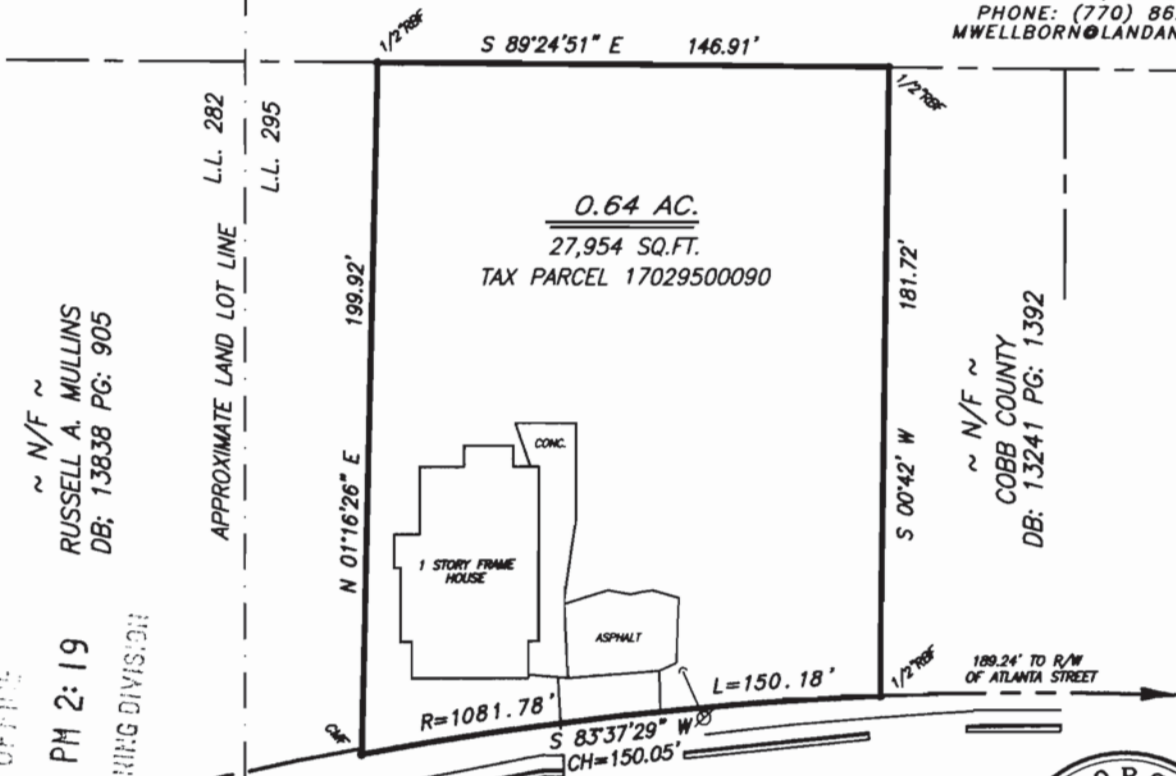


Z-31
(2013)

DOROTHY L. MILLER
DB: 6302 PG: 445

LAND ANSWERS, LLC
773 CHANSON DRIVE
MARIETTA, GA 30064
PHONE: (770) 862-0799
MWELLBORN@LANDANSWERS.NET



COBB COUNTY GEORGIA
 FILED IN OFFICE
 2013 APR 29 PM 2:19
 COBB COUNTY ZONING DIVISION

~ N/F ~
 RUSSELL A. MULLINS
 DB: 13838 PG: 905

APPROXIMATE LAND LOT LINE
 L.L. 282
 L.L. 295

~ N/F ~
 COBB COUNTY
 DB: 13241 PG: 1392

AUSTELL ROAD (VARIABLE R/W)



SURVEYOR'S NOTES

1. THE FIELD DATA ON WHICH THIS PLAT IS BASED WAS COMPLETED ON 4/26/13
2. THE FIELD DATA ON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 50,000+ FEET AND AN ANGULAR ERROR OF 1" PER ANGLE, AND WAS ADJUSTED USING LEAST SQUARES.
3. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY FIELD SURVEY USING A TOPCON 3003 ELECTRONIC TOTAL STATION.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FEET.
5. LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES ARE PROVIDED BY VISIBLE ACCESSIBLE FIELD EVIDENCE. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS SURVEY. UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS CONSULTANTS, AND HIS CONTRACTORS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THIS SURVEYOR IS NOT RESPONSIBLE FOR THE SUFFICIENCY OF THE UNDERGROUND UTILITY INFORMATION PROVIDED HEREON.



SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WERE MADE IN ACCORDANCE WITH THE MINIMUM STANDARD DETAIL REQUIREMENTS FOR THE STATE OF GEORGIA AND PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY THE STATE OF GEORGIA AND IN AFFECT ON THE DATE OF THIS CERTIFICATION.



LAND ANSWERS
 SURVEYORS-PLANNERS-CONSULTANTS
 WWW.LANDANSWERS.NET

BOUNDARY SURVEY FOR:
RICHARD SPEARMAN
MARIE SPEARMAN

LAND LOT 295 ~ 17TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA

DRAWN BY: BDD
 APPROVED BY: JMW
 DATE: 4-27-13
 PROJECT # 12902
 SPEARMAN.DWG

APPLICANT: Richard Spearman
(404) 787-8617

REPRESENTATIVE: Richard Spearman
(404) 787-8617

TITLEHOLDER: Richard Spearman and Marie Spearman

PROPERTY LOCATION: North side of Austell Road, west of
Atlanta Road
(1286 Austell Road).

ACCESS TO PROPERTY: Austell Road

PHYSICAL CHARACTERISTICS TO SITE: One story frame
house

PETITION NO: Z-31

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: GC

PROPOSED ZONING: CRC

PROPOSED USE: Retail

SIZE OF TRACT: 0.64 acre

DISTRICT: 17

LAND LOT(S): 295

PARCEL(S): 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/ Mobile Home Park
- SOUTH:** GC/ 2 Story House
- EAST:** GC/ 2 Story House
- WEST:** GC/ Vacant Commercial Lot

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

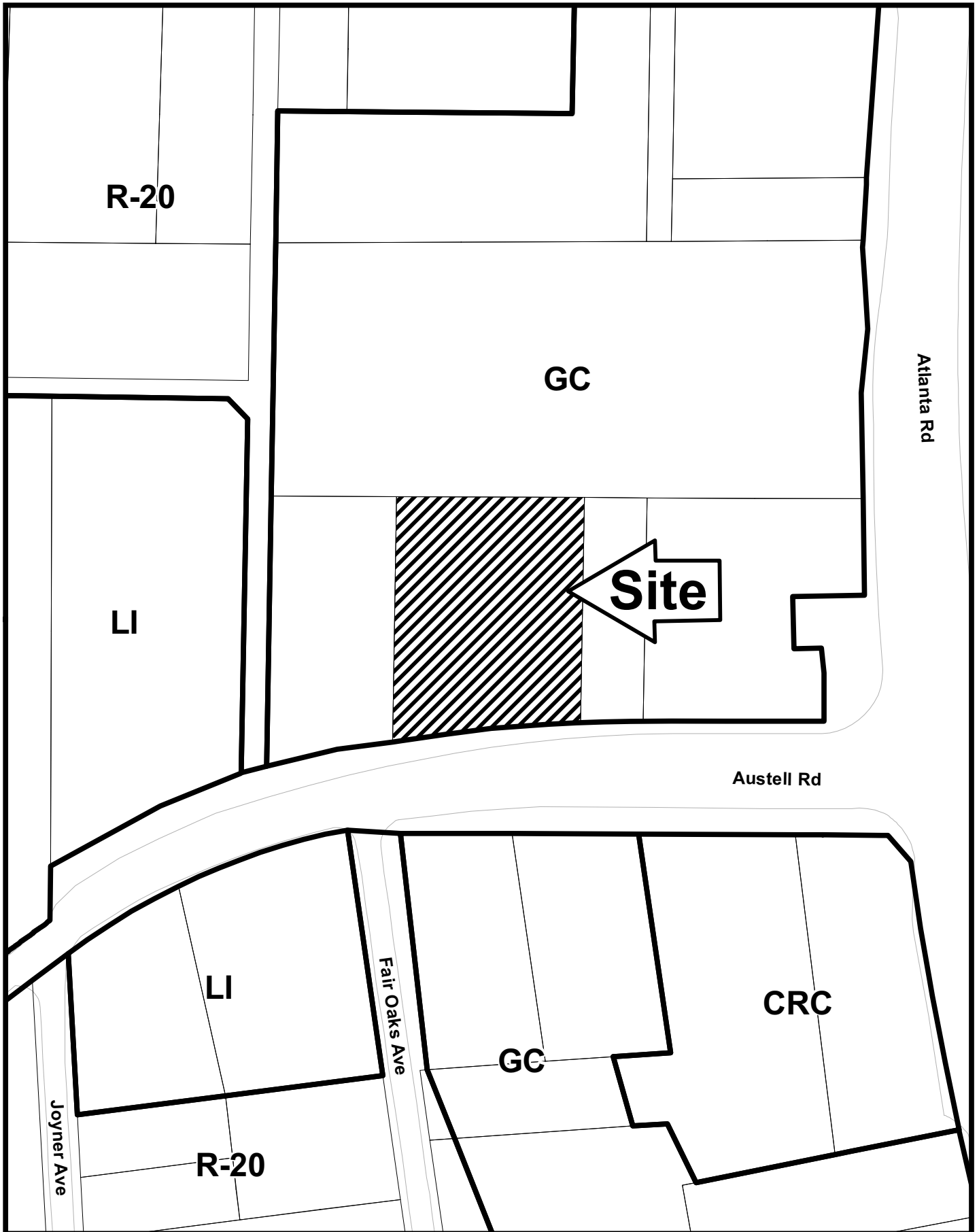
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

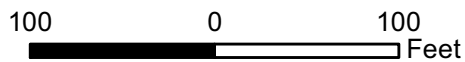
STIPULATIONS:



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: Richard Spearman

PETITION NO.: Z-31

PRESENT ZONING: GC

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Industrial Compatible (IC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 1890

F.A.R.: 0.67 **Square Footage/Acre:** 27,954

Parking Spaces Required: 10 **Parking Spaces Provided:** 0

Applicant is requesting to rezone the subject property to Community Retail Commercial (CRC) zoning category in order to use the property as a retail store. The property currently has a 1 story frame house that was built in the 1930s. The current General Commercial (GC) zoning only allowed applicant to continue using the property as a motorcycle repair shop as a non conforming use. The property is in the IC (Industrial Compatible) land use category and no other uses would be allowed. However, zoned GC and located within an Industrial Compatible future land use category, the property is considered “grandfathered” and must be rezoned to accomplish this.

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:

Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.

APPLICANT: Richard Spearman
PRESENT ZONING: GC

PETITION NO.: Z-31
PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to CRC for purpose of retail use. The 0.64 acre site is located at the north side of Austell Road, west of Atlanta Road.

Comprehensive Plan

The parcel is within an Industrial Compatible (IC) future land use category, with CRC zoning designation. The purpose of Industrial Compatible (IC) category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

Master Plan/Corridor Study

Not applicable.

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.

Design Guidelines

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

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

APPLICANT Richard Spearman

PETITION NO. Z-031

PRESENT ZONING GC

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: Existing water customer

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: **On site**

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

Drw 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 Existing sewer customer
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: Richard Spearman

PETITION NO.: Z-31

PRESENT ZONING: GC

PETITION FOR: CRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rottenwood 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 _____.

APPLICANT: Richard Spearman

PETITION NO.: Z-31

PRESENT ZONING: GC

PETITION FOR: CRC

STORMWATER MANAGEMENT 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. No site improvements are proposed at this time. However, any parking expansion or future improvements must meet current stormwater management requirements.

APPLICANT: Richard Spearman

PETITION NO.: Z-31

PRESENT ZONING: GC

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	5630	Major Collector	35 mph	Cobb County	80'

Based on 2009 traffic counting data taken by Cobb DOT (Austell Road)

COMMENTS AND OBSERVATIONS

Austell Road is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend only one access along the Austell Road frontage.

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

STAFF RECOMMENDATIONS

Z-31 RICHARD SPEARMAN

- 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. This small scale retail establishment would provide a needed use for the adjacent areas.
- 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 area surrounding is small scale retail, office uses, warehouses, and residential.
- 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* but more closely mirrors the past and continuing development of the immediate area as one that supports both commuters and local residents with service/retail establishments.
- 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 grandfathered because of its GC zoning and IC future land use designation, the rezoning will allow the property to continue to be used as retail.

Based on the above analysis, Staff recommends **DELETING** the request to Tourist Services (TS) subject to the following conditions:

- Site plan to be presented to Plan Review for installation of required parking spaces, with final approval by District Commissioner.
- All signs to be in compliance with the Cobb County Sign Code, and to be permitted with Code Enforcement;
- Fire Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer Division comments and recommendations; and
- Department of Transportation 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.

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB 29 PM 2:18
COBB COUNTY ZONING DIVISION

Summary of Intent for Rezoning

July 2013

.....
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): RETAIL SALES
 - b) Proposed building architecture: EXISTING
 - c) Proposed hours/days of operation: 7:00 AM - 5:00 PM
 - d) List all requested variances: NONE
- _____

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

NONE

.....
**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).**

N/A.

Date: 5-2-13

Answers To Requirements For Completing Application For Rezoning Cobb County, Georgia.

#9.

- (a) The zoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- (b) The zoning will not adversely affect the existing use or usability of adjacent or nearby property.
- (c) The property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- (d) The zoning proposal WILL NOT result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (e) The zoning proposal is in conformity with the policy and intent of the land use plan.
- (f) There WILL NOT be any other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 APR 29 PM 2:19
COBB COUNTY ZONING DIVISION