

Z-16
(2010)

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A FIELD CLOSURE OF ONE FOOT IN 37,710 FEET AND AN ANGULAR ERROR OF 1.4" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

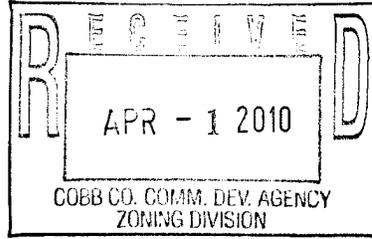
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 109,483 FEET.

TYPE OF EQUIPMENT USED: TOPCON GPT 2003 & DATA COLLECTOR.

DATE OF FIELD WORK: MARCH 15, 2010

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	137.57	2103.53	137.55	S19°20'55"E
C2	20.53	2113.53	20.53	S21°30'02"E
C3	18.38	2103.53	18.38	S22°01'45"E
C4	25.93	2103.53	25.93	N22°37'57"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S68°46'40"W	10.00'
L2	N68°13'16"E	10.00'

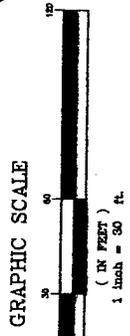
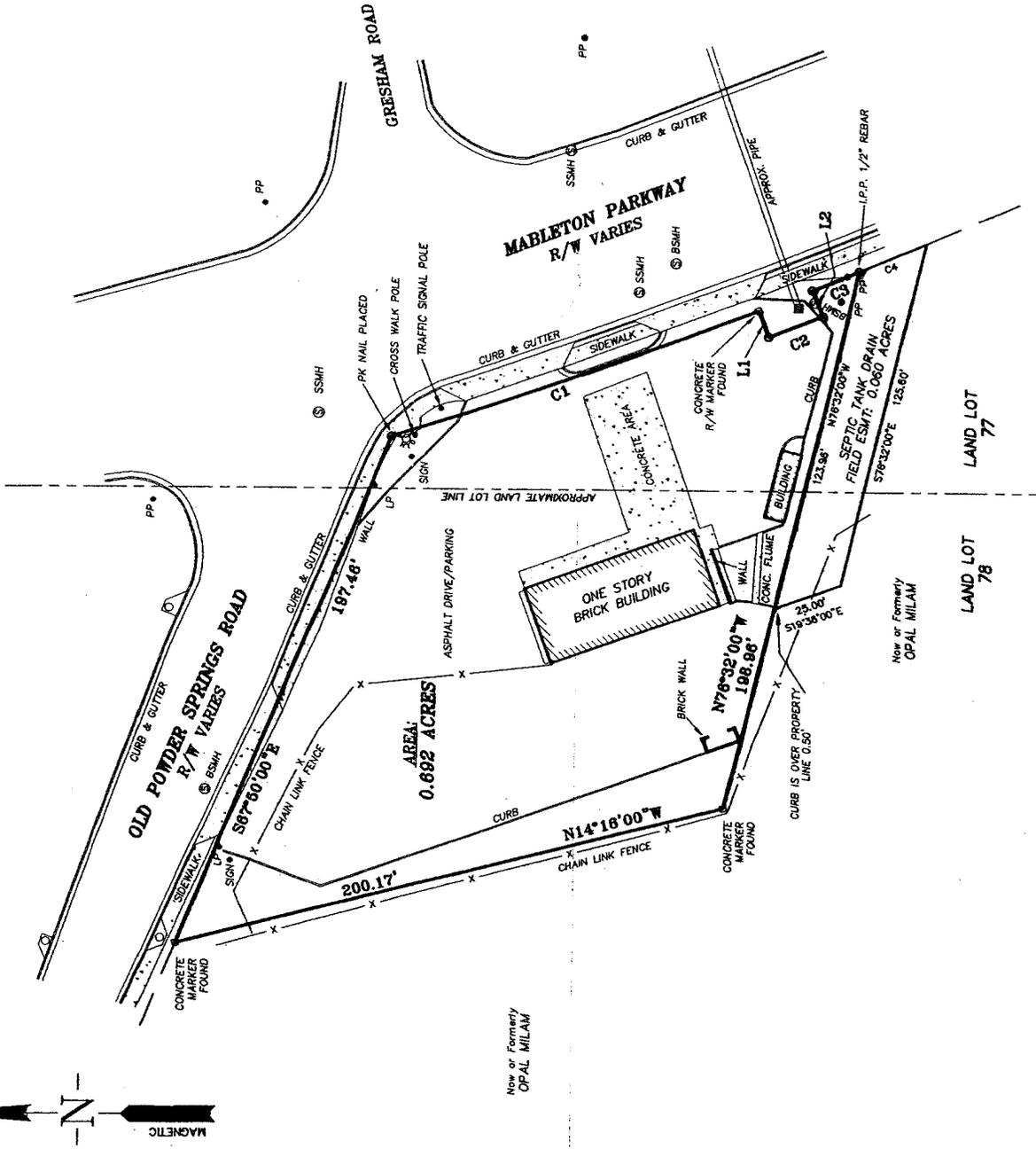


SOLID EQUITIES, INC.

LAND LOTS 77 & 78 18TH DISTRICT 2ND SECTION
COBB COUNTY GEORGIA
DATE: MARCH 17, 2010 SCALE: 1" = 30'
JOB No. = T:1201DLOTS110-268.DWG



PREPARED BY
VANSANT - CAMPBELL
CIVIL ENGINEER - LAND SURVEYING
8667 BALDWIN PARKWAY, DOUGLASSVILLE, GEORGIA 30134
PHONE: (770) 942-1234 FAX: (770) 942-2010



- LEGEND
- R/WRIGHT OF WAY
 - I.P.F.IRON PIN FOUND
 - I.P.P.IRON PIN PLACED
 - C.T.CRIMPED TOP PIPE
 - R.B.REINFORCING BAR
 - O.T.OPEN TOP PIPE
 - N/F.NOW OR FORMERLY
 - B.L.BUILDING LINE

Now or Formerly
OPAL MILAM

Now or Formerly
OPAL MILAM

APPLICANT: Solid Equities, Inc.
404-806-7729

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP
J. Kevin Moore 770-429-1499

TITLEHOLDER: Solid Equities, Inc.

PROPERTY LOCATION: Located at the southwesterly intersection
of Mableton Parkway and Old Powder Springs Road.

ACCESS TO PROPERTY: Mableton Parkway and Old Powder
Springs Road

PHYSICAL CHARACTERISTICS TO SITE: Existing
commercial building

PETITION NO: Z-16

HEARING DATE (PC): 06-03-10

HEARING DATE (BOC): 06-15-10

PRESENT ZONING: PSC

PROPOSED ZONING: NRC

PROPOSED USE: Light Automotive Repair

SIZE OF TRACT: 0.6927 acre

DISTRICT: 18

LAND LOT(S): 77, 78

PARCEL(S): 51

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** PSC/ Brake City
- SOUTH:** R-20/ undeveloped, single-family houses
- EAST:** GC/ Auto Service, Bank
- WEST:** R-20/ undeveloped

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

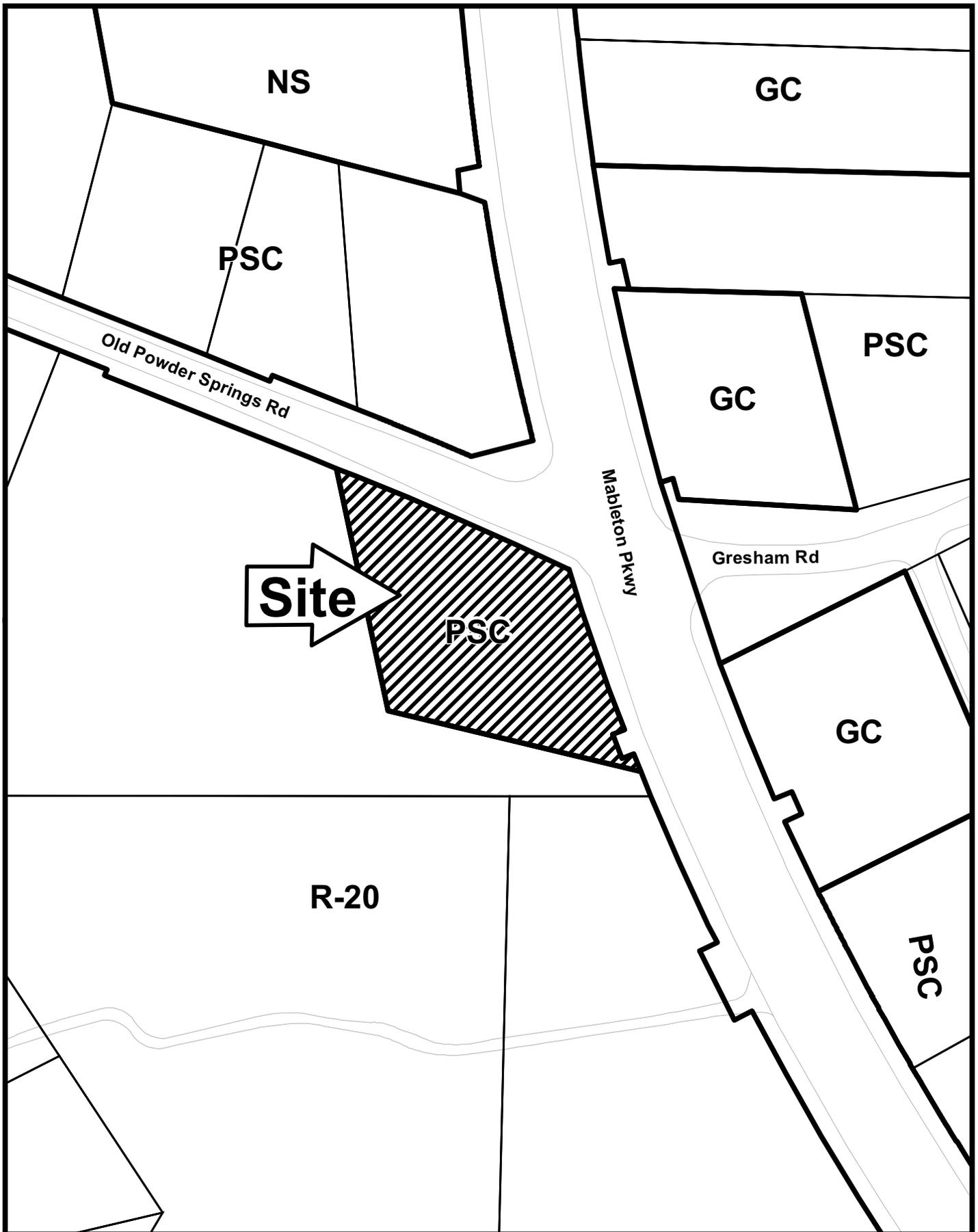
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

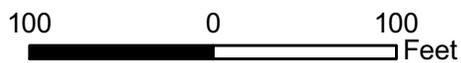
STIPULATIONS:



Z-16



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Solid Equities, Inc.

PETITION NO.: Z-16

PRESENT ZONING: PSC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Community Activity Center

Existing Number of Buildings: 1 **Total Square Footage of Development:** 2,000

F.A.R.: 0.06 **Square Footage/Acre:** 2,890

Parking Spaces Required: 10 **Parking Spaces Provided:** 20

The applicant is requesting the NRC zoning district to bring the existing property into compliance with the *Cobb County Comprehensive Plan*. The applicant’s property has been used as a service station/ auto repair business since 1969. However, the businesses closed, and remained vacant for more than six months, which caused the property to loose its grandfathered status. The owner will reopen the auto repair garage. The applicant would need a contemporaneous variance for the 20-foot landscape buffer to zero-feet on the west and south side of the property. There has not been a buffer in this area and the property to the west and south are also in the commercial node. The applicant has submitted a Zoning Impact Statement, which is attached for review (see Exhibit “A”).

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:

Must submit to the Cobb County Fire Marshal’s Office to obtain Certificate of Occupancy.

APPLICANT Solid Equities, Inc

PETITION NO. Z-016

PRESENT ZONING PSC

PETITION FOR NRC

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): **6" DI / W side of Mableton Pkwy**

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: 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: **At site in Mableton Pkwy and in Old Powder Springs Rd**

Estimated Waste Generation (in G.P.D.): **ADF 400 Peak= 1000**

Treatment Plant: **S 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 ans 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 Comments: Connection to sewer required for business expansion or change of usage that results in higher expected discharge

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.

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PETITION NO.: Z-16

PRESENT ZONING: PSC

PETITION FOR: NRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Milam Branch 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: Solid Equities, Inc.

PETITION NO.: Z-16

PRESENT ZONING: PSC

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. Any redevelopment or expansion of the site will require meeting all stormwater management code requirements.
2. The proposed use is automotive repair which is considered a water quality “hot spot” and has the potential to discharge contaminated runoff offsite. Since the site currently has no stormwater management facility it is recommended that some type of oil/water separator or water quality device be retrofitted into the existing drop inlet located at the southeast corner of the site. The Certificate of Occupancy should be held until an appropriate device is approved and installed.

APPLICANT: Solid Equities, Inc.

PETITION NO.: Z-16

PRESENT ZONING: PSC

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
Mableton Parkway	38700	Arterial	45 mph	Cobb County	100'
Old Powder Springs Road	4300	Minor Collector	35 mph	Cobb County	60'

*Based on 2005 traffic counting data taken by Cobb County DOT (Mableton Parkway)
Based on 2006 traffic counting data taken by Cobb County DOT (Old Powder Springs Road)*

COMMENTS AND OBSERVATIONS

Mableton Parkway 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.

Old Powder Springs Road is classified as a minor collector 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 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 west side of Mableton Parkway, a minimum of 50' from the roadway centerline.

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 south side of Old Powder Springs Road, a minimum of 30' from the roadway centerline.

Recommend one driveway on Mableton Parkway.

Recommend one driveway on Old Powder Springs Road.

Recommend eliminating the northern driveway along Mableton Parkway.

Recommend building the existing driveway to comply with Cobb County commercial standards.

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

STAFF RECOMMENDATIONS

Z-16 SOLID EQUITIES, INC.

- 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, auto service, 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 in the area. The proposal would help to place a viable business on a property that currently looks abandoned.

- 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.

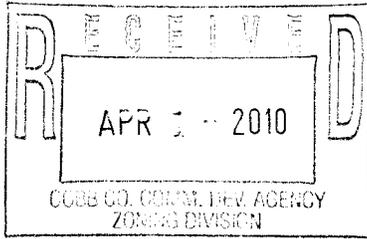
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal to NRC. The NRC zoning district would be in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal would be compatible with and consistent to other commercially zoned properties in the area. Additionally, this use has been here since 1969 and lost its grandfathered status by being vacant more than six months.

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

- Site plan received by the Zoning Division April 1, 2010, with the District Commissioner approving minor modifications;
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management 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.

IMPACT ANALYSIS STATEMENT



Application No.: Z-16 (2010)
Hearing Dates: June 3, 2010
June 15, 2010

Applicant/Titleholder: Solid Equities, Inc.

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The Application for Rezoning requests rezoning from the Planned Shopping Center ("PSC") zoning category to the Neighborhood Retail Commercial ("NRC") zoning category for the purpose of a light automotive repair establishment. The requested category of NRC will permit a use that is more suitable for the Subject Property due to its size and location. The Property is located at the southwest intersection of Mableton Parkway and Old Powder Springs Road and is less than one acre in size. It is currently unoccupied; however, it was previously used as a Chevron gasoline/service station. It is bounded immediately to the south and west by properties zoned to the R-20 zoning classification. Properties to the north, northwest, and east (across Old Powder Springs Road and Mableton Parkway) are properties zoned to the PSC, General Commercial ("GC"), Neighborhood Shopping ("NS") and Office and Institutional ("OI") zoning categories. If the Subject Property is rezoned as requested, the existing structure and improvements to the Property will be renovated and refurbished.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed use of the Subject Property should have a lesser impact on surrounding properties than the uses allowed under the existing PSC zoning category. If approved and developed according to the request, the adjacent and nearby property owners should benefit in increased land values.
- (c) The Subject Property, as presently zoned, does not have a reasonable economic use due to current zoning restrictions under the PSC zoning category. The proposed zoning will allow for a higher and better use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial development has almost no effect on schools, minimal effect on utilities and transportation facilities. The major effect will be on traffic; however, the impact should be minimal due to the nature of the business for which this rezoning is sought. The widened and improved roadways in the area will ease any increased traffic without burdensome effects.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as well as in conformity with the policy and intent of the Land Use Plan.

- (f) This zoning proposal is consistent with the current conditions affecting the development of this Property. As previously set forth above, redevelopment and improved roadways support the proposed usage of the Subject Property for “neighborhood commercial” rather than for use as a “shopping center.” The rezoning proposed in the pending Application for Rezoning would allow for the existing structure to be upgraded and refurbished, which, in turn, will allow for a more suitable and economic use without high impact into any neighboring residential areas.