

Z-31
(2011)

LEGEND

- CORNER MONUMENTATION
- 1/4" = CORNER MET WITH A 1/2" STEEL
- CONCRETE MONUMENT
- CONCRETE FOUNDATION
- UNMARKED CORNER
- CONCRETE UTILITY MONUMENTS
- CONCRETE UTILITY MONUMENTS
- X = FENCE LINE
- OR = STEEL REINFORCING ROD
- OTW = OPEN TOP WATER PIPE
- OTW = OPEN TOP WATER PIPE
- CL = CONTROL LINE
- BL = BUILDING LINE
- ANY = RIGHT OF WAY
- LL = LAND LOT LINE
- OVERHEAD POWER LINES
- OVERHEAD POWER LINES
- OVERHEAD POWER LINES
- SANITARY SEWER MAIN
- SANITARY SEWER MAIN
- SANITARY SEWER MAIN
- SANITARY SEWER MAIN
- TOP CONCRETE RIGHT OF WAY MONUMENT

FLOOD STATEMENT

HAVE THIS DATE SURVEYED THE FLOOD HAZARD MAP FOR THIS COMMUNITY. PANEL NO. 1287 CONTROL EFFECTIVE DATE: AUGUST 18 1989. THE MAP INDICATES THE BULLETS TO BE PLACED TO SHOW THE CHARACTER OF THIS SOLE IS AN AREA ABOVE THE 100 YEAR FLOOD PLAIN.

TECHNICAL DATA

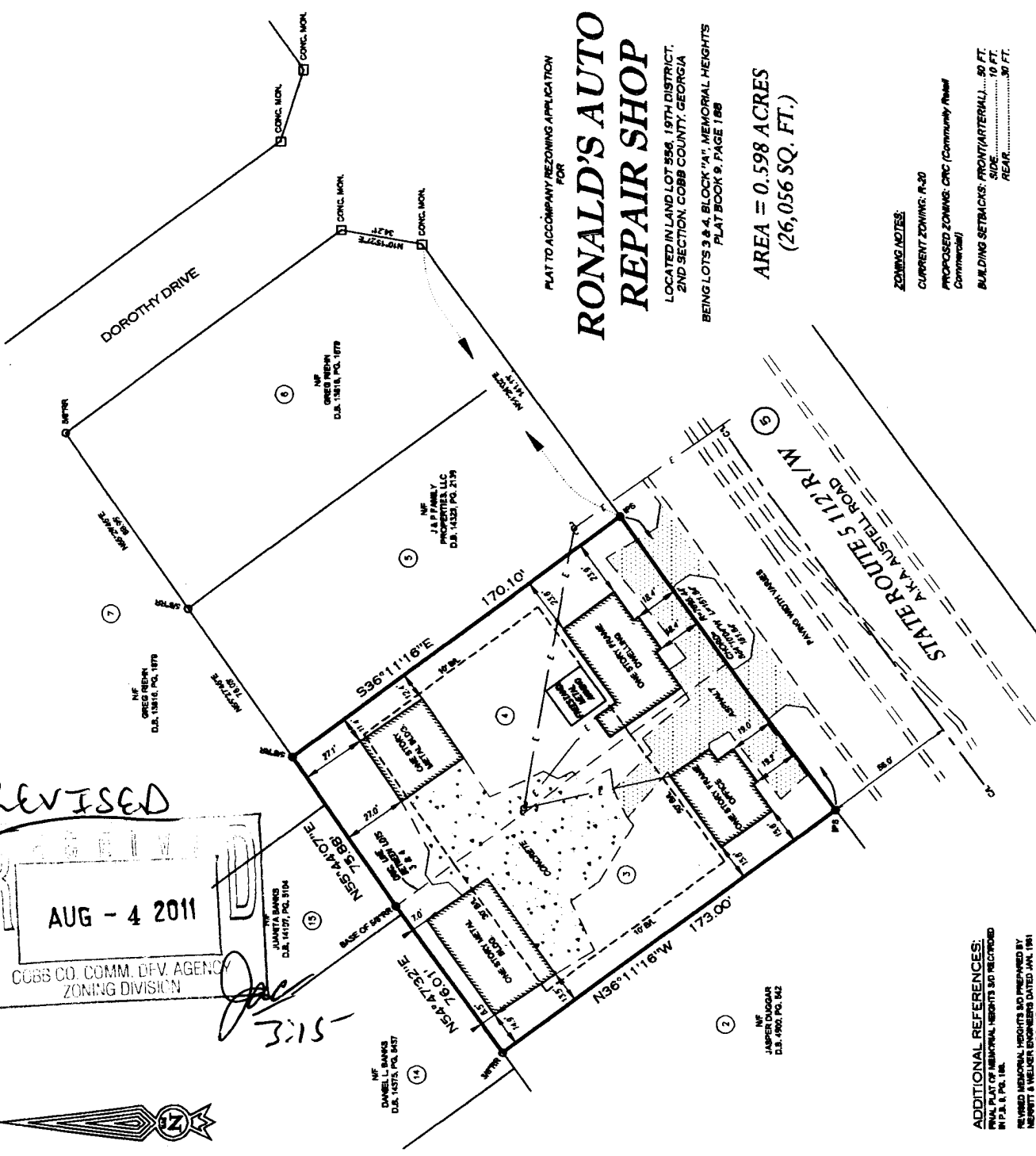
THE SURVEY WAS MADE WITH AN ANTI-VIBRATION SURVEYING INSTRUMENT, LEAST SQUARES ADJUSTMENT, LEAST SQUARES EQUIPMENT, TOPCON TOTAL STATION, PLAT PRECISION: 1/10000. THE ROADWAY SHOWN ABOVE WAS FIELD RUN UNDER A LIMITED ADJUSTMENT OF THE EXISTING ADJUSTMENT AND PERMITMENT 8871



2981 POWDER SPRINGS ROAD
MARIETTA, GEORGIA 30064
VOICE: (770) 943-9903
FAX: (770) 943-9904
WWW.RUSSELLE.COM

REVISIONS	DATE	CHANGE NAME	DESCRIPTION

PROJ. NO. 00888 FILE: 00888 Resurvey
FIELD SURVEY DATE: 12/09
PLAT DATE: 08/11 SCALE: 1" = 30'



PLAT TO ACCOMPANY REZONING APPLICATION FOR
RONALD'S AUTO REPAIR SHOP
LOCATED IN LAND LOT 558, 19TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA
BEING LOTS 3 & 4, BLOCK "A", MEMORIAL HEIGHTS PLAT BOOK 9, PAGE 188
AREA = 0.598 ACRES (26,056 SQ. FT.)

ZONING NOTES:
CURRENT ZONING: R-30
PROPOSED ZONING: CMC (Community Retail Commercial)
BUILDING SETBACKS: FRONT (ATERIAL)... 50 FT.
SIDE... 10 FT.
REAR... 30 FT.

REVISED
AUG - 4 2011
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

ADDITIONAL REFERENCES:
PRIV. PLAT OF MEMORIAL HEIGHTS SO RECORDED IN P.A. 8, PG. 18.
REVISED MEMORIAL HEIGHTS SO PREPARED BY MEMMOTT & WELKER ENGINEERS DATED JAN. 1981 RECORDED IN P.A. 21, PG. 227.
GEORGIA D.O.T. RIGHT OF WAY MAP PROJECT DAMARCO 111, COBB COUNTY, DATED 4/11/05, SHEETS 21 & 22.

APPLICANT: Samuel Egoavil (Ronald's Auto Repair Shop)
404-545-0248

PETITION NO.: Z-31

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

HEARING DATE (PC): 09-08-2011

HEARING DATE (BOC): 09-20-2011

TITLEHOLDER: Samuel U. Egoavil

PRESENT ZONING: R-20

PROPERTY LOCATION: Northwest side of Austell Road,
southwest of Dorothy Drive

PROPOSED ZONING: CRC

ACCESS TO PROPERTY: Austell Road

PROPOSED USE: Light Auto Repair

PHYSICAL CHARACTERISTICS TO SITE: Existing
residential houses and garages used as auto repair business

SIZE OF TRACT: 0.598 acre

DISTRICT: 19

LAND LOT(S): 556

PARCEL(S): 10, 11

FUTURE LAND USE MAP: Community Activity Center

TAXES: PAID **DUE**

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Memorial Heights Subdivision
- SOUTH:** O&I and CRC/Existing Storage Facility
- EAST:** R-20/Memorial Heights Subdivision
- WEST:** NRC/Commercial Development

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

PLANNING COMMISSION RECOMMENDATION

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

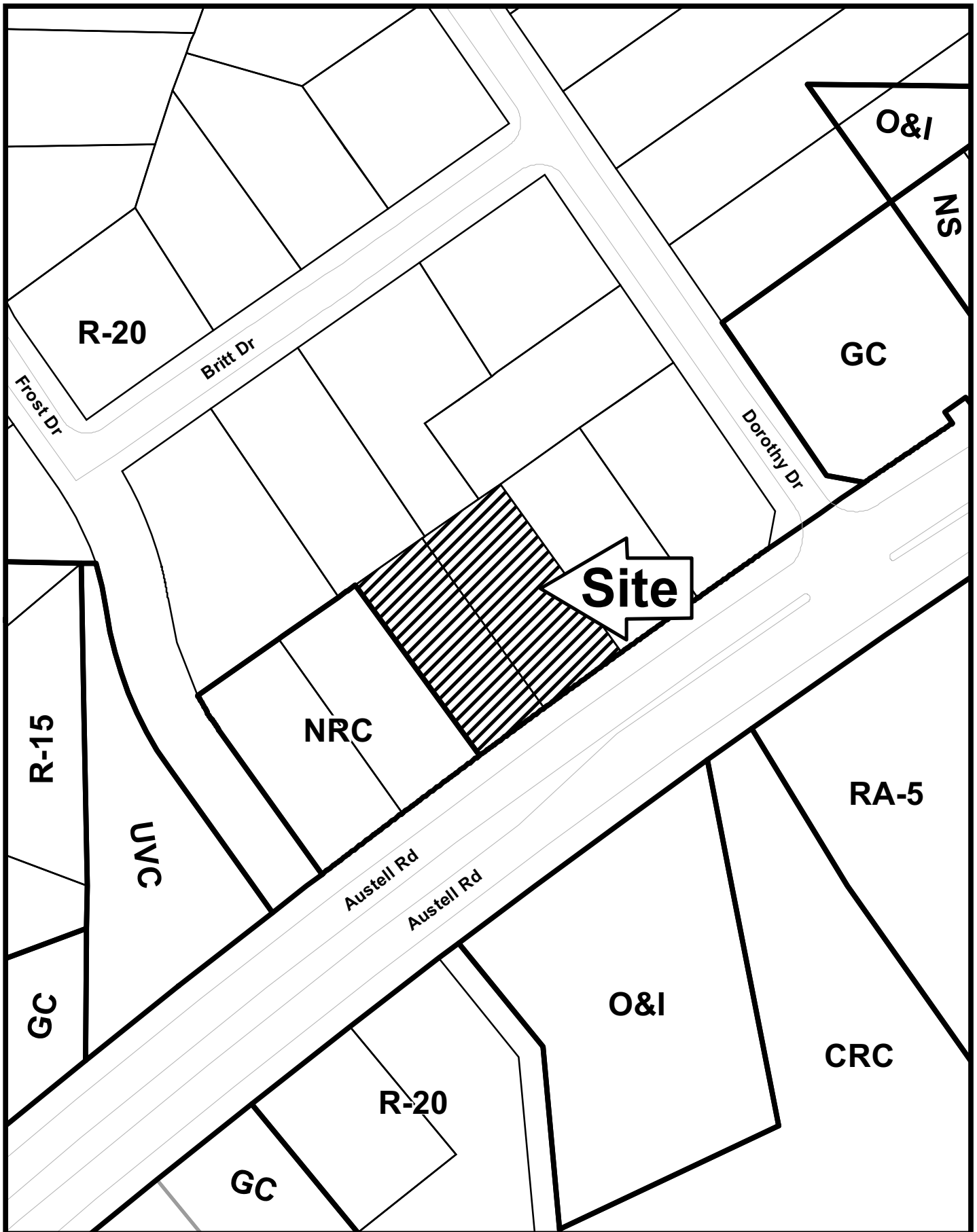
BOARD OF COMMISSIONERS DECISION

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

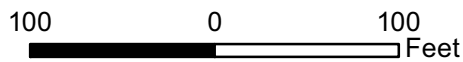
STIPULATIONS:





Z-31



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Samuel Egoavil

PETITION No.: Z-31

PRESENT ZONING: R-20

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 5 (Existing)

Total Square Footage of Development: 2,460

F.A.R: 0.09

Square Footage/Acre: 4,113

Parking Spaces Required: 14

Parking Spaces Provided: Existing pavement, no lined spaces

Applicant is requesting to rezone the property to the CRC zoning category for the purpose of continuing to operate an auto repair business. The property has been used as an auto repair business since 1958, with a recent lapse of six months, until the applicant purchased the property. Applicant became aware of the loss of the "grandfathered" status of the property under the R-20 zoning category through a Code Enforcement action. Applicant has taken measures to address the Code Enforcement notice and, as a result, has filed for rezoning from R-20 to CRC to allow the light auto repair business to continue, utilizing the existing buildings. The hours of operation will be Monday through Saturday from 9 a.m. until 6 p.m., with no business operations on Sundays. There will be two employees. The applicant has submitted the attached Summary of Intent and stipulation letter for your review.

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:

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

APPLICANT Samuel Egoavil

PETITION NO. Z-031

PRESENT ZONING R-20

PETITION FOR CRC

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): 12" DI / N side of Austell Road

Additional Comments: Parcels are currently served by separate meters

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: 200' N in Britt Drive w/easment(s)

Estimated Waste Generation (in G.P.D.): **A D F= 800** **Peak= 2000**

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: Health Dept approval required for continued use of existing septic system for proposed use.
Connection to sewer may required based on Health Dept assessment.

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: Samuel Egoavil (Ronald's Auto Repair Shop)

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: CRC

DRAINAGE COMMENTS

This site is currently operating as an auto repair shop and there are no site improvements proposed at this time. Auto repair operations are considered water quality hot spots due to the potential for spills of oils, greases and solvents that may be discharged from the site via stormwater runoff. Since there is currently no onsite stormwater management and no opportunity for retrofitting any type of water quality device, the owner shall provide a spill prevention control and countermeasures plan to the Stormwater Management Division. Upon redevelopment, the site must meet full stormwater management requirements.

APPLICANT: Samuel Egoavil (Ronald's Auto Repair Shop) PETITION NO.: Z-31

PRESENT ZONING: R-20 PETITION FOR: CRC

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 Road	35900	Arterial	45 mph	Cobb County	110'

Based on 2011 traffic counting data taken by Cobb County DOT (Austell Road)

COMMENTS AND OBSERVATIONS

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 one access driveway along Austell Road.

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

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

STAFF RECOMMENDATIONS

Z-31 SAMUEL EGOAVIL

- 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. Nearby properties are mixtures of residential and developed commercial 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 property had been "grandfathered" under the R-20 zoning since 1958 as an auto repair business, until a recent lapse of six months, during which time the applicant purchased the property to use it as it had been in the past.
- 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 in the Community Activity Center (CAC) land use category. The CRC zoning category fits the CAC land use category and light auto repair is a permitted use under CRC.
- 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 property was "grandfathered" with an auto repair use under the R-20 zoning category. The previous auto repair business had operated since 1958 until a recent six-month lapse, during which time it was purchased by the current owner with the intention of continuing with his light auto repair business.

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

- Subject to the revised site plan received by the Zoning Division on August 4, 2011, with the District Commissioner approving minor modifications.
- Clearing any remaining Code Enforcement issues;
- Stipulation letter submitted to the Zoning Division on August 2, 2011, where not in conflict with any Board of Commissioners' stipulations;
- No wrecker/towing business;
- Water and Sewer comments and recommendations;
- Stormwater 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.

JUN 14 2011
CLERK OF SUPERIOR COURT
JUL 14 2011

9/14/11

Application No. Z-31

Sept.
2011

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): light auto repair
- b) Proposed building architecture: Will use existing buildings
- c) Proposed hours/days of operation: 9 a.m. - 6 p.m. / M-Sat.
- d) List all requested variances: _____

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

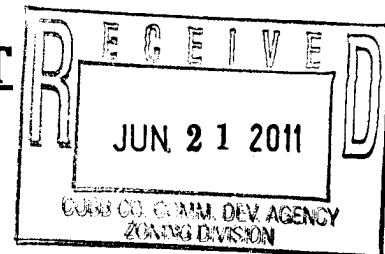
This property has been a repair Shop (Auto)
From 1958 till present.

.....
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). No

ATTACHMENT TO APPLICATION FOR REZONING

INPACT ANALYSIS STATEMENT



APPLICATION NO. Z-31

HEARING DATES SEPT. 8, 2011 AND SEPT. 20, 2011

APPLICANT/TITLE HOLDER RONALD'S AUTO REPAIR

Analysis of the proposed rezoning with respect to the following:

- (a) The application for rezoning requests rezoning of an existing auto repair shop that has been in place since 1958 at the same location from the current zoning of R-20 to the classification of community retail commercial (CRC) zoning classification. The total property is 26,000 square feet. The rezoning to the CRC will allow the repair shop to better serve the community and the county.
- (b) This zoning will have no adverse effect on the existing use or usability of the adjacent or nearby property.
- (c) This property as zoned does have a reasonable economic use. Approval of the requested rezoning will allow for higher, more economical uses of the property.
- (d) The zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia. As well as the policy and intent of the Land Use Plan as evidenced by the other commercial sites next to the property.
- (f) The subject property was built in the early fifties now the main road has been widened from a two-lane to a four-lane with a divider in the center. The business has been in the same location for over fifty years doing the same thing for a lot of the people the first came to have their cars worked on. With all the changes improving the county, this proposal would be consistent with current conditions affecting the subject property.

Z-31
(2011)

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
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PARKS F. HUFF
JAMES A. BALLI

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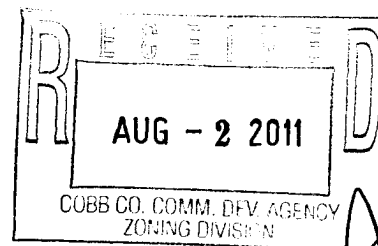
MELISSA P. HAISTEN
JUSTIN H. MEEKS

August 2, 2011

SAMSLARKINHUFF.COM

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
1150 Powder Springs Road
Suite 400
Marietta, GA 30064



Re: Application of Samuel U. Egoavil to Rezone a 0.598 Acre Tract from R-20 to
CRC (No. Z-31)

Dear Jason:

As you know, this firm has been engaged by and represents the Applicant and property owner concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on September 8, 2011 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on September 20, 2011.

The subject property at issue has operated as an auto repair shop from 1958 until present; however, there was a lapse of operation which exceeded six (6) months which precipitated a loss of the previously enjoyed "grandfathered" non-conforming use status. For that reason, the property, being situated within a Community Activity Center (CAC) under Cobb County's Future Land Use Map, is the subject of this rezoning to the CRC classification for the purposes of light automotive repair.

During the pendency of this Application, a dialogue has been established with adjacent business owners and residents and with Cobb County's Professional Staff. In that regard, I have been authorized by the Applicant to submit this letter of agreeable stipulations which, if the Application for Rezoning is approved as submitted, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 2

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter the above-captioned Application for Rezoning.
2. The rezoning of the subject property shall be in substantial conformity to that certain as-built site plan prepared by the Crusselle Company, Inc. which was submitted with the Rezoning Application.
3. The total site area of the subject property consists of 0.598 acres which shall continue to be utilized for purposes of light automotive repair, with two (2) employees and with the hours of operation being from 9:00 a.m. until 6:00 p.m. Monday through Saturday. There shall be no business operations on Sundays.
4. All future signage shall be ground-based, monument style signage which shall be consistent with the Cobb County Sign Ordinance.
5. Any additional lighting shall be environmentally sensitive lighting, the illumination of which shall be contained within the perimeter of the subject property.
6. Compliance with recommendations from the Cobb County Department of Transportation ("DOT"), including the following:
 - a. Any work done within the existing right-of-way shall be subject to securing Georgia Department of Transportation permits.
 - b. DOT is neither asking for additional right-of-way nor sidewalk, curb and gutter since same has already been installed.
 - c. The northeastern-most point of ingress/egress shall be closed and the subject property shall be restricted to utilization of the existing centrally located commercial driveway.

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 3

7. Compliance with recommendations from the Stormwater Management Division with respect to detention, water quality and hydrological considerations. Additionally, the Applicant shall submit a "spill prevention plan" subsequent to the approval of the rezoning which will include steps which would be taken in the unlikely occurrence of oil of other hazardous material being released on the subject property.
8. Compliance with recommendations from the Cobb County Water System with respect to the availability of acquisition of water and sewer for the subject property. Presently, the existing septic system is operating efficiently subject to the review and regulation by the Cobb County Health Department.
9. The following uses shall be prohibited:
 - a. Wrecker/towing businesses;
 - b. Tire businesses;
 - c. Automotive/vehicular sales;
 - d. Check cashing businesses;
 - e. Tattoo parlors;
 - f. Billiard halls;
 - g. Self-service laundry facilities;
 - h. Massage parlors; and
 - i. Pawn shops.
10. Minor modifications to the within stipulations/conditions may be reviewed and approved by the District Commissioner as needed or necessary.

VIA E-MAIL and
HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Community Development Agency
Zoning Division
August 2, 2011
Page 4

Please do not hesitate to call should you require any additional information or documentation prior to the formulation of your zoning analysis and recommendations to the Planning Commission and Board of Commissioners. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/brl

cc: Members, Cobb County Board of Commissioners – VIA E-Mail and Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail and Hand Delivery
Ms. Jane Stricklin, P.E. – VIA E-Mail
Mr. David Breaden, P.E. – VIA E-Mail
Ms. Karen King, Assistant County Clerk – VIA E-Mail
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail
Mr. Barry C. Mathis – VIA E-Mail
Mr. Brennen Hicks, P.E. – VIA E-Mail
Mr. Samuel Egoavil – VIA First Class Mail
Mr. Joe Banks – VIA E-Mail