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ZONING DIVISION

FIELD OF RECORD 99,547
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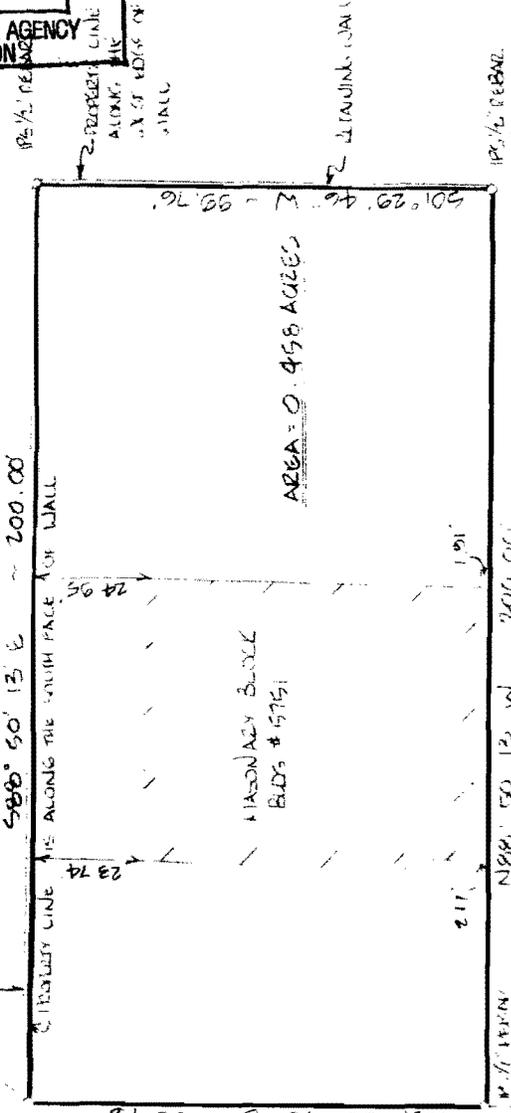
BY THE DEPT. OF REVENUE
TAX RECORDS DIVISION
EXCISE TAX DIVISION

A GRAPHIC REPRESENTATION OF THE
DETERMINED AREA WITH ALL
THE PROPERTY SURVEY DATA
AND THE ADJACENT PROPERTY

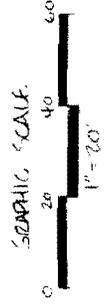


ANY ERROR THAT MAY OCCUR IN THIS SURVEY OR
LAND PLATTED HEREON SHALL BE THE RESPONSIBILITY
OF THE SURVEYOR AND NOT THE BOARD OF EQUALIZATION
LAW

HENRY T. MCBURNEY, GA. E. S. # 2510



PROPERTY SURVEY FOR
VERNON M. BROOKS
LAND LOT 34, DISTRICT 18, SECTION 2
COBB COUNTY, GEORGIA
DATE AUGUST 7, 1996



THIS PROPERTY LINE AS SHOWN ON THIS SURVEY IS
THE LOCATION OF THE PROPERTY LINE AS SHOWN ON
THE ORIGINAL SURVEY OF THE PROPERTY AND IS NOT
NECESSARILY THE BOUNDARY OF THE PROPERTY
AND IS SUBJECT TO THE ADJACENT PROPERTY

POWELL DRIVE - 50 R/W

GEORGE SURVEYING, INC.
CAROLTON, GEORGIA
770 830 1997

APPLICANT: Willie A. Polston, Jr.

PETITION NO: Z-54

PHONE#: (770) 318-6671 **EMAIL:** polstonrebecca@bellsouth.net

HEARING DATE (PC): 06-02-15

REPRESENTATIVE: Parks F. Huff

HEARING DATE (BOC): 06-16-15

PHONE#: (770) 422-4016 **EMAIL:** phuff@slhb-law.com

PRESENT ZONING: PSC, R-20

TITLEHOLDER: Willie A. Polston, Jr.

PROPOSED ZONING: CRC

PROPERTY LOCATION: East side of Powell Drive, south of Veterans Memorial Highway (5751 Powell Drive).

PROPOSED USE: Automotive Paint and Body Shop

ACCESS TO PROPERTY: Powell Drive

SIZE OF TRACT: 0.458 acre

PHYSICAL CHARACTERISTICS TO SITE: Automotive service garage with four (4) bays

DISTRICT: 18

LAND LOT(S): 34

PARCEL(S): 10

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** PSC/ Commercial Shopping Center
- SOUTH:** R-20/ Automotive Service Garage
- EAST:** RSC, R-20/ Commercial Shopping Center, Cell Tower
- WEST:** GC/ Automotive Service Garage

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

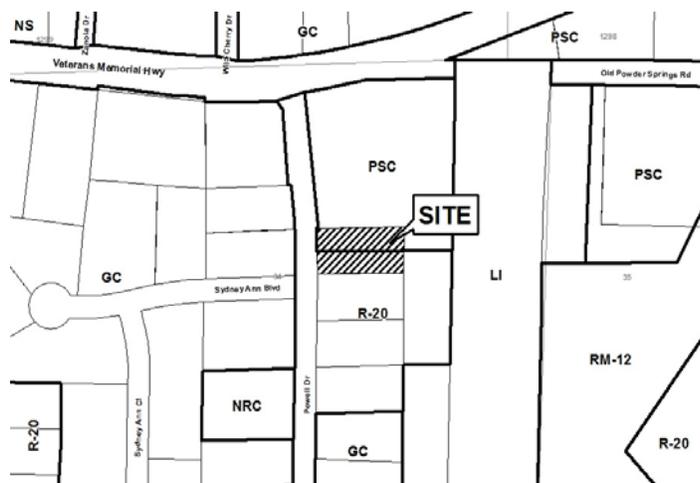
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

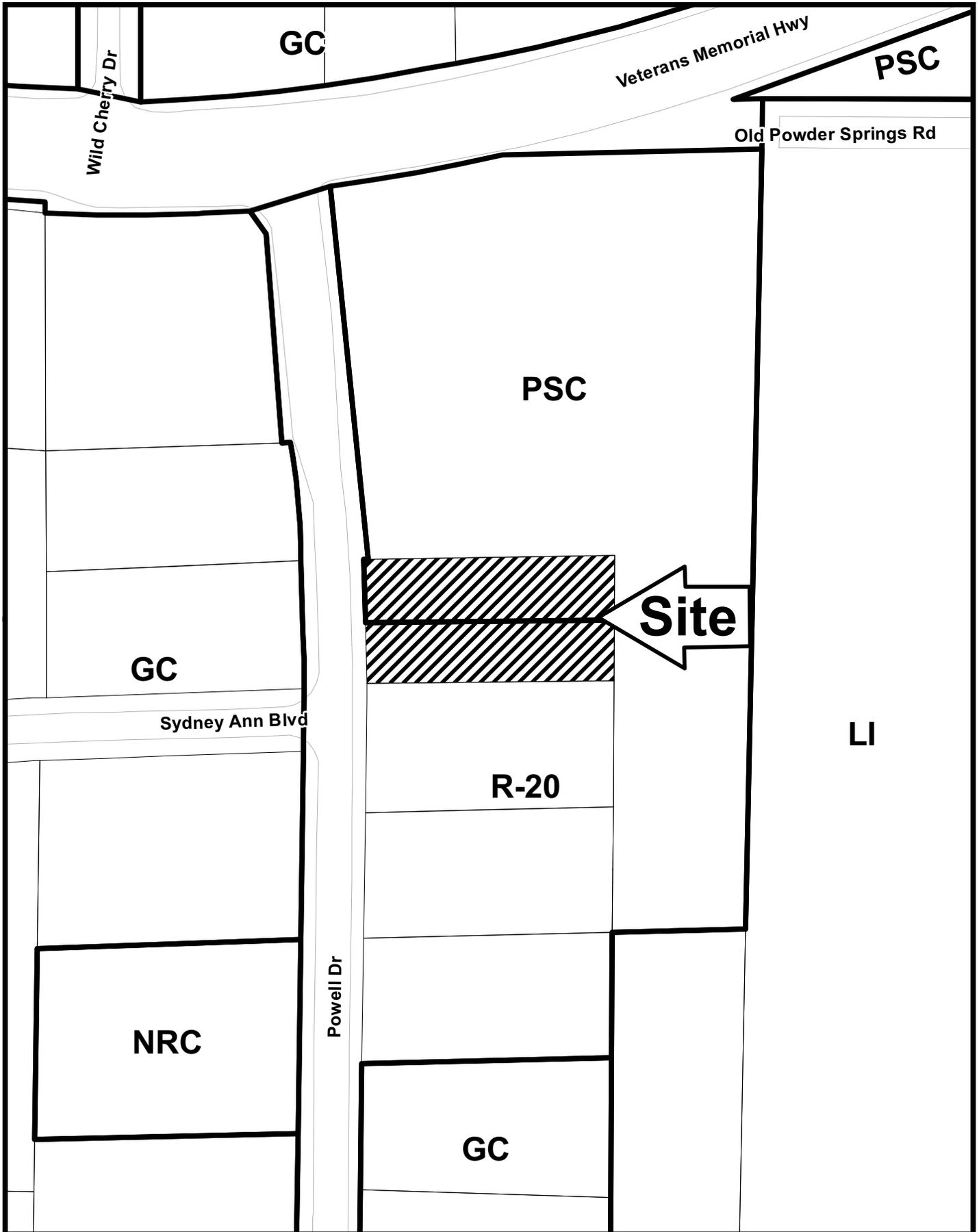
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-54



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Willie A. Polston, Jr.

PETITION NO.: Z-54

PRESENT ZONING: PSC, R-20

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: NAC neighborhood activity center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 4,514 sq. ft.

F.A.R.: 0.23 **Square Footage/Acre:** 9,855.90 sq. ft.

Parking Spaces Required: 18 **Parking Spaces Provided:** none shown

The applicant is requesting a rezoning from the current PSC planned shopping center district and R-20 single-family residential district to the CRC community retail commercial district in order to continue operation of an automotive paint and body shop, which according to tax records, has been here since 1965. No improvements are proposed to the site. The existing 4,514 sq. ft. building has four (4) garage bays. The proposed hours of operation are 9:00 a.m. to 6:00 p.m.

As presented, the applicant’s proposal will require the following variances:

1. Waiver of the minimum lot size from the required 20,000 sq. ft. to 19,950.48 sq. ft. (existing);
2. Waiver of the side setback from the required 10 feet to one (1) foot adjacent to the southern property line (existing);
3. Waiver of the landscaped screening buffer adjacent to residentially zoned property (along the southern property line) from the required 35 feet to zero feet(existing note: the property to the south is an auto service business).

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: Willie A. Polston, Jr.

PETITION NO.: Z-54

PRESENT ZONING: PSC, R-20

PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from PSC, R-20 to CRC for purpose of automotive paint and body shop. The 0.458 acre site is located on the east side of Powell Drive, south of Veterans Memorial Highway.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with PSC and R-20 zoning designations. The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

APPLICANT: Willie A. Polston, Jr.

PETITION NO.: Z-54

PRESENT ZONING: PSC, R-20

PETITION FOR: CRC

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 Willie A Polston Jr.

PETITION NO. Z-054

PRESENT ZONING PSC, R-20

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): 8" DI / W side of Powell Dr.

Additional Comments: Existing water customer

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: 350' W in Sydney Ann Blvd

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

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 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. No site changes proposed.

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: Willie A. Polston, Jr.

PETITION NO.: Z-54

PRESENT ZONING: PSC/R-20

PETITION FOR: CRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Pine 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 _____.

APPLICANT: Willie A. Polston, Jr.

PETITION NO.: Z-54

PRESENT ZONING: PSC/R-20

PETITION FOR: CRC

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. A Notice of Intent must be filed with the Georgia Environmental Protection Division for coverage under the NPDES General Permit to discharge stormwater associated with industrial activity. This facility will likely be classified under SIC Code 7532 for automotive body/paint shops. A stormwater pollution prevention plan must be prepared and a copy provided to the Cobb County Stormwater Management Division. Measures to prevent contamination of stormwater runoff from the site must be implemented. All painting and repairs to be performed inside the building.
2. Stormwater management to provided upon re-development or substantial improvement.

APPLICANT: Willie A. Polston, Jr.

PETITION NO.: Z-54

PRESENT ZONING: PSC, R-20

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
Powell Drive	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Powell Drive is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend no parking on right-of-way.

Recommend one driveway that meets Cobb County Development Standards.

Recommend curb and gutter along the Powell Drive frontage.

Recommend sidewalk along the Powell Drive frontage upon redevelopment.

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

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STAFF RECOMMENDATIONS

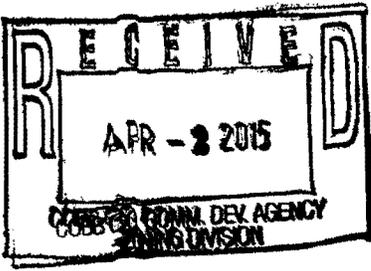
Z-54 WILLIE A. POLSTON, JR.

- 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 proposed, continued use as a automotive paint and body shop is similar to other predominately automotive uses along Powell Drive.
- 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 as long as there are stipulations regulating the use and conditions of the property. The proposed automotive paint and body shop is not dissimilar to existing, neighboring uses, though the intensity of the proposed paint and body shop could discourage other, nonautomotive uses from locating to the area.
- 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*. Being located in an area delineated as NAC neighborhood activity center, the proposed use of automotive paint and body shop is not one generally supported by that category. The inherent intensity of a paint and body shop may act to deter a potential diversification of uses within the immediate area that would better resemble uses intended to occupy a NAC. Yet, the proposed use is similar to those currently in the area.
- 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 deleting the applicant's rezoning proposal to the NRC neighborhood retail commercial district. The request, located within a NAC future land use area is not supported by the *Comprehensive Plan* as the proposed use of automotive paint and body shop is more intense than those generally found within such areas. Recognizing the predominance of neighboring automotive uses, deletion to the NRC district will continue to allow for light automotive uses such as would be a fine fit for the existing four (4) bay garage building. Also, deletion to the NRC district will decrease the likelihood that other uses will be discouraged from locating to the area, deterred by such higher intensity uses as paint and body shops

Based on the above analysis, Staff recommends **DELETION TO NRC** subject to the following conditions:

- Site plan received by the Zoning Division on April 2, 2015, with District Commissioner approving minor modifications;
- Light auto repair only (no paint or body shop);
- No outdoor storage or outdoor display of merchandise;
- Parking lot to be striped and paved to county standards;
- District Commissioner approve paint colors on the exterior of the building;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Fire Department comments and recommendations;
- Department of Transportation 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.



Application No. Z-54

PC: June 2, 2015

BOC: June 16, 2015

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): N/A
- 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): Automotive Paint & Body Shop
- b) Proposed building architecture: None - Existing Structure
- c) Proposed hours/days of operation: 9:00 a.m. - 6:00 p.m.
- d) List all requested variances: Lot size less than 20,000 square feet

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

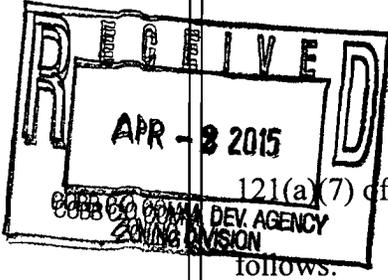
N/A

.....
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).

N/A

**ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF WILLIE A. POLSTON, JR.**



COMES NOW, WILLIE A. POLSTON, JR., and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, file this Zoning Impact Statement, as follows.

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of Powell Drive. The property located to the north of the subject property is zoned PSC and is an older shopping center. Other properties on Powell Drive are zoned GC and PSC and the uses are typically automotive in character. The subject property has been used as an automotive paint and body shop for many years and the building has recently been renovated for a new tenant.

- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The subject property has traditionally been used for an automotive paint and body repair establishment. The surrounding uses are all commercial with some properties even zoned LI.

- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment

by virtue of the continuation of the present classifications of PSC and R-20. The existing zoning categories do not allow any use of the subject property.

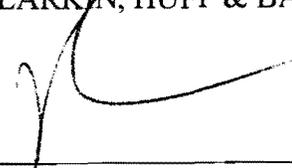
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

- E. The zoning proposal is located in a Neighborhood Activity Center (“NAC”) although the proposed zoning is more consistent with a Community Activity Center. However, property is located behind a shopping center and all the work is performed inside making the impact on adjacent uses minimal.

- F. There is no substantial relationship between the existing zoning classifications of PSC and R-20 which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Powell Drive, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 1 day of April, 2015.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

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