

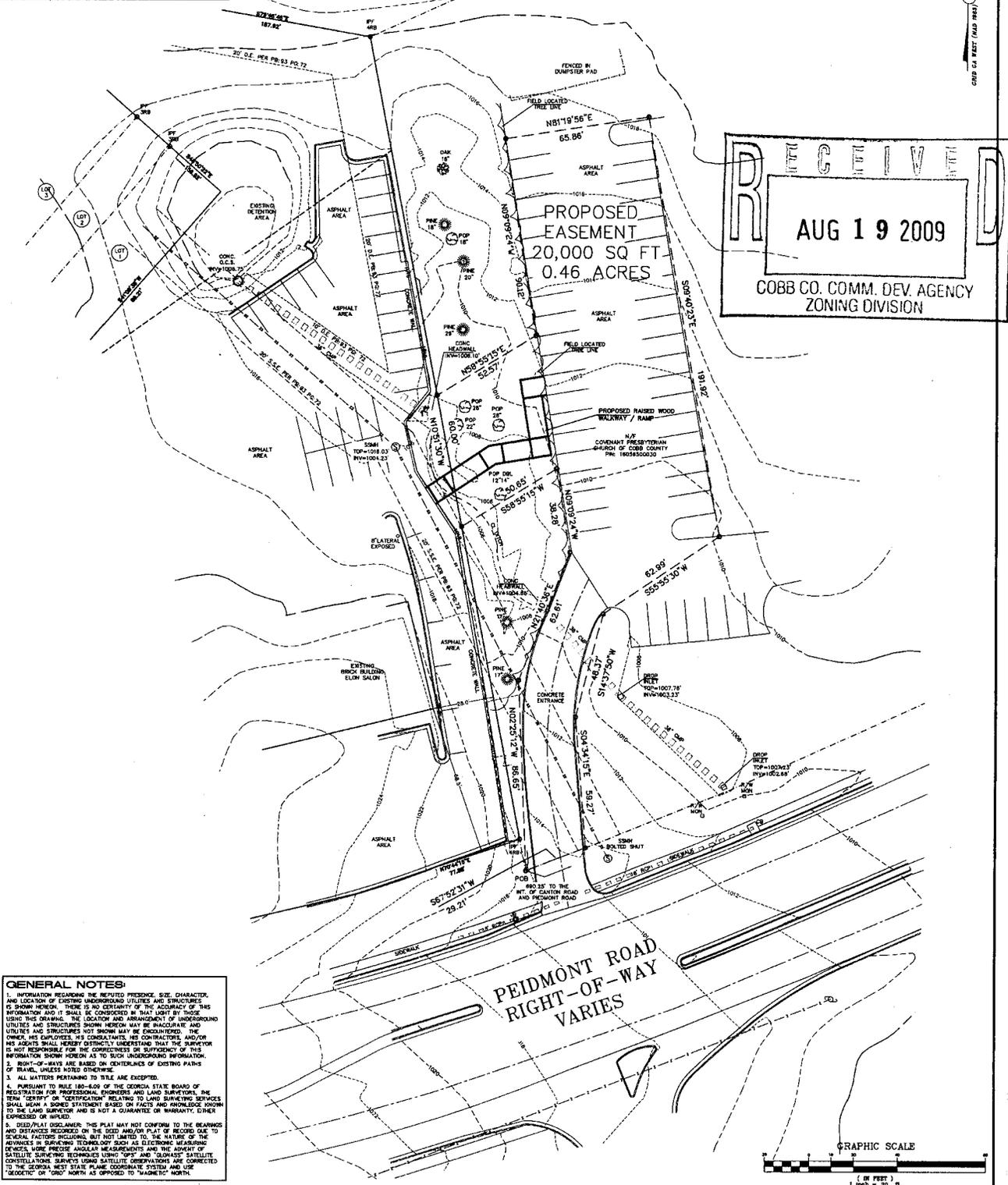
Z-31  
(2009)

# DON WESTBROOK

695 PIEDMONT ROAD  
LAND LOT 566, 16th DISTRICT  
OF COBB COUNTY, GEORGIA  
PIN: 18056600010

**LEGEND:**

IF5	IRON PIN SET	CLP	ROLLAND
OT	IRON PIN FOUND	CM	CONCRETE MONUMENT FOUND
CT	OPEN TOP PIN	SM	OVERHEAD UTILITY LINES
RS	REINFORCING BAR	UM	SANITARY SEWER MAIN POLE
CL	CONCRETE	UB	MAIN HOLE TELEPHONE
R/W	RIGHT-OF-WAY	UB	CATCH BASIN
LL	LAND LOT LINE	UB	JUNCTION BOX
W	WATER	UB	SWOP WALK
W	WATER	UB	HEAD WALL
W	WATER	UB	CONCREGATED METAL PIPE
W	WATER	UB	FINE HYDRANT
W	WATER	UB	REINFORCED CONCRETE PIPE
W	WATER	UB	SANITARY SEWER EASEMENT
W	WATER	UB	DRAINAGE EASEMENT
W	WATER	UB	WATER VALVE
W	WATER	UB	WATER METE
W	WATER	UB	SANITARY SEWER CLEANOUT
W	WATER	UB	POINT OF BEGINNING
W	WATER	UB	POINT OF INTERSECTION
W	WATER	UB	NOT TO SCALE
W	WATER	UB	SHAKE SHED CATCH BASIN
W	WATER	UB	UTILITY EASEMENT
W	WATER	UB	PARKING SPACES



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www.frontlinesurveying.com

ISSUING PLAN FOR: **DON WESTBROOK**

LAND LOT 566

16 DISTRICT 2nd SECTION COBB COUNTY, GEORGIA

DATE:	07/21/09
SCALE:	1" = 20'
REVISION:	BY: DATE:
PHASE:	DATE:
MAP NO.:	EFFECTIVE DATE:

**APPLICANT:** Don Westbrook  
770-427-8698

**REPRESENTATIVE:** Sams, Larkin & Huff, LLP  
Garvis L. Sams, Jr. 770-422-7016

**TITLEHOLDER:** Covenant Presbyterian Church of Cobb County, Inc.

**PROPERTY LOCATION:** Located on the north side of Piedmont Road, west of Canton Road.

**ACCESS TO PROPERTY:** Piedmont Road

**PHYSICAL CHARACTERISTICS TO SITE:** Existing parking lot

**PETITION NO:** Z-31

**HEARING DATE (PC):** 11-03-09

**HEARING DATE (BOC):** 11-17-09

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** LRO

**PROPOSED USE:** Additional Parking  
For Adjoining Salon

**SIZE OF TRACT:** 0.46 acre

**DISTRICT:** 16

**LAND LOT(S):** 566

**PARCEL(S):** 3

**TAXES: PAID** Exempt **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/ Daniel Middle School
- SOUTH:** CRC/ Public Storage, vacant lot
- EAST:** R-20/ Covenant Presbyterian Church
- WEST:** LRO/ Elon Salon

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

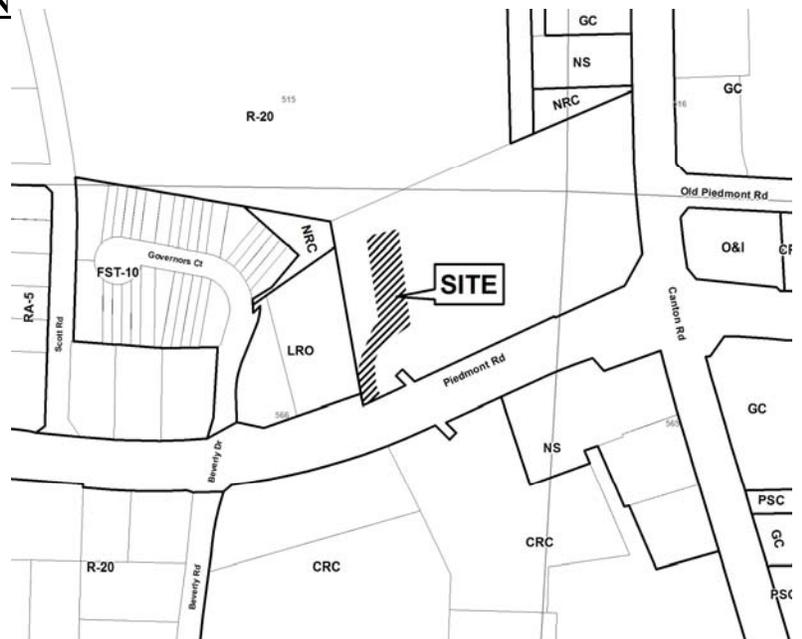
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

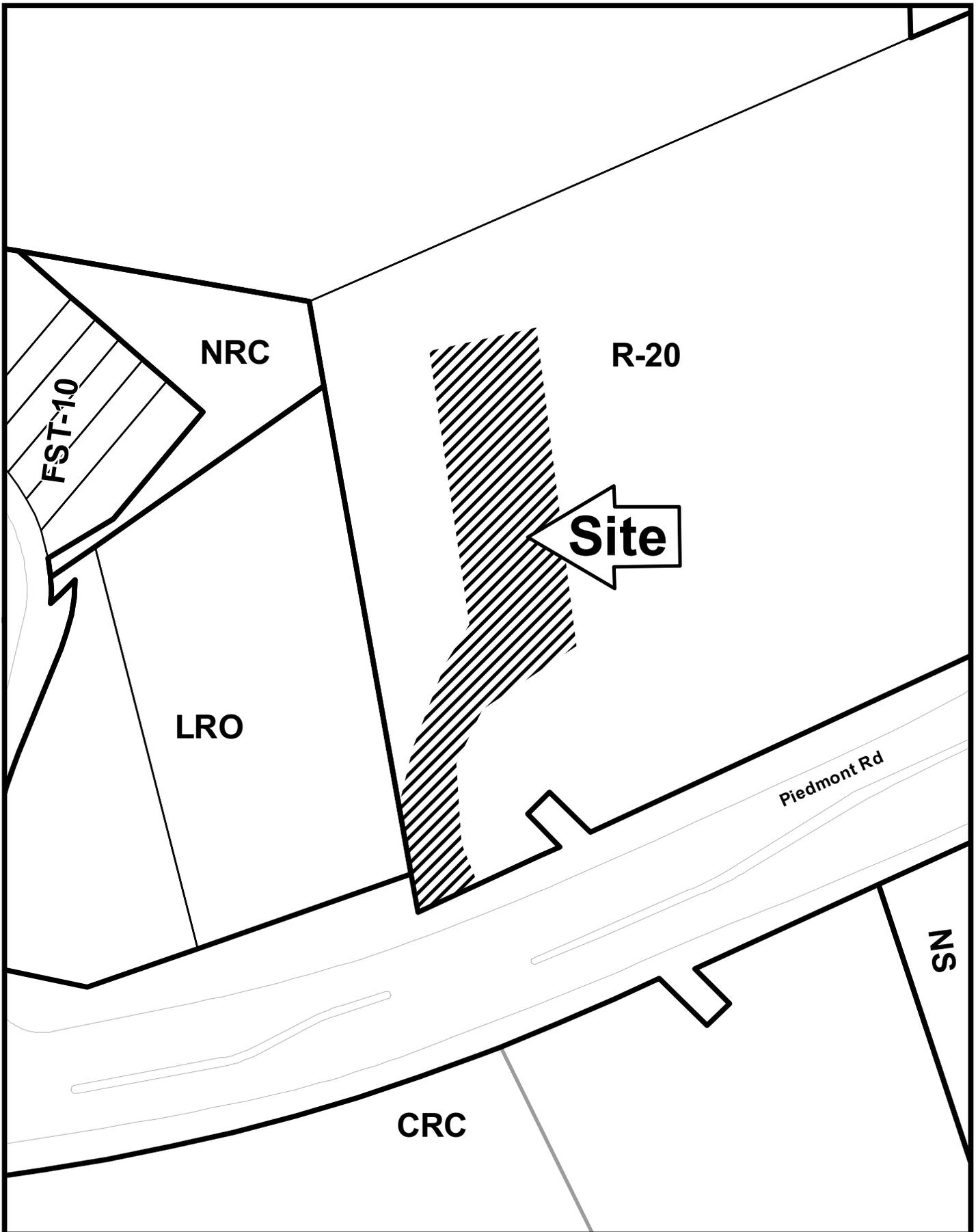
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Z-31



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

50 0 50 Feet



City Boundary  
Zoning Boundary

APPLICANT: Don Westbrook

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: LRO

\*\*\*\*\*

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

**Land Use Plan Recommendation:** Public Institutional

**Proposed Number of Buildings:** 0 **Total Square Footage of Development:** 0

**F.A.R.:** 0 **Square Footage/Acre:** 0

**Parking Spaces Required:** N/A **Parking Spaces Provided:** 40

The applicant is requesting rezoning to the LRO zoning district in order to use a portion of the adjacent church’s parking lot for their business. The church would continue to own the property, but would grant the applicant a parking easement. The applicant has more than the required number of parking spaces on the salon lot, but still needs more parking spaces for his clients. The parking lot would be used Monday through Saturday, from 7:00 am to 9:00 pm. The church would use the parking lot on Sunday. The applicant has submitted a Zoning Impact Analysis (see Exhibit “A”).

**Historic Preservation:**

**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 Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds meeting **AASHTO HS20** Loading with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupiable floor level. Aerial fire apparatus roads shall be a minimum width of 24 feet face of curb to face of curb maximum of 40 feet from the structure and be positioned parallel to the long side of the building for its entire length. No overhead utility and power lines shall be located within the aerial apparatus access.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-de-sac without an island to have a 60 foot paved radius **or** Hammerhead turnaround – total of 110-feet needed (45 feet + 20 foot wide roadway + 45 feet).

APPLICANT: Don Westbrook

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: LRO

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**PLANNING DIVISION COMMENTS:**

Master Plan/Corridor Study

According to the 2005 Canton Road Corridor Study, the following are items for consideration for the subject parcel:

- Retail and office uses should be restricted so that there are no twenty-four (24) hour establishments along the corridor;
- The site is located in an area that has been identified as a redevelopment site (Map #8);
- The parcel is inside the general area covered by the Main Street Design Principles but not within a CAC area;
- When the property is redeveloped, the NAC designation areas shall allow a maximum building footprint of 35,000 sq. ft. for retail uses;
- When the property is redeveloped, all aspects of the Canton Road Design Guidelines will need to be incorporated into the site plan and architecture of the site;
- The site is in the general vicinity of a “Home Run” site (Map #6) for retail, pedestrian, restaurant, and outdoor entertainment; and
- Staff requests that a stipulation be included that has the applicant meet the sidewalk, street tree, and street light standards as detailed in the Canton Road Design Guidelines.

Design Guidelines

Is the parcel in an area with Design Guidelines?     Yes     No

If yes, design guidelines area Canton Road Design Guidelines

Does the current site plan comply with the design requirements?

Yes    No    Not applicable

APPLICANT Don Westbrook

PETITION NO. Z-031

PRESENT ZONING R-20

PETITION FOR LRO

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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" DI / N side Piedmont Rd

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: NA

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

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:

Notes FYI: *Proposed additional parking does not conflict w/CCWS water/sewer. 695 Piedmont Rd is connected to water/sewer & is not expanding*

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: Don Westbrook

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: LRO

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: 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: Don Westbrook**

**PETITION NO.: Z-31**

**PRESENT ZONING: R-20**

**PETITION FOR: LRO**

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DRAINAGE 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.

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. Pedestrian walkway must provide clear span of drainage channel and adequate conveyance of runoff through structure.

**APPLICANT: Don Westbrook** \_\_\_\_\_

**PETITION NO.: Z-31** \_\_\_\_\_

**PRESENT ZONING: R-20** \_\_\_\_\_

**PETITION FOR: LRO** \_\_\_\_\_

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**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
Piedmont Road	31100	Arterial	45 mph	Cobb County	100'

*Based on 2008 traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Piedmont Road is classified as an Arterial 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-31            DON WESTBROOK**

- 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 mixture of retail, restaurants, institutional uses, and offices. The property is being used as a parking lot, and will continue to be used for a parking lot.
  
- 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 compatible with adjacent land uses.
  
- 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 with a Public Institutional Land Use Category. However, the property is directly adjacent to the commercial activity node.
  
- 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 approval the applicant's rezoning proposal. The applicant's proposal would be consistent with, and compatible to the area. Adjoining properties are developed for non-residential uses, very close to Canton Road. The applicant's proposal would help solve a parking problem without the need for increasing impervious surface in the area, and the parking lot would be used different days and different times by both parties.

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

- Site plan received by the Zoning Division August 19, 2009, with the District Commissioner approving minor modifications;
- 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.**

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION  
OF DON WESTBROOK**

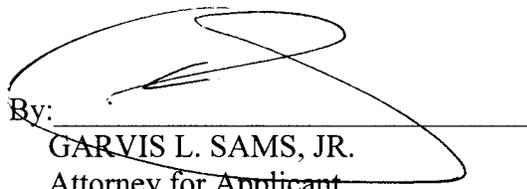
COMES NOW, DON WESTBROOK, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Piedmont Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the preponderance of which are commercial developments located within the confines of commercial or institutional areas.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility.
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

- E. The zoning proposal is located adjacent to a Neighborhood Activity Center and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of R-20 which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Piedmont Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 19<sup>th</sup> day of August, 2009.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.  
Attorney for Applicant  
Ga. Bar No. 623950