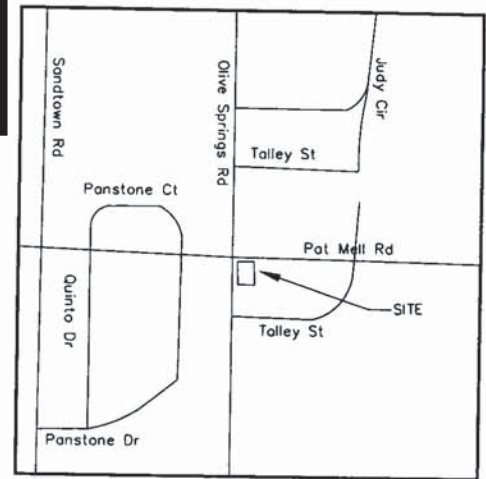


- LEGEND**
- X-X- = Barbed Wire
 - SS = Sanitary Sewer
 - ⊗ FH = Fire Hydrant
 - ⊙ PP = Power Pole
 - IPP = Iron Pin Placed
 - IPF = Iron Pin Found
 - ⊙ MW = Monitoring Well
 - ⊙ LP = Light Pole
 - EP = Edge Pavement
 - POB = Point of Beginning
 - CC = Calculated Corner
 - B/C = Back of Curb
 - C/L = Centerline
 - Chain Link Fence
 - ⊙ SSMH = Sewer Manhole
 - SSE = Sanitary Sewer Easement
 - JB = Junction Box
 - DI = Drop Inlet
 - PL = Property Line
 - CMP = Corrugated Metal Pipe
 - RCP = Reinforced Conc. Pipe
 - DE = Drainage Easement
 - WV = Water Valve
 - WM = Water Meter
 - R/W = Right of Way
 - Power Line

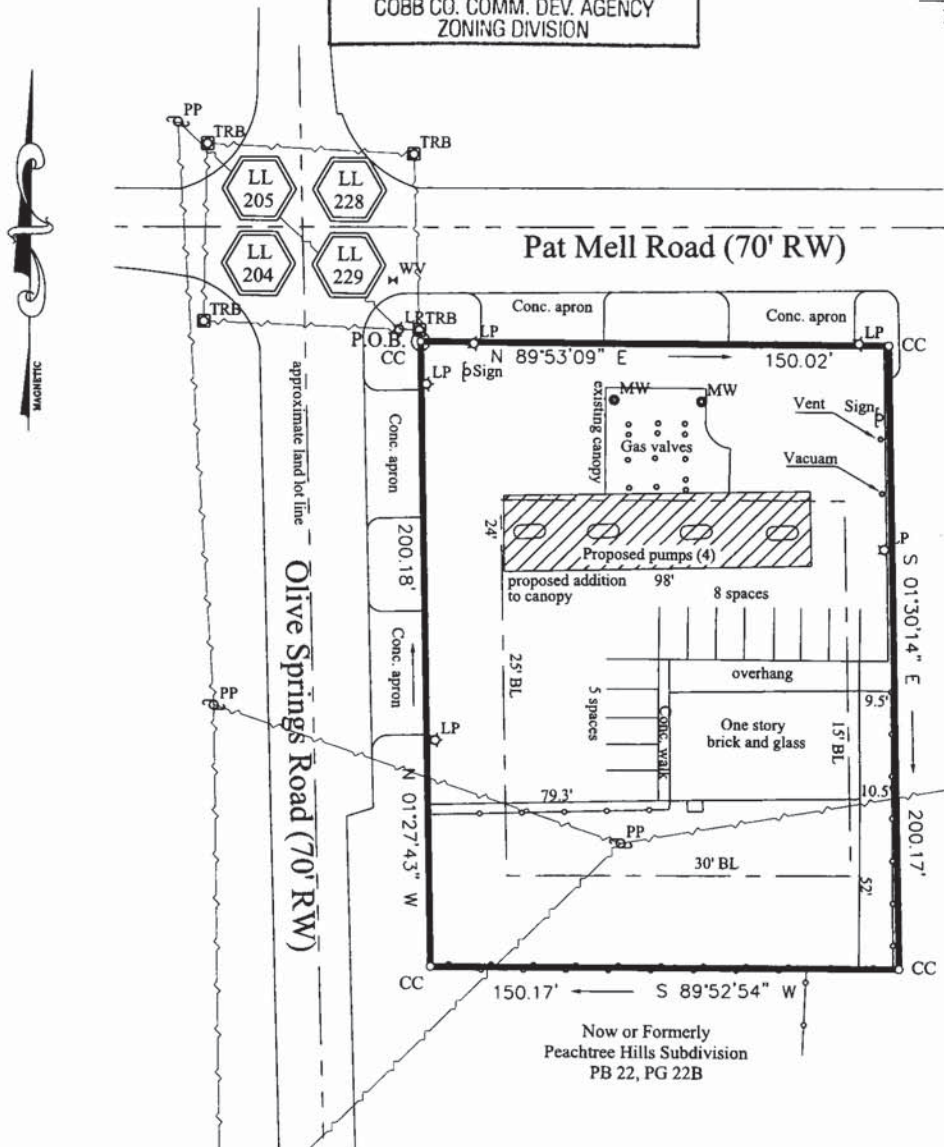
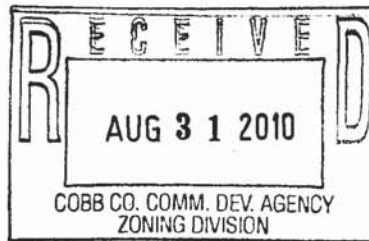
Current zoning:
Setbacks:
Front: 50
Side: 15
Rear: 30
Side corner: 25

**Z-34
(2010)**

Boundary information taken from survey for Cyshal, Inc., The Summit National Bank, and Commonwealth Land Title Insurance Company; by Solar Land Surveying Company, dated 06/10/02.



Location Map
Not to Scale



Now or Formerly
Touraine Investments, LLC
DB 11681, PG 418



Job #: 002907

- All iron pins are 1/2" Rebar unless otherwise noted.
- Equipment used: Topcon GTS Total Station
- The field data upon which this plat is based has a closure precision of 1 foot in 25,000 feet and an angular error of 03 seconds per angle point, and was adjusted using Compass Rule.
- This plat has been calculated for closure and is found accurate within one foot in 961,129 feet.
- This plat subject to all easements public and private.



Perimeter Surveying & Development Co.
1065 Sandtown Road, Marietta, GA 30008
Phone: (770) 425-6824 Fax: (770) 425-6768

**Rezoning Plat for
Shibu Kozhikattu**

Revised 2010-08-16
20 Pat Mell Road
Land Lot 229, 17th District, 2nd Sect.
Cobb County, Georgia

Plat Book: 12
Deed Book: 7004

Page: 174
Page: 82

Area = 30,037 Sq. Ft. (0.69 Acres)

This plat may be based on a recorded plat from iron pins referenced on said plat for closure tie in.

According to F.I.R.M. Community Panel # 130052 0070F, dated this property is not located in an area having special flood hazards.

Computed by:
Drawn by: JMC
Checked by: KLN

Party Chief:
Date Surveyed:
Date Drawn: 02/20/07

GRAPHIC SCALE
0 20 40 80
SCALE: 1" = 40'

APPLICANT: Shibu P. Kozhikattu

770-435-2128

REPRESENTATIVE: Parks F. Huff 770- 422-7016

Sams, Larkin & Huff, LLP

TITLEHOLDER: Cyshal Corporation

PROPERTY LOCATION: Located at the southeast intersection of

Pat Mell Road and Olive Springs Road.

ACCESS TO PROPERTY: Pat Mell Road and Olive Springs Road

PHYSICAL CHARACTERISTICS TO SITE: Existing fueling

station

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Peachtree Hills Subdivision

SOUTH: R-20/Peachtree Hills Subdivision

EAST: NS/Auto Repair Shop

WEST: R-20/Panstone Subdivision

PETITION NO: Z-34

HEARING DATE (PC): 11-02-10

HEARING DATE (BOC): 11-16-10

PRESENT ZONING: NS

PROPOSED ZONING: NRC

PROPOSED USE: Expanding Canopy for

Additional Pumps At Existing Fueling Station

SIZE OF TRACT: 0.69 acre

DISTRICT: 17

LAND LOT(S): 229

PARCEL(S): 1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

OPPOSITION: NO. OPPOSED____ **PETITION NO:**____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED____ **MOTION BY**_____

REJECTED____ **SECONDED**_____

HELD____ **CARRIED**_____

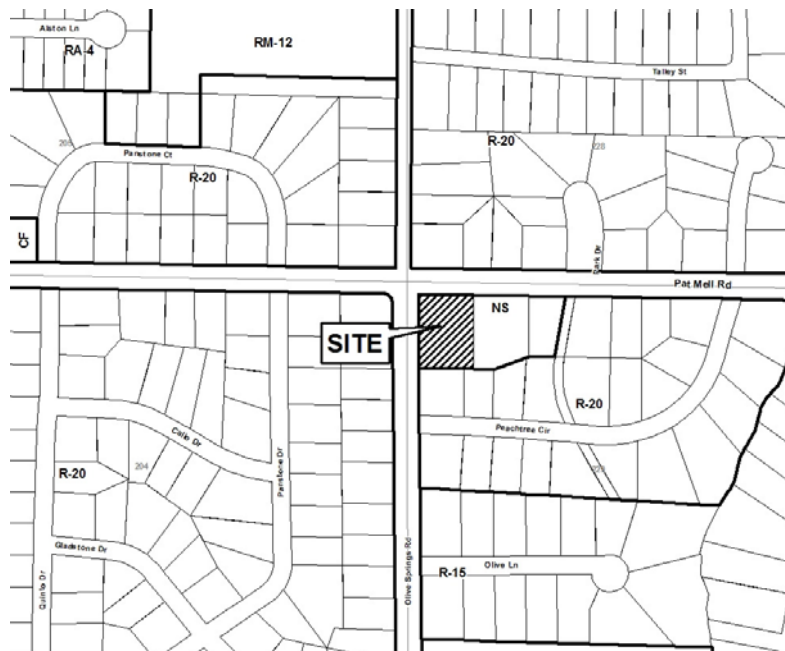
BOARD OF COMMISSIONERS DECISION

APPROVED____ **MOTION BY**_____

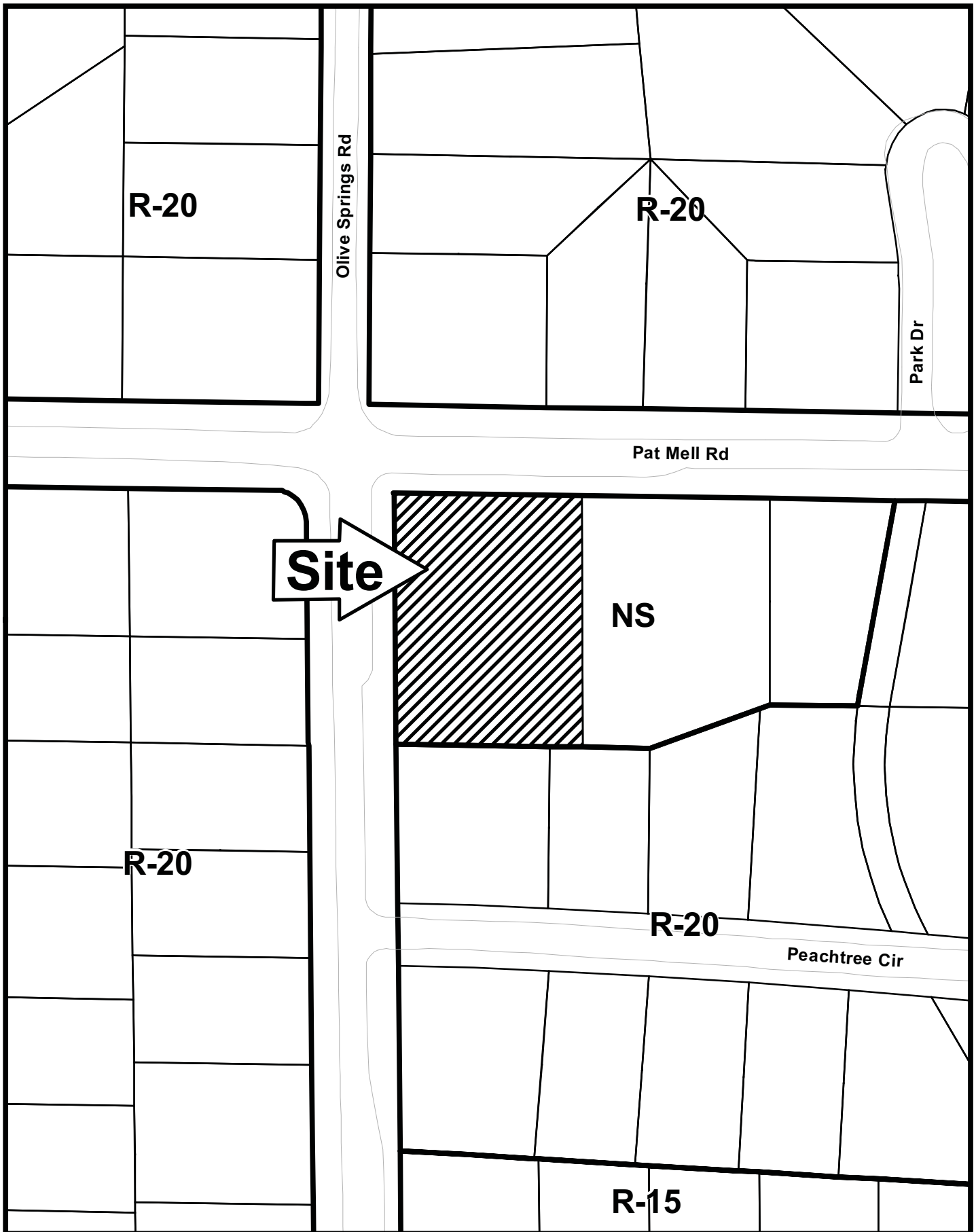
REJECTED____ **SECONDED**_____

HELD____ **CARRIED**_____

STIPULATIONS:



Z-34



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

100 0 100 Feet



City Boundary
Zoning Boundary

APPLICANT: Shibu P. Kozhikattu

PETITION NO.: Z-34

PRESENT ZONING: NS

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Low Density Residential

Proposed Number of Buildings: 1 (Existing)**Total Square Footage of Development:** 5,290

F.A.R.: .17 **Square Footage/Acre:** 7,666

Parking Spaces Required: 5 and 1/employee **Parking Spaces Provided:** 13

Applicant is requesting the NRC zoning district in order to make an addition to the existing canopy over the fuel island. The current zoning of NS must be located in a Community Activity Center or a Regional Activity Center on the Future Land Use Map in order to further develop the property. As noted above, this property is in the Low Density Residential land use category. The property has been used for over 30 years as a convenience store with fuel sales. The canopy addition is being requested to cover new pumps. Contemporaneously with this rezoning request, the applicant is also requesting a reduction in the front setback from the required 50 feet to 45 feet for the canopy and a reduction in the impervious standards for the existing conditions. The hours of operation are seven days a week, with normal convenience store hours. The applicant's Zoning Impact Statement is attached 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:

No Comments (20 Pat Mell Rd).

STORMWATER MANAGEMENT COMMENTS:

The proposed pump and canopy expansion is over existing impervious area, therefore no new stormwater impacts are anticipated. However, there is no stormwater management currently provided for this site and therefore no opportunity for retrofit of any water quality BMPs. Owner must provide a copy of the current Spill Prevention Plan currently in place for the site. Upon redevelopment, site will be required to meet current stormwater management design standards.

PRESENT ZONING NS

PETITION FOR NRC

WATER COMMENTS:**SEWER 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: Shibu P. Kozhikattu

PETITION NO.: Z-34

PRESENT ZONING: NS

PETITION FOR: NRC

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
Pat Mell Road	9800	Major Collector	35 mph	Cobb County	80'
Olive Springs Road	4400	Minor Collector	35 mph	Cobb County	60'

Based on 2006 traffic counting data taken by Cobb County DOT (Pat Mell Road)

Based on 2000 traffic counting data taken by Cobb County DOT (Olive Springs Road)

COMMENTS AND OBSERVATIONS

Pat Mell Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

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

Install sidewalk along Pat Mell Road and Olive Springs Road frontages.

Close the western driveway on Pat Mell Road.

Close the northern driveway on Olive Springs Road.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Pat Mell Road, a minimum of 40' from the roadway centerline.

Recommend installing sidewalk along the Pat Mell Road and Olive Springs Road frontages.

Recommend closing the western driveway on Pat Mell Road.

Recommend closing the northern driveway on Olive Springs Road.

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

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STAFF RECOMMENDATIONS

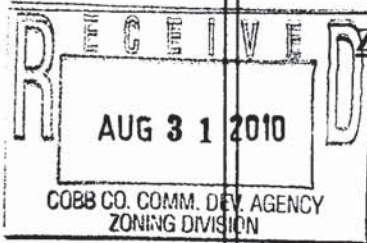
Z-34 SHIBU P. KOZHIKATTU

- 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. The property to the east is zoned NS and is an existing auto repair shop.
- 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 has had the same use for many years and the proposed addition is an aesthetic improvement to the existing business.
- 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 property is located within the Low Density Residential land use category and can not be further developed under its current NS zoning category.
- 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. While the proposal is not consistent with the *Cobb County Comprehensive Plan*, approving the request for NRC will allow aesthetic improvements to the business that has existed for decades.

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

- Site plan received by the Zoning Division on August 31, 2010, with the District Commissioner approving minor modifications;
- Reduction in the front setback from 50 feet to 45 feet for the canopy;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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.



ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF SHIBU P. KOZHIKATTU

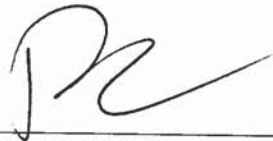
COMES NOW, SHIBU P. KOZHIKATTU, and pursuant to Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this his Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the subject property that is suitable in the context of the existing zonings and uses at the intersection of Pat Mell Road and Olive Springs Road. This intersection has been used for commercial uses since prior to the adoption of the Cobb County Zoning Ordinance in 1972. The convenience store on the subject property has provided the local community with gasoline and food for several generations.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. Although the other corners of this intersection are zoned residentially, the long-term use of the subject property as a convenience store has been accepted by the community and is an asset to the community.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use unless it can be rezoned to a conforming category to allow for the proposed upgrade to the existing convenience store. The fair market value of the subject property falls below the range of values of similarly zoned and situated properties with equivalent utility.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools. The proposed new pump island expansion will not increase the traffic or have any negative affect on the County's infrastructure.
- E. Although the zoning proposal is inconsistent with the property's designation in the County's Future Land Use Map as Low Density Residential, the property has historically been a convenience store serving the surrounding community.
- F. There is no substantial relationship between the existing zoning classifications of NS and the public health, safety and general welfare.

Respectfully submitted, this 31 day of August, 2010.

SAMS, LARKIN & HUFF, LLP

By: 
PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010