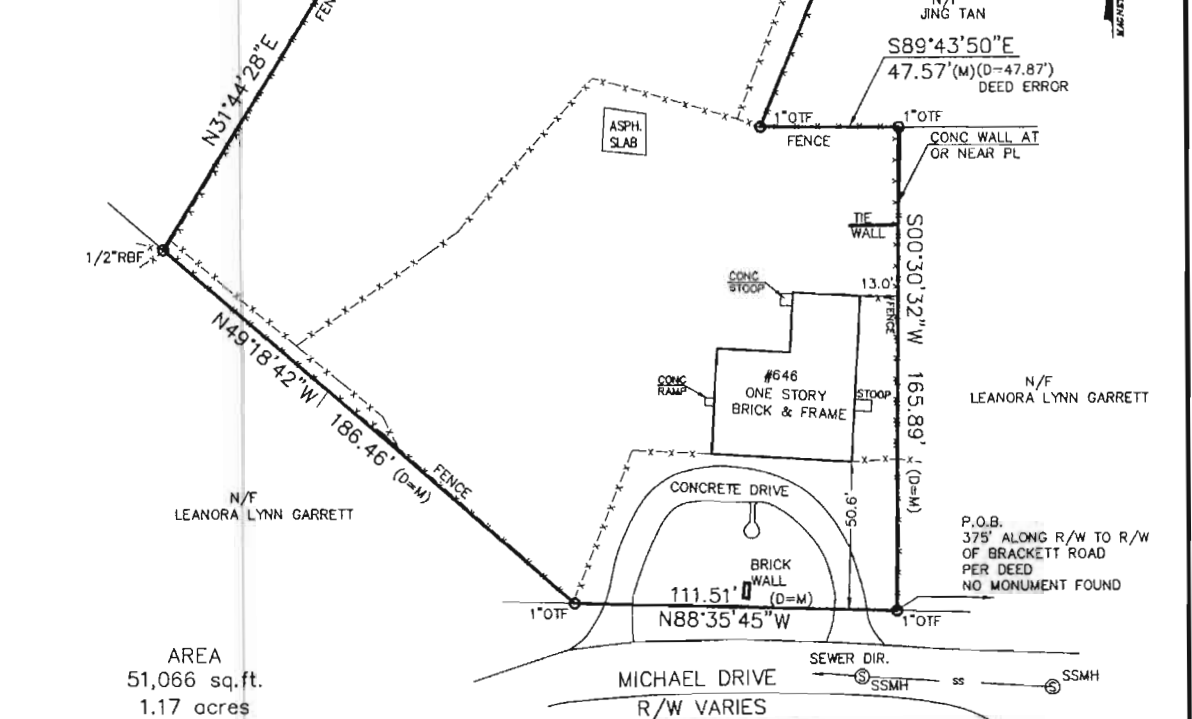


**Z-23
(2017)**

- LEGEND**
- CMP CORRUGATED METAL PIPE
 - DE DRAINAGE EASEMENT
 - SSE SANITARY SEWER EASEMENT
 - BSL BUILDING SETBACK LINE
 - RBF REBAR FOUND
 - IPP IRON PIN PLACED
 - IPF IRON PIN FOUND
 - OTF OPEN TOP FOUND
 - CTF CRIMP TOP FOUND
 - RB REBAR
 - CB CATCH BASIN
 - JB JUNCTION BOX
 - HW HEAD WALL
 - POB POINT OF BEGINNING
 - MH MAN HOLE
 - R/W RIGHT-OF-WAY
 - PP POWER POLE
 - LL LAND LOT
 - M MEASURED
 - D DEED
 - P PLAT



AREA
51,066 sq. ft.
1.17 acres

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.



PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS,

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE USUAL STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE 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. 15-8-87, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-8, 43-15-19, 43-15-22.

NOTICE: IF RECORDING IS REQUIRED, CONTACT THE SURVEYOR FOR PRODUCTION OF A PLAT MADE SUITABLE FOR RECORDING

NOTE: ALL EASEMENTS DEPICTED ARE PER PUBLIC RECORD, UNLESS OTHERWISE NOTED.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OF SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET, AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET. AN ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN PREPARATION OF THIS PLAT.

JOB NUMBER: 17-878		ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR: JORGE GONZALEZ	DATE 03-06-2017	
	OWNER / PURCHASER ELVIA BENITEZ	LAND LOT 59 17th DISTRICT 2nd SECTION COBB COUNTY, GEORGIA	SCALE 1" = 40'	
	LOT BLOCK UNIT AREA OF LOT: 51,066 sq.ft.	SUBDIVISION	SOLAR LAND SURVEYING COMPANY P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993 TELEPHONE (770) 794-9055 FAX (770) 794-9052	
	PLAT BOOK _____ PAGE _____ DEED BOOK 15191 , PAGE 3370	ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED		

APPLICANT: Courtney Ellis

PETITION NO: Z-23

PHONE#: (678) 983-4330 EMAIL: courtneymellis@outlook.com

HEARING DATE (PC): 06-06-17

REPRESENTATIVE: Courtney Ellis

HEARING DATE (BOC): 06-20-17

PHONE#: (678) 983-4330 EMAIL: courtneymellis@outlook.com

PRESENT ZONING: PSC, R-20

TITLEHOLDER: Elvia Benitez

PROPOSED ZONING: NRC

PROPERTY LOCATION: North side of Michael Drive, east of

PROPOSED USE: Child Care Center

Brackett Street

(646 Michael Drive)

ACCESS TO PROPERTY: Michael Drive

SIZE OF TRACT: 1.17 acres

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: One story brick and

LAND LOT(S): 59

frame building

PARCEL(S): 12

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: LI, R-20/ Auto repair, Undeveloped tract
- SOUTH: R-20/ Pine Branch Subdivision
- EAST: R-20/ Pine Branch Subdivision
- WEST: LI, PSC/ Auto repair, Brackett Subdivision

Adjacent Future Land Use:

- Northeast: Neighborhood Activity Center (RAC)
- Southeast Low Density Residential (LDR)
- East: Low Density Residential (LDR)
- South: Low Density Residential (LDR)
- Southwest: Neighborhood Activity Center (RAC)
- Northwest Neighborhood Activity Center (RAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ VOTE _____

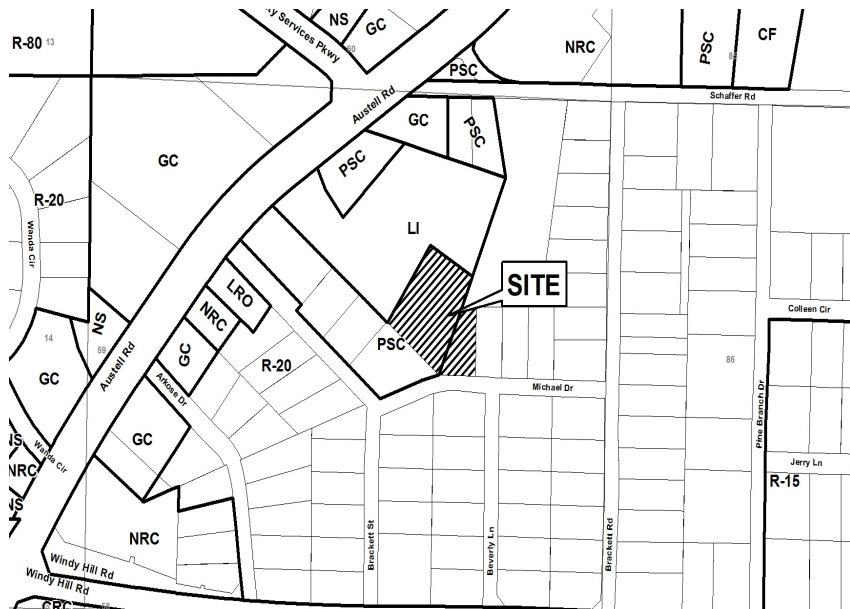
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

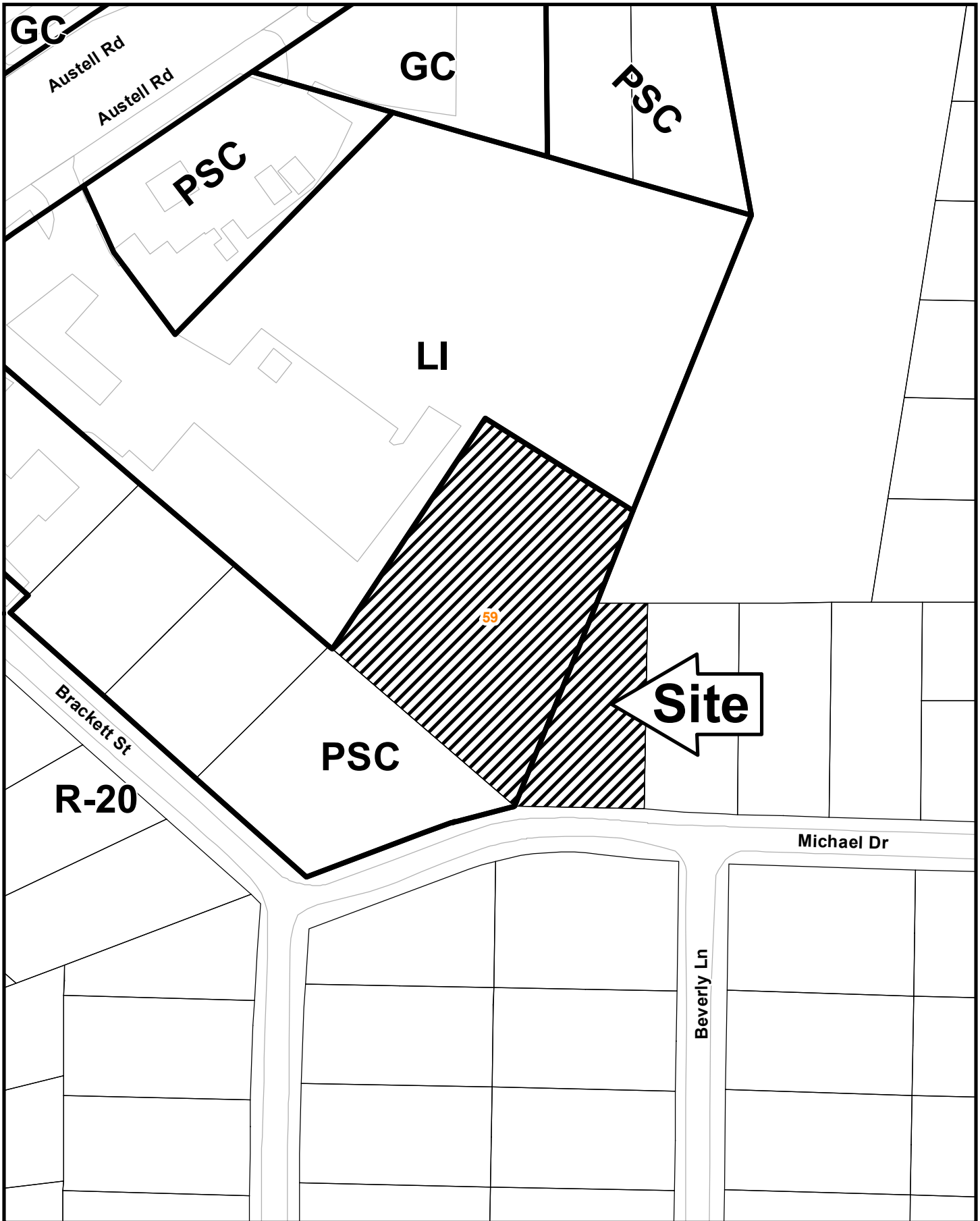
REJECTED _____ SECONDED _____

HELD _____ VOTE _____

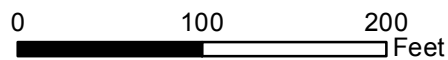
STIPULATIONS:





Z-23-2017-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: Courtney Ellis

PETITION NO.: Z-23

PRESENT ZONING: PSC, R-20

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 2,152 sq. ft.

F.A.R.: 0.04 **Square Footage/Acre:** 1,839 sq. ft.

Parking Spaces Required: 20 **Parking Spaces Provided:** 5 (on grass)

The applicant is proposing to reopen the property as a child daycare center. The building and property has historically been used as such since 1957. The zoning is both PSC planned shopping center district and R-20 single-family residential district and located within a NAC neighborhood activity center. The property has lost its “grandfathered” status having been vacant for some time. The applicant intends to have an enrollment of between 30-45 children with the assistance of four (4) employees and occasional guest art instructors. Intended hours of operation are Monday through Friday from 6:30 am to 8:30 pm.

Though the applicant proposes to add six (6) to eight (8) parking spaces to the site, current code calls for at least 20 parking spaces for a daycare use as well as a 20 foot landscape screening buffer adjacent to neighboring residential property (to the east and north directly behind the structure). While there is ample room to provide the necessary parking spaces, the required buffer cannot be fully accommodated between the existing building and eastern property line as it is only a distance of 13 feet. However, as there is an existing fence, there may be room for additional minimal plantings to provide an adequate visual as well as sound barrier to the neighbors.

Cemetery Preservation: No comment.

APPLICANT: Courtney Ellis

PETITION NO.: Z-23

PRESENT ZONING: PSC, R-20

PETITION FOR: NRC

SCHOOL COMMENTS:

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

- 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.

SITE PLAN REVIEW SECTION COMMENTS:

The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.).

APPLICANT: Courtney Ellis

PETITION NO.: Z-23

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: Courtney Ellis

PETITION NO.: Z-23

PRESENT ZONING: PSC & R-20

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from PSC and R-20 to NRC for the purpose of a child care center. The 1.17 acre site is located on the north side of Michael Drive, east of Brackett Street (646 Michael Drive).

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 PSC 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:

Northeast: Neighborhood Activity Center (RAC)
Southeast: Low Density Residential (LDR)
East: Low Density Residential (LDR)
South: Low Density Residential (LDR)
Southwest: Neighborhood Activity Center (RAC)
Northwest: Neighborhood Activity Center (RAC)

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: Courtney Ellis

PRESENT ZONING: PSC & R-20

PETITION NO.: Z-23

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?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Courtney Ellis

PETITION NO. Z-023

PRESENT ZONING PSC, 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): 6" DI / N side of Michael Drive

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: Michael Drive 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 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: Courtney Ellis

PETITION NO.: Z-23

PRESENT ZONING: PSC, R-20

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Favor 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 easements required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream .
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 receiving stream.

APPLICANT: Courtney Ellis

PETITION NO.: Z-23

PRESENT ZONING: PSC, R-20

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. No significant site improvements are proposed.
2. Stormwater management must be provided upon redevelopment or substantial improvement.

APPLICANT: Courtney Ellis

PETITION NO.: Z-23

PRESENT ZONING: PSC

PETITION FOR: NRC

TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Michael Drive	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Michael Drive	N/A	N/A	N/A

COMMENTS AND OBSERVATIONS

Michael 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 north side of Michael 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-23 COURTNEY ELLIS

- 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. Though commercial in nature, the proposed reuse of the property as child daycare, with appropriate buffering, can provide a service to the residential community as well as provide a step down in uses from the nearby commercial and industrial properties.
- 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. With the property having a history of usage as a daycare, its reutilization as such, with the necessary buffers, should not have an adverse effect on the neighboring properties.
- 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 the property as lying within the NAC neighborhood activity center future land use category. The current request fulfills this category's intent of providing commercial services to nearby residents and acting as a step down in intensity between neighboring land uses.
- 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 LRO. Having a historical use as a child daycare center, reutilization of the property as such, with proper parking accommodations and landscape buffering, can be supported. The use will serve to further the intents of the *Comprehensive Plan* while allowing reopening of a currently vacant property. Staff believes deleting to the LRO zoning district would provide a better step down in zoning intensity.

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

1. Child daycare use only;
2. District Commissioner to approve final site plan with 20 parking spaces provided to the northwest of the existing building (away from residential neighbors);
3. District Commissioner, after review by County Arborist, to approve landscape plan which provides a ten foot screening buffer adjacent to the properties zoned residential to the north and east;
4. Fire Department comments and recommendations;
5. Water Division comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. Department of Transportation comments and recommendations; and
8. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for the dedication of system improvements to mitigate traffic concerns.

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. 2-23

June 2017

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

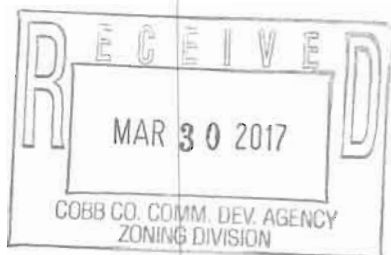
- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) List all requested variances: _____

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

- a) Proposed use(s): Child care Center
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: Monday - Friday 6:30 AM - 8:30 PM
- 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



Analysis of Impact

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

Upon zoning approval the property listed at 646 Michael Drive will permit a use for a Child Care/Learning Center that is suitable in view of the use and development of the adjacent and nearby properties.

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

The zoning proposal will not adversely affect the existing use or usability of the adjacent property or nearby, as the existing dwelling was originally built in 1957 as a Day Care Center. The dwelling has a commercial property class and was intended to be used for such purpose.

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

The property does not currently have a reasonable economic use as currently zoned because it's unable to be used for it's intended purpose. Again, It was built as a Commercial Day Care Center and cannot currently be used for commercial purposes due to zoning restrictions.

(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 approval of the zoning proposal will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. It will provide a convenient safe haven for the children and offer nearby premium childcare for working professionals in the community.

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

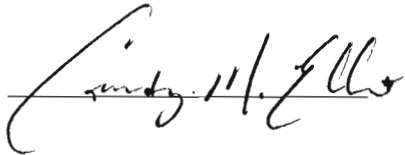
The land use plan categorizes the subject property as a Planned Shopping Center. However, again the dwelling was originally built as a Child Care Center.

(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.

The lack of art incorporated/excelled curriculum learning/childcare centers in the community lends support for the rezoning proposal. Our use of art integration into common core learning is sure to evolve our future generations into future achievers.

This the 28th day of March, 2017.

By: Courtney M. Ellis

A handwritten signature in cursive script, appearing to read "Courtney M. Ellis", written over a horizontal line.