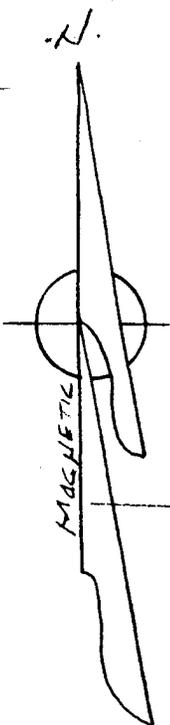
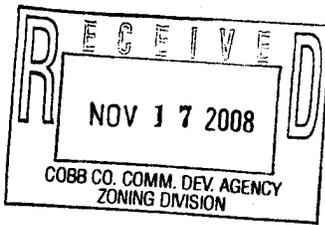


Z-1
(2009)



N/E EDEL WRIGHT

LL 1019

LL 1018

$S88^{\circ}10'48''E$

IPS

135.00' LAND LOT CORNER

IRON FENCE

LL 1054

LL 1055

$H46^{\circ}15'14''E$
200.3

CHARLES SMITH

0.92 ACRES
40,212.8 S.F.

47.23'

IPF

$S84^{\circ}31''$
52"W

73.05'
 $S2^{\circ}28'11''W$

IPF

$S27^{\circ}12'49''W$
239.52'

N/E NEIL PREWETT

AUSTELL

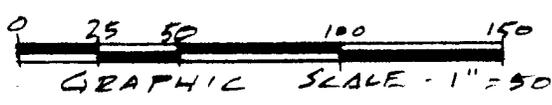
PONDER

SPRINGS ROAD
60'E/W, 24'P/W

$N37^{\circ}39'09''W$
196.96'

IPS

IPS



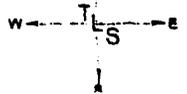
TRU-LINE SURVEYING INC.
2070 ATTIC PARKWAY
SUITE 505
KENNESAW, GA. 30144
PHONE (770) 919-8732-77
FAX (770) 919-8731



- SURVEY FOR -
CHARLES E. SMITH

LAND LOT: 1054

SCALE: 1"=20'



APPLICANT: Jeffery C. Smith and Julian W. Smith, Sr.
770-436-9197

PETITION NO: Z-1

REPRESENTATIVE: Jeffery C. Smith
770-443-4077

HEARING DATE (PC): 02-03-09

HEARING DATE (BOC): 02-17-09

TITLEHOLDER: Jeffery C. Smith and Julian W. Smith

PRESENT ZONING: GC

PROPERTY LOCATION: Located on the northeastern side of
Austell Powder Springs Road, south of Furr Avenue.

PROPOSED ZONING: R-20

PROPOSED USE: Residential

ACCESS TO PROPERTY: Austell Powder Springs Road

SIZE OF TRACT: 0.92 acre

DISTRICT: 19

PHYSICAL CHARACTERISTICS TO SITE: Vacant lot

LAND LOT(S): 1054

PARCEL(S): 1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Single-family house, Calvary Christian Ministries

SOUTH: GC/ Single-family house

EAST: CRC/ wooded

WEST: R-20/ Single-family houses

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

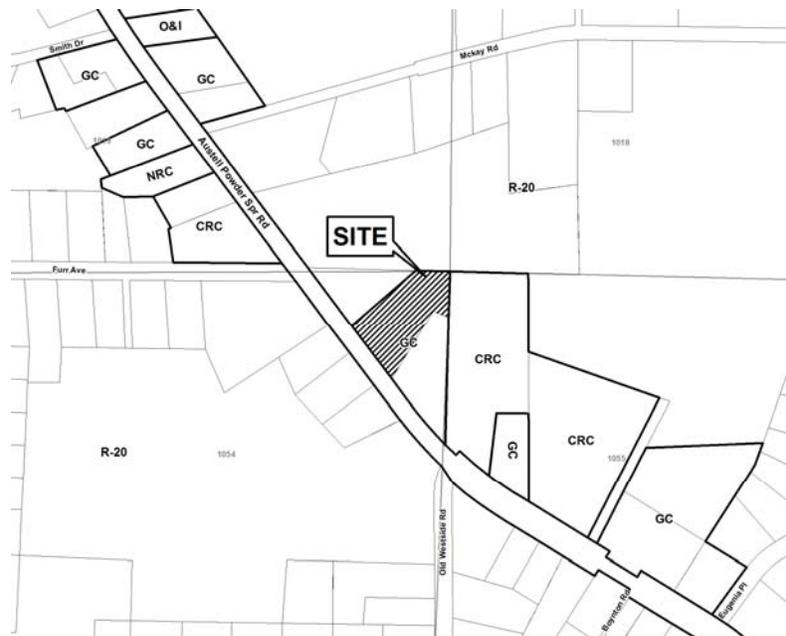
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

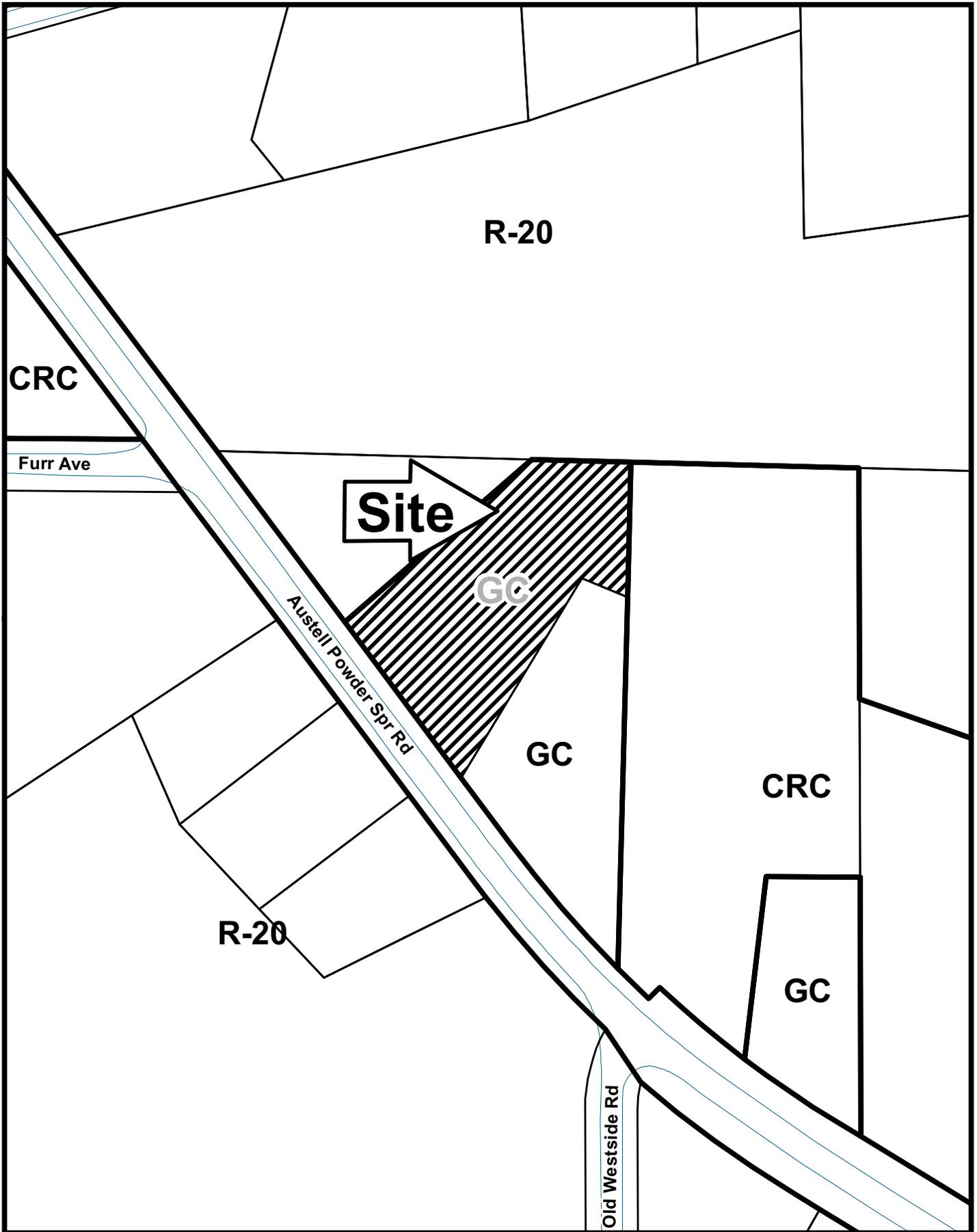
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

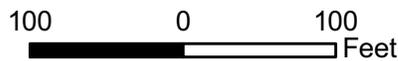
STIPULATIONS:



Z-1



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



- City Boundary
- Zoning Boundary

APPLICANT: Jeffery C. Smith and Julian W. Smith, Sr.

PETITION NO.: Z-1

PRESENT ZONING: GC

PETITION FOR: R-20

PLANNING COMMENTS: **Staff Member Responsible:** John P. Pederson, AICP

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Units: 0 **Overall Density:** 0 **Units/Acre**

Present Zoning Would Allow: 0 **Units** **Increase of:** 0 **Units/Lots**

The applicant is requesting the R-20 zoning district to place a residential zoning district on this property in order to lower the property taxes. The applicant has no immediate plans for commercial or residential development on the property.

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: No comment.

FIRE COMMENTS:

No comments.

STORMWATER MANAGEMENT COMMENTS:

No comments.

APPLICANT Jeffery C Smith

PETITION NO. Z-001

PRESENT ZONING GC

PETITION FOR R-20

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) **CITY OF POWDER SPRINGS SERVICE AREA**

Additional Comments:

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** **Peak**
- Treatment Plant:
- 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:

CITY OF POWDER SPRINGS SERVICE AREA

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: Jeffrey C. Smith _____

PETITION NO.: Z-1 _____

PRESENT ZONING: GC _____

PETITION FOR: R-20 _____

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
Austell Powder Springs Road	14600	Arterial	45 mph	Cobb County	100'

Based on 2005 traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Austell Powder Springs Road is classified as an Arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Install sidewalk, curb and gutter along road frontages.

The driveway width is larger than the residential driveway standard.

RECOMMENDATIONS

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 northeast side of Austell Powder Springs Road, a minimum of 50' from the roadway centerline.

Recommend installing sidewalk, curb and gutter along the road frontage.

Recommend building the proposed driveway to comply with Cobb County residential standards.

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

STAFF RECOMMENDATIONS

Z-1 JEFFERY C. SMITH

- 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. None of the surrounding properties are used commercially; there are predominately residential uses 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 propose a use for the property. The property will remain a vacant lot, which is what the property's been 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Community Activity Center. However, the area is residential in character.
- 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 will be consistent with, and compatible to other properties in the area. The applicant's proposal will stay as a vacant lot, which is what its been for many years.

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

- Fire Department comments;
- Water and Sewer comments and recommendations;
- DOT comments and recommendations;
- 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.