS TO SITE: Transmission center and undeveloped lot

DISTRICT: 17

LAND LOT(S): 132

PARCEL(S): 36,39

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RM-12/Edenborough Senior Community

SOUTH: RM-12/Cobblestone Apartments

EAST: RM-12/Cobblestone Apartments

WEST: NS/Single-family house

Adjacent Future Land Use:

North: High Density Residential (HDR)

East: High Density Residential (HDR)

South High Density Residential (HDR)

West: Neighborhood Community

Activity Center (NAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

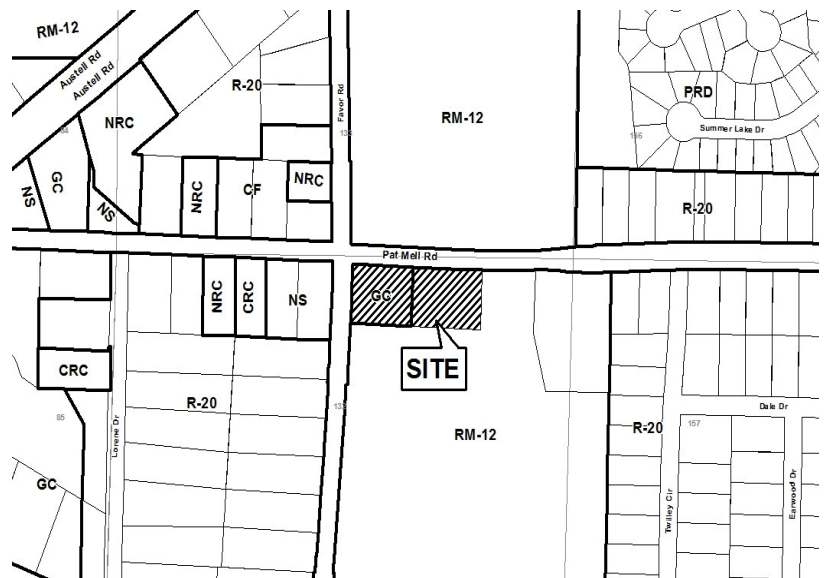
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

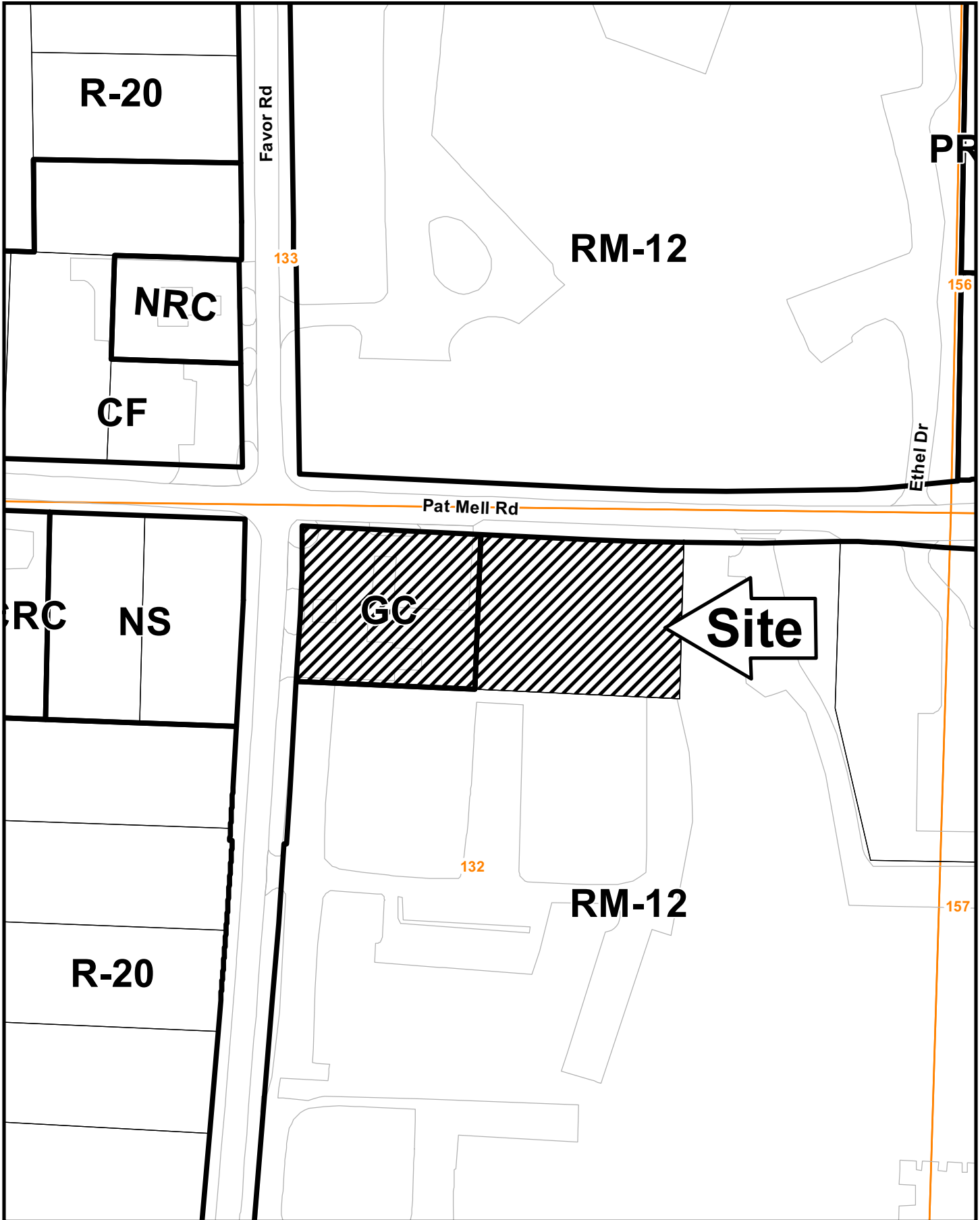
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

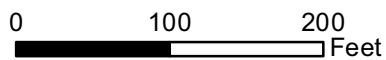
STIPULATIONS:



Z-6-2017 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: Siasim Pat Mell, LLC

PETITION NO.: Z-6

PRESENT ZONING: GC, RM-12

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC) & High Density Residential (5-12 upa)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 9,315

F.A.R.: 0.165 **Square Footage/Acre:** 7,220

Parking Spaces Required: 36 **Parking Spaces Provided:** 39

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of developing a convenience store with fuel sale and retail. The convenience store will occupy 4,050 square feet and the retail portion will be 5,265 square feet. The hours of operation will be 7 a.m. – 11 p.m. daily. The building will be consistent with the attached renderings.

The proposed plan will require a contemporaneous variance to allow the dumpster to be to the front of the proposed building.

Cemetery Preservation: No comment.

SCHOOL COMMENTS:

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

APPLICANT: Siasim Pat Mell, LLC

PETITION NO.: Z-06

FIRE COMMENTS:

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

APPLICANT: Siasim Pat Mell, LLC.

PETITION NO.: Z-6

PRESENT ZONING: GC and RM-2

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC and RM-2 to NRC for the purpose of a convenience store with fuel sales and retail. The 1.29 acre site is located on the southeast corner of Pat Mell Road and Favor 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 both a Neighborhood Activity Center (NAC) and a High Density Residential (HDR) future land use category, with both GC and RM-2 zoning designations, respectively. 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. The purpose of High Density Residential (HDR) category is to provide areas suitable for low rise, high density housing between five (5) and twelve (12) units per acre. Mid or high-rise residential developments are also appropriate in this category. This shall include any residential developments in excess of 4 stories per structure.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: High Density Residential (HDR)
East: High Density Residential (HDR)
South: High Density Residential (HDR)
West: Neighborhood Community 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.

APPLICANT: Siasim Pat Mell, LLC.

PRESENT ZONING: GC and RM-2

PETITION NO.: Z-6

PETITION FOR: NRC

PLANNING COMMENTS:

CONT.

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 Siasim Pat Mell, LLC

PETITION NO. Z-006

PRESENT ZONING GC, RM-12

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: Corner property is 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: Pat Mell Rd ROW

Estimated Waste Generation (in G.P.D.): A D F= +208 Peak= +520

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 Comments: Corner property currently billed for sewer.

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: Siasim Pat Mell, LLC

PETITION NO.: Z-6

PRESENT ZONING: GC, RM-2

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITIONS

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream - Cobblestone Apartments
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream receiving system.

APPLICANT: Siasim Pat Mell, LLC

PETITION NO.: Z-6

PRESENT ZONING: GC, RM-2

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

ADDITIONAL COMMENTS

1. This site is located at the southeast intersection of Pat Mell and Favor Roads. The western half of the site is currently developed as an auto repair center. The remainder of the site is undeveloped and wooded with relatively flat slopes of less than 5%. The entire site drains to the east into and through the adjacent Cobblestone Apartment complex.
2. The proposed stormwater management facility will be located underground beneath the parking lot. There is no existing defined runoff conveyance for the site. The pond discharge must be tied directly to the existing stormwater system located within the Pat Mell Road R/W approximately 120 feet to the east.

APPLICANT: Siasim Pat Mell, LLC

PETITION NO.: Z-6

PRESENT ZONING: GC, RM-2

PETITION FOR: NRC

TRANSPORTATION COMMENTS:

| ROADWAY | AVERAGE DAILY TRIPS | ROADWAY CLASSIFICATION | SPEED LIMIT | JURISDICTIONAL CONTROL | MIN. R.O.W. REQUIREMENTS |
|---------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Pat Mell Road | N/A | Major Collector | 35 mph | Cobb County | 80' |
| Favor Road | 4,400 | Minor Collector | 35 mph | Cobb County | 60' |

Based on 2008 traffic counting data taken by Cobb County DOT for Favor 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.

Favor Road is classified as a minor 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 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 east side of Favor Road, a minimum of 30' from the roadway centerline.

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

Recommend closing existing driveways completely and replacing with sidewalk, curb, and gutter.

Recommend entrance on Favor Road be restricted to right-in right-out.

Recommend entrance on Pat Mell Road be at least 250' from the intersection of Favor Road.

Recommend a deceleration lane on Pat Mell Road for the entrance.

Recommend improving the driveway turning radius to accommodate entry and exit of vehicles.

STAFF RECOMMENDATIONS

Z-6 SIASIM PAT MELL, LLC

- 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. Nearby properties are developed as commercial, multi-family residential and single-family 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. Other properties in the area are similarly zoned and are developed with retail, auto repair, apartments and single-family houses.
- 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 western portion of applicant's rezoning proposal, zoned GC, is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates that portion as being within the Neighborhood Activity Center (NAC) land use category that supports the requested NRC zoning district. However, the eastern portion of the property zoned RM-12 is in the High Density Residential (HDR) land use category and does not support the NRC zoning district.
- 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 split zoned GC and RM-12. The GC portion is grandfathered and cannot be redeveloped because of the NAC land use designation. The RM-12 portion is an undeveloped piece of the abutting RM-12 zoning to the east and south that was never developed as part of the multi-family community. The RM-12 portion would not otherwise be considered for commercial development. Staff believes the combined properties would otherwise be able to utilize the NRC zoning.

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

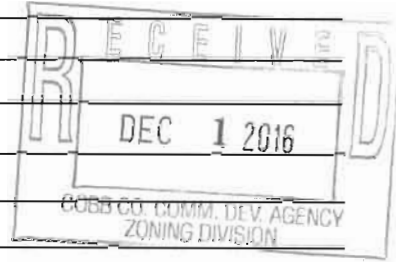
1. Site plan received by the Zoning Division on December 1, 2016, with the District Commissioner approving minor modifications;
2. Variance mentioned in the Zoning Comments;
3. Fire Department comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations;
6. Department of Transportation comments and recommendations;
7. 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;
8. District Commissioner to approve final building architecture and colors; 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.

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): Retail Utilization
- b) Proposed building architecture: Consistent with renderings included with this application.
- c) Proposed hours/days of operation: 7:00 a.m. - 11:00 p.m. daily
- d) List all requested variances: As shown on the site plan.

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

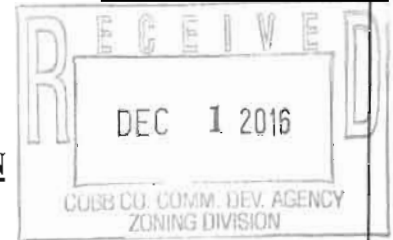
The existing GC zoning district is an entitled but grandfathered non-conforming use. The RM-12 portion of the property is a remnant tract and the size of this tract is less than the 80,000 square feet required for multi-family development as a stand-alone property. The Subject Property is located within a Neighborhood Activity Center and the proposed NRC use will provide retail uses which will serve the neighborhood residents and businesses.

.....
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 and/or revise any information set forth in this Summary of Intent for Rezoning or any portion of the Application for Rezoning at any time during the Rezoning process.

ZONING IMPACT STATEMENT
FOR THE REZONING APPLICATION
OF SIASIM PAT MELL, LLC



COMES NOW, SIASIM PAT MELL, LLC, and pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this its 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 Pat Mell Road Corridor. The subject property is zoned GC and RM-12 and a preponderance of properties from this site westward towards Austell Road are zoned and utilized for conforming and non-conforming commercial purposes, including non-conforming NS and CF zonings and uses.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties.
- 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 existing GC & RM-12 zoning classifications are a significant economic detriment to the owner of the subject property.
- 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 property is located within a Neighborhood Activity Center (“NAC”) under and pursuant to Cobb County’s Future Land Use Map and Comprehensive Land Use Plan and the zoning proposal is adjacent to predominantly commercially and/or multi-family residentially zoned properties.

- F. There is no substantial relationship between the existing zoning classifications of GC and RM-12 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 along this section of the Pat Mell Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 15th day of Dec, 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

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



RECEIVED
DEC 1 2016
DUBS CO. PLANNING DEPARTMENT
ZONING DIVISION



DEC 1 2016
CITY OF WASHINGTON
PLANNING DIVISION





DEC 1 2016