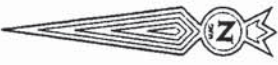


**Z-33
(2010)**



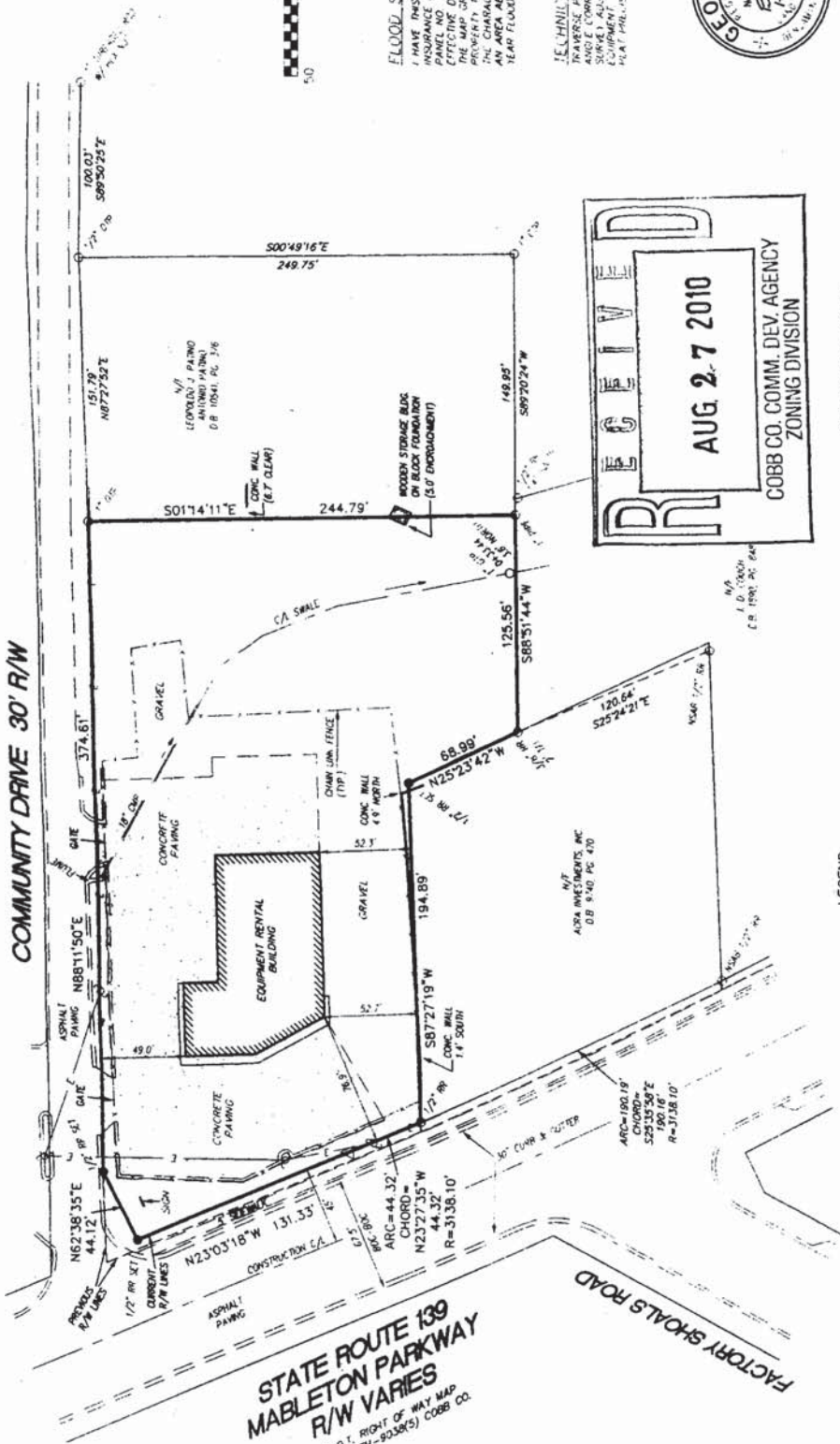
FLOOD STATEMENT
I HAVE THIS DATE EXAMINED THE FLOOD INSURANCE RATE MAPS, COMMUNITY FLOOD HAZARD MAPS, AND FLOOD CONTROL DISTRICT MAPS FOR 1992. THE MAP GRAPHICALLY DEPICTS THE SURVEY PROPERTY TO BE IN ZONE "X". THE CHARACTERISTIC OF THIS ZONE IS AN AREA ABOVE THE 100 YEAR FLOOD PLAIN.

TECHNICAL DATA
TRAVERS PRULSON 1/28/90
SURVEYING EQUIPMENT LISTED IN
STATE'S ASSISTANT SURVEYOR'S
EQUIPMENT LISTON 1/25-30
PLAT PRULSON 1/41/92



NO.	DATE	DESCRIPTION

THE RUSSELL COMPANY, INC.
PROFESSIONAL LAND SURVEYORS
2081 POWDER SPRINGS ROAD
MARIETTA, GA 30064
(770) 943-9803
E-MAIL: CORUSSELL@MINDSPRING.COM
FAX: CORUSSELL@MINDSPRING.COM
FIELD SURVEY DATE: 12-30-01-2002
PLAT DATE: 1-6-2003 SCALE: 1"=50'



RECEIVED
AUG 27 2010
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

JEFFREY H. WEARING
LOCATED IN LAND LOT 189, 18TH DISTRICT, 2ND SECTION,
COBB COUNTY, GEORGIA

**AREA = 1.796 ACRES
78,220 SQ. FT.**

LEGEND:

- CORNER MONUMENTATION:
 - 1/2" STEEL
 - CONCRETE
 - REINFORCING ROD
 - CORNER FOUND
 - UNMONUMENTED CORNER
 - CORNER TO BE SET WHEN CONSTRUCTION PERMITS
- X — FENCE LINE
- RR — STEEL REINFORCING ROD
- OTF — OPEN TOP WATER PIPE
- CTP — CRIMPED TOP WATER PIPE
- — — — — POLE
- CA — CENTERLINE
- B/L — BUILDING LINE
- R/W — RIGHT OF WAY
- L.L.L. — LAND LOT LINE
- — — — — OVERHEAD POWER LINES
- — — — — GAS MAINS
- — — — — SANITARY SEWER MAIN
- N/F — NOW OR FORMERLY OWNED BY
- — — — — CORRUGATED METAL PIPE

ADDITIONAL REFERENCES:

EASEMENT IN FAVOR OF GA POWER CO. D.B. 4424, PG. 212
PLAT OF SURVEY FOR F. D. COUCH PREPARED BY GARDNER
SURVEYING CO. DATED 2-5-90

**STATE ROUTE 139
MABLETON PARKWAY
R/W VARIES**
GA D.O.T. RIGHT OF WAY MAP
PROJECT: PEM-9030(S) COBB CO.

APPLICANT: Jeffery H. Wearing
770-987-5500

REPRESENTATIVE: Jeffery H. Wearing
770-987-5500

TITLEHOLDER: Jeffery H. Wearing

PROPERTY LOCATION: Located at the southeasterly intersection
of Mableton Parkway and Community Drive.

ACCESS TO PROPERTY: Community Drive

PHYSICAL CHARACTERISTICS TO SITE: One story metal
building

PETITION NO: Z-33

HEARING DATE (PC): 11-02-10

HEARING DATE (BOC): 11-16-10

PRESENT ZONING: GC

PROPOSED ZONING: CRC

PROPOSED USE: Furniture Store/
Rental Store

SIZE OF TRACT: 1.796 acres

DISTRICT: 18

LAND LOT(S): 189

PARCEL(S): 23

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: GC/ Chevron
- SOUTH: GC/ Mableton Mini Shops
- EAST: R-20/ Residential
- WEST: GC/ West Shoals shopping center

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

PLANNING COMMISSION RECOMMENDATION

APPROVED ___ MOTION BY _____

REJECTED ___ SECONDED _____

HELD ___ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED ___ MOTION BY _____

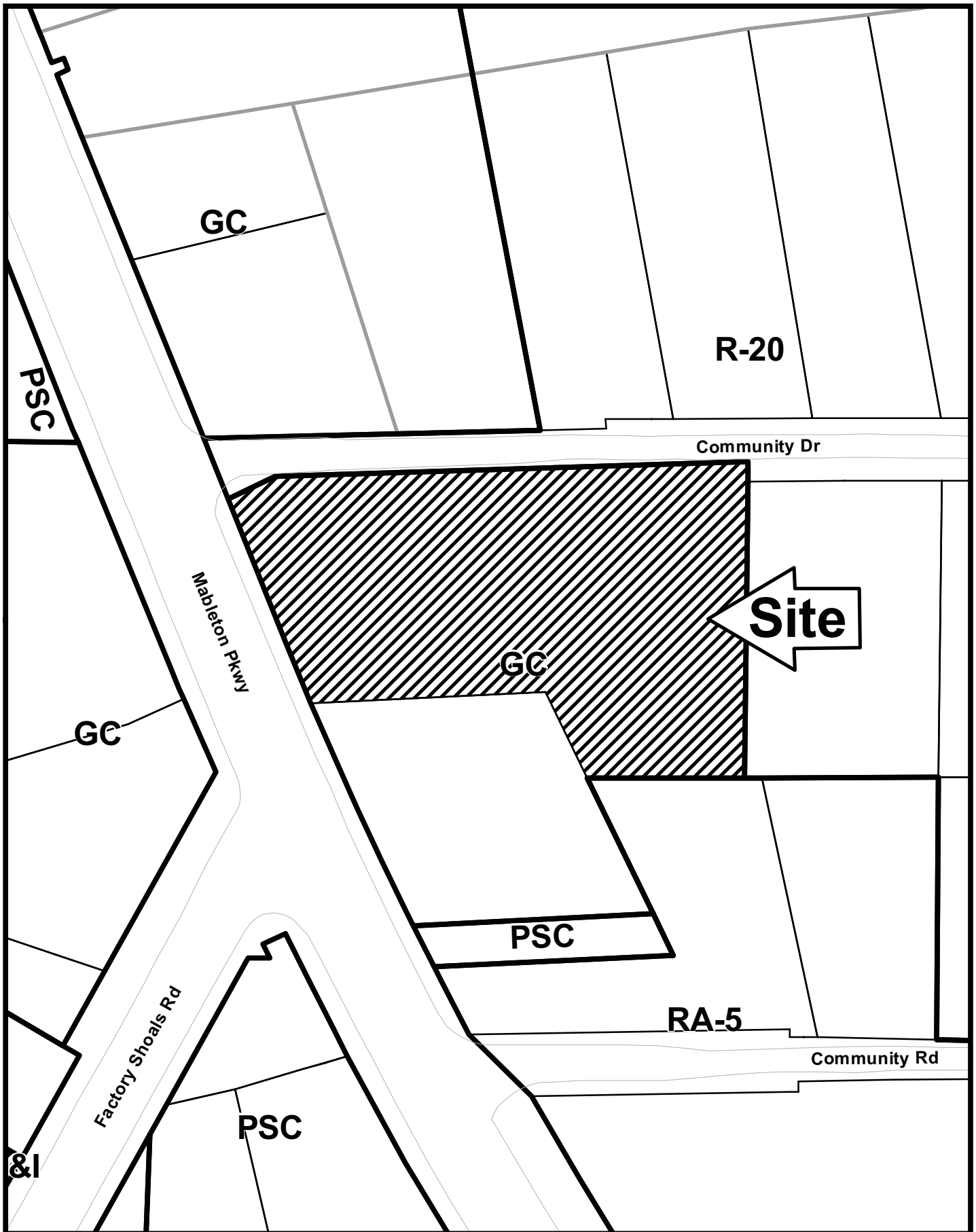
REJECTED ___ SECONDED _____

HELD ___ CARRIED _____

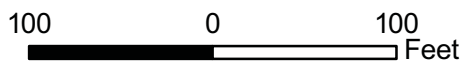
STIPULATIONS:



Z-33



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



City Boundary
Zoning Boundary

APPLICANT: Jeffery H. Wearing

PETITION NO.: Z-33

PRESENT ZONING: GC

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 78,220

F.A.R.: .11 **Square Footage/Acre:** 4,732.74

Parking Spaces Required: unknown **Parking Spaces Provided:** unknown

The applicant is requesting a rezoning to the CRC Community Retail Commercial District as the property, currently zoned GC General Commercial District and located within a Neighborhood Activity Center on the Future Land Use Map, has lost its “grandfathered” status due to vacancy. The applicant states that the property was previously used as a rental store for a span of approximately 25 years. While the immediate tenant is anticipated to be a furniture store which may also do furniture repair, the applicant may look to reopen his rental store at this site in the future. Therefore, the request for CRC is necessary to allow these operations as permitted uses. While the site is easily screened from the adjacent residential parcels to its west by existing vegetation, the applicant should apply for Site Plan Review before permits are issued so as to allow staff to aid him in bringing the site up to Code regarding the necessary paving and striping of the required parking. At that time, staff may be able to direct the applicant in regards to any further landscape screening buffers that may be necessary. The applicant has submitted a Zoning Impact Analysis, which is attached for review (see Exhibit A).

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:

Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process. (6225 Mableton Pkwy).

STORMWATER MANAGEMENT COMMENTS:

Upon redevelopment, site will be required to meet current stormwater management design standards.

APPLICANT Jeffrey H. Wearing

PETITION NO. Z-033

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 / E side Mableton Pkwy*

Additional Comments: Records show address as connected and active

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: *At site in Community Drive*

Estimated Waste Generation (in G.P.D.): **A D F** 0 new **Peak=** 0 new

Treatment Plant: **S Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv 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 ans 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 Records show site as connected to 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: Jeffrey H. Wearing

PETITION NO.: Z-33

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
Mableton Parkway	38700	Arterial	45 mph	Georgia DOT	100'
Community Drive	900	Local	25 mph	Cobb County	50'

*Based on 2005 traffic counting data taken by Cobb County DOT (Mableton Parkway)
Based on 1998 traffic counting data taken by Cobb County DOT (Community Drive)*

COMMENTS AND OBSERVATIONS

Mableton Parkway is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Community Drive is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Remove the western driveway on Community Drive upon redevelopment.

No access to Mableton Parkway.

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 east side of Mableton Parkway, a minimum of 50' from the roadway centerline.

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 Community Drive, a minimum of 25' from the roadway centerline.

Recommend removing the western driveway on Community Drive upon redevelopment.

Recommend no access to Mableton Parkway.

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

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

STAFF RECOMMENDATIONS

Z-33 JEFFERY H. WEARING

- 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 applicant's proposal is located in an area that contains a mixture of uses, including retail, restaurants, and gas stations.
- 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 applicant's request is necessary in order to return this existing commercial property to conformity with the *Cobb County Code*. It will allow the property to once again be used for retail businesses.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. Currently nonconforming as a GC property located within a Neighborhood Activity Center, the request will allow the property to once again be used while following the intent of the *Cobb County Comprehensive Plan*.
- 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 APPROVAL of the applicant's rezoning proposal. The applicant's request will bring the property further into compliance with the intent of the *Cobb County Comprehensive Plan* as it will allow for the return to commerce of an existing commercial parcel that has lost its "grandfathered" status. The subject property is located within an area that is home to a variety of other commercial uses and will allow for the reutilization of the property as it had previously been used for many years. Staff would suggest part of the chain link fence along the road frontage be removed to improve the aesthetics of the area.

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

- Property to be submitted for Site Plan Review prior to issuance of any permits in order to account for *Code*-required parking that may need to be installed;
- Chain link be removed from front and side of the building (final fencing be approved by the District Commissioner);
- Fire comments and recommendations;
- Stormwater Management comments and recommendations;
- Water and Sewer comments and recommendations;
- DOT comments and recommendations;
- 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.

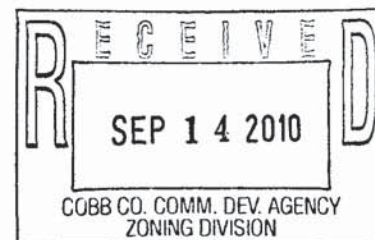
Z-33 (2010)
Exhibit A
Zoning Impact Analysis

Re: Z-33
Nov. 2010

Mableton Promotion
625 Mableton Parkway
Mableton, Georgia 30126
770-987-5500

August 27, 2010

Reference: Rezoning



Cobb County Community Development
1150 Powder Spring Road
Suite 400
Marietta, Georgia

To whom it may concern,

An analysis of the impact of the rezoning:

- a) The rezoning will be a positive impact on the nearby properties bringing a retail business of quality furniture and repairs to the community.
- b) The rezoning will have no effect on nearby or adjacent properties.
- c) At present the property is not zoned, a retail business will increase the economic use of the property.
- d) The rezoning should help the community and not cause any burdens to exiting street, transportation facilities, utilities or schools.
- e) The rezoning is in conformity with the policy and intent of the land use.
- f) We believe the opening of a business will have positive influence on the community both aesthetic and economically.

Thank you for consideration,

Jeffery H Wearing
President