



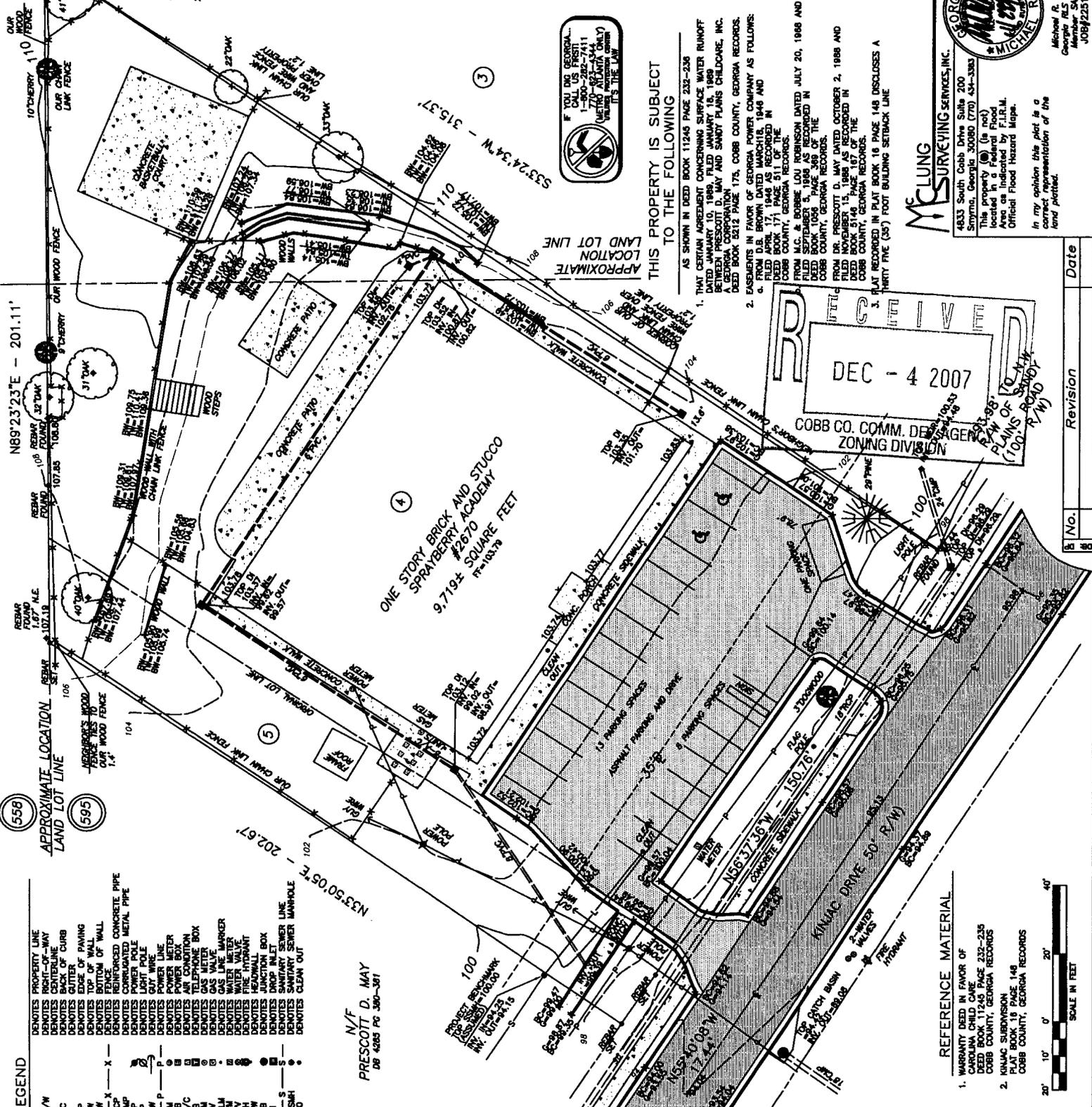
557
596

PROPOSED ZONING
1. CURRENT ZONING PER COBB COUNTY, GEORGIA DC GENERAL COMMERCIAL DISTRICT
2. PROPOSED ZONING FOR LOT 4 AND PART OF LOT 5 HRC NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT

SURVEY NOTES
1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MARKED BY THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES SHOWN HEREON ARE SHOWN HEREON AS SHOWN HEREON. ADDITIONAL BURIED UTILITIES SHOWN HEREON ARE SHOWN HEREON. THESE WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, THE FOLLOWING OFFICES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
TELEPHONE: AT&T
ELECTRIC: GEORGIA POWER COMPANY
WATER AND SEWER: CITY OF MARIETTA
GAS: ATLANTA GAS LIGHT CO.
CALL THREE WORKING DAYS BEFORE YOU LOG
IN METRO ATLANTA 404-623-4344
THROUGH OUT GEORGIA 1-800-282-7411

Z-2
SURVEYOR HAS MADE NO INVESTIGATION OR INDEX SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES OR ANY OTHER FACTS THAT MAY AFFECT THIS SURVEY OR SEARCH MAY DISCLOSE.
THIS PLAT IS 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 THE EXPRESS REIDENTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSELY APPROXIMATE ACCURACY OF ONE FOOT AND AN ANGULAR ERROR OF ONE SECONDS POINT AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET. LINEAR AND ANGULAR TOTAL STATION WERE OBTAINED BY USING A TOPCON SURVEYING STATION WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
5. SQUARE FEET OF BUILDING IS FOR FIRST FLOOR ONLY.
6. PARKING AREA IS OFF STREET AND 22 PARKING SPACES ARE DESIGNATED. THERE ARE 2 HANDICAPPED SPACES DESIGNATED.
7. CONTOUR INTERVAL= 2 FEET.
8. THIS PLAT NOT INTENDED FOR RECORDING.

TOTAL AREA= 0.995 ACRES
OR 43,349 SQ. FT.
2670 KINJAC DRIVE
MARIETTA, GEORGIA
TOPOGRAPHIC MAP FOR
N & N HOLDING, LLC.
LOT 4 AND PART OF LOT 5
KINJAC SUBDIVISION
LAND LOTS 595 AND 596
DISTRICT 16TH, SECTION 2ND
COUNTY COBB
GEORGIA
PLAT PREPARED: 11-28-07
FIELD: 11-21-07 SCALE: 1"=20'



LEGEND
E/W DENOTES PROPERTY LINE
C/W DENOTES CENTERLINE
B/C DENOTES BACK OF CURB
G EP DENOTES GUTTER
TR DENOTES TOP OF WALL
FEN DENOTES FENCE
RCP DENOTES REINFORCED CONCRETE PIPE
CMP DENOTES CORRUGATED METAL PIPE
L.P. DENOTES LIGHT POLE
L.W. DENOTES LIGHT WIRE
P DENOTES POWER LINE
A/C DENOTES AIR CONDITION
T.E. DENOTES TELEPHONE BOX
G.M. DENOTES GAS METER
G.W. DENOTES GAS VALVE
W.V. DENOTES WATER METER
W.V. DENOTES WATER VALVE
W.V. DENOTES WATER MAIN
J.B. DENOTES JUNCTION BOX
D.I. DENOTES DROP INLET
S DENOTES SANITARY SEWER LINE
S.H. DENOTES SANITARY SEWER MANHOLE
C.O. DENOTES CLEAN OUT

REFERENCE MATERIAL
1. WARRANTY DEED IN FAVOR OF DEED BOOK 145 PAGE 232-235 COBB COUNTY, GEORGIA RECORDS
2. KINJAC SUBDIVISION PLAT BOOK 18 PAGE 148 COBB COUNTY, GEORGIA RECORDS

THIS PROPERTY IS SUBJECT TO THE FOLLOWING
AS SHOWN IN DEED BOOK 11245 PAGE 232-236 THAT CERTAIN AGREEMENT CONCERNING SURFACE WATER RUNOFF DATED JANUARY 10, 1989, FILED JANUARY 15, 1989 BETWEEN PRESCOTT D. MAY AND SANDY PLAINS CHILD CARE, INC. GEORGIA CORPORATION AND SANDY PLAINS CHILD CARE, INC. DEED BOOK 512 PAGE 175, COBB COUNTY, GEORGIA RECORDS.
2. EASEMENTS IN FAVOR OF GEORGIA POWER COMPANY AS FOLLOWS:
a. FILED JAN. 27, 1946 AS RECORDED IN DEED BOOK 171 PAGE 511 OF THE COBB COUNTY, GEORGIA RECORDS.
b. FILED M.C. & BOBBIE LOU ROBINSON DATED JULY 20, 1968 AND FILED SEPTEMBER 5, 1968 AS RECORDED IN DEED BOOK 171 PAGE 511 OF THE COBB COUNTY, GEORGIA RECORDS.
c. FILED DE. PRESCOTT D. MAY DATED OCTOBER 2, 1988 AND FILED NOVEMBER 15, 1988 AS RECORDED IN DEED BOOK 5146 PAGE 167 OF THE COBB COUNTY, GEORGIA RECORDS.
3. PLAT RECORDED IN PLAT BOOK 18 PAGE 148 DISCLOSES A THIRTY FIVE (35) FOOT BUILDING SETBACK LINE

IF YOU OWN GEORGIA... CALL US FIRST! 1-800-282-7411 METRO ATLANTA ONLY. WE'RE THE EXPERTS ON THIS! IT'S THE LAW!

McLUNG SURVEYING SERVICES, INC.
4833 South Cobb Drive Suite 200
Smyrna, Georgia 30080 (770) 434-3383
This property is (in part) Area as indicated by F.I.R.M. Official Flood Hazard Maps.
In my opinion this plat is a correct representation of the land platted.
Michael R. Howe
Georgia Reg. #2846
Member SAUSOG
JOB#225193

Rev.	No.	Revision	Date
1			

SCALE IN FEET
20' 10' 0' 20' 40'

APPLICANT: N & N Holdings, LLC
404-376-6169

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Parks F. Huff 770-422-7016

TITLEHOLDER: N & N Holdings, LLC

PROPERTY LOCATION: Located on the north side of Kinjac Drive, northwesterly of Sandy Plains Road.

ACCESS TO PROPERTY: Kinjac Drive

PHYSICAL CHARACTERISTICS TO SITE: Existing building

PETITION NO: Z-2

HEARING DATE (PC): 02-05-08

HEARING DATE (BOC): 02-19-08

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Office and Retail

SIZE OF TRACT: 0.995 acre

DISTRICT: 16

LAND LOT(S): 595, 596

PARCEL(S): 94

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: R-15, PSC/ Sandy Mill subdivision, Corners Shopping Center
- SOUTH: NS/ Sandy Plains Junction Shopping Center
- EAST: GC/ Sprayberry Dental
- WEST: GC/ Office building

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

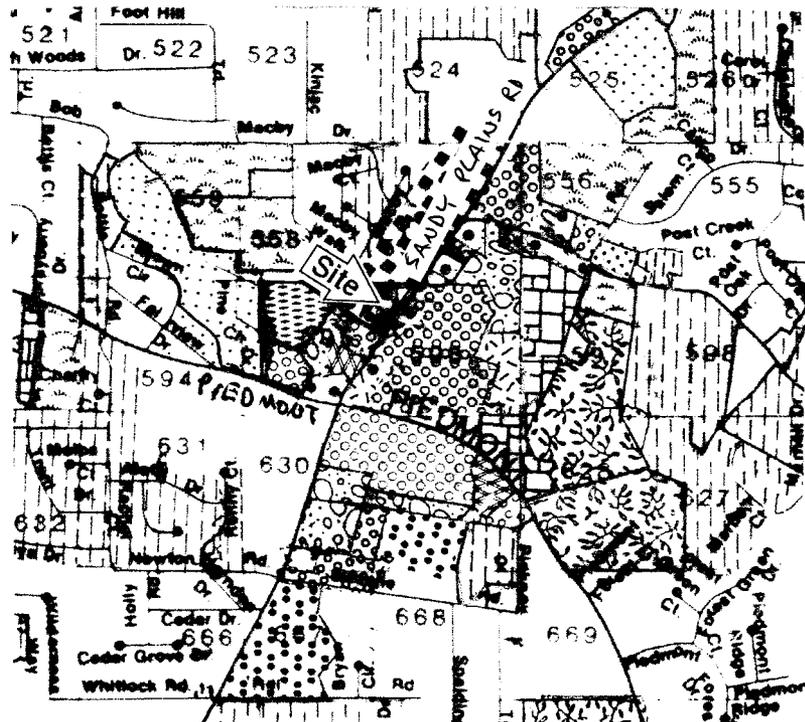
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____
 REJECTED _____ SECONDED _____
 HELD _____ CARRIED _____

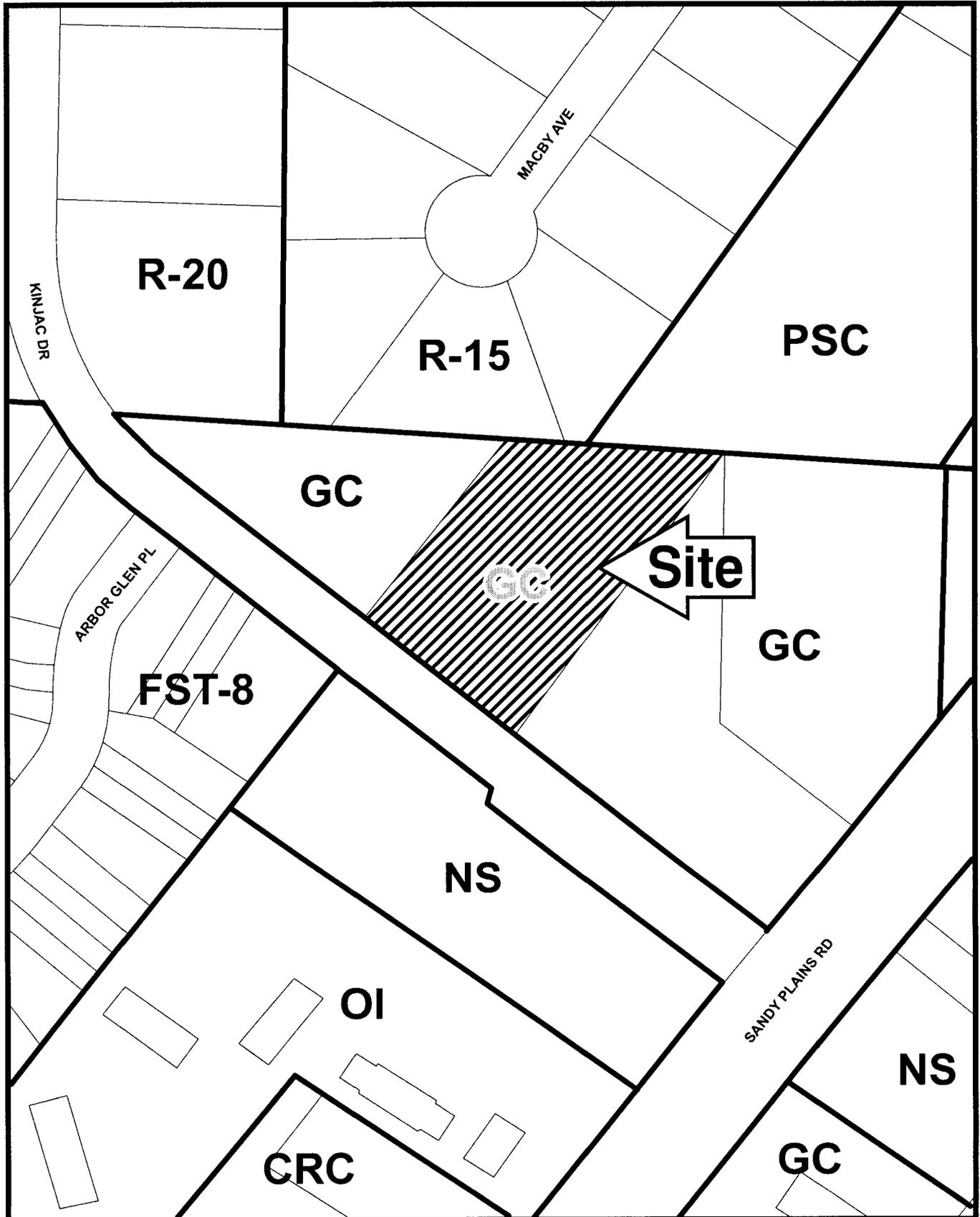
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____
 REJECTED _____ SECONDED _____
 HELD _____ CARRIED _____

STIPULATIONS:



Z-2



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

50 0 50
Feet



Draft Parcel Boundary
Approximate Zoning Boundary

APPLICANT: N & N Holdings, LLC

PETITION NO.: Z-2

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1(existing) **Total Square Footage of Development:** 9,719

F.A.R.: 0.22 **Square Footage/Acre:** 9,767

Parking Spaces Required: 41 **Parking Spaces Provided:** 21

The applicant is requesting rezoning to the NRC zoning district to bring this property into compliance with the *Cobb County Comprehensive Plan*. The property had been used for a daycare facility for many years up until recently. The owner would like to lease the property to an office use, or possibly a small retail use. The existing building and site layout would remain in its currently state. The applicant’s representative has submitted a letter of agreeable stipulations (see Exhibit “A”).

The applicant is showing contemporaneous variances which are:

1. Reduce the side setback from 15-feet to 10-feet; and
2. Reduce the required parking from 41 parking spaces to 21 parking spaces.

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.

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.

FIRE COMMENTS:

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT N & N Holdings, LLC

PETITION NO. Z-002

PRESENT ZONING GC

PETITION FOR NRC

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No

Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 6" AC / S side Kinjac Dr

Additional Comments: Connected

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:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer:

Estimated Waste Generation (in G.P.D.): **A D F** 0 net **Peak** 0 net

Treatment Plant: Noonday

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

Flow Test Required? Yes No

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Records show connection to sewer

Notes FYI:

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 off site easements, dedication of on and/or off site 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: N & N Holdings, LLC

PETITION NO.: Z-2

PRESENT ZONING: GC

PETITION FOR: NRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little Noonday 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 CONDITION

- 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 _____.
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 downstream _____.

APPLICANT: N & N Holdings, LLC

PETITION NO.: Z-2

PRESENT ZONING: GC

PETITION FOR: NRC

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit any 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.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. Applicant proposes to use the existing facility as is. Since there is no existing stormwater management facility onsite any redevelopment or site improvements will be required to meet current stormwater management requirements.

APPLICANT: N & N Holdings, LLC

PETITION NO.: Z-2

PRESENT ZONING: GC

PETITION FOR: NRC

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
Kinjac Drive	3300	Local	25 mph	Cobb County	50'

Based on 2006 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Kinjac Drive is classified as a Local and according to the available information, the existing right-of-way does 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.

STAFF RECOMMENDATIONS

Z-2 N & N HOLDINGS, 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 area contains a variety of commercial properties that include retail, office and restaurant uses.
- 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's proposal would be consistent with other properties. This portion of Kinjac Drive has been commercial for a long time.
- 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 this property to be within a Neighborhood Activity Center.
- 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 applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal would be compatible with and consistent to other commercially zoned properties in the area.

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

- Site plan received by the Zoning Division December 4, 2007, with the District Commissioner approving minor modifications;
- Letter from Mr. Parks F. Huff, dated January 23, 2008;
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

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.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN
JUSTIN H. MEEKS

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

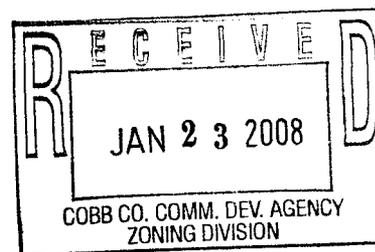
SAMSLARKINHUFF.COM

*ALSO LICENSED TO PRACTICE
IN ALABAMA

January 23, 2008

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



Re: Application of N & N Holdings, LLC to Rezone a .995
Acre Tract from GC to NRC (No. Z-2)

Dear John:

I represent N & N Holdings, LLC in relation to their Rezoning Application for property known as 2670 Kinjac Drive, Marietta, Georgia. The property is a .995 acre tract with an existing 9,719 square foot one-story commercial building. The property is currently zoned GC and the rezoning request is to zone the property NRC so that the zoning is consistent with the County's Land Use Plan and Zoning Ordinance. The matter is scheduled to be heard by the Cobb County Planning Commission at its regularly scheduled meeting on February 5, 2008 and will be decided by the Board of Commissioner's at their meeting on February 19, 2008. In order to address the issues relating the zoning request, the Applicant proposes the following stipulations becoming a condition on the grant of the rezoning request.

1. The Applicant will use the existing building for retail and office uses. If the site is redeveloped, it will comply with all current development and construction requirements.
2. Because it is an existing building, the Applicant requests a contemporaneous side setback variance of two (2) feet to allow the existing structure to remain thirteen (13) feet from the southeastern property line. This setback variance is for the existing structure only and will terminate upon the redevelopment of the subject property.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

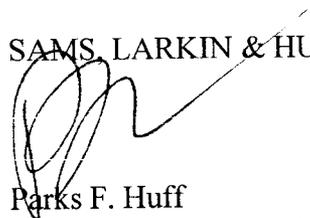
Mr. John P. Pederson, Planner III
Cobb County Zoning Department
January 23, 2008
Page 2

3. Additionally, the Applicant seeks a parking variance to allow for twenty-two (22) parking spaces for the 9,719 square foot building. The parking variance is granted for the existing development. If the site is redeveloped, the property would have to comply with current parking ratios.
4. The Applicant agrees not to increase the amount of impervious material on the subject property over its existing condition unless the increased impervious area is reviewed and approved by the Cobb County Stormwater Management Division with the Applicant accounting for the increase in impervious material with appropriate stormwater management controls.
5. The Applicant will agree to shielded lights in the rear of the building so to limit light glaring into the residential properties.
6. The Applicant agrees to exclude the following uses:
 - a. Convenience stores.
 - b. Adult themed bookstores.
 - c. Automotive repair establishments.
 - d. Check cashing facilities.

With the above-described conditions, the proposed zoning is consistent with development in the area and the County's Comprehensive Land Use Plan. Please contact me if you have any questions regarding any of these proposed conditions or stipulations.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
phuff@samslarkinhuff.com

PFH/brl

cc: Shown on next page.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
January 23, 2008
Page 3

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission – VIA First Class Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk
Mr. Steve Innes, Cobb County Water System (VIA Email)
Mr. John Morey, Cobb County DOT (VIA Email)
Mr. Dave Breaden, P. E., Cobb County Water System (VIA Email)
Mr. Tim McKay, Cobb County DOT (VIA Email)
Mr. Marty Nixon