

**Z-7  
(2009)**

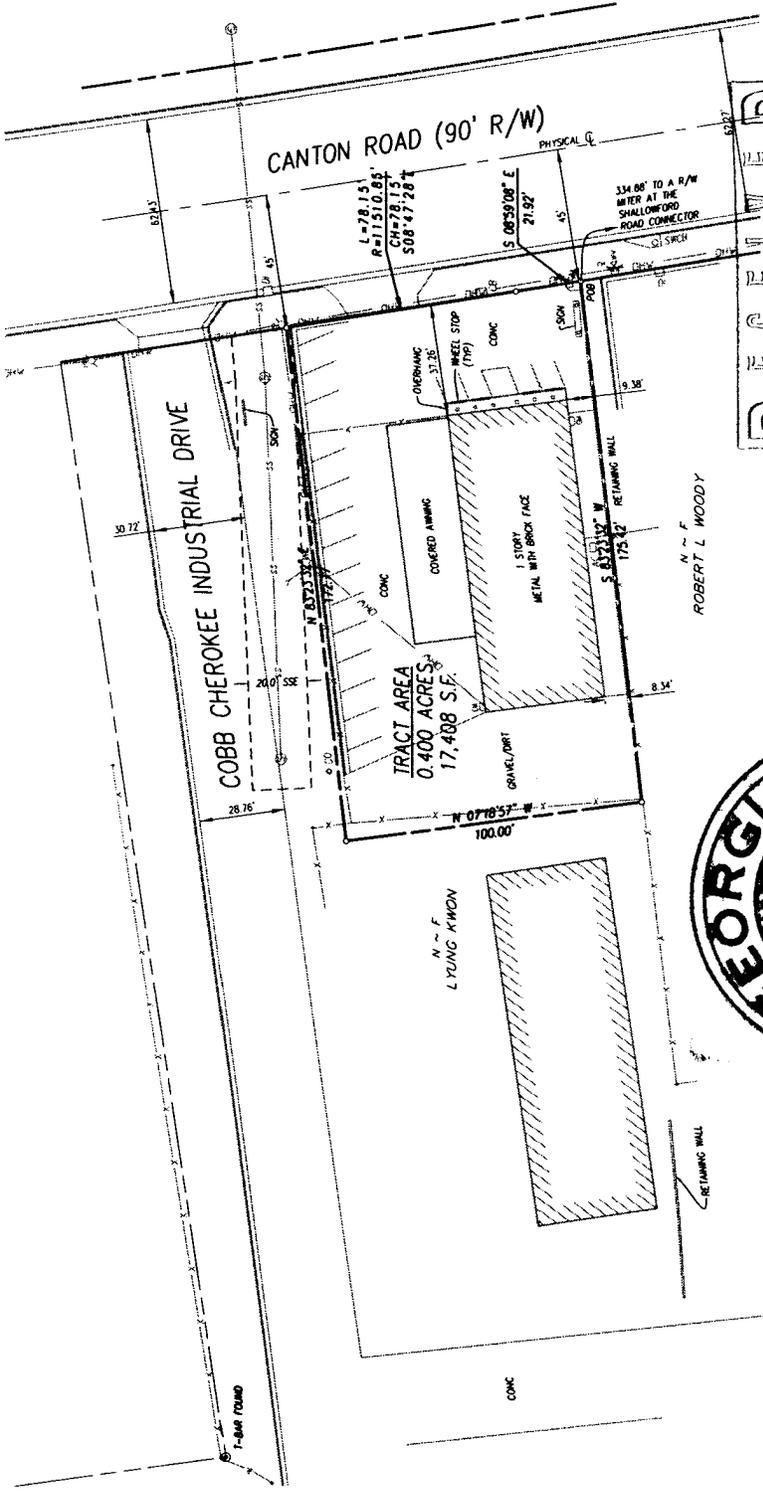
Pland Projects 72\08-076\dwg\08-076 Survey.dwg 12/5

- GENERAL NOTES & REFERENCES**
1. ALL MATTERS OF TITLE ARE EXCEPTED.
  2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.
  3. DLM CIVIL ENGINEERING AND LAND SURVEYING INC. DOES NOT CERTIFY TO THE ACCURACY OR LOCATION OF ANY UNDERGROUND UTILITIES EITHER SHOWN OR NOT SHOWN. CONTACT THE UTILITIES PROTECTION CENTER AT 1-800-282-7411 PRIOR TO ANY CONSTRUCTION.
  4. DB 14308, PG 4419  
PB 92, PG 13  
DOT RIGHT-OF-WAY MAP PROJECT M-9018(A),  
LATEST REVISION (PARCEL 220) 9-12-91



**LEGEND**

	EXISTING BUILDING
	LAND LOT LINE
	PROPERTY LINE
	UTILITY POLE WITH OVERHEAD LINES AND GUT
	FIRE LINE
	WATER MAIN
	SANITARY SEWER
	STORM DRAIN PIPE WITH MANHOLE
	DOUBLE-LINE CATCH BASIN
	SINGLE-LINE CATCH BASIN
	JUNCTION BOX
	DROP VAULT
	DRAINAGE DITCH ON SMALL EXISTING 2 FOOT CONTOUR
	EXISTING 2 FOOT CONTOUR
	EXISTING GRADE SPOT ELEVATION
	ARROW INDICATING DIRECTION OF SURFACE FLOW
	LIGHT POLE
	PARKING SPACE COAT
	ELECTRICAL TRANSFORMER BOX
	FIRE HYDRANT
	WATER VALVE
	GAS VALVE
	GAS METER
	WELL
	MONITORING WELL
	LOOPED PROPANE GAS
	ELEVATION
	CONCRETE
	SANITARY
	DIAMETER
	CORRUGATED METAL PIPE
	REINFORCED CONCRETE PIPE
	REBAR PM FOUND
	OPEN TOP PIPE FOUND
	COMP TOP PIPE FOUND
	CONCRETE SIDEWALK FOUND
	MASS BRICK FOUND
	ASPHALT
	REBAR PM SET
	REBAR



**DEC - 5 2008**  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

**CERTIFICATION**  
I HEREBY CERTIFY THAT THIS SURVEY WAS PERFORMED UNDER MY PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYS IN GEORGIA.  
*LARRY R. MCQUEEN*  
LARRY R. MCQUEEN, SURV. #20174



**REVISIONS**

NO.	DATE	DESCRIPTION

I HAVE THIS DATE EXAMINED THE "PLAT" (15,000 MAGNIFICATION) AND MAP OF COBB COUNTY, GEORGIA, DATED 11-15-08, AND HAVE FOUND REFERENCED PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.  
FIELD CLOSURE - ONE FOOT PER 30,000 FEET  
ANGULAR ERROR - 3.0" PER ANGLE POINT  
EQUIPMENT - BOSS/JA. SET 3 & EDM  
ADJUSTMENT - COMPASS RULE  
PLAT CLOSURE - ONE FOOT PER 214,818 FEET  
DATE OF FIELD WORK 11-28-08

<p><b>CIVIL ENGINEERING</b> 300 Chestnut Center Boulevard - Suite 395 Kennesaw, Georgia 30144 (770) 428-3355 Fax (770) 428-3360</p>	<p>PROJECT NO: 08-076 DATE: 11-23-08 SCALE: 1" = 30' DRAWN BY: [Signature] CHECKED BY: [Signature]</p>
	<p>BOUNDARY SURVEY 4919 CANTON RD REX L LEWALLEN LL 60 - 16 DIST - 2ND SECTION - COBB COUNTY - GEORGIA</p>
<p>LAND SURVEYING SHEET S-1</p>	

APPLICANT: Rex Hayes LLewallyn  
770-617-7442

PETITION NO: Z-7

REPRESENTATIVE: Rex Hayes LLewallyn  
770-617-7442

HEARING DATE (PC): 03-03-09

HEARING DATE (BOC): 03-17-09

TITLEHOLDER: Rex LLewallyn

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPERTY LOCATION: Located at the southwest intersection of  
Canton Road and Cobb Cherokee Industrial Drive (private road).

PROPOSED USE: Light Automotive Repair

ACCESS TO PROPERTY: Canton Road

SIZE OF TRACT: 0.40 acre

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Existing commercial  
building

LAND LOT(S): 60

PARCEL(S): 19

TAXES: PAID X DUE \_\_\_\_\_

COMMISSION DISTRICT: 3

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** GC/ Turbo Diesel & Electric Systems

**SOUTH:** GC/ Titlemax

**EAST:** GC/ Charlies Beer, Wine & Spirits

**WEST:** GC/ Sams Autobody Collision

**OPPOSITION:** NO. OPPOSED \_\_\_ PETITION NO: \_\_\_ SPOKESMAN \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

APPROVED \_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_ CARRIED \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

APPROVED \_\_\_ MOTION BY \_\_\_\_\_

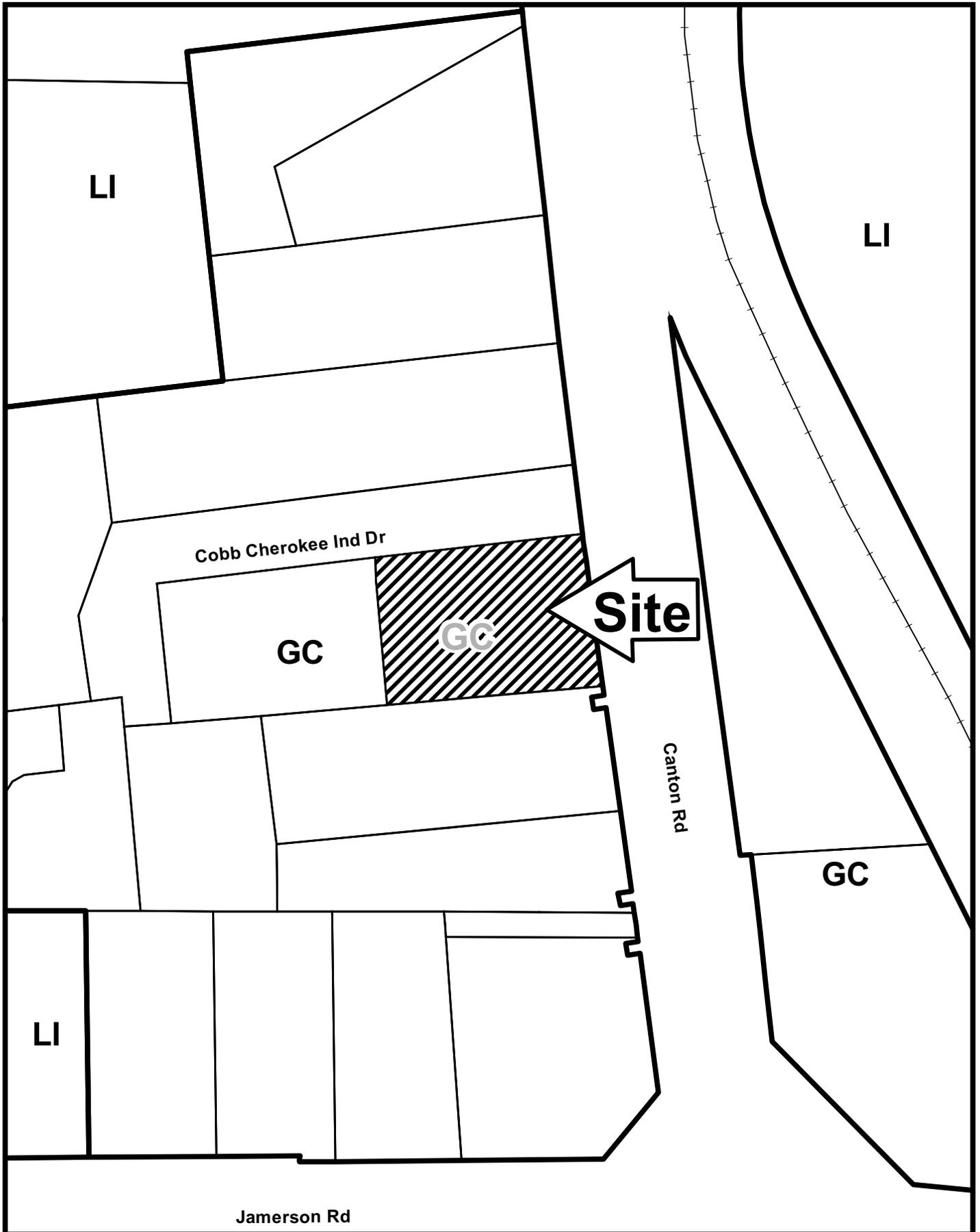
REJECTED \_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_ CARRIED \_\_\_\_\_

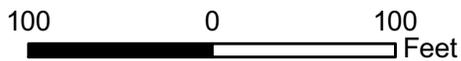
STIPULATIONS:



# Z-7



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



- City Boundary
- Zoning Boundary

APPLICANT: Rex Hayes LLewallyn

PETITION NO.: Z-7

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

PLANNING COMMENTS: Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Neighborhood Activity Center

Existing Number of Buildings: 1 Total Square Footage of Development: 4,000

F.A.R.: 0.23 Square Footage/Acre: 10,000

Parking Spaces Required: 20 Parking Spaces Provided: 20

The applicant is requesting rezoning to the NRC zoning district to bring this property into compliance with the Cobb County Comprehensive Plan. The property is zoned GC outside of a Community or Regional Activity Center, and has lost its grandfather status. The property currently has a commercial building that has been used by a variety of businesses, including a contractor and an auto repair establishment. The owner would like to lease the property to a light automotive repair business. The business is anticipated to be open normal business hours. There would be no material changes to the property. The applicant would need two contemporaneous variances, which would be for the side setback adjacent to the south property line (8-feet in lieu of 15-feet), and for the front setback (30-feet in lieu of 50-feet). The applicant has submitted a Zoning Impact Statement, 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: 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:

No comments.

APPLICANT Rex Hayes Llewallyn

PETITION NO. Z-007

PRESENT ZONING GC

PETITION FOR NRC

\*\*\*\*\*

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

**WATER COMMENTS:**

Available at Development?  Yes  No  
Fire Flow Test Required?  Yes  No

Size / Location of Existing Water Main(s) 12" DI / W side Canton Rd

Additional Comments: Records show address connected

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:**

In Drainage Basin?  Yes  No  
At Development?  Yes  No

Approximate Distance to Nearest Sewer: At site/ north in drive

Estimated Waste Generation (in G.P.D.): **A D F** unknown **Peak** unknown

Treatment Plant: Noonday

Plant Capacity Available?  Yes  No  
Line Capacity Available?  Yes  No  
Projected Plant Availability:  0 - 5 year  5 - 10 years  over 10 years  
Dry Sewers Required?  Yes  No  
Off-site Easements Required?  Yes\*  No  
Flow Test Required?  Yes  No  
Septic Tank Recommended by this Department?  Yes  No  
Subject to Health Department Approval?  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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:  
Records show address connected

Notes FYI:

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 off site easements, dedication of on and/or off site 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: Rex Hayes Llewallyn**

**PETITION NO.: Z-7**

**PRESENT ZONING: GC**

**PETITION FOR: NRC**

\*\*\*\*\*

<b>DRAINAGE COMMENTS</b>
--------------------------

The existing site has no stormwater management controls. The proposed automotive repair use has the potential to discharge contaminated runoff from the site. The site must be retrofitted with a water quality BMP device capable of providing removal of oils, greases and hydrocarbons. The device and retrofit design must be approved by the Cobb County Stormwater Management Division.

**APPLICANT: Rex Hayes Llewallyn**

**PETITION NO.: Z-7**

**PRESENT ZONING: GC**

**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
Canton Road	24,100	Arterial	45 mph	Cobb County	100'
Cobb Cherokee Industrial Drive	N/A			Private	

*Based on 2007 traffic counting data taken by Georgia DOT.*

**COMMENTS AND OBSERVATIONS**

Canton Road 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.

Install sidewalk, curb and gutter along road frontages.

Canton Road is identified in the 2005 SPLOST as a roadway safety and operational improvement project.

**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 west side of Canton Road, a minimum of 50' from the roadway centerline.

Recommend installing sidewalk, curb and gutter along Canton Road.

Recommend applicant coordinate with the County prior to development plan approval to ensure compatibility with the proposed roadway safety and operational improvement project.

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

## STAFF RECOMMENDATIONS

### Z-7            REX HAYES LLEWALLYN

- 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 area contains a variety of commercial properties that include retail, auto repair, office and restaurant uses.
- 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 proposal would be consistent with other properties. This section of Canton Road is predominantly commercial.
- 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*, which delineates this property to be within a Neighborhood Activity Center.
- 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. The applicant's proposal would be in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal would be compatible with and consistent to other commercially zoned properties in the area. The property has been used commercially for over 25 years without adversely affecting properties in the area.

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

- Site plan received by the Zoning Division December 5, 2008, with the District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Stormwater Management 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.**

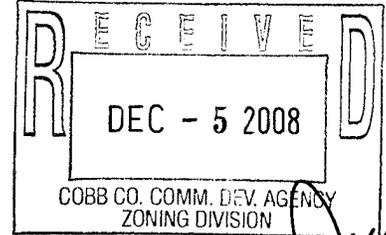
CIVIL ENGINEERING



LAND SURVEYING

December 4, 2008

Mr. John Pederson, Planner III  
Zoning Division  
Cobb County Community Development Agency  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661



Re: Application for Rezoning

Applicant: Rex Llewallyn  
Property: 4919 Canton Highway  
Marietta, GA 30066

### Zoning Analysis

- a) The proposed zoning will permit a use that is suitable in view of the uses of the development of adjacent and nearby properties. The proposed use of light automotive repair is what the property use was two businesses ago. Since the light automotive repair use went out, a builder supply business and fence installer business leased the building respectively. This rezoning is required to allow the light automotive repair use again.

The adjacent use to the side is Title Max, to the other side is a vacant strip of land then a roadway, and to the rear is an automotive repair related use. This corridor of Canton Road, North of the Shallowford Road Connector, has a large number of automobile related businesses. This proposed use is suitable with respect to the use of nearby and adjacent properties.

- b) This zoning proposal is not likely to adversely affect the existing use or usability of the adjacent or the nearby properties, since it is a return to a previous use. See information provided above.
- c) This property does have reasonable economic use as currently zoned. The issue is that the use changed from light automotive repair to some non-automotive related uses and was vacant for a short time. Since the property falls in a future land use of Neighborhood Activity Center (instead of a Community Activity Center or Regional Activity Center), rezoning to NRC is appropriate in order to allow the use of light automotive repair.
- d) It is not likely that this zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools, since it is a request to return to a previous use and is not residential.

- e) This zoning proposal is in conformity with the policy and intent of the land use plan as it will bring this property into conformance with the land use plan.
  
- f) There are no anticipated changing conditions or existing conditions, affecting the use and development of the property, which give supporting grounds for disapproval of the zoning proposal. Existing conditions affecting the property that should be taken into account are not physical conditions, but economic conditions. It is fortunate that this property can be brought into conformance with the land use plan and the owner has a tenant prepared to operate a business that is doing well in this economic climate we're currently experiencing.