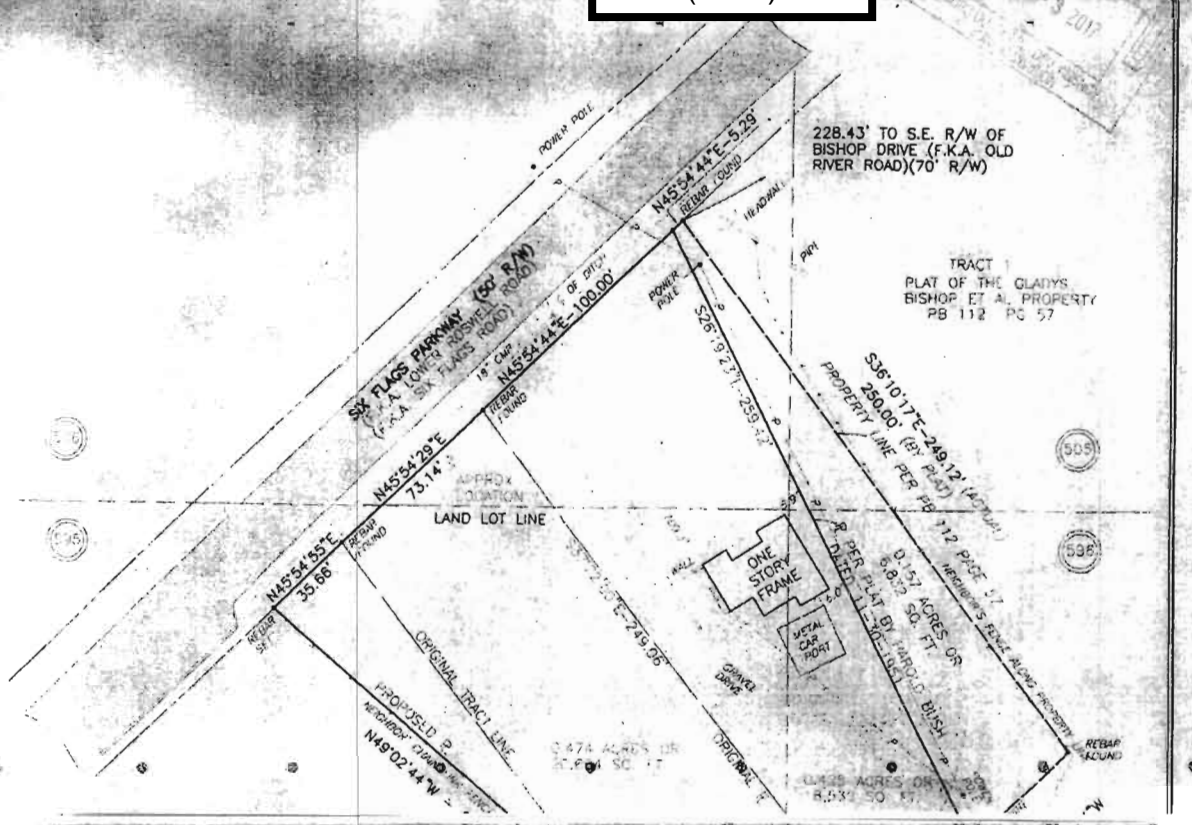


SLUP-11
(2017)



228.43' TO S.E. R/W OF BISHOP DRIVE (F.K.A. OLD RIVER ROAD)(70' R/W)

TRACT 1
PLAT OF THE CLAYTONS
BISHOP ET AL. PROPERTY
PB 112 PG 57

N/R
S & S REGIONAL HOLDING COMPANY

N/R
MRS. ELIZABETH H. REECE

SURVEY NOTES

ALL POWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN TAPPED OR COVERED OVER THE COURSE OF UNDERGROUND UTILITIES AS SHOWN HEREON...
 BEARING: BELLMOUTH
 ZONING: OFFICE POWER COMPANY
 DISTRICT AND SCALE: COBB COUNTY
 TITLE AND SCALE: ATLANTA GAS LIGHT COMPANY

REFERENCE MATERIAL

SURVEY FOR STATEMENT OF WORK COMPANY AND...
 DATE: NOVEMBER 30, 1991

BOUNDARY LINE AGREEMENT

THIS SURVEYOR RECOMMENDS A BOUNDARY LINE AGREEMENT ALONG LAST PROPERTY LINE DUE TO CONFLICTING DEEDS AND PLATS.

LEGEND

- 1 — DEMONSTRATES LOCATION BOX
- 2 — DEMONSTRATES SPOKE PILE
- 3 — DEMONSTRATES CLEAR CUT
- 4 — DEMONSTRATES GAS LINE MARKER
- 5 — DEMONSTRATES POWER POLE
- 6 — DEMONSTRATES LAMP POLE
- 7 — DEMONSTRATES GUY WIRE
- 8 — DEMONSTRATES POWER LINE
- 9 — DEMONSTRATES ELECTRIC BOX
- 10 — DEMONSTRATES ELECTRIC METER
- 11 — DEMONSTRATES GAS METER
- 12 — DEMONSTRATES CEMENT BLOCK
- 13 — DEMONSTRATES SIGN
- 14 — DEMONSTRATES PROPERTY LINE
- 15 — DEMONSTRATES NEIGHBORLY CORNER MARK
- 16 — DEMONSTRATES COMPROMISED METAL PIPE
- 17 — DEMONSTRATES SIGN
- 18 — DEMONSTRATES SANITARY SEWER LINE
- 19 — DEMONSTRATES WATER METER
- 20 — DEMONSTRATES SANITARY SEWER MANHOLE
- 21 — DEMONSTRATES SIGN
- 22 — DEMONSTRATES SIGN
- 23 — DEMONSTRATES SIGN
- 24 — DEMONSTRATES SIGN
- 25 — DEMONSTRATES SIGN
- 26 — DEMONSTRATES SIGN
- 27 — DEMONSTRATES SIGN
- 28 — DEMONSTRATES SIGN
- 29 — DEMONSTRATES SIGN
- 30 — DEMONSTRATES SIGN

TOTAL AREA = 1.057 ACRES
OR 46,028 SQ. FT.

SIX FLAGS PARKWAY
MABLETON, GEORGIA

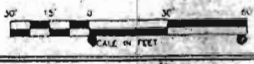
PROPERTY OF
RANDY OSBORNE

McLUNG SURVEYING SERVICES, INC.

2235 Copper Lake Road, S.E.
Smyrna, Georgia 30081 (770) 434-3728
 This property (S) (in not) located in a Federal Flood Area as indicated by F.I.R.M. Official Flood Hazard Maps.
 In my opinion this plat is a correct representation of the land platted.
 Michael R. Noles, Surveyor
 Member, I.A.S.C.E.



LAND LOTS 503, 506, 395 AND 396
DISTRICT 18TH SECTION 2ND
COUNTY COBB
GEORGIA
DATE 3-75-04 SCALE 1"=30'



202

APPLICANT: K&J Towing, LLC

PHONE#: (404) 675-9006 **EMAIL:** bluelineprotect@gmail.com

REPRESENTATIVE: Richard W. Calhoun

PHONE#: (770) 422-1776 **EMAIL:** Rcalhoun@gregorydoylefirm.com

TITLEHOLDER: Randall R. Osborne

PROPERTY LOCATION: Southeast side of Six Flags Parkway,
west of Bishop Road
(284 Six Flags Parkway)

ACCESS TO PROPERTY: Six Flags Parkway

PHYSICAL CHARACTERISTICS TO SITE: One-story house and
detached metal carport

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: HI/Industrial Contractor; GC/Contracting Company
SOUTH: HI/Cleveland Electric Company
EAST: HI/Industrial Machinery and Equipment Company
WEST: HI/Cleveland Electric Company

Adjacent Future Land Use:
Northeast: Priority Industrial Area (PIA)
Southeast: Priority Industrial Area (PIA)
Southwest: Priority Industrial Area (PIA)
Northwest: Medium Density Residential (MDR)

PETITION NO: SLUP-11

HEARING DATE (PC): 10-03-17

HEARING DATE (BOC): 10-17-17

PRESENT ZONING: HI

PROPOSED ZONING: Special Land
Use Permit

PROPOSED USE: Towing and Impound Lot

SIZE OF TRACT: 1.06 acres

DISTRICT: 18

LAND LOT(S): 505,506,595,596

PARCEL(S): 9

TAXES: PAID X **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** _____

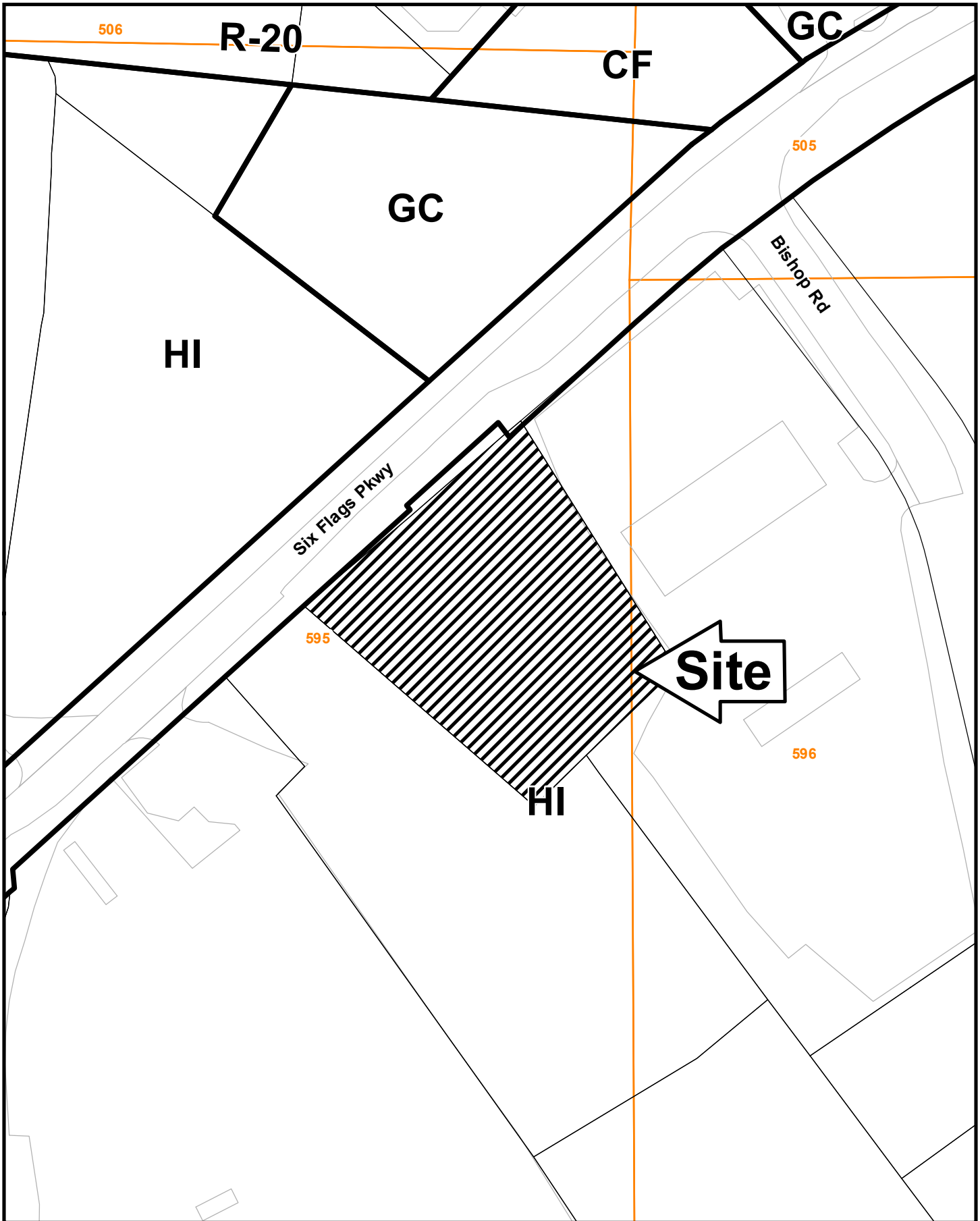
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

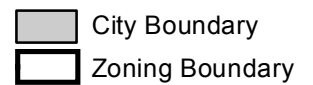
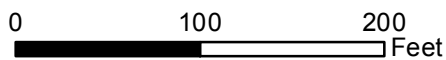
STIPULATIONS:



SLUP-11 2017-GIS



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



APPLICANT: K&J Towing, LLC

PETITION NO.: SLUP-11

PRESENT ZONING: HI

PETITION FOR: SLUP

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

Applicant is requesting a Special Land Use Permit (SLUP) for the purpose of operating a towing service and an impound lot. The hours of operation will be from 9 a.m. until 5 p.m., Monday through Friday, 9 a.m. to 3 p.m. on Saturday and closed on Sundays. All vehicle returns will be by appointment only. Only two tow trucks will be using this property, and will not ordinarily be parked on the property overnight. Approximately 20 vehicles per months are expected to be towed into and out of the subject property.

If approved, the applicant would need the following contemporaneous variances:

- 1. Allow parking on a non-hardened surface.

Historic Preservation: No comment.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission’s Inventory List which is located in this, or adjacent land lot.

WATER & SEWER COMMENTS:

No comments. Residential water account with septic system. Sanitary sewer +/- 275’ SW in Six Flags Pkwy ROW if necessary. Health Department approval required for continued use of existing septic system.

TRAFFIC COMMENTS:

Recommend the driveway apron be upgraded to the commercial standard.

Recommend curb, gutter, and sidewalk along the Six Flags Parkway frontage.

Recommend a deceleration lane or large turn radius on Six Flags Parkway for the entrance.

SITE PLAN REVIEW SECTION COMMENTS:

The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.).

APPLICANT: K & J Towing

PETITION NO.: SLUP-11

PRESENT ZONING: HI

PETITION FOR: SLUP

FIRE COMMENTS:

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

APPLICANT: K & J Towing, LLC

PETITION NO.: SLUP-11

PRESENT ZONING: HI

PETITION FOR: SLUP

STORMWATER MANAGEMENT COMMENTS

Any additional paving needed to meet parking requirements that exceeds 5000 square feet will require stormwater management to be provided.

STAFF RECOMMENDATIONS

SLUP-11 K&J TOWING, LLC

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

- (1) Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.*
It is Staff's opinion that the applicant's proposal may have an adverse effect on the usability of adjacent or nearby properties. There is residentially zoned property approximately 500 feet southwest on Six Flags Parkway and residential property approximately 600 feet northeast on Six Flags Parkway. Additionally, directly across the road is Medium Density Residential on the Future Land Use Map.
- (2) Whether or not the use is otherwise compatible with the neighborhood.*
It is Staff's opinion that the applicant's proposal will not permit a use that is suitable in view of the use and developments of adjacent nearby properties. The area has been transitioning to less intense uses such as Silver Creek Subdivision.
- (3) Whether or not the use proposed will result in a nuisance as defined under state law.*
The use may result in a nuisance as defined by state law. The Board of Commissioners has been trying to clean up the Six Flags area through a variety of County initiatives, including getting rid of nuisances. Approval of the request may negatively affect these initiatives.
- (4) Whether or not quiet enjoyment of surrounding property will be adversely affected.*
The quiet enjoyment of surrounding properties could be adversely affected due to the location of the applicant's proposal. While other industrial uses exist in the area, residential subdivisions have also been developed in recent years along Six Flags Parkway. Staff feels the function of frequently transporting vehicles in and out of the subject property may adversely affect the residential uses in the area.
- (5) Whether or not property values of surrounding property will be adversely affected.*
While property values of surrounding properties cannot be determined by the Zoning Division, Staff feels adding more intense industrial uses in this area could adversely affect property values of surrounding properties. Properties in this area are zoned HI, LI, GC, R-20, RA-5 and RA-5, representing various industrial, commercial and single-family residential uses along Six Flags Parkway.
- (6) Whether or not adequate provisions are made for parking and traffic considerations.*
No paved/striped parking is indicated on the proposed site plan.
- (7) Whether or not the site or intensity of the use is appropriate.*
The applicant's site may not be able to adequately accommodate the intensity of the proposed towing and impound lot as it has indicated an average of 20 vehicles per month will be in and out of the property that does not indicate paved/striped parking. Also, there is no landscaping to help screen the proposed use.

(8) *Whether or not special or unique conditions overcome the Board of Commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.*

There are existing circumstances in this area that could prohibit the proposed use in this area. The proposed use is in an HI area, but the area also includes single-family residential uses that have been developed in the last decade along Six Flags Parkway. The Board of Commissioners requires SLUPs on this proposed use in order to scrutinize the proposed impacts on adjacent and nearby properties.

(9) *Whether or not adequate provisions are made regarding hours of operation.*

Applicant has indicated typical business hours and include the following: Monday through Friday from 9 a.m. until 5 p.m.; Saturdays 9 a.m. until 3 p.m.; and the business will be closed on Sundays.

(10) *Whether or not adequate controls and limits are placed on commercial and business deliveries.*

The applicant has indicated that on average, approximately 20 vehicles will be brought to and from the property during a month.

(11) *Whether or not adequate landscape plans are incorporated to ensure appropriate transition.*

A landscape plan was not provided.

(12) *Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.*

The residential neighborhoods could notice an increase in traffic to and from this part of Six Flags Parkway as a result of the proposed vehicle driven business.

(13) *Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses.*

While the use is permitted in the HI zoning district with a Special Land Use Permit, the applicant has not submitted everything needed (the parking layout, and the landscape plan). Also, the applicant needs a variance for parking on gravel.

(14) *Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.*

The applicant has provided some details necessary to review the request, but has not submitted a landscape plan and the parking layout.

SLUP-11 K&J TOWING, LLC (Continued)

(15) In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the county fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the county.

Staff believes all relevant factors cannot be considered because the applicant has not provided sufficient information to fully consider this request given a major part of the proposed use involves storing vehicles and no paved/striped parking has been indicated. In addition, the applicant has not indicated any landscaping to be considered.

Based on the above analysis, Staff recommends DENIAL.

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.



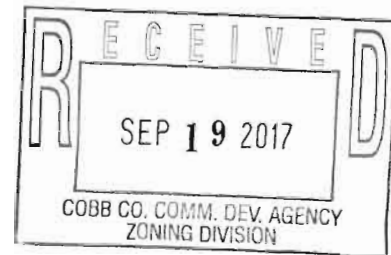
**SLUP-11 (2017)
Applicant's
Statement and
Proposed
Improvements**

770.422.1776 PHONE
770.426.6155 FAX
49 ATLANTA STREET
MARIETTA, GEORGIA 30060
WWW.GREGORYDOYLEFIRM.COM

Richard W. Calhoun
rcalhoun@gregorydoylefirm.com

September 12, 2017,

Ms. Tannesha Bates
Cobb County Zoning Dept.
1150 Powder Springs Street
Marietta, GA 30064



Re: SLUP -11 (2017)
284 Six Flags Parkway, Austell, Ga. 30168
Applicant: K & J Towing, LLC
Owner: Randy Osborne

Dear Ms. Bates,

Per your request of September 5, 2017, please accept the following information in support of the above application for a special land use permit:

The hours of operation will be from 9:00 a.m. to 5:00 p.m., Monday through Friday, 9:00 a.m. to 3:00 p.m. Saturday, and closed on Sundays. Because K & J is a private towing company, it will be towing cars to the property primarily on Tuesdays and Thursdays only. All vehicle returns will be by appointment only. Only two tow trucks will be using this property, and these trucks will not ordinarily be parked on this property overnight. On average, approximately twenty (20) vehicles per month are expected to be towed into and out of the subject property, which are fewer trips than ordinarily generated by a typical single family home occupied by two adults working outside the home.

With reference to the matters to be considered by the Board of Commissioners in its determination of whether to grant a special land use permit, the Applicant and Owner's responses are as follows:

1. There will be no significant adverse effects on the surrounding neighborhood, as the surrounding area (particularly on the south side of Six Flags Parkway where the subject property is located), is predominately zoned and used for heavy industrial uses.
2. The proposed impound lot is compatible with the surrounding neighborhood as described in paragraph 1 above. In addition, the properties directly across the road from the subject are zoned and used for heavy industrial and general commercial uses.

Ms. Tannessa Bates
Cobb County Zoning Dept.
September 12, 2017
Page 2

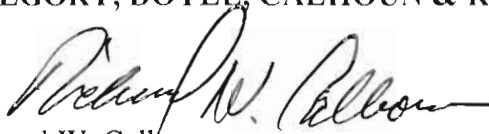
3. The proposed use of the subject property will not create a nuisance as defined by state law. To the contrary, the use of the subject property will eliminate a vacancy in the property uses in the area of the subject property.
4. The quiet enjoyment of surrounding properties will not be adversely affected. As set forth above, towing to the subject property will occur primarily on Tuesdays and Thursdays only, and returns will be by appointment only.
5. The property values of surrounding properties will not be adversely affected. The area in which the subject property is located has been an industrial area for many years, and the use of the subject property for storage of impounded vehicles is unlikely to have a measurable effect on surrounding property values.
6. Adequate provisions for parking and traffic already exist. The limited use of the subject property, with a relatively small number of trips into and out of the property, are not likely to cause a noticeable increase in traffic.
7. The site, and particularly its intensity of use, are appropriate for the area.
8. There are no apparent special or unique conditions applicable to the consideration of this application with respect to residential neighborhoods, as the area in which the subject property is located is largely industrial in nature. In addition, the entire south side of Six Flags Parkway, for at least a thousand feet in each direction, is designated as an industrial area on the county's future land use map.
9. As set forth above, customary provisions have been made for hours of operation.
10. Other than the above described impounded and returned vehicles, there will be no commercial or business deliveries to the subject property.
11. The property is surrounded by 8 foot tall opaque fencing and has a substantial natural buffer along its road frontage as well as along its southern and southwestern boundaries. Given the surrounding uses, no further landscaping would appear to be of any appreciable benefit.
12. As indicated by this property's inclusion within a large industrial area on the county's future land use map, the public health, welfare, safety and morality of the surrounding neighborhood will not be adversely affected by this use. Additionally, it is the Applicant's and Owner's position that the failure of the Board of Commissioners to grant the requested special land use permit as conditioned by applicant, would amount to abuse of discretion, an uncompensated

Ms. Tannessa Bates
Cobb County Zoning Dept.
September 12, 2017
Page 3

taking without due process of law, and a denial of equal protection under the law, in violation of Article 1, Section 1 Paragraphs 1& 2, and Article 1, Section 3, Paragraph 1 of the Georgia Constitution, and corresponding sections of the united States Constitution.

Please advise if you should need any further information with respect to this application.

Sincerely yours,
GREGORY, DOYLE, CALHOUN & ROGERS, LLC



Richard W. Calhoun
For the Firm

RWC/pgc

Cc: Cobb County Planning Commission
Cobb County Board of Commissioners
K & J towing, LLC
Randy Osborne