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**Z-119
(2016)**

WILSON PROPERTY VENTURES
 455 PAT MELL ROAD
 Marietta, GA 30060
 Parcel ID: 17008500120
 Land Lot: 85 17th District
 Cobb County, GA
 Scale 1"=20'

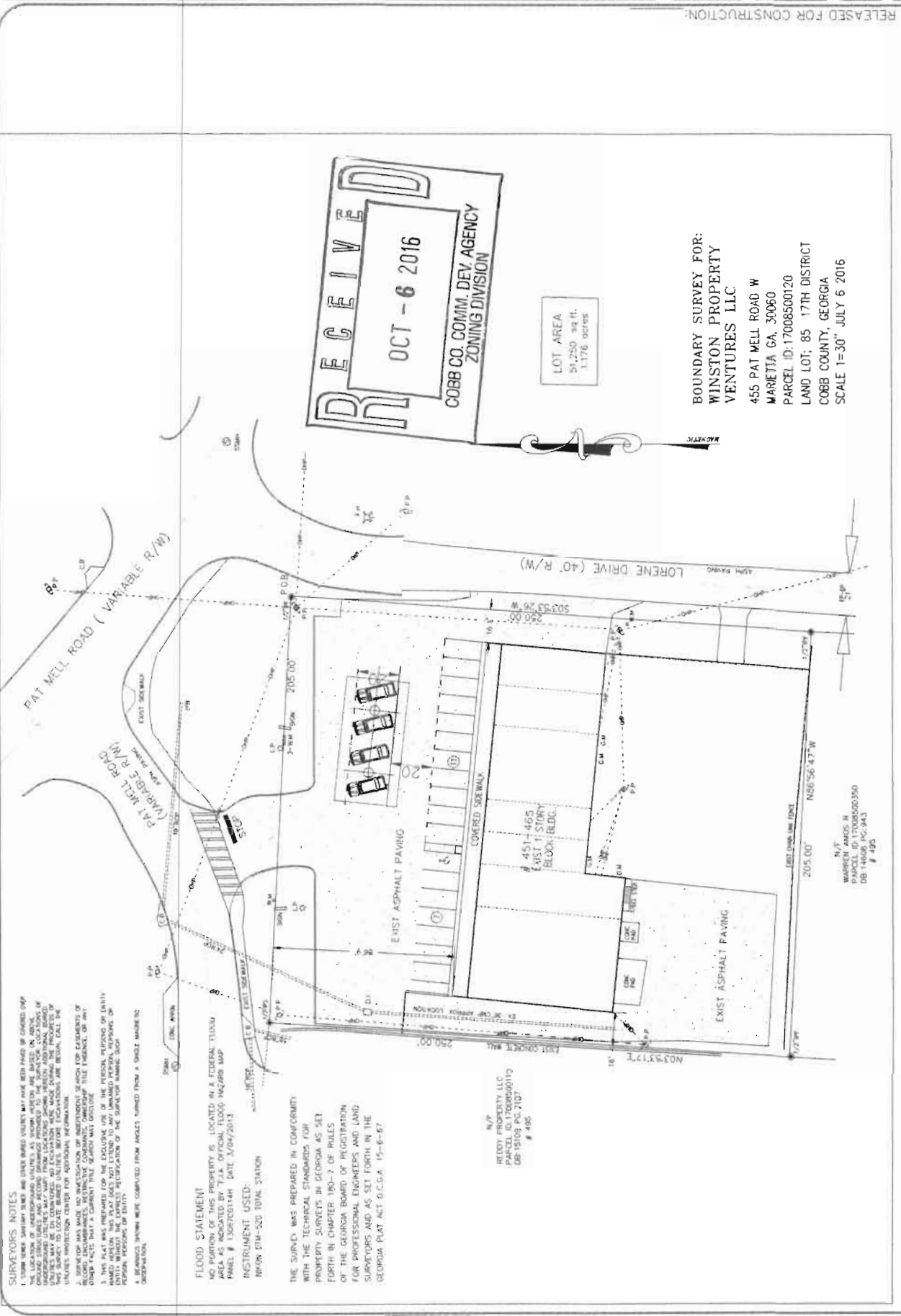
NO.	DATE	REVISIONS

DATE	CREATED BY	DATE	REVISIONS

DESCRIPTION
 Proposed Site Plan

SHEET NUMBER
C-2.0

RELEASED FOR CONSTRUCTION



RECEIVED
 OCT - 6 2016
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

LOT AREA
 51,250 sq. ft.
 1.176 acres

BOUNDARY SURVEY FOR:
WINSTON PROPERTY VENTURES LLC
 455 PAT MELL ROAD W
 MARIETTA GA, 30060
 PARCEL ID: 17008500120
 LAND LOT: 85 17TH DISTRICT
 COBB COUNTY, GEORGIA
 SCALE 1"=30" JULY 6 2016

SURVEYOR'S NOTES

1. SOME SURVEY POINTS AND OTHER MARKS LOCATED MAY HAVE BEEN PLACED BY PREVIOUS SURVEYORS. THIS SURVEY IS BASED ON THE DATA PROVIDED TO THE SURVEYOR AND DOES NOT GUARANTEE THE ACCURACY OF THE DATA PROVIDED. THE SURVEYOR HAS MADE A REASONABLE ATTEMPT TO LOCATE ALL MARKS AND TO VERIFY THE ACCURACY OF THE DATA PROVIDED. THE SURVEYOR HAS MADE A REASONABLE ATTEMPT TO LOCATE ALL MARKS AND TO VERIFY THE ACCURACY OF THE DATA PROVIDED.
2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR CLAIMS OF RECORD ENCUMBRANCES, RESTRICTIVE COVENANTS, EASEMENTS, TITLE EASEMENTS, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH WOULD REVEAL. THE SURVEYOR HAS MADE A REASONABLE ATTEMPT TO LOCATE ALL MARKS AND TO VERIFY THE ACCURACY OF THE DATA PROVIDED.
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR CLAIMS OF RECORD ENCUMBRANCES, RESTRICTIVE COVENANTS, EASEMENTS, TITLE EASEMENTS, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH WOULD REVEAL. THE SURVEYOR HAS MADE A REASONABLE ATTEMPT TO LOCATE ALL MARKS AND TO VERIFY THE ACCURACY OF THE DATA PROVIDED.

FLOOD STATEMENT
 NO PORTION OF THIS PROPERTY IS LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY T.J.A. OFFICIAL FLOOD HAZARD MAP FILE # 130676014H DATE 3/04/2013
 INSTRUMENT USED:
 N10X 01M-200 TOTAL STATION

THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 190-7 OF 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. 19-6-67

N/P
 REDDY PROPERTY, LLC
 PARCEL ID: 17008500120
 DB: 15109 PC: 2107
 # 496

N/P
 WARREN AMOS II
 PARCEL ID: 17008500350
 DB: 14405 PC: 3413
 # 495

APPLICANT: Mayweather Enterprise

PETITION NO: Z-119

PHONE#: (404) 753-9222 EMAIL: mayweatherenterp@bellsouth.net

HEARING DATE (PC): 12-06-16

REPRESENTATIVE: Samuel Battle

HEARING DATE (BOC): 12-20-16

PHONE#: (404) 246-1972 EMAIL: sbattle@live.com

PRESENT ZONING: GC, R-20

TITLEHOLDER: Winston Property Ventures, LLC

PROPOSED ZONING: NRC

PROPERTY LOCATION: Southwest intersection of Pat Mell Road and Lorene Drive (455 Pat Mell Road)

PROPOSED USE: Convenience Store with Fuel Station

ACCESS TO PROPERTY: Pat Mell Road

SIZE OF TRACT: 1.176 acres

PHYSICAL CHARACTERISTICS TO SITE: One Story Strip Center

DISTRICT: 17

LAND LOT(S): 85

PARCEL(S): 12

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS/ Convenience Store
SOUTH: CRC/ Single Family Home
EAST: R-20/ Tumil W L Subdivision
WEST: GC/ Strip Shopping Center

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 _____ VOTE _____

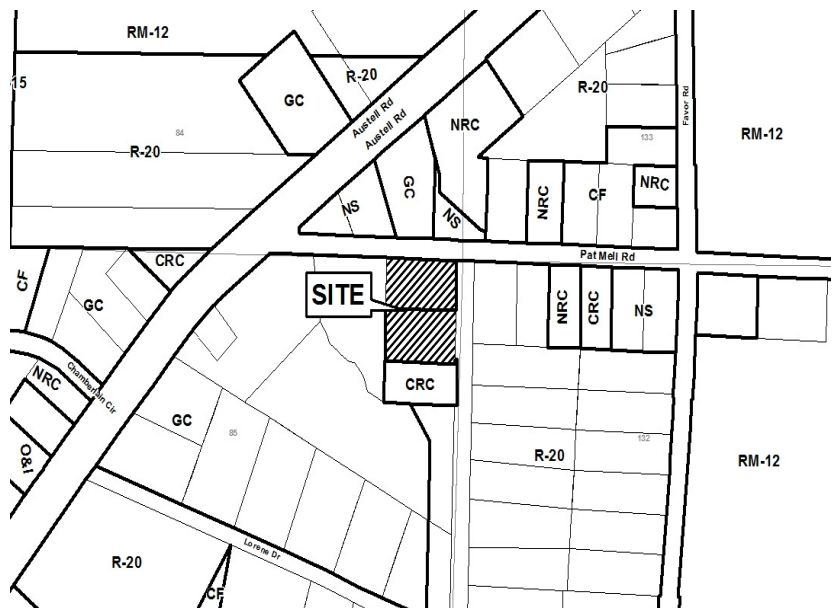
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

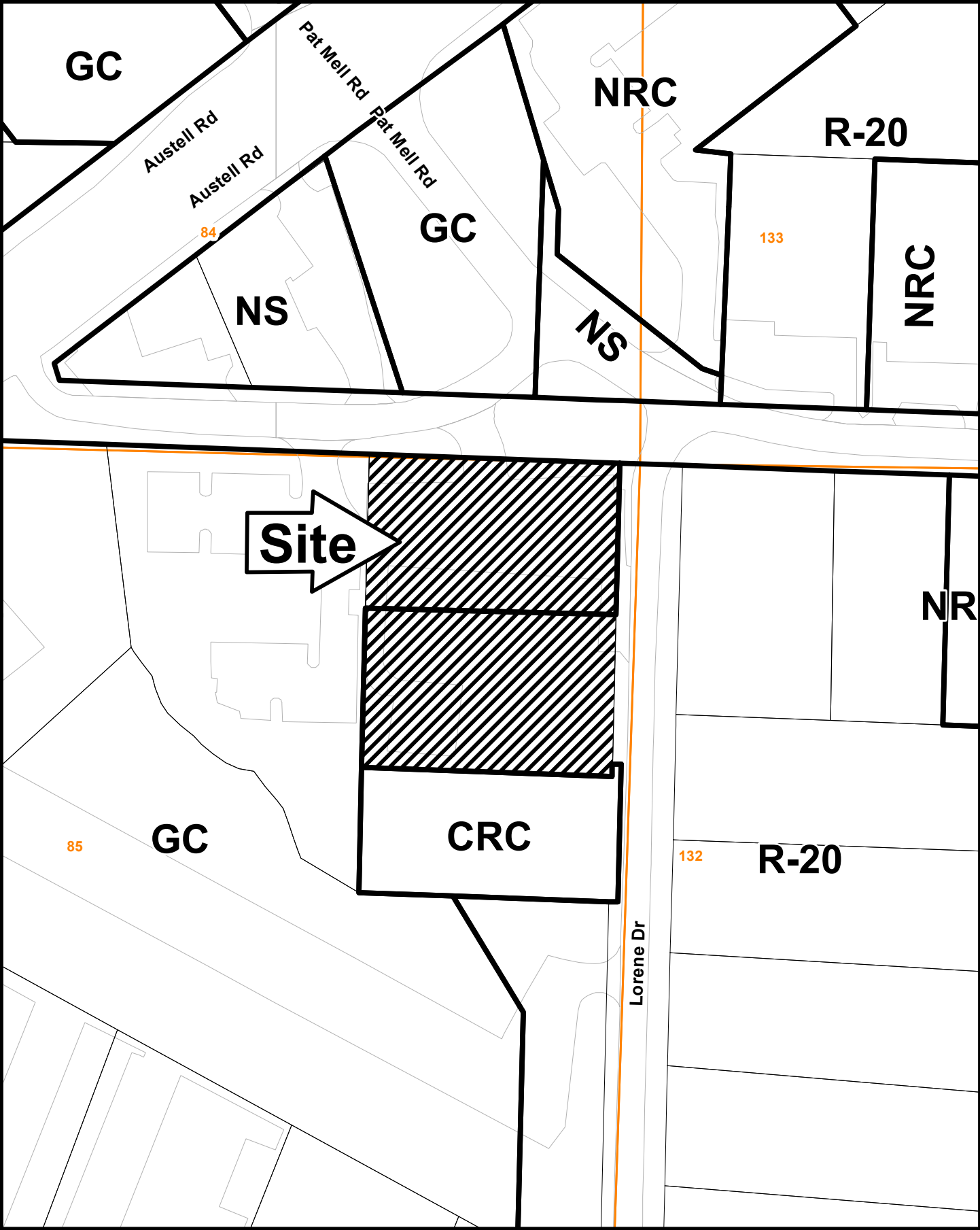
REJECTED _____ SECONDED _____

HELD _____ VOTE _____

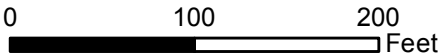
STIPULATIONS:



Z-119-2016 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: Mayweather Enterprise

PETITION NO.: Z-119

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 2 **Total Square Footage of Development:** 9780

F.A.R.: .19 **Square Footage/Acre:** 8316.36

Parking Spaces Required: 46 **Parking Spaces Provided:** 18

The applicant is requesting the NRC zoning district in order to add a gas pumps and canopy to an existing retail strip center. The new gas station will take up 2000 square feet of the existing 9780 square feet of the existing retail center. The applicant will provide 2 new gas pumps that will service up to 4 cars at one time. The existing R-20 and GC zoning districts are grandfathered and the code requires a rezoning of the property if the applicant wants to expand to occupy a greater area of land. The applicant is also requesting the following contemporaneous variance;

- Waive the parking requirements from 46 spaces to 18 spaces.

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 land lot.

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity</u> <u>Status</u>	<u>Number of</u> <u>Portable</u> <u>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.

APPLICANT: Mayweather Enterprise

PETITION NO.: Z-119

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: Mayweather Enterprise
PRESENT ZONING: GC & R-20

PETITION NO.: Z-119
PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC and R-20 to NRC for the purpose of a convenience store with fuel station. The 1.176 acre site is located on the southwest intersection of Pat Mell Road and Lorene Drive (455 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 GC and 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 located within the boundary of 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: Mayweather Enterprise

PRESENT ZONING: GC & R-20

PETITION NO.: Z-119

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 Mayweather Enterprise

PETITION NO. Z-119

PRESENT ZONING GC, 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" DI / 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: Pat Mell Road

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 Comments: Existing sewer customer. No additional wastewater flow anticipated

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: Mayweather Enterprise

PETITION NO.: Z-119

PRESENT ZONING: GC, R-20

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

The addition of a fuel center (pumps, canopy and underground storage tanks) will not likely exceed the threshold to require stormwater management for this site. However, since a fueling center is considered a water quality “hot spot” a water quality device will need to be installed to provide water quality treatment for the fueling area. A copy of the required spill prevention plan must be provided to the Stormwater Management Division prior to permitting.

APPLICANT: Mayweather Enterprise

PETITION NO.: Z-119

PRESENT ZONING: GC

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'
Lorene Drive	N/A	Local	25 mph	Cobb County	50'

Based on 2007 traffic counting data taken by Cobb County DOT for Six Flags Drive.

COMMENTS AND OBSERVATIONS

Pat Mell Road is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Lorene Drive is classified as a local 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 west side of Lorene Drive, a minimum of 25' from the roadway centerline.

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

STAFF RECOMMENDATIONS

Z-119 MAYWEATHER ENTERPRISE

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. This area has is a mix of older single family homes and single family homes that have been rezoned for limited commercial uses that do not include automotive uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The request to have an automotive related use such as a gas station added to a developed retail strip center could cause traffic issues. The addition of a canopy for fueling without a proper traffic plan could spill out on to the surrounding surface streets.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 located within the NAC neighborhood activity center future land use category. This category provides areas that would allow commercial uses that serve the neighborhood residents and businesses. However, the property may be too small to accommodate safe traffic patterns.
- 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 denying the applicant's rezoning proposal. The site may be too small to accommodate traffic patterns with a busy gas station.

Based on the above analysis, Staff recommends **DENIAL**.

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.

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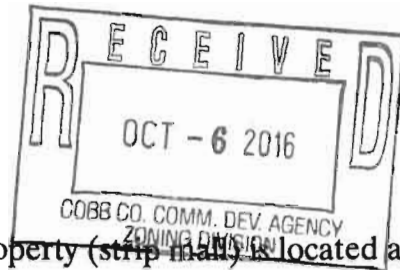
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**Winston Property Ventures
455 Pat Mell Road
Marietta Georgia 30060
Parcel ID: 17008500120
Land Lot; 85 17th District
Cobb county, Georgia**

Dated: October 6, 2016

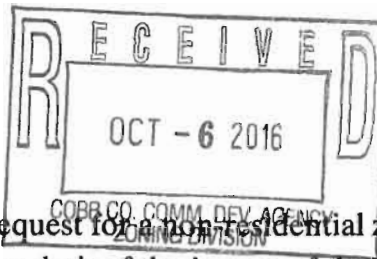
Letter of Intent:



The existing commercial property (strip mall) is located at 455 Pat Mell Road, Marietta Georgia 30060. The existing property is currently leased to a variety of tenants currently providing goods and services to the general public within the surrounding area.

The intent of rezoning application of this property is to provide gasoline services to the general public to the convenience store tenant space. The gasoline facility shall provide 2 (two) gasoline pumping stations underneath a lighted overhead Canopy Structure for protection from increment weather conditions.

FOR: 455 Pat Mell Road, Marietta Georgia 30060



From Page 2
Requirements for Rezoning Application

9. Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

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

ANSWER: Yes, the zoning proposal shall permit a use that is suitable in view of the use and development of adjacent and nearby property.

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

ANSWER: No, the zoning proposal shall not adversely affect the existing use or usability of adjacent or nearby property.

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

ANSWER: Yes, the property to be affected by the zoning proposal shall have a reasonable economic use as currently zoned.

- (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;

ANSWER: No, the zoning proposal shall not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

ANSWER: Yes, the zoning proposal is in conformity with the policy and intent of the land use plan based on Sec. 134-227. GC General Commercial District and is identified as nonconforming use.

- (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.

ANSWER: Yes, there shall be 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.

FOR: 455 Pat Mell Road, Marietta Georgia 30060 Parcel ID: 17008500120 Land Lot; 85 17th District Cobb county, Georgia

RELEASED FOR CONSTRUCTION

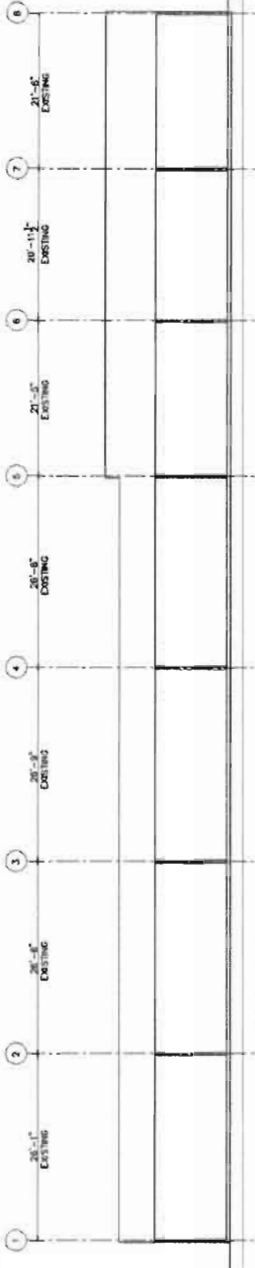
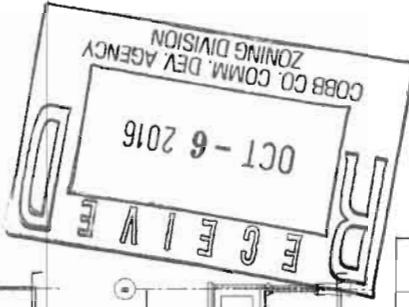
NO.	DATE	REVISIONS



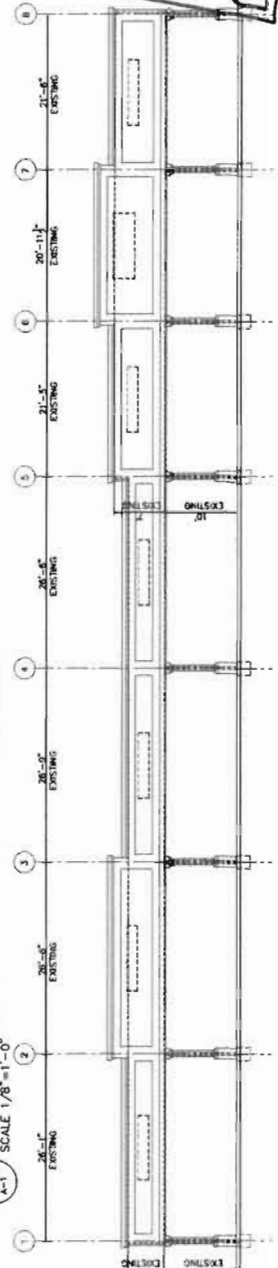
DESIGN CONSULTANT
M
 MAYNARD THIER ENTERPRISES
 455 PAT MELL ROAD
 MARIETTA, GEORGIA 30067
 (770) 421-2222 (FAX) 770-421-2002

DEVELOPER

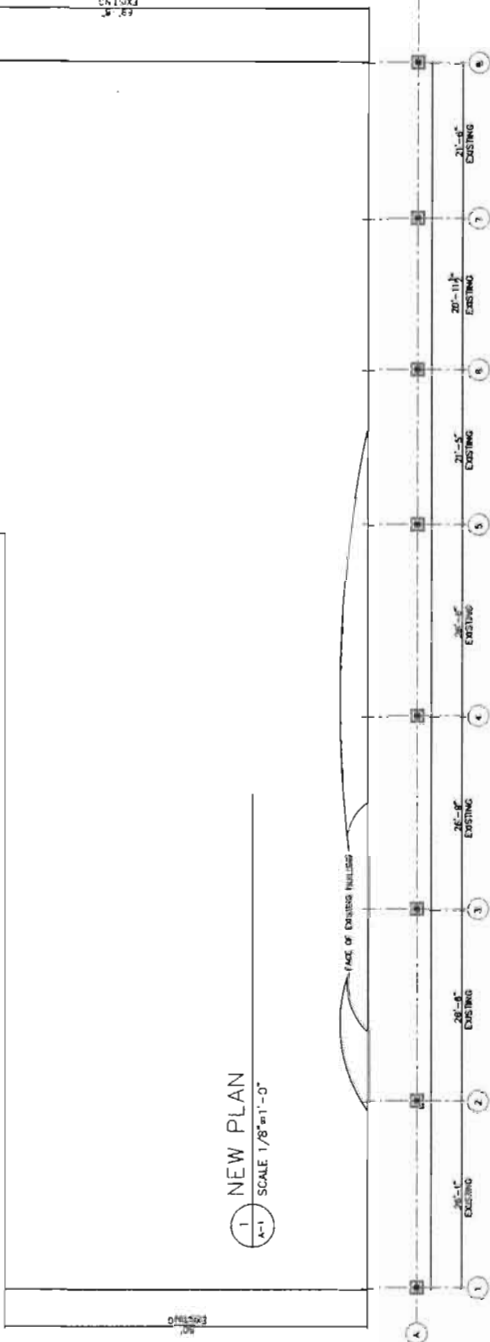
PROJECT DESCRIPTION
 FACADE MODIFICATION
 455 PAT MELL ROAD
 MARIETTA, GEORGIA



3 EXISTING FRONT ELEVATION
SCALE 1/8"=1'-0"



2 NEW PROPOSED FRONT ELEVATION
SCALE 1/8"=1'-0"



1 NEW PLAN
SCALE 1/8"=1'-0"

PROPOSED PLAN AND ELEVATION - DATED 07/23/16