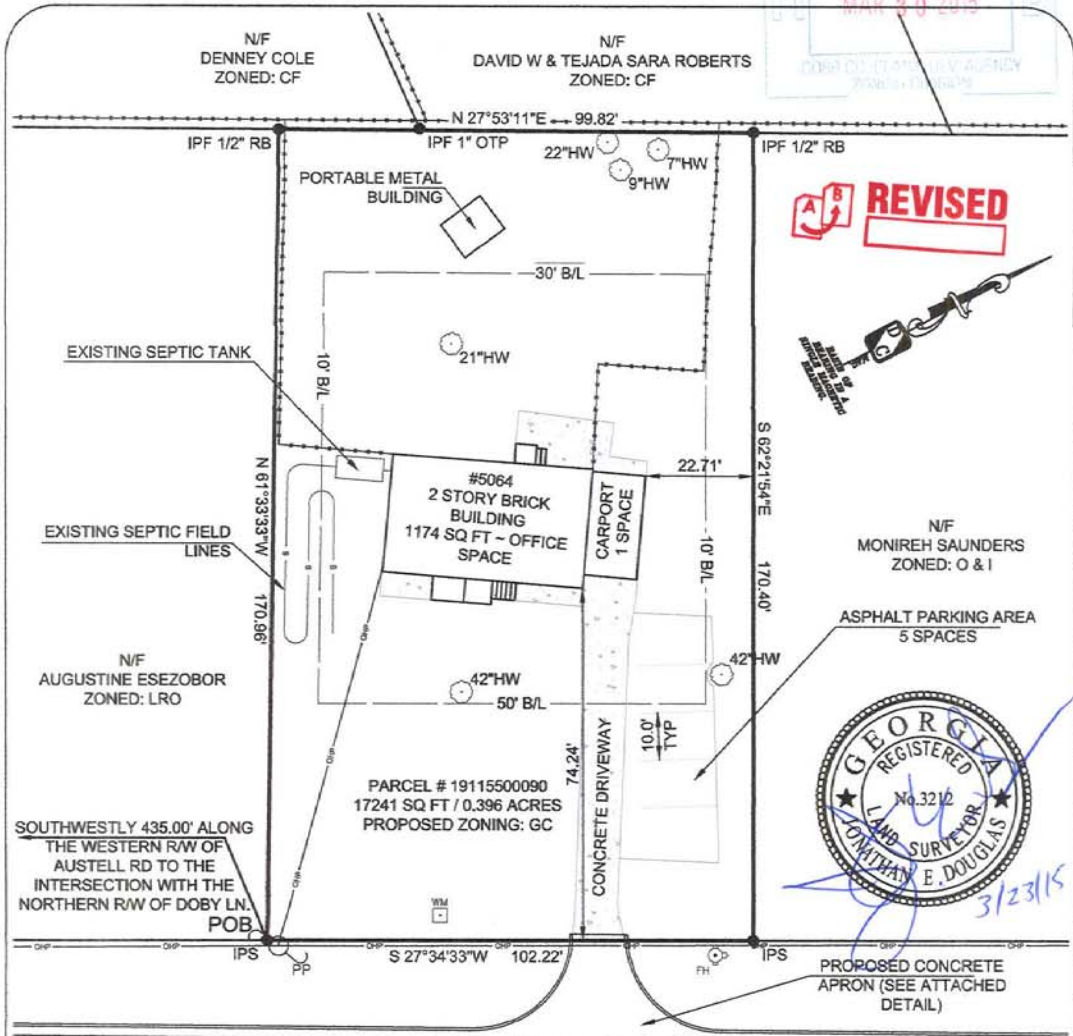


Z-43
(2015)



REVISED



AUSTELL RD AKA GA HWY # 5 (R/W VARIES)



GRAPHIC SCALE - 1"=30'

SURVEYORS CERTIFICATION
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 25,988 FEET, AND ANGULAR ERROR OF 0 SEC. PER ANGLE POINT AND WAS ADJUSTED USING THE NONE METHOD. THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO ONE FOOT IN 100,000 FEET. AN ELECTRONIC TOTAL STATION GEOMAX ZOOM80 WAS USED TO GATHER THE ANGULAR AND DISTANCE USED IN THE PREPARATION IN THIS PLAT.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

JONATHAN E. DOUGLAS, R.L.S.#3212 DATE 3/23/15

FLOOD NOTE:
 THIS TRACT OF LAND DOES NOT LIE WITHIN THE 100 YEAR INTERMEDIATE REGIONAL FLOOD ZONE AS PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL #13067C0203 H LAST REVISED MARCH 4, 2013.

SURVEY REFERENCE:
 1. WARRANTY DEED FOR MOHAMMED OSMAN, DEED BOOK 15,131, PAGE 1939, COBB COUNTY RECORDS, DATED JANUARY 3, 2014.
 2. RIGHT OF WAY DEED FOR GA DEPT. OF TRANSPORTATION, DEED BOOK 19 PAGE 11, COBB COUNTY RECORDS, DATED MARCH 26, 1986.

SITE NOTES:
 ZONING: (CURRENT) CF - (PROPOSED) GC
 TOTAL SITE AREA: 17241 SQ FT / 0.396 ACRES
 PARKING SPACES: 6 AS REQUIRED
 BUILDING SETBACKS: (CURRENT) N/A FRONT, N/A SIDE, N/A REAR (PROPOSED) 50' FRONT, 10' SIDE, 30' REAR

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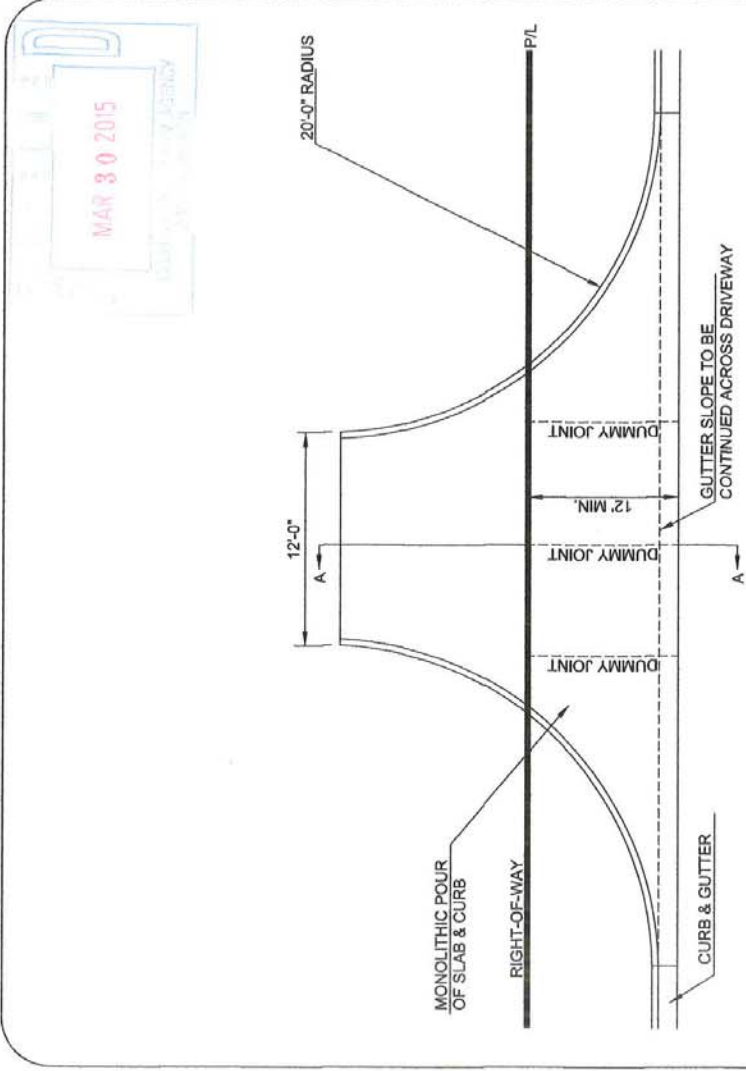
DOUGLAS CONSULTING LLC
 248 Gilliam Ct
 Locust Grove, GA 30248
 Call (770)334-5507
 Office (770)288-2117
 Fax (770)288-2117
 douglasconsulting@yahoo.com

Boundary, Topographic, Mortgage, & ALTA Surveys
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 Custom Floorplans

SURVEY FOR:
 MOHAMMED OSMAN
 5064 AUSTELL RD
 CITY OF AUSTELL
 DOBY SUBDIVISION
 PART 1, BLOCK A, LOT 5
 LAND LOT 1155, 19TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA

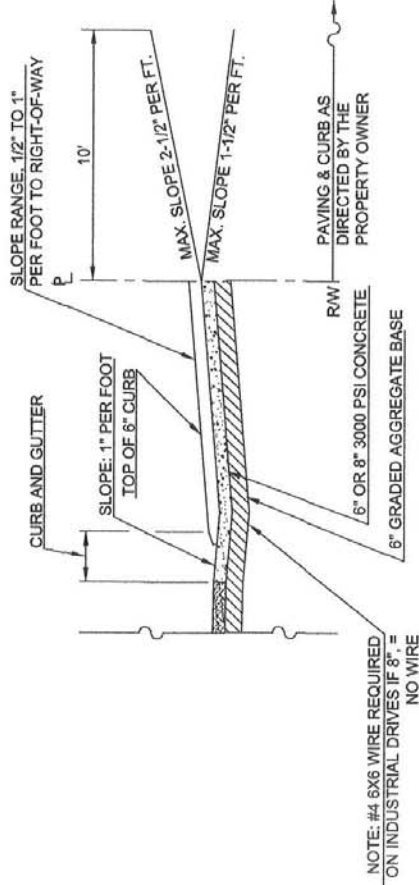
CHECKED: JED
DRAWN: JED
SCALE: 1"=30'-0"
FIELD DATE: 01-27-2015
DWG. DATE: 01-31-2015
JOB NO: 5064 AUSTELL RD

Z-43
(2015)



ORIGINAL CURB AND GUTTER TO BE REMOVE
ASPHALT TO BE PATCHED AS REQUIRED.

PLAN



SECTION A-A



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DOUGLAS CONSULTING LLC

248 Gilliam Ct.
Lawson Grove, GA 31048

Boundary, Topographic, Mortgage, & ALTA Surveys
Subdivisions, Land Planning, Construction Layout, &
Custom Floorplans
Cell (770) 944-4869
Fax (770) 944-3111
Email: douglasnath@docon.com

SURVEY FOR:

MOHAMMED OSMAN
5064 AUSTELL RD
CITY OF AUSTELL
DOBY SUBDIVISION
PART 1, BLOCK A, LOT 5
19TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

CHECKED: JED
DRAWN: JED
SCALE: NOT TO SCALE
FIELD DATE(S): 1-27-2015
DWG. DATE: 1-31-2015
JOB NO.: 386/AUSTELL RD

APPLICANT: Mohammed Osman

PETITION NO.: Z-43

PHONE#: (678) 234-7868 **EMAIL:** osmannmO@bellsouth.net

HEARING DATE (PC): 05-05-15

REPRESENTATIVE: William L. Colvin

HEARING DATE (BOC): 05-19-15

PHONE#: (770) 642-0009 **EMAIL:** will@colvin.com

PRESENT ZONING: CF

TITLEHOLDER: Mohammed Osman

PROPOSED ZONING: GC

PROPERTY LOCATION: Westerly side of Austell Road, south of

Clay Road, north of Doby Lane.

PROPOSED USE: Retail Business

ACCESS TO PROPERTY: Austell Road

SIZE OF TRACT: 0.396 acre

PHYSICAL CHARACTERISTICS TO SITE: Existing two story

DISTRICT: 19

brick house

LAND LOT(S): 1155

PARCEL(S): 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: O&I/ Office Use

SOUTH: LRO/ Former Group Home

EAST: PSC/ Austell Plaza Shopping Center

WEST: CF/ Doby Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

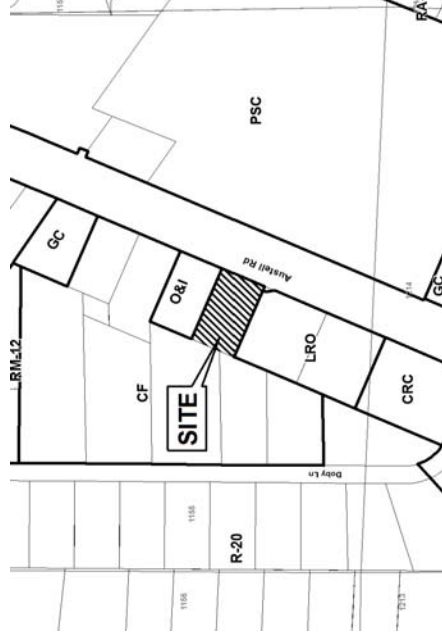
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

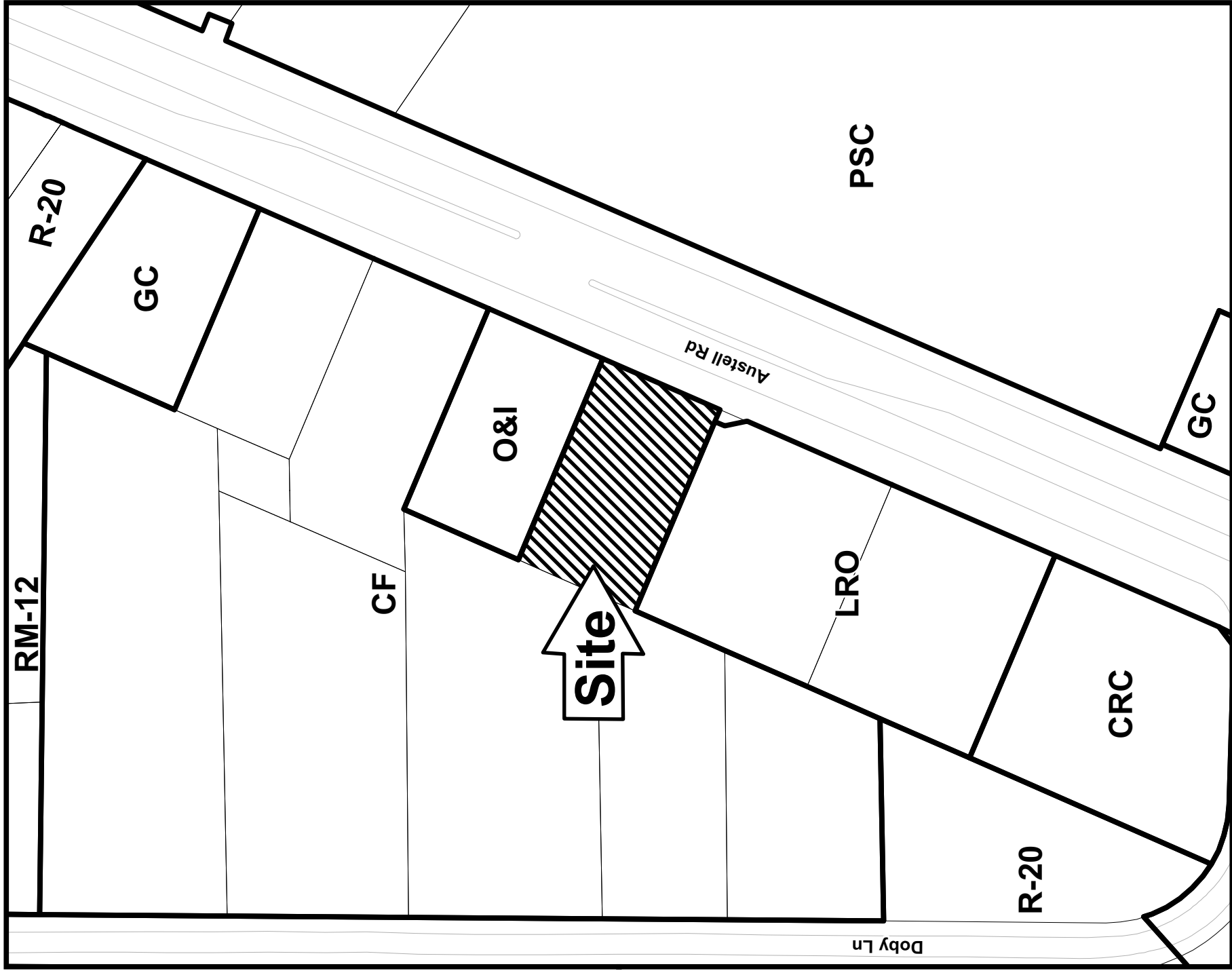
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

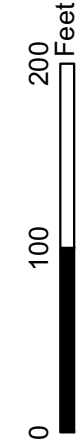
STIPULATIONS:



Z-43



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



APPLICANT: Mohammed Osman **PETITION NO.:** Z-43

PRESENT ZONING: CF **PETITION FOR:** GC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: MDR Medium Density Residential

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 1,174 sq. ft.

F.A.R.: 0.07 **Square Footage/Acre:** 2,964.65

Parking Spaces Required: 5 **Parking Spaces Provided:** 5

The applicant is requesting a rezoning from the current CF future commercial district to GC general commercial district in order to operate a retail business. While not yet determined, the applicant intends to operate a light retail operation such as cellular phone sales, vacuum sales, etc. with operating hours to be Monday through Saturday from 8:30 a.m. to 5:00 p.m. Parking will be provided per code but no other interior or exterior renovations are proposed at this time. The applicant, through his representative, has provided a letter agreeing to disallow the following uses: tattoo parlor; adult-related novelties, movies or anything adult oriented in any manner or form; pawn shop of any kind as well [as] vehicle maintenance.

The request will require a variance for lot size from 20,000 square feet to 17,741 square feet.

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:

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: Mohammed Osman

PETITION NO.: Z-43

PRESENT ZONING: CF

PETITION FOR: GC

PLANNING COMMENTS:

The applicant is requesting a rezoning from CF to GC for purpose of retail business. The 0.39 acre site is located on the westerly side of Austell Road, south of Clay Road, north of Doby Lane.

Comprehensive Plan

The parcel is within a Medium Density Residential (**MDR**) future land use category, with CF zoning designation. The purpose of the Medium Density Residential (**MDR**) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

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?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

APPLICANT: Mohammed Osman

PETITION NO.: Z-43

PRESENT ZONING: CF

PETITION FOR: GC

PLANNING COMMENTS: (Continued)

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

- Yes
- No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

- Yes
- No

Is this property within the Six Flags Special Service District?

- Yes
- No

APPLICANT Mohammed Osman
PRESENT ZONING CF

PETITION NO. Z-043
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): 12" DI /W side of Austell 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:

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: 860' S at Lelia St

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

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
Dry 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 Health Dept approval required for continued use of existing septic system.
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: MCRE Magnolia Estates, LP

PETITION NO.: Z-43

PRESENT ZONING: CF

PETITION FOR: GC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Olley 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 receiving system.

APPLICANT: MCRE Magnolia Estates, LP

PETITION NO.: Z-43

PRESENT ZONING: CF

PETITION FOR: GC

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 significant site improvements are proposed. The possible addition of an expanded parking pad and commercial entrance will still likely be under the 5000 sf threshold that would trigger the need for a stormwater management facility. However, full stormwater Management must be provided upon redevelopment or substantial site improvement.

APPLICANT: Mohammed Osman

PETITION NO.: Z-43

PRESENT ZONING: CF

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
Austell Road	34,500	Arterial	45	GDOT	100'

Based on [2013] traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Austell Road is classified as an arterial, a state route, 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.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend the driveway apron be upgraded to the commercial standard.

Recommend sidewalk along Austell Road frontage.

STAFF RECOMMENDATIONS

Z-43 MOHAMMED OSMAN

- 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. Properties to the north and south are zoned to nonresidential categories, both zoned for office uses, the latest rezoning being in 2001 for the southern neighbor.
- 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 is located on Austell Road across from Austell Plaza Shopping Center and bordered by properties zoned for office use to the north and south. The rear neighbors that are zoned CF as well, yet still used residentially, may be adequately protected with landscape screening and fencing along the rear of the property.
- 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*. The current *Plan* delineates the property as being within an area categorized as MDR medium density residential, yet at the time of the 2001 rezoning of the southern neighbor, the property apparently was found within a CAC community activity center. While the MDR category does not support the proposed retail use, the CAC would have and the proposal may be more in keeping with the recent rezoning trends that have occurred in the area as well.
- 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 subject property is immediately bounded on the north and south by nonresidentially zoned properties. Also, the Austell Plaza Shopping Center is found directly across the street. The existing, CF zoned properties to the rear of the site are used residentially and can be adequately protected by the implementation of a landscape buffer incorporating privacy fencing. However, the GC zoning district would be inappropriate given the area changing to lower intensity commercial development.

Based on the above analysis, Staff recommends **DELETING to LRC** subject to the following conditions:

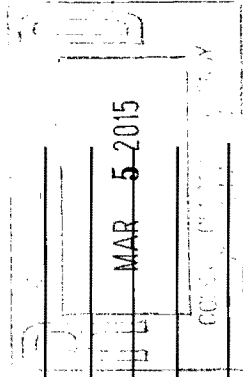
- Site plan received on March 30, 2015 with the District Commissioner approving minor modifications;
- Landscape plan incorporating a 20 foot screening buffer as well as privacy fencing along the rear property line to be reviewed by County Arborist and approved by District Commissioner;
- Letter of agreeable conditions by Mr. William L. Colvin dated March 27, 2015;
- Water and Sewer Division comments and recommendations;
- Stormwater Management comments and recommendations;
- Fire Department comments and recommendations; and
- Cobb 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.

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): retail business - cellular, vacuum sales, etc.
- b) Proposed building architecture: Existing structure - 1 story ranch with basement
- c) Proposed hours/days of operation: 8:30 AM - 5:00 p.m. Monday - Saturday
- d) List all requested variances: rezoning from CF to GC

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

see impact analysis - Tab G

.....
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). not applicable

Impact Analysis for rezoning of 5064 Austell Road from CF to GC classification:

a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes, the zoning proposal will permit a use that is suitable as the property lying adjacent to and to the northwest along Austell Road of the proposed tract is zoned O&I, is vacant and is being marketed for sale for commercial use and the property to the southeast of the proposed property is zoned LRO and is over 100 feet from the existing structure on the proposed tract. Further, directly across from the proposed tract is a retail shopping center with in excess of ten (10) retail businesses and in both directions along Austell Road and within the 1000 foot area are commercial businesses including Auto sales and “fast food” type establishments.

b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

No, the rezoning should not have a significant impact of effect on the existing use of other property located nearby as both adjacent tracts are already zoned other than CF as well and the area is a long standing commercial business area.

c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

Yes and no, the area, in light of the changed classifications for both adjacent properties from CF can be utilized as residential, but given the marketing of the NW adjacent property as retail such continued use as a residential dwelling is not desired or the trending or highest and best use of the proposed tract.

d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

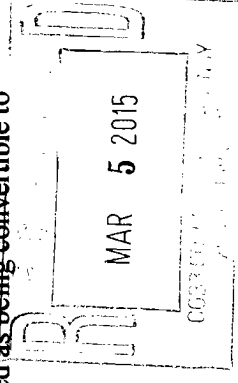
No, as the existing structure has some additional parking existing in front and as such structure is a two story brick building with a living room, kitchen and 2 bedrooms upstairs and 2 smaller rooms downstairs with the point being that such structure occupied by a proposed retail establishment should not significantly add more than a few automobiles at any given time during the hours of business operation.

e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

Yes, as the rezoning classification is sought for the proposed property next to a currently zoned, and former single family residence, for O&I, and such change in classification to the proposed tract is consistent with such and within the area so designated by the existing Land Use plan.

f) Whether there are 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:

Yes, grounds exist for approval of the zoning proposal as neither of the adjacent properties along Austell Road are zoned CF as the one to the south is zoned LRO and the one to the North is zoned O&I, the current area along Austell Road is covered with similar properties which were formerly residential, but given the proximity adjacent to Austell Road have been or are being marketed as being convertible to similar uses as contained in the Applicant’s proposed rezoning from CF to GC.



WILLIAM L. COLVIN, P.C.
ATTORNEY & COUNSELOR AT LAW
11080 OLD ROSWELL ROAD
SUITE 103E
ALPHARETTA, GEORGIA 30009
(770) 642-0009
(770) 642-0635/FACSIMILE

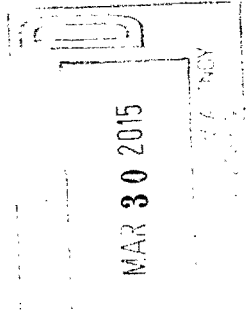
William L. Colvin

E-Mail: will@colvin.com

March 27, 2015

VIA HAND DELIVERY

Terry Martin, Staff Representative
Department of Zoning
Cobb County, Georgia



**Re: Acceptance of Staff Recommendations for Re-Zoning Application (No. Z-43)
of Mohammed Osman for 5064 Austell Road, Austell, Ga.**

Dear Mr. Martin:

My client and I appreciated the opportunity to sit and discuss with your self and the rest of the staff Mr. Osman's application for re-zoning.

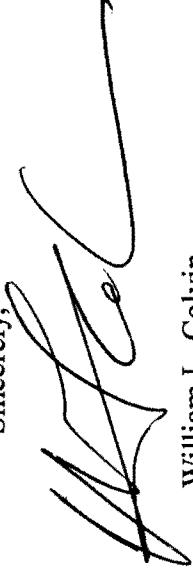
Please see enclosed Mr. Osman's revised and amended site plan which now shows the proposed location of the parking area/spaces for the property. The location of the proposed DOT conformed driveway is also shown. I have reviewed the staff's recommendation of the application re-zoning seeking a re-zoning from CF to a NRC designation instead of the initially sought GC classification with my client. Please be advised that Mr. Osman accepts such recommendation and hereby amends his application to seeking that designation, i.e. NRC instead of GC.

Further, please be advised that my client does not and will maintain a retail business for any of the following, to wit: tattoo parlor; adult-related novelties, movies or anything adult oriented in any manner or form; pawn shop of any kind as well vehicle maintenance. My client has considered cellular sales, repair and/or vacuum sales or repair as an example of the type of business he desires to conduct at such location. No plans for major interior renovations or improvements have been identified at this time.

Terry Martin, Staff Rep., Dept. of Zoning, Cobb Co., Ga.
Re: Re-Zoning Application No. Z - 43
page 2

Mr. Osman and I look forward to the opportunity to present this application at the scheduled hearings. Please do not hesitate to contact me if you have any additional need to further information or otherwise.

Sincerely,



William L. Colvin

Enclosures

cc: Mohammed Osman