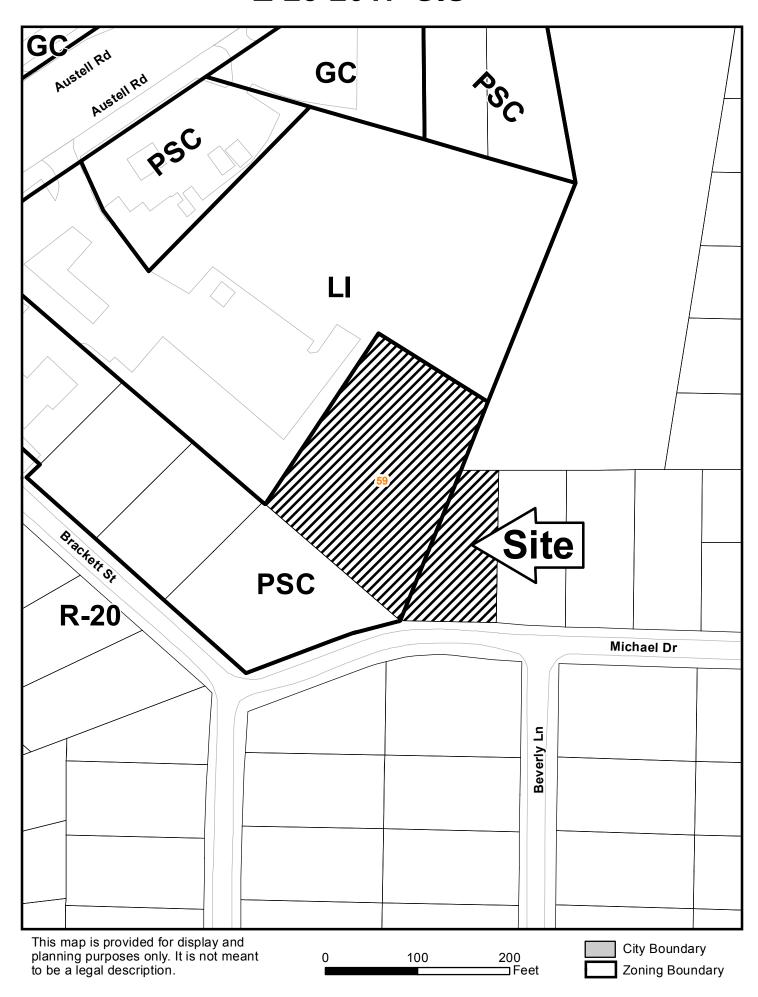


APPLICANT: Courtney Ellis	PETITION NO:	Z-23
PHONE#: (678) 983-4330 EMAIL: courtneyme	ellis@outlook.com HEARING DATE (PC):	06-06-17
REPRESENTATIVE: Courtney Ellis	HEARING DATE (BOC):	06-20-17
PHONE#: (678) 983-4330 EMAIL: courtneyme	ellis@outlook.com PRESENT ZONING:	PSC, R-20
TITLEHOLDER: Elvia Benitez		
	PROPOSED ZONING:	NRC
PROPERTY LOCATION: North side of Michael	el Drive, east of	
Brackett Street	PROPOSED USE: Child C	Care Center
(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 DU	E
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRICT	:4
SOUTH: R-20/ Pine Branch Subdivision EAST: R-20/ Pine Branch Subdivision WEST: LI, PSC/ Auto repair, Brackett Sub OPPOSITION: NO. OPPOSEDPETITION PLANNING COMMISSION RECOMMENDATA APPROVEDMOTION BY REJECTEDSECONDED HELDVOTE BOARD OF COMMISSIONERS DECISION APPROVEDMOTION BY REJECTEDSECONDED HELDVOTE SECONDEDHELDVOTE SECONDED HELDVOTE STIPULATIONS:	Northwest Neighborhood Activity Ce NO:SPOKESMAN	R) enter (RAC)

Z-23-2017-GIS



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	y Center (NAC)
Proposed Number of Buildings: 1 Total Square Fo	otage of Development: 2,152 sq. ft.
F.A.R.: 0.04 Square Footage/Acre: 1,839 sq. ft.	_
Parking Spaces Required: 20 Parking Spaces I	Provided: 5 (on grass)
The applicant is proposing to reopen the property as a child da historically been used as such since 1957. The zoning is both is single-family residential district and located within a NAC neiglost its "grandfathered" status having been vacant for some time enrollment of between 30-45 children with the assistance of foinstructors. Intended hours of operation are Monday through IT Though the applicant proposes to add six (6) to eight (8) parking least 20 parking spaces for a daycare use as well as a 20 foot laneighboring residential property (to the east and north directly room to provide the necessary parking spaces, the required but the existing building and eastern property line as it is only a direction of the neighbors. Cemetery Preservation: No comment. ***********************************	PSC planned shopping center district and R-20 ghborhood activity center. The property has ne. The applicant intends to have an our (4) employees and occasional guest art Friday from 6:30 am to 8:30 pm. In spaces to the site, current code calls for at andscape screening buffer adjacent to behind the structure). While there is ample after cannot be fully accommodated between stance of 13 feet. However, as there is an tings to provide an adequate visual as well as

APPLICANT: Courtney E	Ellis	PETITION NO.:	Z-23
PRESENT ZONING: PS	C, R-20	PETITION FOR	: NRC
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SCHOOL COMMENTS:			
	I		Number of
		Capacity	Portable
Name of School	Enrollment	Status	Classrooms
Elementary			
Middle			
High • School attendance zones	are subject to revision at an	y time.	
Additional Comments: Appschools.	proval of this petition will n	ot have an impact on the enro	ollment at Cobb Coun
* * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * *	* * * * * * * * *

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.

	70 VING PGG & P 40	PETITION NO.: Z-23	-
	ZONING: PSC & R-20 ************************************	PETITION FOR: NRC	-
		~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	
PLANNIN	G COMMENTS:		
	nt is requesting a rezoning from PSC and R-20 to NR re site is located on the north side of Michael Drive, e	± ±	
HB-489 Inte	rgovernmental Agreement Zoning Amendment Notifi	cation:	
	ation site within one half $(1/2)$ mile of a city boundary		
	ne city of been notified?	\square Yes \blacksquare No / N/A	
Comprehens			• •
	s within a Neighborhood Activity Center (NAC) futu	© •	
	gnation. The purpose of the Neighborhood Activity (
	rve neighborhood residents and businesses. Typical	land uses for these areas include smal	1
offices, limit	ted retail and grocery stores.		
Cracific Are	a Doline Cuidolinea		
	a Policy Guidelines:	ahansiya Dlan	
There are no	specific policy guidelines for this area in the Compr	enensive Fian.	
Adjacent Fu	ture 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	<u>/Corridor Study</u>		
The property	y is located within the boundary of Austell Road Cor	ridor Study	
<u>Historic Pre</u>			
	ting various county historic resources surveys, historic		
	ion maps, staff finds that no known significant hist	**	by this
application.	No further comment. No action by applicant reques	ted at this time.	
D	1.10		
Design Guid		— N	
-	in an area with Design Guidelines? ☐ Yes	■ No	
•	n guidelines area	<u></u>	
Does the cur	rrent site plan comply with the design requirements?		
Incentive Zo.			
	ty within an Opportunity Zone?	■ No	
	unity Zone is an incentive that provides \$3,500 tax cr		more
jobs are bein	ng created. This incentive is available for new or exis	ting businesses.	
To 4h o	tu within on Entermine 70 = 9	□ No.	
	ty within an Enterprise Zone? Yes	□ No	
•	-Osborne Enterprise Zone is an incentive that provid		
investments.	or qualifying businesses locating or expanding within	uesignated areas for new jobs and caj	pitai
m vesuments.	•		

APPLICANT: Courtney Ellis	PETITION NO.: Z-23
PRESENT ZONING: PSC & R-20	PETITION FOR: NRC
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PLANNING COMMENTS:	CONT.
Is the property eligible for incentives through the Comm Program? ☐ Yes ■ N The Commercial and Industrial Property Rehabilitation ad valorem property taxes for qualifying redevelopment	No Program is an incentive that provides a reduction in
For more information on incentives, please call the Com 770.528.2018 or find information online at	

PRESENT ZONING PSC, R-20				PE'	ΓΙΤΙΟΝ Ι	FOR <u>NRC</u>
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WATER COMMENTS: NOTE: Comments refle	ect o	nly what facilities w	vere	in exi	stence at th	ne time of this review.
Available at Development:	✓	Yes			No	
Fire Flow Test Required:		Yes		✓	No	
Size / Location of Existing Water Main(s): 6" D	I/N	I side of Michael	Driv	'e		
Additional Comments: Existing water customer						
Developer may be required to install/upgrade water mains, based on Review Process.	fire fl	ow test results or Fire Do	epartn	nent Co	ode. This will	be resolved in the Plan
* * * * * * * * * * * * * * * * * * * *	* *	* * * * * * * * *	* * *	* * :	* * * * *	* * * * * * * * *
SEWER COMMENTS: NOTE: Comments i	eflec	t only what facilitie	s we	re in e	existence at	t the time of this review.
In Drainage Basin:	✓	Yes			No	
At Development:	✓	Yes			No	
Approximate Distance to Nearest Sewer: Mic	hael	Drive ROW				
Estimated Waste Generation (in G.P.D.): A I	DF=	: +0		P	Peak= +0	
Treatment Plant:		South	Cob	b		
Plant Capacity:	~	Available		Not	Available	
Line Capacity:	~	Available		Not	Available	
Projected Plant Availability:	~	0 - 5 years		5 - 1	0 years	□ over 10 years
Dry Sewers Required:		Yes	~	No		
Off-site Easements Required:		Yes*	~	No	*If off-site	easements are required, Developer it easements to CCWS for
Flow Test Required:		Yes	~	No	review/app	roval as to form and stipulations execution of easements by the
Letter of Allocation issued:		Yes	~	No		wners. All easement acquisitions consibility of the Developer
Septic Tank Recommended by this Department:		Yes	~	No		
Subject to Health Department Approval:		Yes	✓	No		
Additional Existing sewer customer						

PETITION NO. Z-023

APPLICANT Courtney Ellis

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.

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 (<u>undisturbed</u> 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

PETITION NO.: <u>Z-23</u>

APPLICANT: Courtney Ellis

project on receiving stream.

APPLICANT: Courtney Ellis	PETITION NO.: <u>Z-23</u>
PRESENT ZONING: PSC, R-20	PETITION FOR: NRC
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STORMWATER MANAGEMENT COMMENT	rs – Continued
SPECIAL SITE CONDITIONS	
Provide comprehensive hydrology/stormwater controls Submit all proposed site improvements to Plan Review. Any spring activity uncovered must be addressed by a	•
Structural fill must be placed under the direction engineer (PE).	of a qualified registered Georgia geotechnical
Existing facility.Project must comply with the Water Quality requiremenWater Quality Ordinance.	ts of the CWA-NPDES-NPS Permit and County
Water Quality/Quantity contributions of the existing la conditions into proposed project.	ke/pond on site must be continued as baseline
Calculate and provide % impervious of project site. Revisit design; reduce pavement area to reduce runoff a	nd pollution.

ADDITIONAL COMMENTS

- No significant site improvements are proposed.
 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	ADWAY LOCATION AVERAGE DAIL 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.	Reside	ential 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-r	esidential Rezoning Information (attach additional information if needed)
	a)	Proposed use(s): Child Can Conter
	b)	Proposed building architecture:
	c)	Proposed hours/days of operation: Monkry - Friday 6:334m -
	d)	List all requested variances:
Part	3. Oth	er Pertinent Information (List or attach additional information if needed)
n		of the control is already as the proposed site when covered by the Local State on Endowel Coverement?
Part 4		y of the property included on the proposed site plan owned by the Local, State, or Federal Government? se list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a
	,	learly showing where these properties are located).



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 28 day of // (arch), 2017.

By: Courtney M. Ellis

(my 11/100