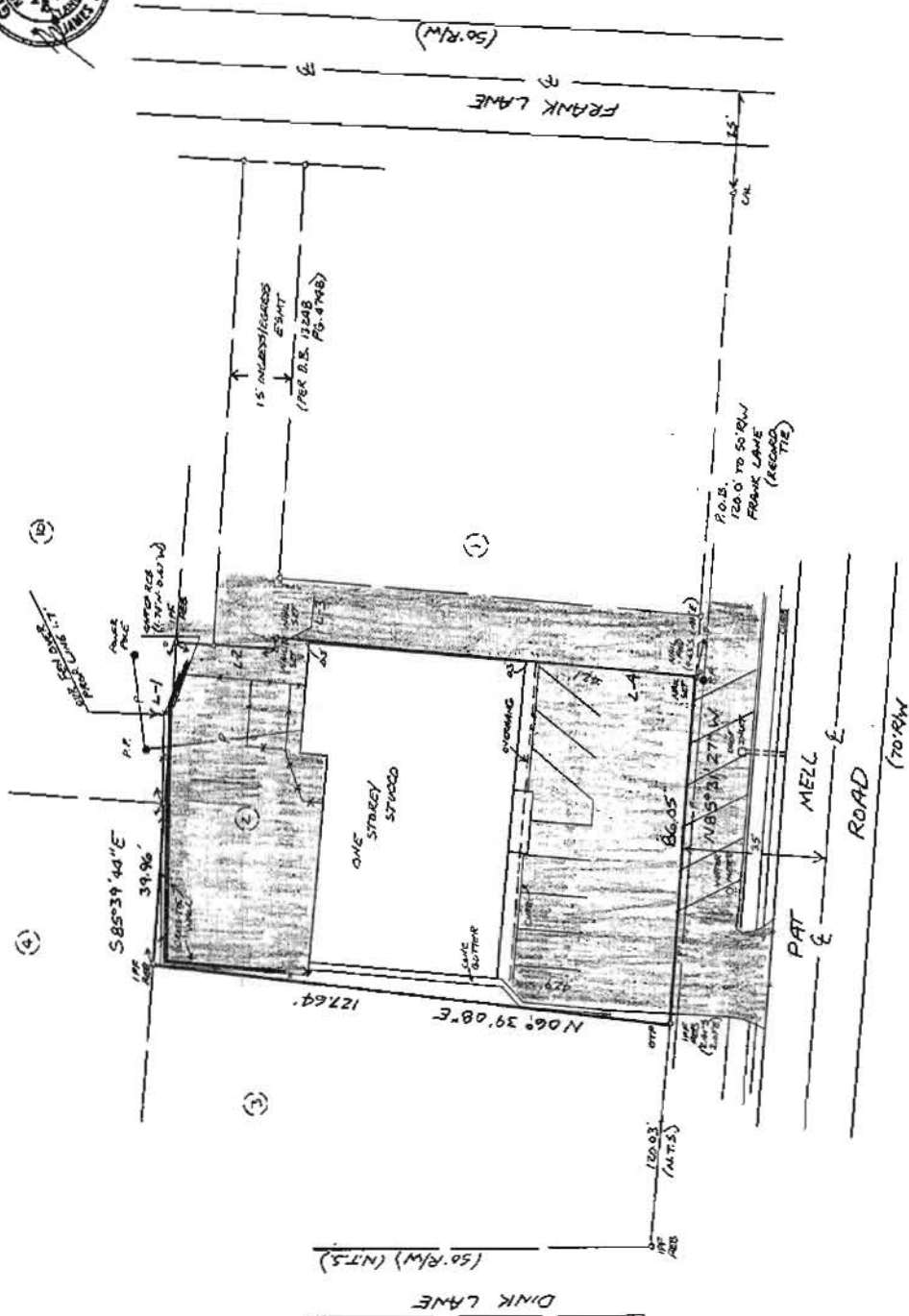


Z-93
(2015)



AREA 0.1461 ACRE
#277 PAT MELL ROAD



DATE: 12/20/2014
LOCATION: 02883
JOB NO. 1461

SURVEY FOR:
RE & GE PROPERTY MANAGEMENT

LOT 2	BLS. R UNIT	REVISIONS
PT. 1	SPRING VALLEY	
LAND LOT	277	
DISTRICT	1779	SECTION 2.25
COUNTY	COBBS	COUNTY, GEORGIA
PLAT BOOK	14	PAGE 117
DATE	10-15	SCALE: 1" = 20'

THESE PLATS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF THEY COMPLY WITH ALL THE REQUIREMENTS OF THE GEORGIA SURVEYING ACT AND I AM NOT PROVIDING ANY WARRANTIES OTHER THAN THOSE EXPRESSLY STATED HEREON.

JA EVANS
SURVEYING CO. INC.
POWDER SPRINGS, GEORGIA
PH: 770-343-0000



REF: OREO BOOK 14788 PAGE 1555
OREO BOOK 12248 PAGE 4748

LINE	BEARING	DISTANCE
L-1	S 85° 39' 44" E	40.00
L-2	S 07° 53' 06" W	24.17
L-3	S 86° 20' 31" E	3.87
L-4	S 05° 17' 07" W	103.65

NOTES:
1. BOUNDARY LINES ESTABLISHED USING A COMBINATION OF MONUMENTS FOUND IN THE FIELD AND A PLAT BY PERMIT INCLUDING (SERVITU) ALONG WITH DEED RECORDED IN D.A. 14788 PL. 1555. NO TITLE INFORMATION WAS FURNISHED TO J.A. EVANS & ASSOCIATES. THEREFORE WE ASSUME NO RESPONSIBILITY FOR ANY MATTERS THAT A FULL TITLE SEARCH MIGHT REVEAL.
2. IMPROVEMENTS IN EASEMENT NOT SHOWN.

This survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia. An error in Chapter 240-7 of the Board rules of the Board of Professional Engineers and Land Surveyors will result in both the Engineer and Land Surveyor being held liable to the Georgia Prof. Act (O.C.G.A. 32-5-42).

APPLICANT: RE and GE Property Management, LLC

PHONE#: (770) 652-4920 **EMAIL:** hzosplash69@gmail.com

REPRESENTATIVE: Roberto Espinosa

PHONE#: (770) 652-4920 **EMAIL:** hzosplash69@gmail.com

TITLEHOLDER: Roberto Espinosa

PROPERTY LOCATION: North side of Pat Mell Road, east of

Dink Lane

(277 Pat Mell Road)

ACCESS TO PROPERTY: Pat Mell Road

PHYSICAL CHARACTERISTICS TO SITE: One Story Stucco

Building

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Springs Valley Subdivision
- SOUTH:** City of Smyrna/ Laceola Woods Sub Division
- EAST:** R-20/ Two Story Stucco Office Building
- WEST:** City of Smyrna/ Spring Valley Sub Division

PETITION NO: Z-93

HEARING DATE (PC): 11-03-15

HEARING DATE (BOC): 11-17-15

PRESENT ZONING: R-20

PROPOSED ZONING: LRC

PROPOSED USE: Offices

SIZE OF TRACT: 0.2461 acres

DISTRICT: 17

LAND LOT(S): 277

PARCEL(S): 6

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

Adjacent Future Land Use:

- North: Low Density Residential (LDR)
- East: Low Density Residential (LDR)
- South: City of Smyrna
- West: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

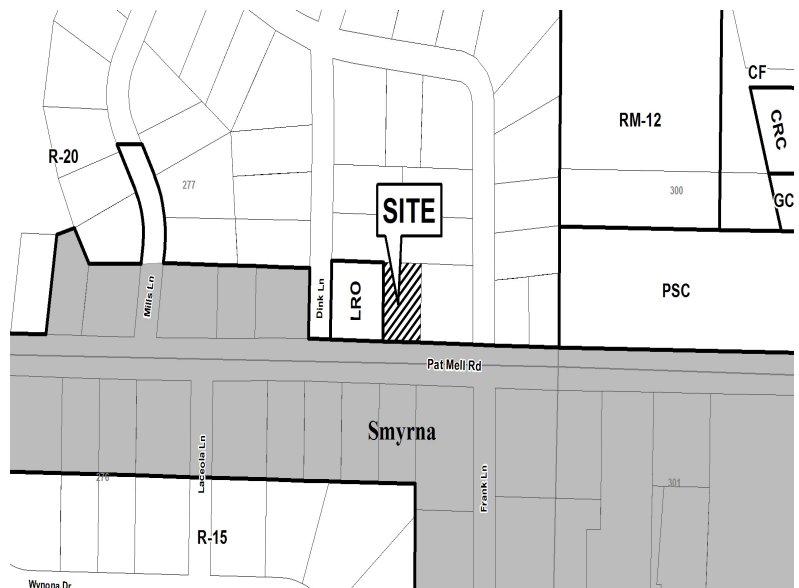
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

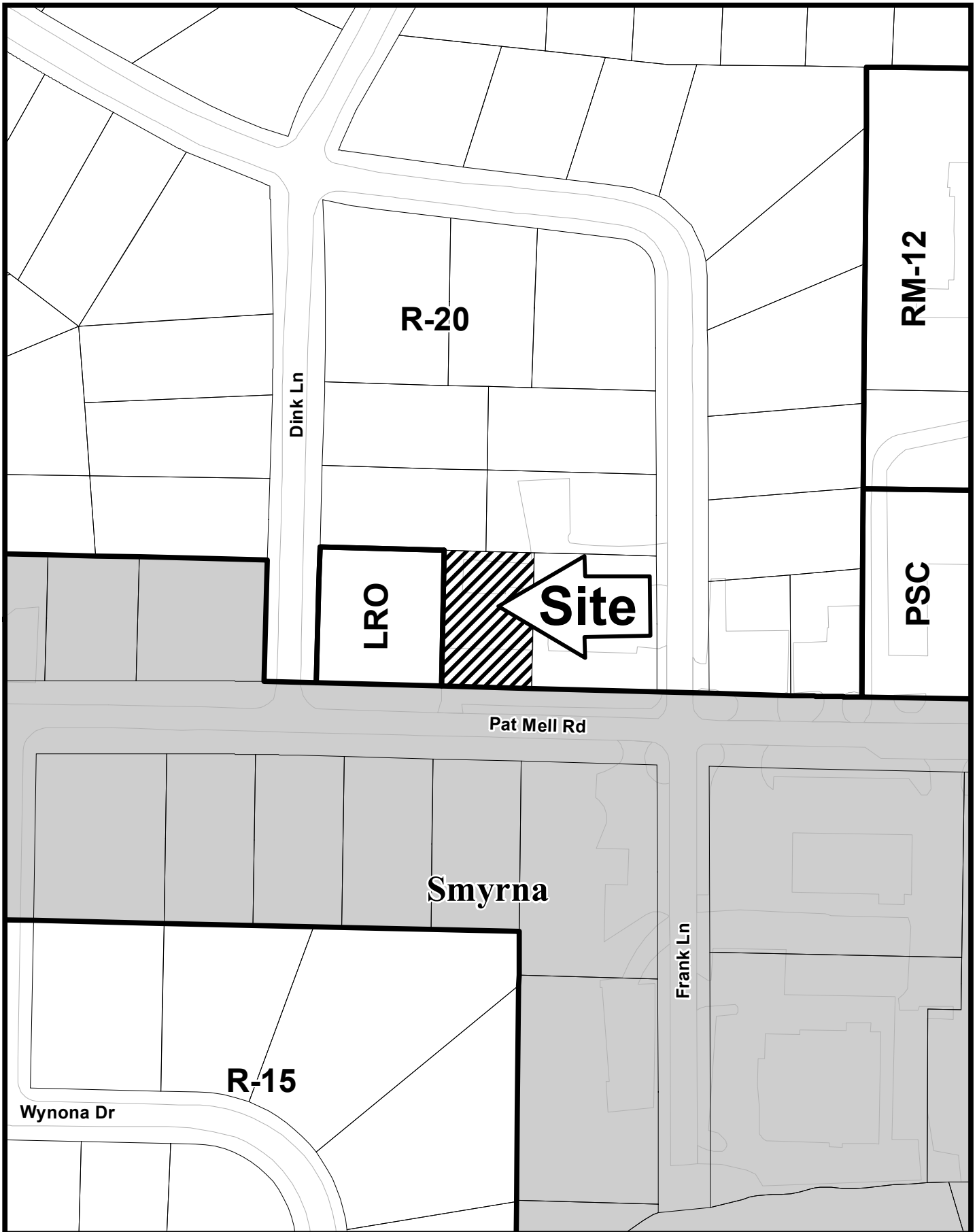
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

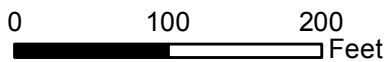
STIPULATIONS:





Z-93



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

APPLICANT: RE and GE Property Management, LLC

PETITION NO.: Z- 93

PRESENT ZONING: R-20

PETITION FOR: LRC

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Low Density Residential

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 3822

F.A.R.: .36 **Square Footage/Acre:** 15530.272

Parking Spaces Required: 14 **Parking Spaces Provided:** 6

The applicant is requesting the Limited Retail Commercial (LRC) category in order to use the property for an office use. The property is currently zoned Residential (R-20) and has been since the adoption of the zoning code in 1972. The building was built in 1969 and used for offices and retail uses. The applicant intends to use the property for office uses only.

The request will require the following contemporaneous variances:

- Reduce minimum parking spaces from 14 spaces to 6 spaces;
- Waive minimum lot size requirement from 20,000 square feet to 10,720 square feet;
- Waive right side setback from 15 feet to .3 feet;
- Waive left setback from 15 feet to 6 feet and;
- Waive front setback from 50 feet to 41 feet.

Cemetery Preservation:

No comment.

FIRE COMMENTS:

No comment. 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: RE and GE Property Management, LLC

PETITION NO.: Z- 93

PRESENT ZONING: R-20

PETITION FOR: LRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to LRC for the purpose of office. The .2461 acre site is located on the north side of Pat Mell Road, east of Drink Lane. The lot in Cobb County to the west is zoned Low-Rise Office (LRO) district.

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 Smyrna been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Low Density Residential (LDR) future land use category, with R-20 zoning designation. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre, and non supportive senior living housing that in certain circumstances may reach five (5) dwelling units per acre, depending on existing conditions such as product type and mix, structure/building height, tract size, topographic conditions, etc in order to provide compatibility with adjacent residential uses. Low-Rise Office (LRO) is not a zoning district that is listed among the appropriate conversions for LDR.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

North: Low Density Residential (LDR)
East: Low Density Residential (LDR)
South: City of Smyrna
West: Low Density Residential (LDR)

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?

APPLICANT: RE and GE Property Management, LLC

PETITION NO.: Z- 93

PRESENT ZONING: R-20

PETITION FOR: LRC

PLANNING COMMENTS:
Continued

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.

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

APPLICANT RE and GE Property Management LLC

PETITION NO. Z-093

PRESENT ZONING R-20

PETITION FOR LRC

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): 14" CI / S side of Pat Mell Road

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

Drv 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: RE and GE Property Management, LLC

PETITION NO.: Z-93

PRESENT ZONING: R-20

PETITION FOR: LRC

STORMWATER MANAGEMENT COMMENTS

This is an existing facility and no substantial site improvements are proposed at the present time. However, any future site improvements must meet current stormwater management requirements.

APPLICANT: RE and GE Property Management, LLC **PETITION NO.: Z-93**

PRESENT ZONING: R-20 **PETITION FOR: LRC**

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Pat Mell Road	9800	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 be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Recommend applicant consider entering into a development agreement pursuant of 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 Pat Mell Road, a minimum of 40' from the roadway centerline upon redevelopment.

Recommend removing parking from the right-of-way.

Recommend applicant verify that minimum intersection sight distance of 390 feet is available for Pat Mell Road access and if it is not, implement remedial measures, subject to the Department's approval.

STAFF RECOMMENDATIONS

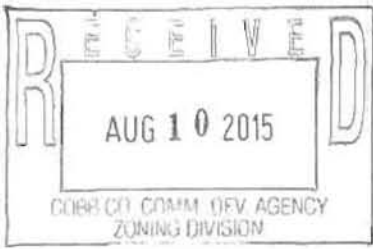
Z-93 RE AND GE PROPERTY MANAGEMENT, LLC

- 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. The building architecture is keeping with the surrounding developments in the area.
- 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. The applicant does not intend to make any changes to the existing building or property. The building has been developed since 1969, and is consistent with the surrounding area. The applicant intends to provide a location for low scale professional offices.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates the property being in a Low Density Residential area. The applicant proposal would be low intensity and would be geared to serve the surrounding neighborhood.
- 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. Though the proposal does not conform to the *County Comprehensive Plan*, the building was built 46 years ago and has been used as an office building. The surrounding building are similar to scale and intensity, and built in the same time period with similar architecture and characteristics.

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

- Professional office use only;
- Allowance of variances as stated in zoning comments;
- No more than 2 suites/ tenants can occupy the building at the same time;
- Site plan received August 10, 2015 by the Zoning Division;
- Department of Transportation comments and recommendations; and
- 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.

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-93

Nov. 2015

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): office
 - b) Proposed building architecture: Stucco
 - c) Proposed hours/days of operation: 8 hrs.
 - 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).

N/A

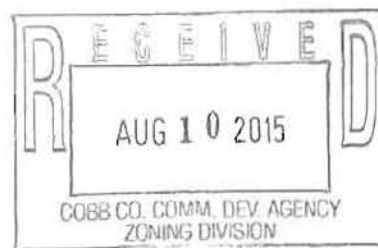
RE & GE Property Management LLC

2074 South Cobb Drive Ste.109

Marietta GA 30060

The following is a written analysis of the impact of the proposed rezoning with its respect to each of the following matter:

- a) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- b) The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.
- c) The zoning affected by the property does not have a reasonable economic use as currently zoned
- d) The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- e) The zoning proposal is in conformity with the policy and intent of the land use plan.
- f) There are no 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.



A handwritten signature in black ink, appearing to read "Roberto Espinosa", written over a horizontal line.

August 3, 2015