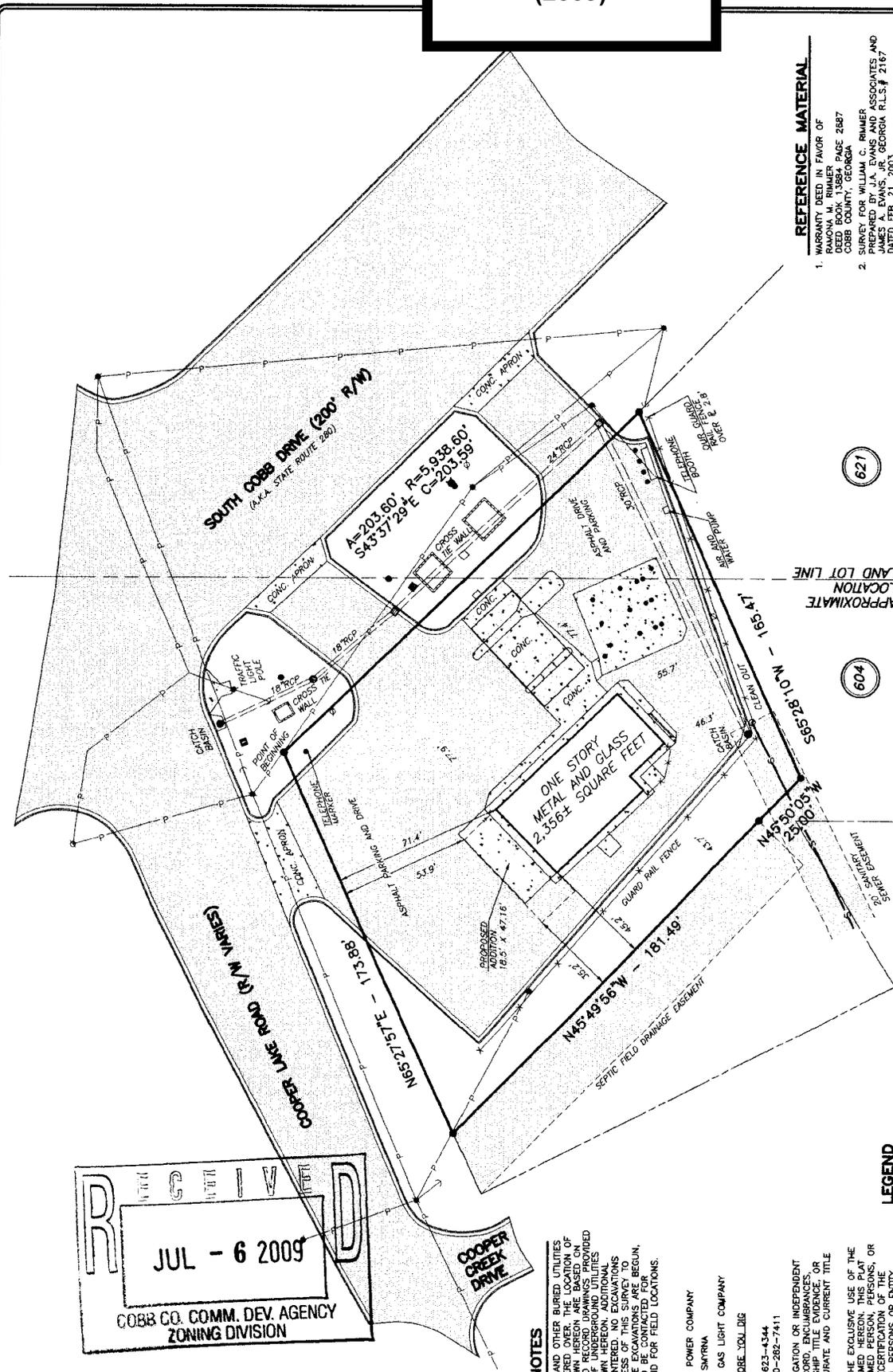


Z-28
(2009)



REFERENCE MATERIAL

- WARRANTY DEED IN FAVOR OF RAMON M. RIMMER, DEED BOOK 15854 PAGE 2887 COBB COUNTY, GEORGIA
- SURVEY FOR WILLIAM C. RIMMER PREPARED BY J.A. EVANS AND ASSOCIATES AND ASSOCIATES, INC., GEORGIA R.L.S.# 2167 DATED FEB. 21, 2003

**TOTAL AREA= 0.747± ACRES
OR 32,525± SQ. FT.**

**4360 SOUTH COBB DRIVE
SMYRNA, GEORGIA**

COOPER LAKE CHEVRON

McLUNG SURVEYING SERVICES, INC.
4833 South Cobb Drive Suite 200
Smyrna, Georgia 30080 (770) 434-3383

This property is located in a Federal Flood Hazard Area. Community Flood No. 138670000G. Effective date: DECEMBER 16, 2008.

Michael R. Niles
Georgia R.L.S. #2646
Member S.M.S.C.G.

LAND LOTS 604 AND 621
DISTRICT 17TH
COUNTY COBB
SECTION 2ND
GEORGIA

PLAT PREPARED: 7-2-09
FIELD: 7-1-09 SCALE: 1"=30'

RECEIVED

JUL - 6 2009

**COBB CO. COMM. DEV. AGENCY
ZONING DIVISION**

SURVEY NOTES

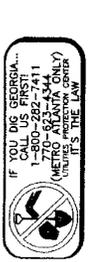
- STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES BURIED UTILITIES LOCATIONS NOT SHOWN. ADDITIONAL WORK WAS MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES BEFORE EXCAVATIONS ARE BEGUN. THE FOLLOWING UTILITIES SHOULD BE FIELD LOCATIONS. VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.
- AT&T
ELECTRIC: GEORGIA POWER COMPANY
WATER AND SEWER: CITY OF SMYRNA
GAS: ATLANTA GAS LIGHT COMPANY
CALL THREE WORKING DAYS BEFORE YOU DIG
UTILITIES PROTECTION CENTER: 770-693-4344
IN METRO ATLANTA THROUGH OUT GEORGIA 1-800-282-7411
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT IS VALID ONLY FOR THE PERSON, PERSONS, OR ENTITY NAMED WITHOUT THE EXPRESS RECORD OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000+ FEET AND WAS ADJUSTED USING COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000+ FEET. LINEAR AND ANGULAR TOTAL STATION. BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.
- SQUARE FEET OF BUILDING IS FOR FIRST FLOOR ONLY.
- PARKING AREA IS OFF STREET AND NO PARKING SPACES ARE DESIGNATED.
- THE LOCATION OF THE PROPERTY HAS BEEN DETERMINED FROM THE APPLICABLE FLOOD HAZARD AREA. A SECOND OPINION OR COMPREHENSIVE FLOOD HAZARD STUDY IS SUGGESTED FOR THOSE ACCURATE INFORMATION FOR FURTHER INFORMATION CONTACT THE INSURANCE COMPANY OR APPRAISER.
- THIS PLAT NOT INTENDED FOR RECORDING.

LEGEND

R/W	INDICATES PROPERTY LINE
—	INDICATES RIGHT-OF-WAY CENTERLINE
—	INDICATES FENCE
—	INDICATES CONCRETE PIPE
—	INDICATES CORRUGATED METAL PIPE
—	INDICATES POWER POLE
—	INDICATES LIGHT POLE
—	INDICATES POWER LINE
—	INDICATES POWER METER
—	INDICATES AIR CONDITION
—	INDICATES TELEPHONE MANHOLE
—	INDICATES GAS METER
—	INDICATES GAS LINE
—	INDICATES GAS LINE MARKER
—	INDICATES WATER METER
—	INDICATES FIRE HYDRANT
—	INDICATES HEADWALL BOX
—	INDICATES JUNCTION BOX
—	INDICATES SANITARY SEWER MANHOLE
—	INDICATES CLEAN OUT

N/F
COOPER CREEK SUBDIVISION
PB 100 PG 54

N/F
ORAL CERAMICS DENTAL STUDIO, INC.
DB 13749 PG 2540



No.	Revision	Date
5		



In my opinion this plat is a correct representation of the land parted.

APPLICANT: Cooper Lake Chevron, Inc.
770-805-6889

PETITION NO: Z-28

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Parks F. Huff 770-422-7016

HEARING DATE (PC): 09-01-09

HEARING DATE (BOC): 09-15-09

TITLEHOLDER: Ramona M. Rimmer

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPERTY LOCATION: Located at the southwesterly intersection
of South Cobb Drive and Cooper Lake Road.

PROPOSED USE: Full Service Gas Station

ACCESS TO PROPERTY: South Cobb Drive, Cooper Lake Road

SIZE OF TRACT: 0.6887 acre

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Existing gas station

LAND LOT(S): 604, 621

PARCEL(S): 23

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/ KinderCare
- SOUTH:** City of Smyrna/ vacant lot
- EAST:** NRC/ Walgreens
- WEST:** FST/ Cooper Creek townhouse subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

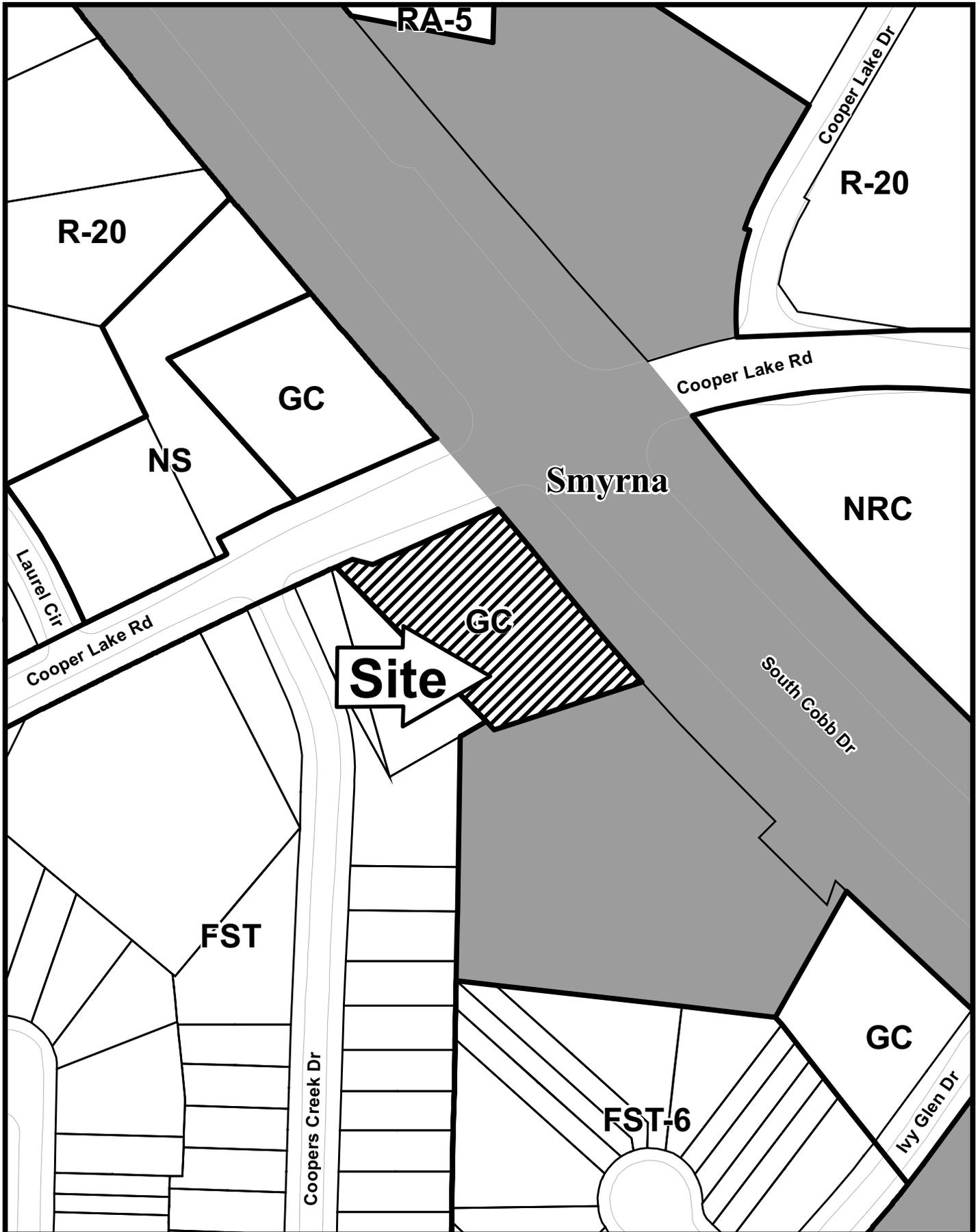
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

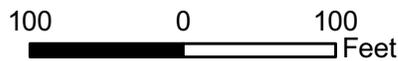
STIPULATIONS:



Z-28



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



City Boundary
Zoning Boundary

APPLICANT: Cooper Lake Chevron, Inc.

PETITION NO.: Z-28

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING DIVISION 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:** 2,356

F.A.R.: 0.078 **Square Footage/Acre:** 3,420

Parking Spaces Required: 6 **Parking Spaces Provided:** 10

The applicant is requesting rezoning to the NRC zoning district to continue to have a full service gas station on this property. The property is currently developed as a full service gas station, with three service bays. The property is zoned GC outside of a Community or Regional Activity Center, and is grandfathered "as is". The property owner would like to add another service bay to the building, but cannot since the property is grandfathered. The proposed building addition will match the existing building. The business is open seven days a week, from 7:00 am to 7:00 pm. The applicant has submitted a Zoning Impact Statement (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:

Must obtain Certificate of Occupancy.

APPLICANT Cooper Lake Chevron, Inc

PETITION NO. Z-028

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) 16" DI / W side S Cobb Dr

Additional Comments: Records show address currently 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: In Coopers Creek Dr

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

Treatment Plant:

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 currently 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: Cooper Lake Chevron, Inc.

PETITION NO.: Z-28

PRESENT ZONING: GC

PETITION FOR: NRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Laurel 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 downstream _____.

APPLICANT: Cooper Lake Chevron, Inc.

PETITION NO.: Z-28

PRESENT ZONING: GC

PETITION FOR: NRC

DRAINAGE 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. The proposed maintenance bay addition will be located over an existing concrete pad so that no increase in site runoff is anticipated.
2. However, due to the age of this facility, no water quality has been provided. Since, fueling centers and vehicular maintenance facilities are considered water quality hot spots due to the potential for discharge of contaminated runoff it is recommended that an oil/water separator be installed on the site. The existing inlet at the southeast corner of the site would be a suitable retrofit location.

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
South Cobb Drive	30300	Arterial	45 mph	GDOT	100'
Cooper Lake Road	7300	Major Collector	35 mph	Cobb County	80'

*Based on 2008 traffic counting data taken by GDOT (South Cobb Drive)
Based on 2004 traffic counting data taken by Cobb County DOT (Cooper Lake Road)*

COMMENTS AND OBSERVATIONS

South Cobb Drive is classified as an Arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Cooper Lake 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.

Install curb, gutter, and sidewalk along road frontages.

Close northern driveway along South Cobb Drive.

The driveway along Cooper Lake Road should be converted to a right-in/ right-out driveway.

GDOT permits will be required for all work that encroaches upon State right-of-way.

South Cobb Drive is identified in the 2005 SPLOST as a thoroughfare 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 north side of Cooper Lake Road, a minimum of 40' from the roadway centerline.

Recommend installing curb, gutter, and sidewalk along the road frontages.

Recommend closing northern driveway along South Cobb Drive.

Recommend converting driveway along Cooper Lake Road to a right-in/right-out driveway.

Recommend applicant verify that minimum intersection sight distance for the Cooper Lake Road entrance is available and if it is not, implement remedial measures, subject to Department's approval to achieve the minimum requirement of 390 feet.

APPLICANT: Cooper Lake Chevron, Inc.

PETITION NO.: Z-28

PRESENT ZONING: GC

PETITION FOR: NRC

<p>TRANSPORTATION COMMENTS CONTINUED</p>

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

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along South Cobb Drive.

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

STAFF RECOMMENDATIONS

Z-28 COOPER LAKE CHEVRON, INC.

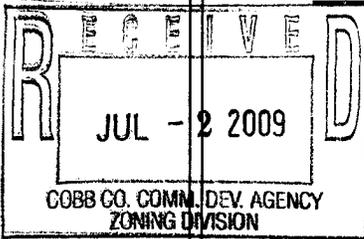
- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains a variety of commercial properties including retail, auto repair, offices and restaurants.
- B. It is Staff's opinion 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 part of South Cobb Drive is heavily commercial, and the applicant use has been here for many years.
- 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 to NRC. 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 many years without adversely affecting properties in the area. Approval to NRC would allow the applicant to make improvements on the property.

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

- Site plan received by the Zoning Division July 6, 2009, with the District Commissioner approving minor modifications;
- Full service gas station with auto repair and service only;
- No outdoor storage;
- No junk cars;
- No cars parked in the right of way;
- Fire Department comments;
- 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.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF COOPER LAKE CHEVRON, INC.**



COMES NOW, COOPER LAKE CHEVRON, INC. and pursuant to

Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this its 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 South Cobb Drive. The subject property is at the intersection of South Cobb Drive and Cooper Lake Road. The predominant zoning and development in the Canton Road corridor is neighborhood commercial development that serves the surrounding communities and the public that travels South Cobb Drive.

- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The property has been used as a full service gas station for many years and will continue to be used as such. The purpose is to rezone the property from non-compliant GC to NRC to accommodate improvements to the existing building. The property is in a Neighborhood Activity Center (NAC) and the proposed use and zoning of NRC is consistent with this proposal.

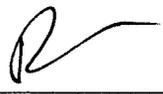
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below

the range of values of similarly zoned and situated properties with equivalent utility. The existing GC category is a nonconforming category allowing for no use other than the continuation of the existing nonconforming use. Additionally, the existing building cannot be expanded without changing the category to a compliant category. Essentially, because the GC zoned property is in a Neighborhood Activity Center, it is unzoned.

- 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 only serve the traffic that travels this transportation corridor.
- E. The zoning proposal is consistent with the portion of the property that lies within the Neighborhood Activity Center (NAC) land use designation as defined by the Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classifications of GC that 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 South Cobb Drive, there is no established land use planning principles or political consideration which would vitiate the zoning proposal.

Respectfully submitted, this 2 day of July, 2009.

SAMS, LARKIN & HUFF, LLP

By: 

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