

Z-19
(2011)

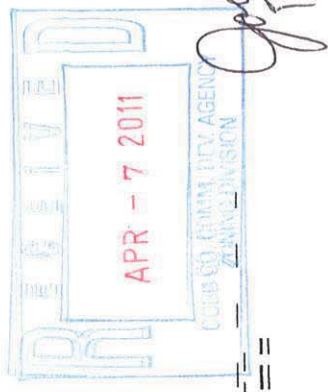
FLAT OF SURVEY FOR ANGELYN CLAY WALKER

LOCATED IN LAND LOTS 1140 AND 1141,
19TH DISTRICT, 2ND SECTION,
COBB COUNTY, GA

4937 AUSTELL ROAD
F.K.A. 1950 CLAY ROAD

AREA = 0.719 ACRES
31,305 SQ. FT.

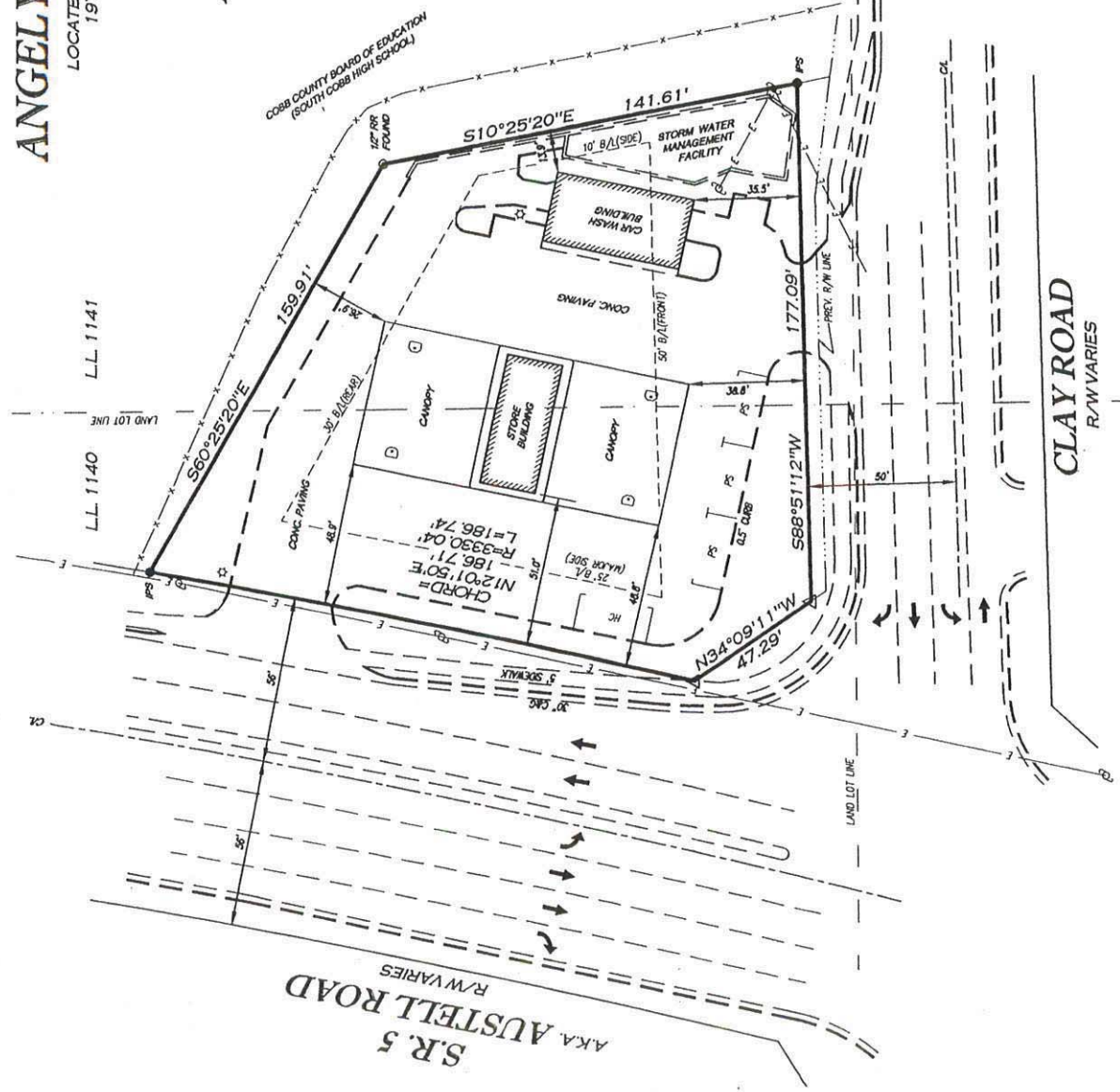
REFERENCES:
CORRECTIVE WARRANTY DEED TO ANGELYN CLAY
WALKER RECORDED IN DEED BOOK #54, PAGE #4.
COBB RIGHT-OF-WAY DEED RECORDED IN DEED BOOK
5724, PAGE 17A.



DATE	DESCRIPTION

THE RUSSELLE COMPANY
PROFESSIONAL LAND SURVEYORS
2981 POWDER SPRINGS ROAD
MARIETTA, GEORGIA 30064
(770) 943-8903
E-MAIL: BEN@CRUSSELLE.COM

PROJ. NO. 001123 FILE: C01123.DWG
FIELD SURVEY DATE: 03/12/2011
PLAT DATE: 03/29/2011 SCALE: 1"=30'



TECHNICAL DATA
TRAVERSE PRECISION: 1/25,000
ANGLE PRECISION: 1/100,000
SURVEY ADJUSTMENT: LEAST SQUARES
EQUIPMENT: TOPCON GPT-3005
PLAT PRECISION: 1/100,000



FLOOD STATEMENT
I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE
RATE MAPS, COMMENTARY AND MAP NO. 1000220260
THE MAP GRAPHICALLY DEPICTS THE SUBJECT
PROPERTY TO BE IN ZONE "X"
THE CHARACTERISTIC OF THIS ZONE IS
AN AREA ABOVE THE 100 YEAR FLOOD ZONE



SURVEY NOTES:

THERE MAY BE UNDERGROUND UTILITIES THAT ARE NOT SHOWN.
THERE IS A 30' NON-DISTURBANCE BUFFER (WATER BUFFER) AND A 50' NON-DISTURBANCE BUFFER (TRIBUTARY STREAM) ADJACENT TO ANY STREAM OR BODY OF WATER MANAGED BY THE STATE AND/OR MANICIPALITIES. THE PROPER AUTHORITY SHOULD BE CONTACTED BEFORE BEGINNING ANY DISTURBANCE NEAR THESE AREAS.
THIS PLAT WAS PREPARED FOR EXCLUSIVE USE BY THE PERSONS AND/OR ORGANIZATIONS NAMED HEREON. THIS PLAT IS NOT TO BE REPRODUCED WITHOUT THE PERMISSION OF THE SURVEYOR.
ORIGINAL PLATS, NOTES AND OTHER DRAWINGS PREPARED BY THE SURVEYOR OR HIS EMPLOYEES ARE INSTRUMENTS OF SERVICE AND ARE THE PROPERTY OF THE SURVEYOR.
BUILDING STRUCKLINES ARE SHOWN BUT A VERIFICATION OF THESE STRUCKLINES SHOULD BE OBTAINED FROM COBB COUNTY ZONING BEFORE ANY ADDITIONAL PERMITTING.

- LEGEND**
- CORNER MONUMENTATION:
 - PS = CORNER SET WITH A 1/2" STEEL REINFORCING ROD
 - CR = CORNER FOUND
 - UNMONUMENTED CORNER
 - CORNER TO BE SET WHEN CONSTRUCTION PERMITS
 - X — X — FENCE LINE
 - RR = STEEL REINFORCING ROD
 - OTF = OPEN TOP WATER PIPE
 - PP = POWER POLE
 - CL = CENTERLINE
 - BL = BUILDINGLINE
 - R/W = RIGHT OF WAY
 - WATER MAINS
 - OVERHEAD POWER LINES
 - GAS MAINS
 - SEWERY
 - NSFAB = NAIL FOUND AT BASE
 - D.B. = DEED BOOK
 - R/W MON. = CONCRETE RIGHT OF WAY MONUMENT
 - CS = LIGHT POLE
 - PS = PARKING SPACE
 - HC = HINDICUP PARKING SPACE

APPLICANT: Angelyn Clay Walker
(770) 827-6257

REPRESENTATIVE: Shelia Adams
(770) 827-6255

TITLEHOLDER: Angelyn Clay Walker

PROPERTY LOCATION: At the northeast corner of
Clay Road and Austell Road

ACCESS TO PROPERTY: Clay Road and Austell Road

PHYSICAL CHARACTERISTICS TO SITE: Small
convenience store underneath canopy with accessory automatic car
wash

FUTURE LAND USE MAP: Community Activity Center

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/South Cobb High School
- SOUTH:** PSC, OI/Automotive, Office
- EAST:** R-20/South Cobb High School
- WEST:** PSC, CRC/Automotive, Retail

PETITION NO: Z-19

HEARING DATE (PC): 06-07-11

HEARING DATE (BOC): 06-21-11

PRESENT ZONING: GC with
Stipulations

PROPOSED ZONING: GC

PROPOSED USE: Service/Retail
Businesses

SIZE OF TRACT: 0.719 acre

DISTRICT: 19

LAND LOT(S): 1140, 1141

PARCEL(S): 52

TAXES: PAID DUE

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

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

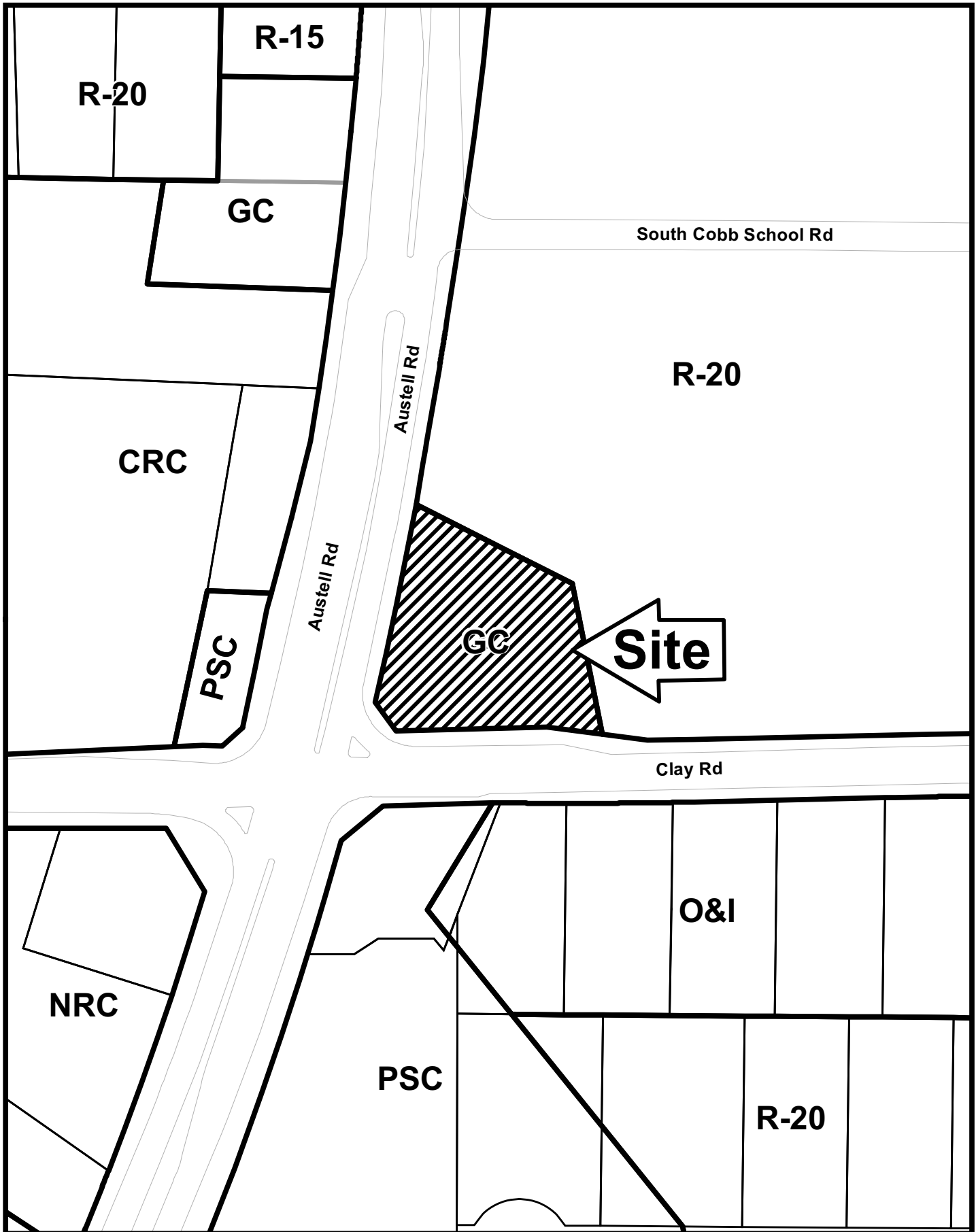
BOARD OF COMMISSIONERS DECISION

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

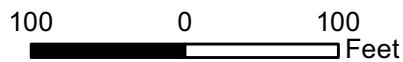
STIPULATIONS:



Z-19



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



- City Boundary
- Zoning Boundary

APPLICANT: Angelyn Clay Walker

PETITION No.: Z-19

PRESENT ZONING: GC with Stipulations

PETITION FOR: GC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: CAC Community Activity Center

Proposed Number of Buildings: 2 (existing)

Total Square Footage of Development: 1,940

F.A.R: .06

Square Footage/Acre: 2,698

Parking Spaces Required: 10

Parking Spaces Provided: 10

This application is filed for the purpose of removing restrictive stipulations previously placed on the property from a rezoning in 1990. That previous case, Z-10 of 1990, rezoned the property from R-20 single-family residential district to the current GC general commercial district with the stipulation of "service station and car wash only." Since then, the previous fuel sales and car wash business has shut down and the fuel tanks removed. While no specific tenant is identified to move in if the current request is approved, the applicant has listed potential businesses as "retail, car wash, tire service, title company, food service, check cashing, gold sales, etc." No additions to the parcel are proposed at this time, utilization of the existing structures and parking being the current intent. While the current GC district regulations require a 40 foot landscape buffer for GC properties abutting residentially zoned properties, this site which abuts South Cobb High School has not been held to this requirement previously.

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: 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.

APPLICANT Angelyn Clay Walker

PETITION NO. Z-019

PRESENT ZONING GC with stips

PETITION FOR GC

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 E / side Austell Road**

Additional Comments: Records show property connected and active

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: **Records show property connected**

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

Treatment Plant: **South 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 and 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:

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.

APPLICANT: **Angelyn Clay Walker**

PETITION NO.: **Z-19**

PRESENT ZONING: **GC w/ stips**

PETITION FOR: **GC**

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Buttermilk 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: **Angelyn Clay Walker**

PETITION NO.: **Z-19**

PRESENT ZONING: **GC w/ stips**

PETITION FOR: **GC**

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. If auto repair operation is anticipated then the existing stormwater management facility must be retrofitted to provide oil/water separation to capture any potential onsite spills. Unless the car wash is self-contained with no connection to the stormwater system, it must be included in the water quality retrofit design.
2. The fuel storage tanks have been removed from the site. A copy of the UST closure letter must be provided to the Stormwater Management Division prior to issuance of a certificate of occupancy.

APPLICANT: Angelyn Clay Walker

PETITION NO.: Z-19

PRESENT ZONING: GC with stipulations

PETITION FOR: GC

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
Clay Road	9400	Arterial	45 mph	Cobb County	100'
Austell Rd/ SR 5	42200	Arterial	45 mph	Georgia DOT	100'

*Based on 2009 traffic counting data taken by Cobb County DOT (Clay Road)
Based on 2009 traffic counting data taken by Georgia DOT (Austell Road)*

COMMENTS AND OBSERVATIONS

Clay 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.

Austell 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 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 north side of Clay Road, a minimum of 50' from the roadway centerline.

GDOT permits will be required for all work encroaching upon state right-of-way.

Recommend converting the Clay Road access to right in/ right out driveway.

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

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STAFF RECOMMENDATIONS

Z-19 Angelyn Clay Walker

- 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 request, to bring a tenant back to this vacant property, will be in keeping with other commercial uses at this major intersection.
- 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. In fact, with the removal of the fuel tanks and pumps, the probable future tenants may be seen as less intense than the former gas/service station.
- 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 the CAC Community Activity Center land use category. This category supports such proposed uses at a major intersection such as Clay and Austell Roads
- 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. Currently vacant, the request would allow for reutilization of this commercial property by potential tenants other than those narrowly defined in the previous zoning.

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

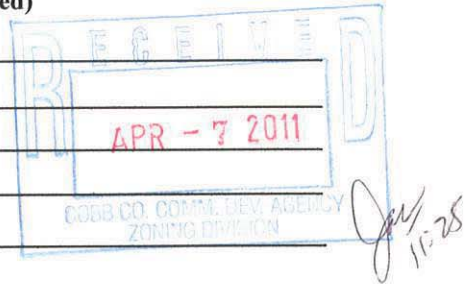
- No outdoor storage;
- Fire department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication 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.

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____



.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Remove 1990 Limited use (Service Station/Car Wash)
Stipulations to GC/Ret Station/Car wash/tire Service/ Little Company (Sales
- b) Proposed building architecture: Food Service/Check Cashing/Bold Sales
etc.
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

Application for Rezoning COBB COUNTY

Z-19
(2011)

(type or print clearly)

Application No. Z-19
Hearing Date 2-20-90

PHILLIPS 66 COMPANY

Applicant Vaughn Lewis Business Phone 457-6663 Home Phone _____

Vaughn Lewis Address P.O. Box 4833 Atlanta, Georgia 30302

(representative's name, printed)

[Signature] Business Phone 457-6663 Home Phone _____
(representative's signature)

Titleholder CITIZENS & Southern Tr. Co. AS AGT FOR CLAY Properties Business Phone _____ Home Phone _____

Signature [Signature] Address P.O. Box 4446 Atlanta, GA. 30302
(attach additional signatures, if needed)

Zoning Request From R-20 (present zoning) To GENERAL COMMERCIAL (proposed zoning)

For The Purpose of Service Station and Car Wash (subdivision, restaurant, warehouse, apt., etc.) Size of Tract 0.760 Acre(s)

Location Northeast corner of Austell Road and Bob Clay Road (street address, if applicable, nearest intersection, etc.)

Land Lot(s) 1140 and 1141 District 19th.

We have investigated the site as to the existence of archeological and / or architectural landmarks. I have certify that there are no there are such assets. If any, they are as follows: None.

[Signature]
(applicant's signature)

For Official Use Only

Recommendation of Planning Commission 2-20-90 Planning Commission recommended approval of application subject to: 1) service station and car wash only; 2) landscaping plan to be approved by Staff; 3) signage to be approved by Staff; 4) applicant to work with Cobb County Board of Education regarding the fencing of property; 5) Cobb DOT comments; 6) Dev & Inspection Dept. comments; 7) Water and Sewer Dept. comments. Motion by Wise, second by Dameron, carried 4-0-1, Dawson abstained.

Board of Commission's Decision 2-20-90 Board of Commissioners approved application as recommended by the Planning Commission and further subject to: 8) Cobb DOT approval on placement of the car wash, so as to avoid water being left standing on County roads. VOTE: 5-0.

[Signature] Chairman

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