

LUP-29
(2016)

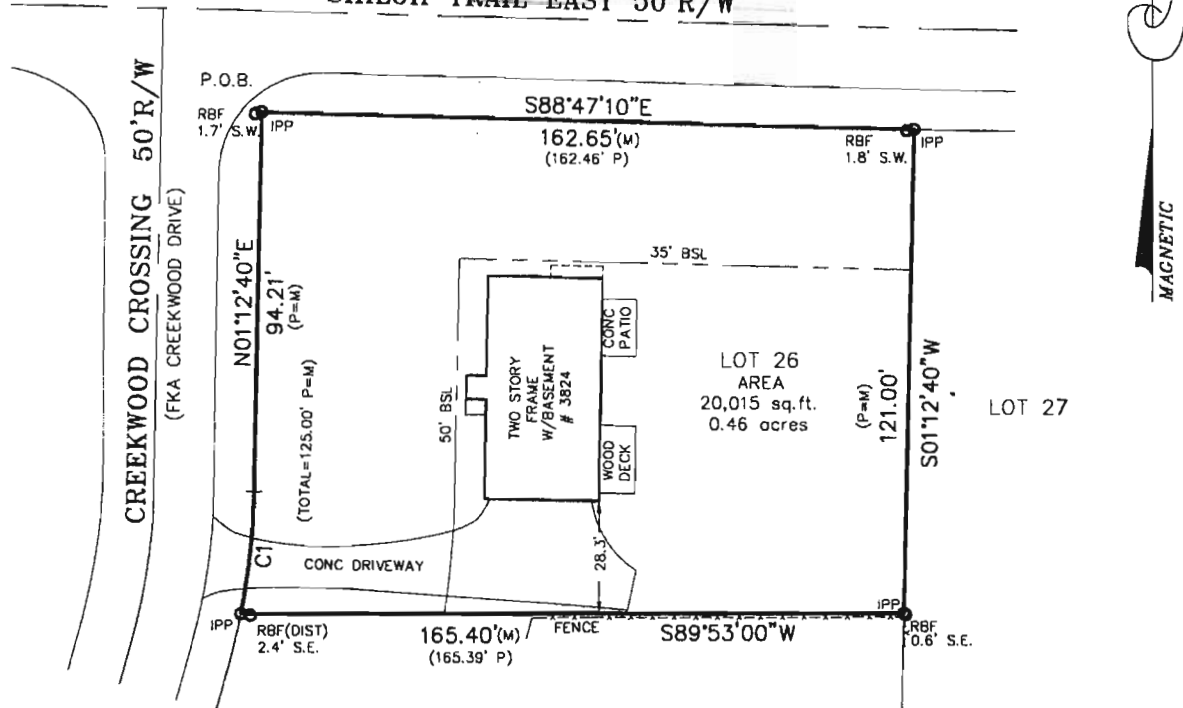
LEGEND

- CMP CORRUGATED METAL PIPE
- DE DRAINAGE EASEMENT
- SSE SANITARY SEWER EASEMENT
- BSL BUILDING SETBACK LINE
- RBF REBAR FOUND
- IPP IRON PIN PLACED
- IPF IRON PIN FOUND
- OTF OPEN TOP FOUND
- CTF CRIMP TOP FOUND
- RB REBAR
- CB CATCH BASIN
- JB JUNCTION BOX
- HW HEAD WALL
- POB POINT OF BEGINNING
- MH MAN HOLE
- R/W RIGHT-OF-WAY
- PP POWER POLE
- LL LAND LOT
- M MEASURED
- D DEED
- P PLAT

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	30.9'	175.00'	30.75'	N06°15'07"E



SHILOH TRAIL EAST 50'R/W



LOT 25

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

PLAT CERTIFICATION NOTICE

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS,

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAW OF THE STATE OF GEORGIA.

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, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-8, 43-15-19, 43-15-22.

NOTICE: IF RECORDING IS REQUIRED, CONTACT THE SURVEYOR FOR PRODUCTION OF A PLAT MADE SUITABLE FOR RECORDING

NOTE: ALL EASEMENTS DEPICTED ARE PER PUBLIC RECORD, UNLESS OTHERWISE NOTED.

INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OF SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 10,000 FEET, AN ANGULAR ERROR OF 0.3 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET. AN ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN PREPARATION OF THIS PLAT.

FIELD DATE 08/08/16

JOB NUMBER: 16-03545		ABOVE THE GROUND AS BUILT SURVEY PREPARED FOR: RAISSA BARNETTE	DATE 08/09/16
		OWNER / PURCHASER RICHARD KUHNE	SCALE 1" = 30'
		LAND LOT 94 20th DISTRICT 2nd SECTION COBB COUNTY, GEORGIA	
		LOT 26 BLOCK B UNIT THREE AREA OF LOT: 20,015 S.F.	
		SUBDIVISION THE FAIRWAYS OF PINETREE	
PLAT BOOK 68, PAGE 19 DEED BOOK _____ PAGE _____	ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	SOLAR LAND SURVEYING COMPANY P.O. BOX 723993 ATLANTA, GEORGIA 31139-0993 TELEPHONE (770) 794-9055 FAX (770)794-9052	

APPLICANT: SM Living, LLC

PHONE# 470-222-1219 **EMAIL:** gchancy@gmail.com

REPRESENTATIVE: Dan Silverboard

PHONE# 678-336-7244 **EMAIL:** dsilverboard@taylorenghish.com

TITLEHOLDER: Richard R. Kuhne

PROPERTY LOCATION: Southeast corner of Creekwood

Crossing and Shiloh Trail East

(3824 Creekwood Crossing)

ACCESS TO PROPERTY: Creekwood Crossing

PHYSICAL CHARACTERISTICS TO SITE: Existing single-family

house

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Fairways of Pinetree Subdivision

SOUTH: R-20/Fairways of Pinetree Subdivision

EAST: R-20/Fairways of Pinetree Subdivision

WEST: R-20/Fairways of Pinetree Subdivision

PETITION NO: LUP-29

HEARING DATE (PC): 11-01-16

HEARING DATE (BOC): 11-15-16

PRESENT ZONING: R-20

PROPOSED ZONING: Land Use Permit

PROPOSED USE: Allow 8 Residents in a

Group Home

SIZE OF TRACT: 0.46 acres

DISTRICT: 20

LAND LOT(S): 94

PARCEL(S): 90

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

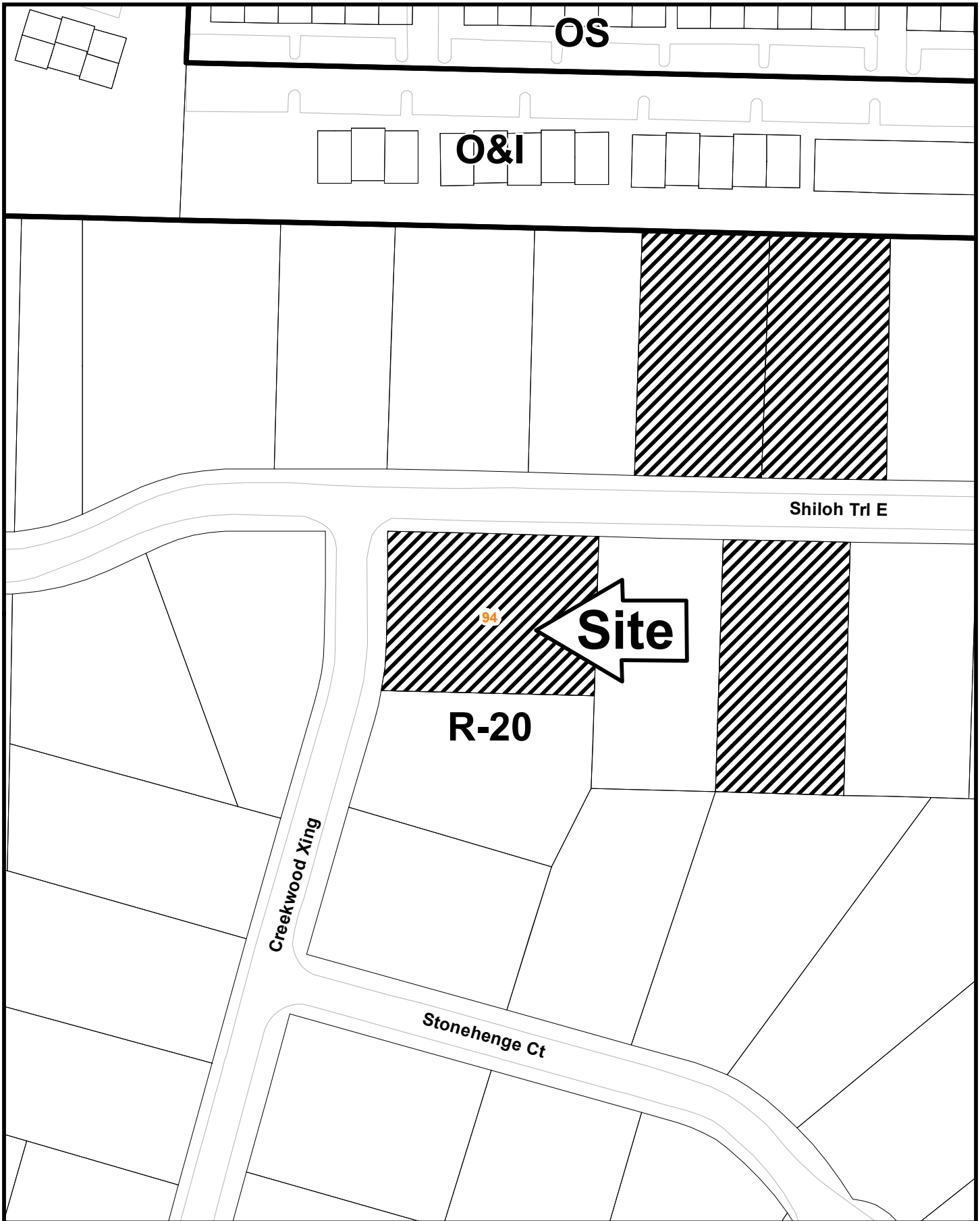
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



LUP-29-2016 GIS



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

0 100 200
Feet

City Boundary
Zoning Boundary

APPLICANT: SM LIVING, LLC

PETITION NO.: LUP-29

PRESENT ZONING: R-20

PETITION FOR: LUP

ZONING COMMENTS: Staff Member Responsible: Kim Wakefield

The applicant is requesting an increase in the number of residence allowed by Code from four (4) to eight (8). The group home has been in operation at this location since at least March of 2015; however Business License indicates February, 2016. The applicant was cited by Code Enforcement last year for having four (4) occupants while the Certificate of Occupancy only allowed three (3). The applicant indicates there will be 2-3 vehicles at the residence. The applicant is not requesting any signs or outside storage.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments. Property served by public water and sewer.

TRAFFIC COMMENTS:

Recommend no parking on the right-of-way.

FIRE COMMENTS:

GROUP HOME: More than 3 (4 or more) unrelated occupants within a single dwelling unit must comply with the Life Safety Code for the applicable occupancy classification. This may include implementation of a fire alarm and/or sprinkler system.

STORMWATER MANAGEMENT COMMENTS:

No comments.

STAFF RECOMMENDATIONS

LUP-29 SM LIVING, LLC

There are twelve criteria that must be considered for a Temporary Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) Safety, health, welfare and moral concerns involving the surrounding neighborhood.*
This request has the potential to affect the safety, health, or welfare of the surrounding properties. The same owners have owned the property since 2004. Since 2007, there have been eight Code Enforcement verified complaints for this address. This property has caused continuous code problems for the neighborhood since 2007.
- (2) Parking and traffic considerations.*
The applicant indicates all visitors and employees will park in the driveway and street.
- (3) Number of nonrelated employees.*
There are 2 employees associated with this request.
- (4) Number of commercial and business deliveries.*
The applicant indicates there will be no commercial deliveries connected with this request.
- (5) The general presumption of the board of commissioners that residential neighborhoods should not allow noncompatible business uses.*
This use is located in area having single-family residential homes.
- (6) Compatibility of the business use to the neighborhood.*
The proposed use is surrounded by residential uses and is located in a Low Density Residential (LDR) on the Cobb County Comprehensive Plan.
- (7) Hours of operation.*
The hours of operation are 24 hours a day, seven (7) days a week.
- (8) Existing business uses in the vicinity.*
There are four (4) homes on this block owned or leased by this applicant also operating a group home and requesting an increase in occupants.
- (9) Effect on property values of surrounding property.*
This request has the potential to effect on the property values in the area. This property has continuously caused Code Enforcement problems for the neighborhood since 2007.
- (10) Circumstances surrounding neighborhood complaints.*
There have been eight Code Enforcement complaints at this address since 2007. The applicant was cited by Code Enforcement for having four (4) occupants when the Certificate of Occupancy restricted residents to three (3).

LUP-29 SM LIVING, LLC (Continued)

(11) Intensity of the proposed business use.

This application proposes to double an existing permitted use for this property.

(12) Location of the use within the neighborhood.

The proposal is located within a platted subdivision and is surrounded by residential uses.

Based on the above analysis and a strict interpretation of the Code, Staff recommends **DENIAL** of the application.

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.