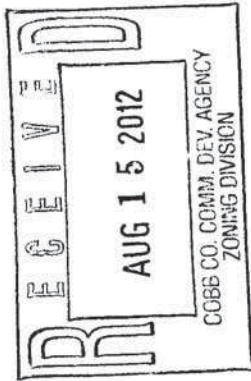
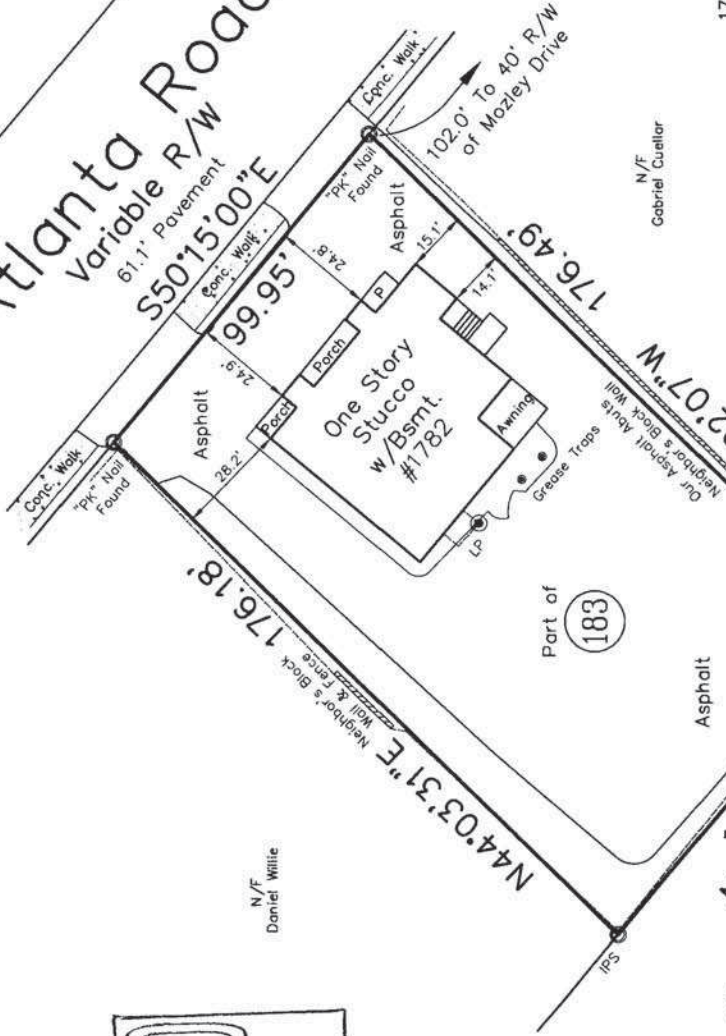


Z-43
(2012)

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA
AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS.
MAP NO. 13067C0116G . . DATED Dec. 16, 2008



Atlanta Road
Variable R/W
61.1' Pavement
S50°15'00"E



- LEGEND
- I.P.P. = IRON PIN PLACED AT CORNER
 - I.P.F. = IRON PIN FOUND AT CORNER
 - M.M.F. = MARBLE MONUMENT FOUND
 - A = BREAK IN PROPERTY (TRAVELER) LINE
 - X--- = WIRE FENCE
 - E--- = POWER LINE
 - T--- = TELEPHONE LINE
 - L.L.L. = LAND LOT LINE
 - P.P. = POWER POLE
 - X--- = BARBED WIRE FENCE
 - M--- = WOOD FENCE
 - R.C.P. = REINFORCED CONCRETE PIPE
 - C.M.P. = CORRUGATED METAL PIPE

Area
17,581.6 Sq. Ft.
0.404 Acres

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE
OF THE PERSON, PERSONS OR ENTITIES NAMED HEREON. NO
EXPRESS OR IMPLIED WARRANTY IS MADE BY THE SURVEYOR
INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY OTHER
PERSON, PERSONS OR ENTITIES WITHOUT AN EXPRESSED
RECERTIFICATION BY THE SURVEYOR. SURVEY PERFORMED
WITHOUT THE BENEFIT OF CURRENT TITLE REPORT.

SURVEY FOR
**Calvin Curtis Lee
Revocable Trust**

Lot	Part of 183	Block	A	REVISIONS
Green Acres S/D				
Plat Book	7	Page	3	
LAND LOT	370			GC LT
DISTRICT	17th	SECTION	2nd	Dwn GF
COUNTY	Cobb			Chkd LDN
STATE	Georgia			FILE:
DATE	July 2, 2012	SCALE	1"=30'	120066

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE
FOUR THOUSANDTHS (1/4000) PER ANGLE POINT AND AN ANGLE ERROR OF 15" PER ANGLE POINT AND
A DISTANCE ERROR OF 1/1000 PER 100 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN
ONE FOOT IN 10,000 FEET.

EQUIPMENT UTILIZED: ANGULAR: SODIPRO LINEAR: SODIPRO

UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN
500 FEET OF THIS PROPERTY.

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.



Larry D. Neese, PLS
50 Barrett Parkway, Suite 3005 #330
Marietta, Georgia 30066
(770) 428-2122
FAX: (678) 452-2179



LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.
CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY
MARK, AND ALL THE PEOPLE SHALL SAY, "AMEN". Deut. 27:17

Originally platted 8-14-1946
Lot was 100' x 200'

APPLICANT: The Calvin Curtis Lee Revocable Trust & The Loraine Higginbotham Lee Revocable Trust 770-436-5982

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: The Calvin Curtis Lee Revocable Trust & The Loraine Higginbotham Lee Revocable Trust

PROPERTY LOCATION: On the southwesterly side of Atlanta Road, northwesterly of Mozley Drive (1782 Atlanta Road).

ACCESS TO PROPERTY: Atlanta Road

PHYSICAL CHARACTERISTICS TO SITE: One (1) story stucco with basement

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: HI/warehouse/auto repair
SOUTH: R-20/Green Acres Subdivision
EAST: TS/auto repair
WEST: LI/warehouse

PETITION NO: Z-43

HEARING DATE (PC): 11-06-12

HEARING DATE (BOC): 11-20-12

PRESENT ZONING: GC

PROPOSED ZONING: GC with Stipulations

PROPOSED USE: Retail, Automobile Service and Repair, and Ancillary Uses

SIZE OF TRACT: 0.404 acre

DISTRICT: 17

LAND LOT(S): 370

PARCEL(S): 51

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

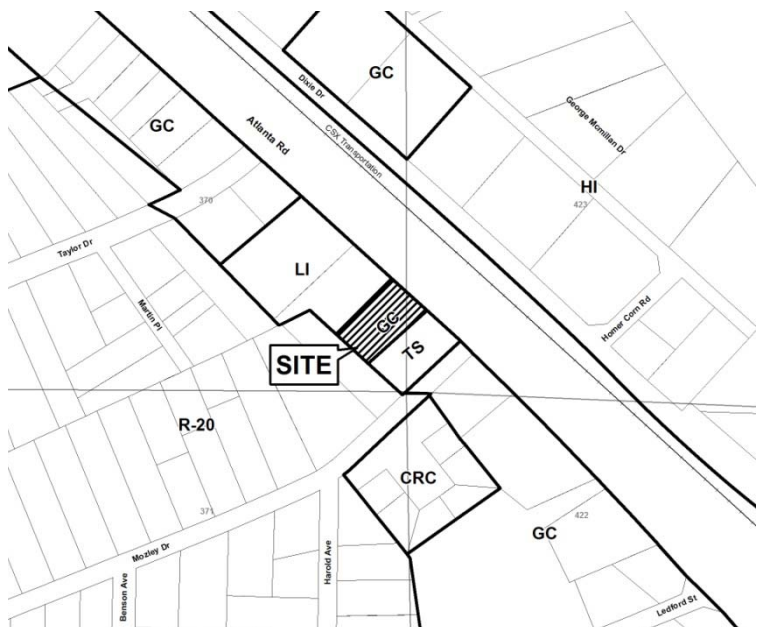
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

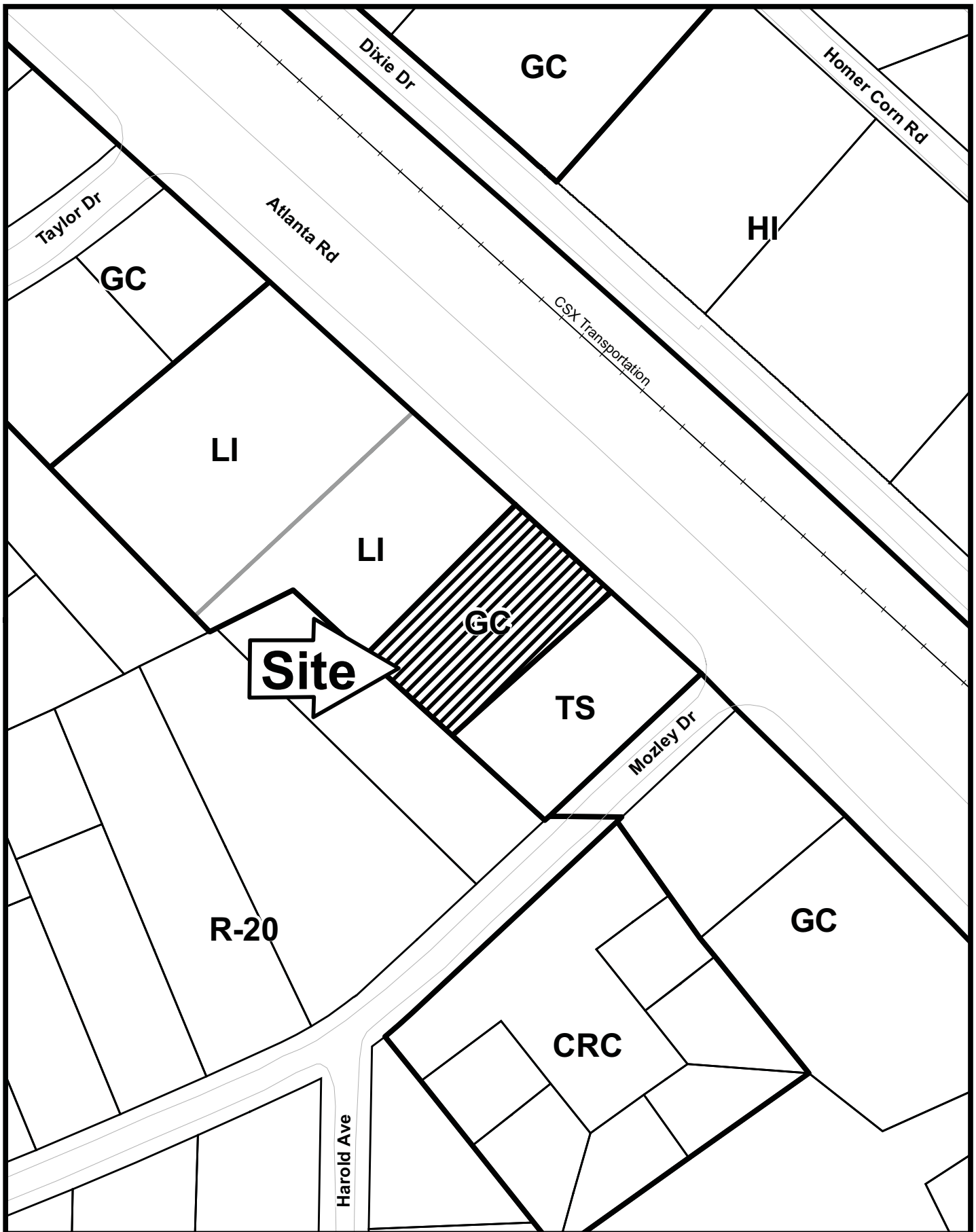
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-43



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

PETITION NO.: Z-43

PETITION FOR: GC with stipulations

Staff Member Responsible: Terry Martin, MPA

Parking Spaces Required: 16	Parking Spaces Provided:	0
------------------------------------	---------------------------------	---

Cemetery Preservation: No comment.

* * * * *

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

PETITION NO.: Z-43

PETITION FOR: GC with stipulations

PLANNING COMMENTS:

- Pedestrian access to buildings
☐ Yes ☐ No ☐ Not applicable
- Streetscape elements
☐ Yes ☐ No ☐ Not applicable
- Building Frontage
☐ Yes ☐ No ☐ Not applicable
- Parking Standard
☐ Yes ☐ No ☐ Not applicable
- Architecture standard
☐ Yes ☐ No ☐ Not applicable

APPLICANT The Calvin Curtis Lee Revocable Trust

PETITION NO. Z-043

PRESENT ZONING GC

PETITION FOR GC w/stips

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): ***16" DI / W side of Atlanta Road***

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: ***At site***

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

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

Drw 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 Existing sewer customer
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: Calvin C Lee Revocable Trust &
Loraine H Lee Revocable Trust**

PETITION NO.: Z-43

PRESENT ZONING: GC

PETITION FOR: GC w/ stips

STORMWATER MANAGEMENT COMMENTS

No site improvements are proposed for this existing facility, therefore no stormwater management measures will be required at this time, except as noted below. Any future improvements must be submitted to Plan Review and subject to current Stormwater Management requirements.

If automotive service and repair is the intended use, then some type of stormwater quality best management practice will need to be installed. Since there are no existing stormwater management controls for this site and automotive service facilities are considered a stormwater quality “hotspot” due to the potential for discharge of contaminated runoff the installation of an oil/water separation device will be required to treat runoff from the site.

APPLICANT: The Calvin Curtis Lee and Loraine Higginbotham Lee Revocable Trust PETITION NO.: Z-43

PRESENT ZONING: GC PETITION FOR: GC with Stipulations

COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

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
Atlanta Road	16,100	Arterial	45 mph	Cobb County	100'

Based on 2011 traffic counting data taken by Georgia DOT (Atlanta Road)

COMMENTS AND OBSERVATIONS

Atlanta Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend closing and removing one of the driveways on Atlanta Road.

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

STAFF RECOMMENDATIONS

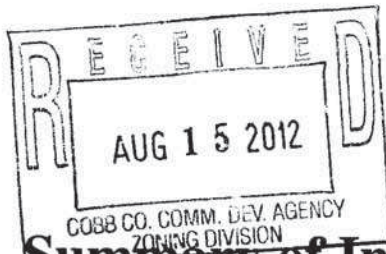
Z-43 THE CALVIN CURTIS LEE REVOCABLE TRUST & THE LORAIN HIGGINBOTHAM LEE REVOCABLE TRUST

- 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. Having an established history of commercial use, the property is located within an IC industrial compatible future land use area along Atlanta Road surrounded by other commercial and industrial uses fronting on this arterial roadway.
- 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 noted, neighboring properties along Atlanta Road are zoned commercially and industrially. If necessary, buffering can be required to the rear of the property to protect adjacent residential properties to the southwest.
- 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 proposed use is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The subject parcel is located within an Industrial Compatible future land use area (IC) that seeks to encourage office/warehouse and other light industrial uses with appropriate screening of outdoor storage areas. Staff recommends deleting the request to the Tourist Services (TS) zoning category because of the anticipated retail and auto repair uses for the property. The TS zoning category is consistent with the IC land use 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 deleting the applicant's rezoning proposal to TS. The property, located within an IC future land use area along Atlanta Road has a history of commercial usage. With buffering, if deemed necessary, it can continue to support the goals of the *Comprehensive Plan*.

Based on the above analysis, Staff recommends DELETING the request to TS subject to the following conditions:

- Landscape buffer to be installed on rear southwest portion of property adjacent to residentially zoned properties subject to County Arborist approval;
- Fire Department comments and recommendations;
- Planning Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer Division comments and recommendations; and
- 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 43

Summary of Intent for Rezoning *

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

- a) Proposed unit square-footage(s): _____
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): Retail, automotive related and ancillary uses

b) Proposed building architecture: As-built

c) Proposed hours/days of operation: Monday through Saturday; 7 AM - 7 PM

d) List all requested variances: None

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

The Subject Property is within an area under Cobb County's Future Land Use
Map which is denominated as Industrial Compatible ("IC").

.....
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).

*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

October 12, 2012

VIA EMAIL AND
FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Application of The Calvin Curtis Lee Revocable Trust &
The Loraine Higginbotham Lee Revocable Trust
To Rezone a 0.404± Acre Tract from Conditional GC to Conditional GC
No. Z-43

Dear John:

As you know, this firm has been engaged by and represents the Applicants which are also the Property Owners concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on November 6, 2012 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 20, 2012.

With respect to the foregoing and consistent with the dialogue which has been established with the County's professional staff, I have been authorized to submit this letter of agreeable stipulations. Upon approval of the Application for Rezoning, the following stipulations shall become conditions, a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL AND
FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 12, 2012
Page 2

2. Rezoning of the subject property shall be from Non-Conforming General Commercial to Conditional General Commercial ("GC") in substantial conformity to that certain rezoning site plan, dated July 2, 2012, prepared by Larry D. Neese, PLS which was filed contemporaneously with the Application for Rezoning.¹
3. The total site area of the subject property (0.404 acres)² shall be utilized for any of the purposes allowable under the GC zoning classification except those uses hereinafter specifically prohibited.
4. The architectural style and composition of the building shall remain in substantial conformity to the as-built architectural style and composition except with respect to certain exterior and interior retrofitting and rehabbing to suit a specific user.
5. Additional signage which may be erected along the Atlanta Road Corridor may be ground-based, monument-style, with finished materials and colors being in substantial conformity to the as-built architectural style as aforementioned. The Applicants shall be allowed to retain their existing roof sign; however, there shall be no exterior temporary signs or banners nor shall there be any flashing sign components. Temporary signage announcing the grand opening, signage indicating a coming development and signage related to leasing opportunities shall be allowed.
6. Parking area and security lighting shall be environmentally sensitive in order to prevent illumination from penetrating outside of the boundaries of the subject property.
7. Dumpsters servicing the subject property shall be enclosed on at least three (3) sides with an opaque wooden door on the access side which shall remain in a closed position except when the dumpsters are being emptied. All dumpsters shall have rubber lids to minimize noises.

¹ The subject property is within an area under Cobb County's Future Land Use Map and Comprehensive Land Use Plan which is denominated as Industrial Compatible ("IC") and which is surrounded by a multiplicity of Commercial and Industrial uses fronting on the Atlanta Road Corridor.

² Pursuant to § 134-31(d), the Zoning Division Manager was provided with documentation demonstrating that the lot size deficiency was caused by the conveyance to Cobb County of Right-of-Way as shown on the Cobb County Right-of-Way Deed recorded in Deed Book 11146, Page 338, Cobb County, Georgia Records.

VIA EMAIL AND
FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 12, 2012
Page 3

8. The following otherwise permitted uses under the GC classification shall be prohibited:
- a. Video arcades as a primary business.
 - b. Tattoo parlors and body piercing shops.
 - c. Shooting ranges.
 - d. Any business which principally features sexually explicit products or drug related paraphernalia.
 - e. Designated recycling and collection locations.
 - f. Group homes.
 - g. In-home day care.
 - h. Rest homes, personal care homes or convalescent homes.
 - i. Adult entertainment or adult uses.
 - j. Billiard and pool halls as a primary use.
 - k. Rooming houses and boarding houses.
 - l. Aerial, portable or inflatable billboards.
 - m. Vehicles parked along the subject property's frontage with advertising.
9. Compliance with recommendations from the Cobb County Department of Transportation.³

³ Cobb County DOT is not requiring additional Right-of-Way.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL AND
FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 12, 2012
Page 4

10. Compliance with recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on-site detention, water quality and downstream considerations.⁴
11. Compliance with recommendations from the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.
12. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
13. Minor modifications to the site plan, architecture and this letter of stipulations/conditions may be reviewed and approved by the District Commissioner during Plan Review or thereafter.

In view of the fact that the subject property is located in an IC District under the Future Land Use Map and is surrounded by a multiplicity of Commercial, Industrial and Institutional uses, the zoning proposal is entirely appropriate from a land use planning perspective. Please let me know if you need any additional information or documentation prior to the formulation of your Staff Analysis and Recommendations. With kind regards, I am

Very truly yours,


SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS,Jr./dsj

⁴ The Stormwater Management Division is not requesting that any detention or water quality infrastructure be added to the property. However, if there is an expansion of the existing building's footprint or other improvements to the property, such may trigger the necessity for detention or other components for purposes of stormwater management.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL AND
FIRST CLASS MAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
October 12, 2012
Page 5

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. Terry Martin, MPA Planner II (via email)
Ms. Jane Stricklin, P.E. (via email)
Mr. David Breden, P.E. (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Presnell, Deputy County Clerk (via email)
Mrs. Loraine H. Lee
Mr. Ted G. Jones, Avesta Realty (via email)

ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF THE CALVIN CURTIS LEE REVOCABLE TRUST &
THE LORAIN HIGGINBOTHAM LEE REVOCABLE TRUST



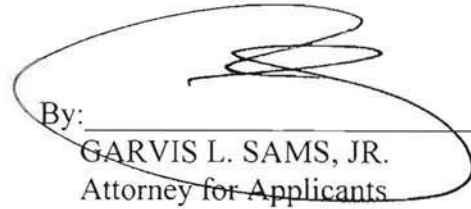
COMES NOW, THE CALVIN CURTIS LEE REVOCABLE TRUST &
THE LORAIN HIGGINBOTHAM LEE REVOCABLE TRUST, and pursuant to
Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this their Zoning
Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property that is suitable in the context of the development and existing zonings along this section of the Atlanta Road Corridor. The subject property is on the southwest side of Atlanta Road, northwest of Mosley Drive. The predominant zonings and developments in the Atlanta Road Corridor are industrial and commercial developments which serve the surrounding communities and members of the public who travel Atlanta Road.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The preponderance of the properties adjacent to the subject property are zoned Industrially and Commercially and the proposed development does not conflict with those land use designations.

- 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.
- 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 use will primarily serve the traffic that travels this transportation corridor.
- E. The zoning proposal is consistent with Cobb County's Comprehensive Land Use Plan and Future Land Use Map which is denominated as Industrial Compatible (GC).
- F. There is no substantial relationship between the existing zoning classification of Conditional GC 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 Atlanta Road, there is no established land use planning principles or political consideration which would vitiate the zoning proposal.

Respectfully submitted, this 15th day of August, 2012.

SAMS, LARKIN & HUFF, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicants
Ga. Bar No. 623950