
STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2015-23

Legistar #: 20150387

City Council Hearing: Wednesday, June 10, 2015 – 7:00 p.m.

Applicant: Swift Land Company
1100 Peachtree Street, N. E.
Suite 800
Atlanta, GA 30309

Property Owner: Paradise Group Marietta, LLC

Address: 455 Franklin Road

Land Lots: 577 and 578 **District:** 17 **Parcel:** 30

Council Ward: 7 **Existing Zoning:** CRC (Community Retail Commercial)

Special Exception / Special Use / Variance(s) Requested:

1. Variance to waive requirement that a billboard shall be regulated as a principal use and required to meet all dimensional standards of the applicable zoning district. [Section 714.04(G.1)]
2. Variance to allow a billboard to be located within a 1,000 foot radius of another general advertising sign or off-premise sign. [Section 714.04(G.5)]
3. Variance to waive the requirement that billboards shall meet all other zoning district regulations, including setbacks and lot widths; waive the requirement that support structures shall meet the setback requirements; however sign faces may extend 25% into any required setback [Section 714.04(G.8)]
4. Variance to waive the regulation that no billboard shall be located or erected on a lot upon which a building is located if such lot or the building has any sign located thereon. [Section 714.04(G.9)]
5. Variance to waive the regulation prohibiting billboards from being located on a property that has an existing sign. [Section 714.06(A.11)]

Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the

board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



Site, at intersection of S. Marietta Parkway and I-75



View of sign from hotel parking lot



Oak tree in landscape island blocks view of sign

Analysis:

Paradise Group Marietta, LLC is requesting variances to allow for the modification of the existing billboard located at 455 Franklin Road; near the intersection of South Marietta Parkway and Interstate 75. The new billboard would contain traditional static sign panels - not electronic or digital panels. The property at 455 Franklin Road is approximately 3.2 acres in area, contains a Hampton Inn hotel, and is zoned CRC (Community Retail Commercial). An Applebee's restaurant is adjacent to the southwest, while the property is bordered by Franklin Road to the west, South Marietta Parkway to the south, and Interstate 75 to the east. An office park, zoned CRC, borders to the north.

Currently the visibility of existing billboard from I-75 or South Marietta Parkway is shielded due to tree growth within the state right of way. In addition, the billboard faces north and south, as it was originally designed for viewing from I-75. If the requested variances were to be approved, the applicant is proposing the following modifications:

1. The sign faces would be reoriented for viewing along South Marietta Parkway (the height and location of the sign would not be changed); and
2. A vegetation management permit would be requested from Georgia DOT to allow them to remove the "overgrown" trees and re-landscape that area of state right of way.

There are five (5) variances for which the applicant is requesting relief from requirements within the Sign Ordinance that the applicant would not be able to satisfy.

First, billboards are regulated as a principal use and are required to be located on a separate parcel – not on a parcel occupied by another building. It should be noted that an exemption plat to subdivide the property was submitted in November 2007. However, the platting procedure was never completed and no plat was ever approved; possibly because a conforming lot could not be created from the existing property.

Second, billboards are required to be at least 1000 feet apart, and there are two (2) existing billboards that are located within 1000 feet of the proposed location. The billboards are located on the east side of I-75, but both are within view from the subject parcel.

Third, billboards are required to meet all zoning district requirements, including building setbacks; and sign faces may extend 25% into a required setback. However, the location of this billboard appears to encroach upon the building setback along I-75, and appears to be only a few feet of the right of way of South Marietta Parkway.

The fourth and fifth variance requests are related to sections of the sign ordinance that prohibit billboards from being located on any property that has an existing sign on the property, whether it be a freestanding sign or a building sign. The existing Hampton Inn building sign would restrict billboards from being located on the property. This restriction is reiterated in Section 714.06, Prohibited Signs, and relief from this regulation creates the need for a fifth variance.

The sign is currently oriented toward I-75, but there is limited visibility as shown in the pictures above. The applicant has indicated that many of the existing trees on the perimeter of the property near I-75 and South Marietta Parkway are actually on the State right-of-way, and will be removed. According to the applicant, State DOT has agreed to let them re-landscape the area, and they will plant shrubs and smaller trees in that area. There is one large oak tree within the parking lot landscaped area that also limits visibility of the sign, but the applicant has not indicated whether that tree will be removed.

The applicant cites the overgrowth of vegetation as an “exceptional or extraordinary condition” on this property, but also states that the applicant would seek permission from Georgia DOT to remove the overgrowth - presumably to eliminate the condition for which the variances are being requested. Further, granting five variances to allow a new billboard on the I-75 corridor could set precedence for other locations along I-75 and other highways.

A similar request for variances on this property was filed by Swift Land Company in July 2009; although in that case the request was to remove this older sign, and to build a new billboard. That request was denied by City Council on September 9, 2009.

Swift Land Company filed suit against the City of Marietta in July 2010. In October 2012, the Cobb County Superior Court ruled in favor of the City of Marietta, upholding the decision to deny the variances requested by Swift Land Company. And on December 3, 2012, the case was finally concluded in the City’s favor when the Georgia Supreme Court denied the Discretionary Appeal from Swift Land Company in the Swift Land Company v. The City of Marietta, et al.

TO: Marietta Daily Journal

FROM: City of Marietta

RUN AD DATE: May 15, 2015

PUBLIC NOTICE OF REZONINGS AND VARIANCES

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following variance request by City Council at their meeting on **Wednesday, June 10, 2015, 7:00 p.m.**, City Hall, for a final decision to be made.

V2015-23 [VARIANCE] PARADISE GROUP MARIETTA, LLC (SWIFT LAND COMPANY) requesting variances for property located in Land Lots 577 and 578, District 17, Parcel 0030, 2nd Section, Marietta, Cobb County, Georgia and being known as 455 Franklin Road. Variance to waive requirement that a billboard shall be regulated as a principal use and required to meet all dimensional standards of the applicable zoning district; variance to allow a billboard to be located within a 1,000 foot radius of another general advertising sign or off-premise sign; variance to waive the requirement that billboards shall meet all other zoning district regulations, including setbacks and lot widths; variance to waive the requirement that support structures shall meet the setback requirements, however sign faces may extend 25% into any required setback; variance to waive the regulation that no billboard shall be located or erected on a lot upon which a building is located if such lot or the building has any sign located thereon; variance to waive the regulation prohibiting billboards from being located on a property that has an existing sign. Ward 7.

A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto.

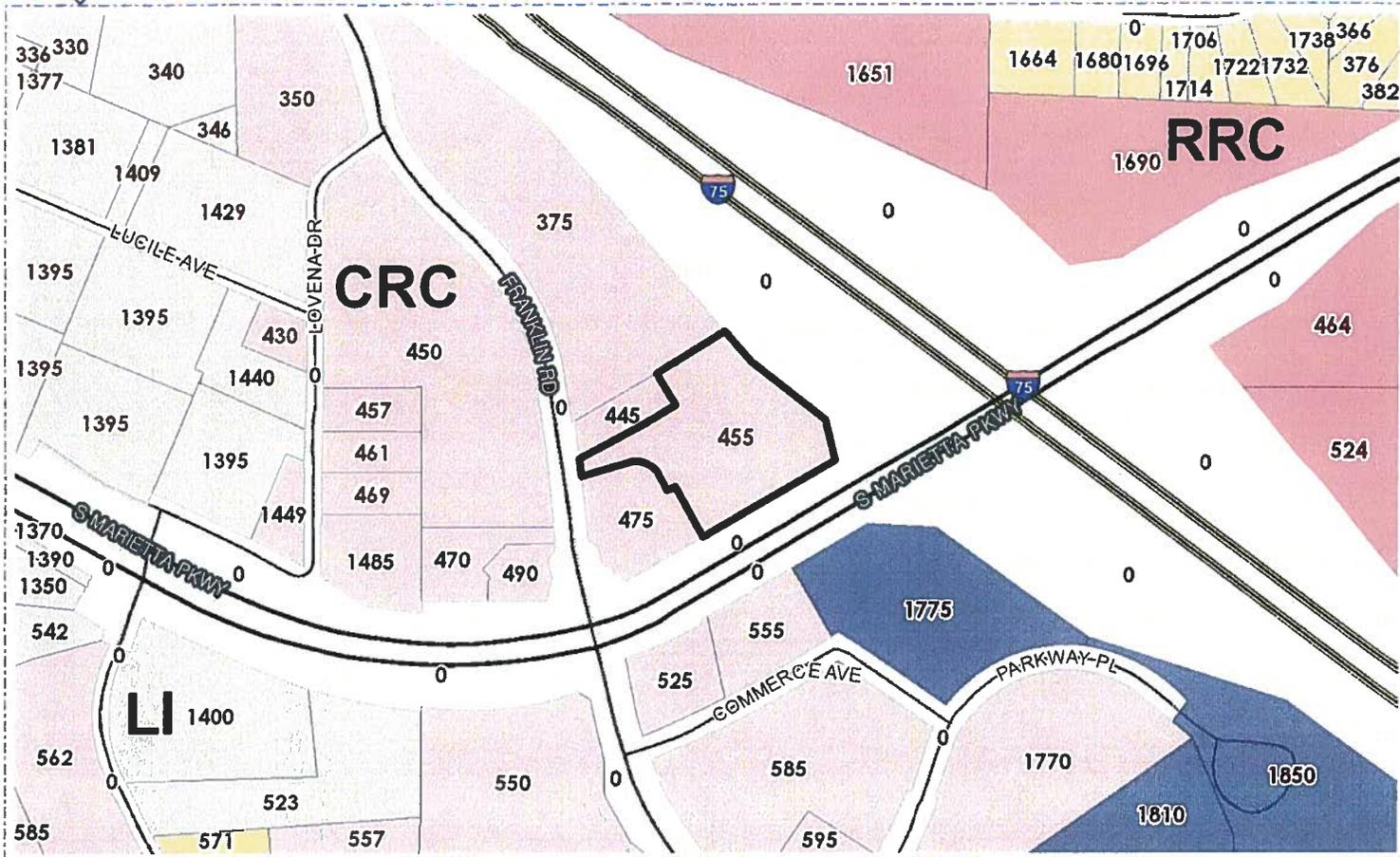
For additional information please call the Planning and Zoning Office (770) 794-5669.

Accessibility to Meetings: If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta
205 Lawrence Street
Marietta, Georgia 30060



Variance



Address	Parcel Number	Acreage	Ward	Zoning	FLU
455 FRANKLIN RD	17057800030	3.215	7A	CRC	RAC

Property Owner:	Paradise Group Marietta
Applicant:	Swift Land Company
City Council Hearing Date:	06/10/2015
Acquisition Date:	
Case Number:	V2015-23
City of Marietta Planning & Zoning	

Zoning Symbols

- Railroads
- City Limits
- Cobb County Pockets
- NA
- R1 - Single Family Residential (1 unit/acre)
- R2 - Single Family Residential (2 units/acre)
- R3 - Single Family Residential (3 units/acre)
- R4 - Single Family Residential (4 units/acre)
- RA4 - Single Family Residential - Attached
- RA6 - Single Family Residential - Attached
- RA8 - Single Family Residential - Attached
- MHP - Mobile Home Park
- PRD-SF - Planned Residential Dev Single Family
- RM8 - Multi Family Residential (8 units/acre)
- RM10 - Multi Family Residential (10 units/acre)
- RM12 - Multi Family Residential (12 units/acre)
- RHR - Residential High Rise
- PRD-MF - Planned Residential Dev Multi Family
- NRC - Neighborhood Retail Commercial
- CRC - Community Retail Commercial
- RRC - Regional Retail Commercial
- PCD - Planned Commercial Development
- LI - Light Industrial
- HI - Heavy Industrial
- PID - Planned Industrial Development
- MXD - Mixed Use Development
- CBD - Central Business District
- OIT - Office Institutional Transitional
- LRO - Low Rise Office
- OI - Office Institutional
- OS - Office Services
- OHR - Office High Rise



Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
455 FRANKLIN RD	17057800030	3.215	7A	CRC	RAC

Property Owner:	Paradise Group Marietta
Applicant:	Swift Land Company
City Council Hearing Date:	06/10/2015
Planning Commission Hearing Date:	
BZA Hearing Date:	Case Number: V2015-23
Comments:	
City of Marietta Planning & Zoning	

Legend

-  Railroads
-  City Limits
-  Cobb County Pockets

SWIFT LAND COMPANY
1100 PEACHTREE STREET, NE
SUITE 800
ATLANTA, GEORGIA 30309-4516

April 21, 2015

Mr. Brian Binzer, Director
Department of Development Services
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

VIA HAND DELIVERY

*RE: Application for Variances – Swift Land Company
455 Franklin Road, SE, Marietta, Georgia*

Dear Mr. Binzer:

Please accept this letter in support of Swift Land Company's (the "Applicant") variance application (the "Application") in regards to its request to modify an existing legal nonconforming outdoor advertising sign (the "Sign") within the same structural footprint on real property commonly known as 455 Franklin Road, SE, Marietta, Georgia (the "Property"). The Sign located on the Property was legally erected several decades ago and has been maintained since that time. The Applicant's rights to the dirt upon which the Sign is situated arise out of a long term ground lease with Paradise Group Marietta, LLC (the "Property Owner"). However, due to the overgrowth of natural vegetation over the same time period, the existing Sign face has become completely obscured from the view of passing motorists and pedestrians along Georgia State Route 120, also known as the South Marietta Loop (the "South Loop"), as well as Interstate 75 and the exit lanes thereof. The overgrowth of the surrounding vegetation has caused an exceptional and extraordinary condition that is applicable to this site and does not generally apply to sites in the same zoning district. Furthermore, granting the Application is necessary for the preservation and enjoyment of a substantial property right, to prevent unreasonable property loss and to prevent unnecessary hardship. Finally, granting the Application will not be detrimental or injurious to property or improvements in the vicinity of the site, or to the public health, safety or general welfare. Therefore, the Application should be granted in the best interests of the Applicant, Property Owner and general public.

Currently, the Sign faces north and south since it was originally designed for a viewing zone oriented towards Interstate 75. The overgrowth of the surrounding trees and the distance to the main travel lanes of Interstate 75 have caused a viewing zone oriented thereto impossible to achieve without an extraordinary height variance despite the fact that the Sign is well within the 100 foot right-of-way required by the City for the erection of billboards. Pursuant to the City Code of Marietta, specifically section 714.02(A), the Applicant is required to obtain a building permit prior to the erection, replacement, reconstruction, or relocation of a sign. Therefore, any modification or structural repair of the existing Sign requires the approval of variances related to existing nonconformities before a permit can be issued.

SWIFT LAND COMPANY

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The existing Sign was legally erected in compliance with the City Code at the time of construction, however, it does not conform to certain provisions of the current City Code. These nonconformities are specifically described in the attached Exhibit "A" to this Application. The existing top of the Sign is approximately 44 feet above the adjacent road grade and would remain the same height upon approval of the Application and issuance of a building permit. Additionally, the Sign is within 1000 feet (approx. 775' and 985') of two other billboards that are situated on the east side of Interstate 75. To the best of Applicant's knowledge, there are no other off-premises billboards situated on the west side of Interstate 75 within 1000 feet of the Sign. Furthermore, variances would be necessary to address additional existing signage on the Property (the on-premises attached sign for the Hampton Inn), principal use (Hampton Inn also on property) and the required setbacks of the applicable zoning district (CRC).

The only modifications to the existing Sign upon approval of the Application would be to reorient the face to a viewing zone along the South Loop and to improve overall design. The design of the Sign would be such that it maximizes the structural integrity and overall appearance and thereby provide for an aesthetically appealing environment and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens. Furthermore, a reconstruction of the existing Sign would reflect the architectural scale, aesthetic quality, and vehicular and pedestrian orientation of commercially zoned districts.

The surrounding overgrown trees creating a substantial hardship from whence the Application arises are primarily within the state right-of-way which is controlled by the Georgia Department of Transportation ("GDOT"). As such, the trees are subject to a vegetation management permit pursuant to O.C.G.A. § 32-6-75.3. Most of these trees and the surrounding vegetation are poorly maintained and do not provide an aesthetically pleasing view. In fact, as indicated on the attached survey plat, a couple of the trees in the immediate vicinity are considered dead. Without reorienting the face of the existing Sign to an east-west viewing zone along the South Loop, the vegetation permit would not encompass nearly enough of the overgrown vegetation and it would be seemingly futile to acquire one. Furthermore, in the event a vegetation permit was acquired based on the current viewing zone, it would cause the site to appear less aesthetically appealing than it is currently. Additionally, on-premises signage attached to the Hampton Inn would remain invisible from passing motorists and pedestrians. Upon approval of the Application allowing the Applicant to acquire a building permit and reorient the face to a viewing zone along the South Loop, the Applicant would request a vegetation management permit and remove the overgrown trees and vegetation at the Applicant's expense. Additionally, the Applicant would stipulate to the following conditions for approval of the Application.

Once the Applicant has obtained approval of the Application and acquired a building permit to reorient the Sign face, a vegetation management permit would be acquired to remove the overgrown vegetation primarily located in and around the southeast corner of the Property where the Interstate 75 South exit ramp and South Loop merge but also along a small portion of the South Loop itself. As a condition of acquiring the vegetation management permit, the

SWIFT LAND COMPANY

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Applicant would obtain an encroachment permit from GDOT for the purpose of allowing a complete re-landscaping project to replace the overgrown trees and vegetation that are to be removed. The landscaping would be performed in the best interests of the Property Owner, Applicant and general welfare of the public. It would be a mutually beneficial project that would not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. On the contrary, a professional landscaping project at this site would provide for an aesthetically appealing entrance to the City of Marietta while simultaneously preserving a substantial property right of the Property Owner and Applicant. The landscaping project would be entirely funded by the Applicant and would be at least equivalent to the value of the removed trees and vegetation as determined by GDOT.

In addition to the aforementioned landscaping project to replace any removed trees and other vegetation with a more aesthetically appealing environment for commercially zoned districts, the Applicant would agree to and stipulate that the Sign and any reconstruction thereof would ultimately be removed at the end of the current ground lease at the Applicant's expense. One stated purpose and intent of the City's Sign Ordinance is to reduce the number of legal nonconforming billboards over time. A stipulation in this regard would be in the best long term interest of the general public and intention of the ordinance while also preserving a substantial property right for the Applicant and Property Owner in the short term.

Out of an abundance of caution and due diligence, the Applicant has investigated and reviewed any and all impending impacts of the Interstate 75 Corridor Project (the "Corridor Project") on the Property. The latest GDOT plans for the Corridor Project are included with this Application. Based on these plans, there will be no right-of-way expansion into the Property and the boundaries of the Property will remain as they currently exist. Therefore, the City of Marietta would not incur any future financial liability from a condemnation as a result of the Corridor Project at this particular site.

Swift Land Company shows that the condition requiring the request for these variances is a result of the overgrowth of surrounding trees and vegetation, and not by any action of Swift Land Company or the Property Owner. The approval of the requested variances is necessary to allow for reconstruction of the Applicant's existing Sign and to overcome a significant hardship brought on by the overgrowth of surrounding vegetation. All of Applicant's stated intentions are designed to comply with the purpose and intention of the City Code while simultaneously proposing a mutually beneficial solution for the Applicant, Property Owner and general welfare of the public. Therefore, Swift Land Company respectfully requests that the Application be approved in order to reconstruct its existing Sign in the best interest of all affected parties. Thank you for your consideration in this regard.

Sincerely,

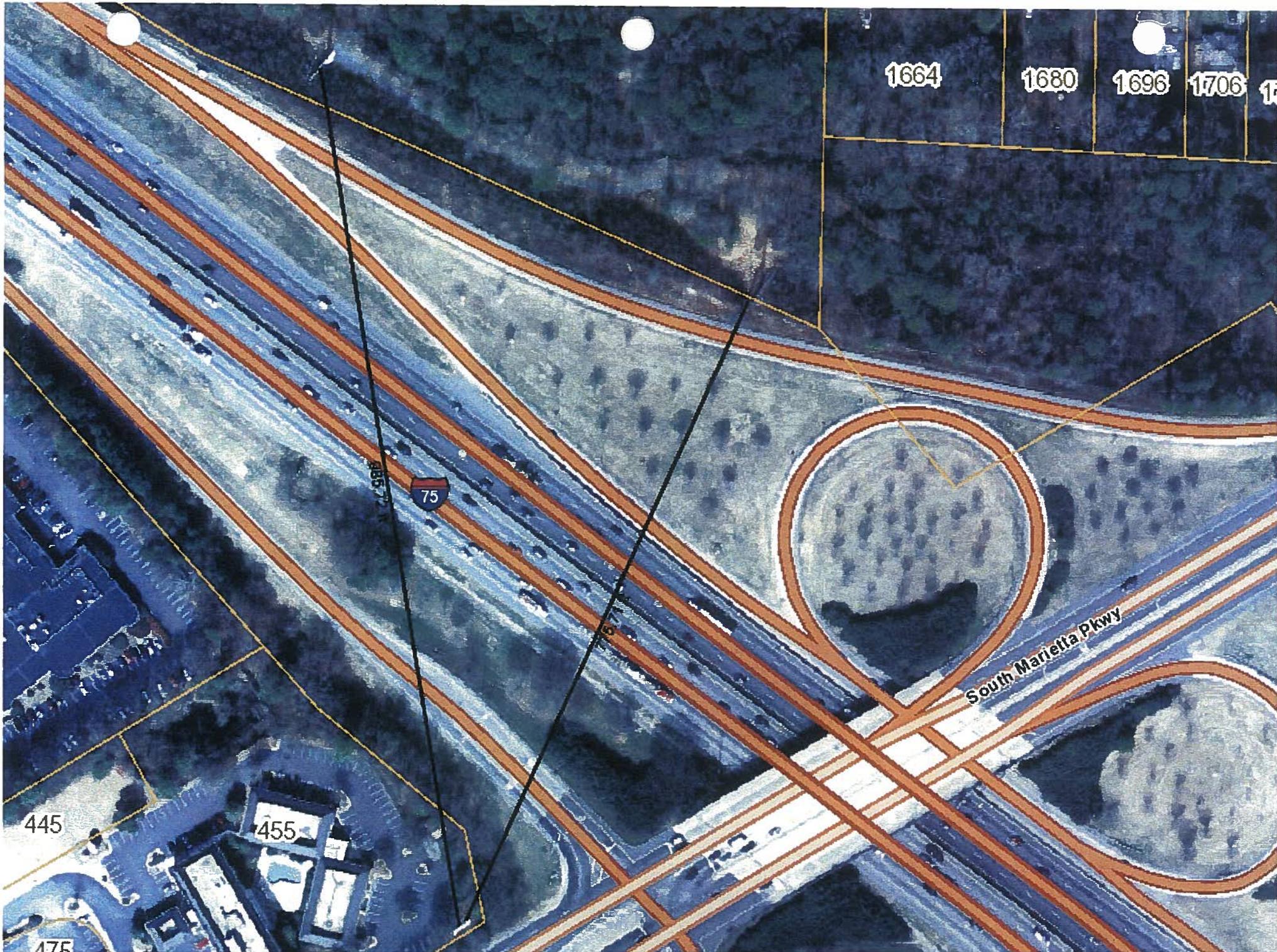


W. Lawton Jordan

EXHIBIT "A"

Paradise Group Marietta, LLC and Swift Land Company hereby request a variance from the following code sections:

- (1) Section 714.04(G)(1) requiring that billboards shall regulated as a principal use and are required to meet all dimensional standards of the applicable zoning district.
- (2) Section 714.04(G)(5) prohibiting a billboard from being located within a 1,000 foot radius of another billboard.
- (3) Section 714.04(G)(8) requiring billboards to meet all zoning district regulations, including required setbacks and lot widths. Support structures shall meet the setback requirement; however sign faces may extend 25% into any required setback.
- (4) Section 714.04(G)(9) prohibiting a billboard to be located on a lot upon which a building is located if such lot or the building thereon has any sign located thereon.
- (5) Section 714.06(A)(11) prohibiting billboards located on property which has an existing sign.

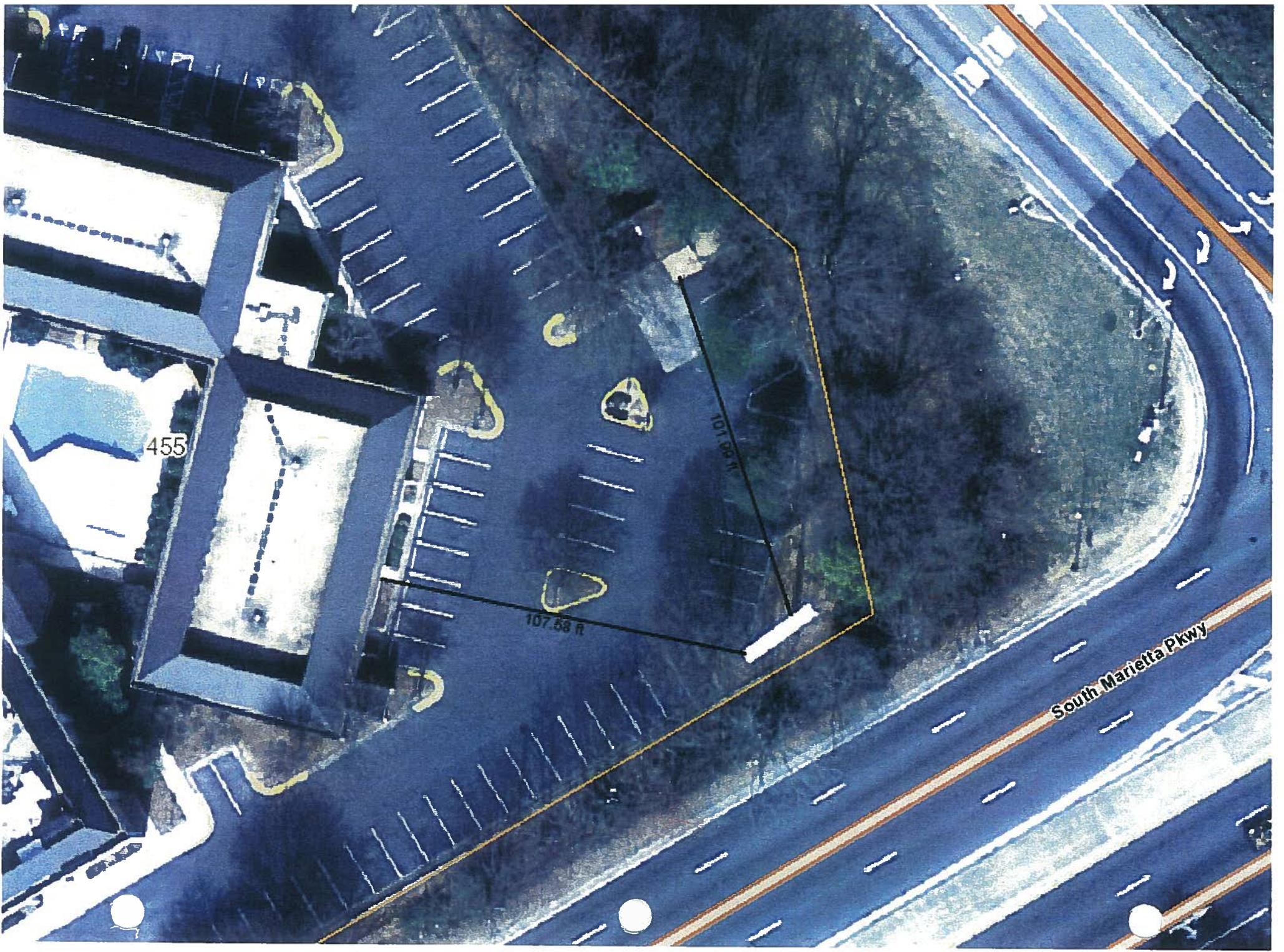


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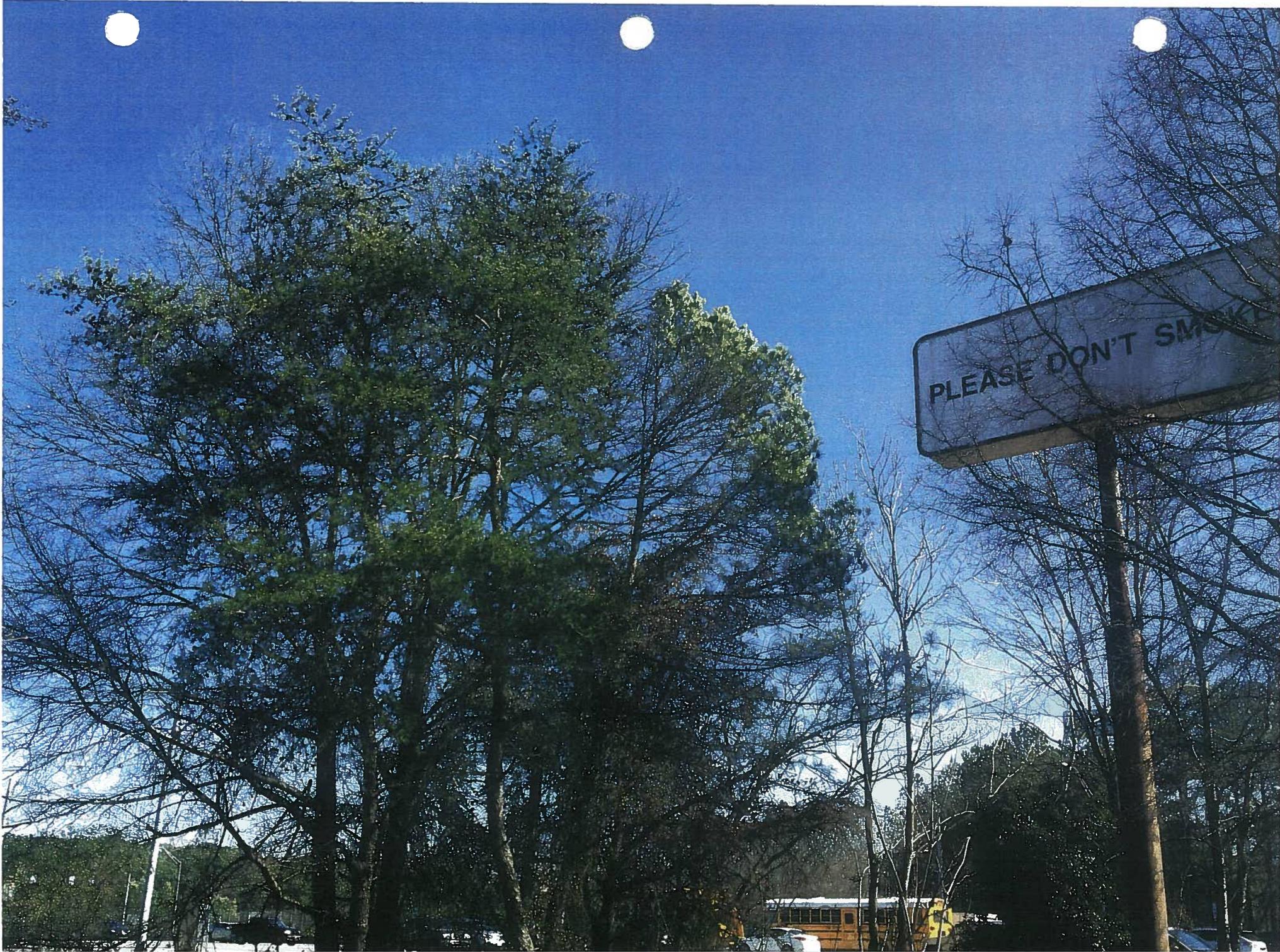
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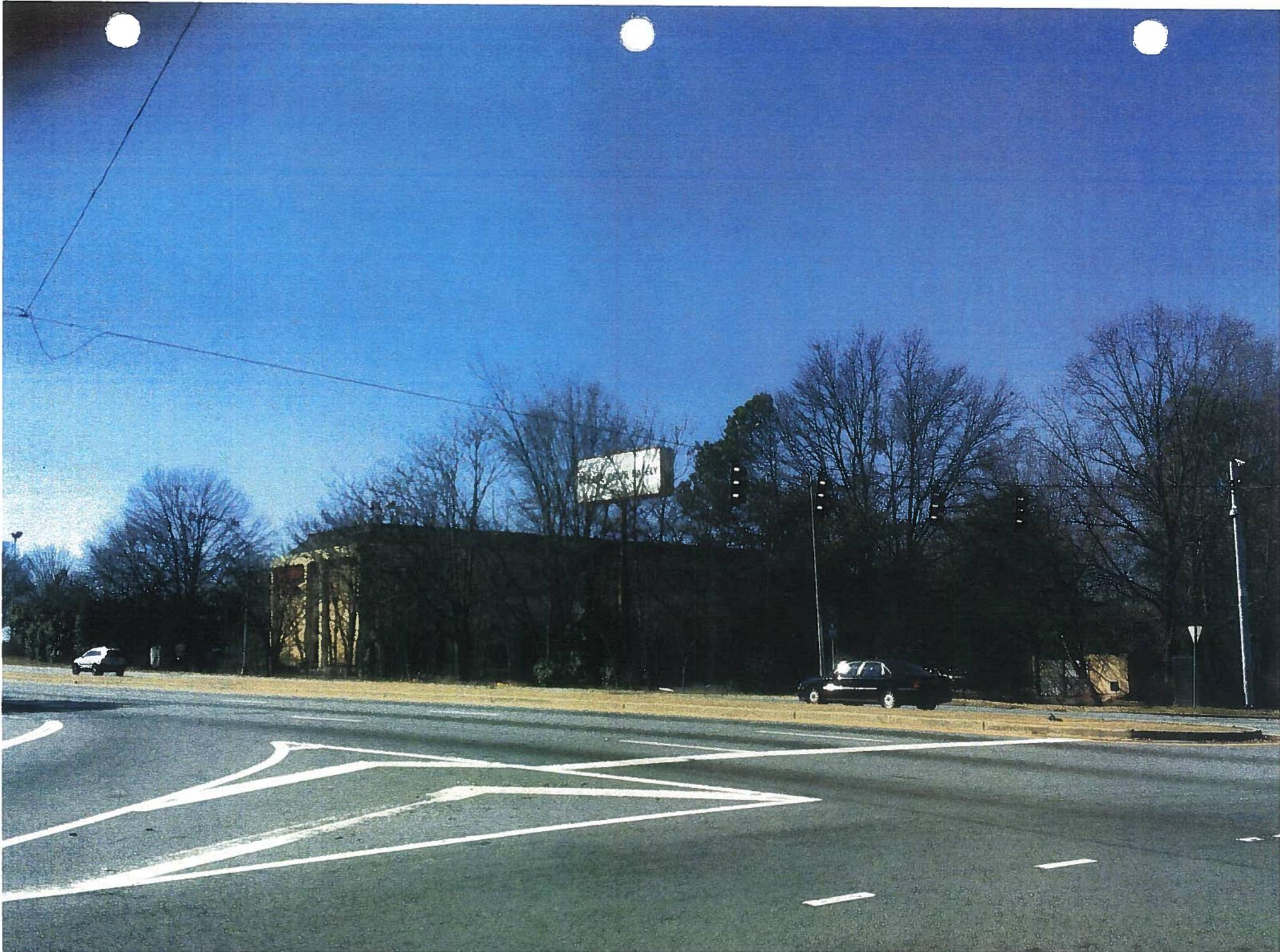
South Marietta Pkwy



PLEASE DRIVE SAFELY

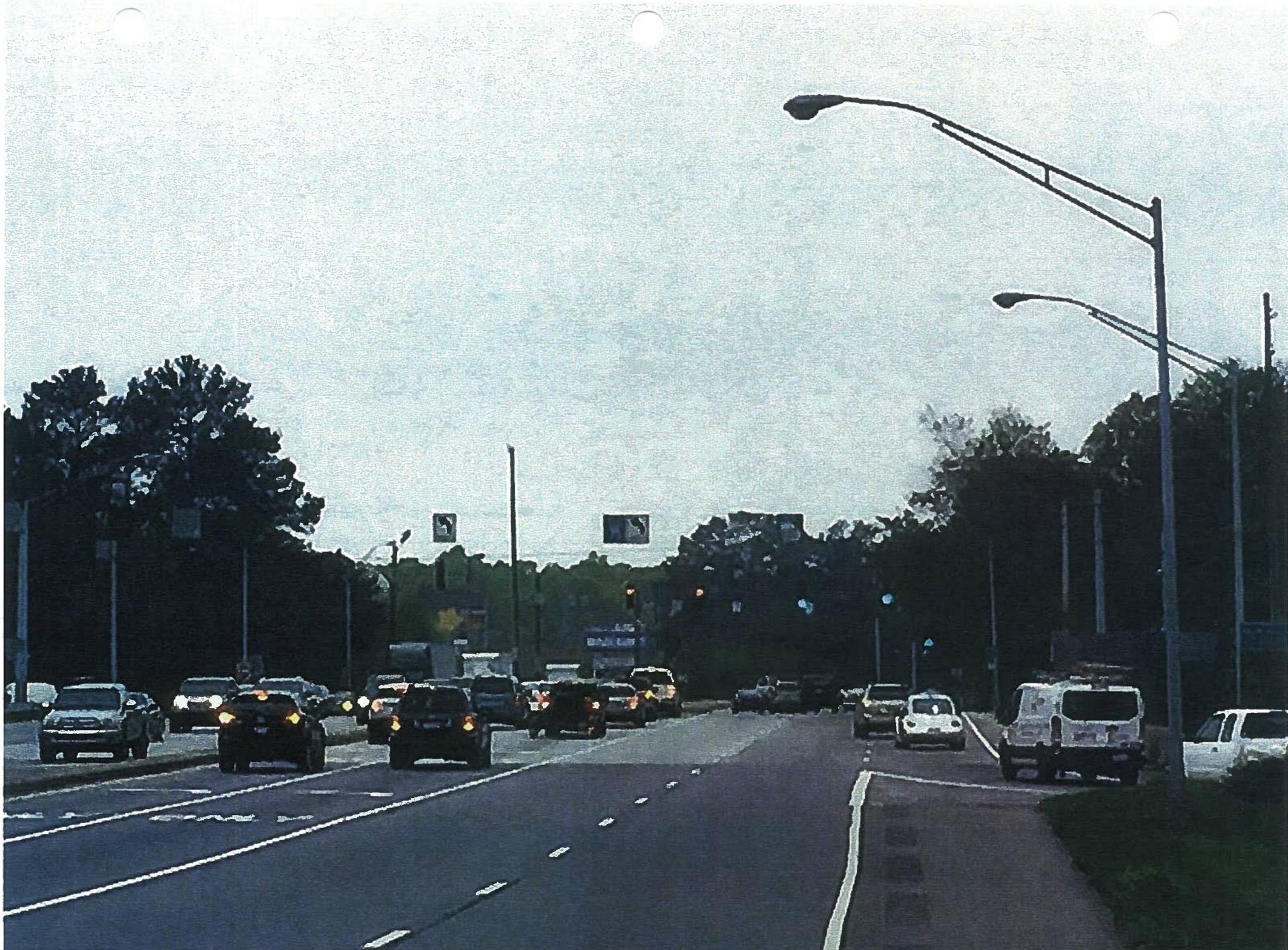




















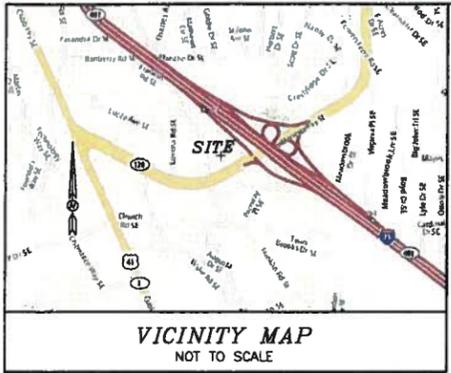
Siding Plus



James Hardie
Siding Products

404-4-SIDING





TITLE MATTERS AFFECTING THE SUBJECT PROPERTY

- 5) Distribution Line Permit from Mrs. Christine D. Nichols to Board of Lights and Water, dated December 12, 1966, filed for record January 5, 1967 at 9:45 a.m., recorded in Deed Book 952, Page 283, Records of Cobb County, Georgia. (EXACT LOCATION UNKNOWN)
- 6) Ground Lease Agreement (sign site) by and between Varnick Property Investors, Ltd., a Georgia limited partnership and Donald C. Wright, et al, dated May 10, 1983, filed for record January 22, 1985 at 10:28 a.m., recorded in Record Book 3381, Page 427, aforesaid Records; as amended by First Amendment to Ground Lease from C.A. Franklin Investors, Ltd., a Georgia limited partnership and Citidel 75, Ltd., a Georgia limited partnership, as assignees of Varnick Property Investors, Ltd., a Georgia limited partnership (assignment not found of record) to Donald C. Wright, Trustee, Kenneth W. Fletcher, G. Howard Robins and Howard W. Smith, dated May 10, 1983, filed for record January 22, 1985 at 10:29 a.m., recorded in Deed Book 3381, Page 438, aforesaid Records; as assigned by Assignment of Ground Lease Agreement from Cobb Corporate Center Associates, a Georgia joint venture having CA Franklin Investors, Ltd., a Georgia limited partnership and Citidel 75, Ltd., a Georgia limited partnership as its joint venturers to Limited Service Inns, Inc. of Georgia, a Georgia corporation, dated November 28, 1984, filed for record January 22, 1985 at 10:29 a.m., recorded in Deed Book 3381, Page 424, aforesaid Records; as amended by that certain First Amendment to Ground Lease Agreement by and between C.A. Franklin Investors, Ltd., a Georgia limited partnership, having as its general partners, Frank Carter, Daniel B. Rother, James W. Beale, William A. Mitchell, Jr., and James B. Carson, and Citidel 75, Ltd., a Georgia limited partnership having as its general partner Citidel Regent, Inc., a Georgia corporation, as assignee of Varnick Property Investors, Ltd., a Georgia limited partnership and Donald C. Wright, Trustee, Kenneth W. Fletcher, G. Howard Robins and Howard W. Smith, dated October 1, 1984, filed for record February 11, 1985 at 3:36 p.m., recorded in Deed Book 3400, Page 163, aforesaid Records.
- 14) Those matters as disclosed by that certain survey entitled "ALTA/ACSM Land Title Survey prepared for Paradise Group Marietta, L.L.C., Stewart Title Guaranty, General Electric Capital Corporation and Bock & Clark Corporation", prepared by Q-B Engineering, Inc. under the direction of Bock & Clark's National Surveyors Network bearing the seal and certification of Gilbert E. Quinones, Georgia Registered Land Surveyor No. 2810, dated May 24, 2001.

TITLE MATTERS NOT AFFECTING THE SUBJECT PROPERTY

- 7) (a) Deed Book 3821, Page 85; (b) Deed Book 3821, Page 110; These deeds do not affect the sign lease, which lease is included in the permitted exceptions on pages 103 and 118.
- 8) Deed Book 3945, Page 339; This deed does not affect the sign lease, (it pertains to electric lines located west of the hotel)
- 9) Marietta 120 Loop and Interstate I-75 are both limited access highways with access limited to those points designated by the State Highway Department of Georgia.
- 10) Deed Book 9055, Page 461; This deed does not affect the sign lease. (North and west of sign lease area)
- 11) Deed Book 9055, Page 476; This deed does not affect the sign lease. (North and west of sign lease area)
- 12) Deed Book 9055, Page 484; This deed does not affect the sign lease. (North and west of sign lease area)
- 13) Deed Book 9055, Page 492; This deed does not affect the sign lease. (North and west of sign lease area)

THIS DOES NOT AFFECT THE SIGN LEASE. (ACCESS RIGHTS INCLUDED IN EXISTING GROUND LEASE).

FILE REFERENCE NO. 20081278; ORDINANCE NO. 7269 SECTION 714.04 (G) GENERAL REGULATIONS

NO GENERAL ADVERTISING SIGN OR OFF-PREMISE SIGN SHALL BE LOCATED OR ERECTED ON A SUBSTANDARD LOT. IN ADDITION, GENERAL ADVERTISING SIGNS AND OFF-PREMISE SIGNS SHALL MEET ALL OTHER ZONING DISTRICT REGULATIONS, INCLUDING REQUIRED SETBACKS AND LOT WIDTHS. SUPPORT STRUCTURES SHALL MEET THE SETBACK REQUIREMENTS, HOWEVER SIGN FACES MAY EXTEND 25% INTO ANY REQUIRED SETBACK. ALL DISTANCES SHALL BE MEASURED TO THE NEAREST POINT OF THE SIGN.

(L.L. 577)

(L.L. 578)

LEGEND

- IPS 1/2" IRON PIN SET
- RMF CONCRETE RIGHT-OF-WAY MONUMENT FOUND
- IPF IRON PIN FOUND
- DB PG DEED BOOK & PAGE
- PB PG PLAT BOOK & PAGE
- PP POWER POLE
- PP1R POWER POLE, 1 RISER
- LP LIGHT POLE
- OW GUY WIRE
- EB ELECTRIC BOX
- EM ELECTRIC METER
- AC HEATING/AIR CONDITIONING UNIT
- UTB UNDERGROUND TELEPHONE BOX
- UTM UNDERGROUND TELEPHONE LINE MARKER
- ICV IRRIGATION CONTROL VALVE
- FH FIRE HYDRANT
- WV WATER VALVE
- WM WATER METER
- FDC FIRE DEPARTMENT CONNECTION
- UGM UNDERGROUND GAS LINE MARKER
- GV GAS VALVE
- GM GAS METER
- CO CLEANOUT
- BO BOLLARD
- SP SIGN POST
- MB MAIL BOX
- FL FENCE LINE
- WL WATER LINE
- UGL UNDERGROUND GAS LINE
- OE OVERHEAD ELECTRIC LINE
- SS SANITARY SEWER LINE
- GR GUARDRAIL
- BROKEN LINE NOT TO SCALE
- DI STORM WATER DROP INLET
- YI STORM WATER YARD INLET
- CI STORM WATER CURB INLET
- JB STORM WATER JUNCTION BOX
- CBWS SINGLE WING CATCH BASIN
- CBDW DOUBLE WING CATCH BASIN
- RCP REINFORCED CONCRETE PIPE
- CMP CORRUGATED METAL PIPE
- PVC PLASTIC PIPE
- DIP DUCTILE IRON PIPE
- CLAY CLAY PIPE
- CPP CORRUGATED PLASTIC PIPE
- HW HEADWALL
- MHSS SANITARY SEWER MANHOLE
- BSL BUILDING SETBACK LINE
- CLF CHAIN LINK FENCE
- CP CONCRETE PAD
- TIN TAX PARCEL ID NUMBER
- 24"C&G 24 INCH WIDE CURB & GUTTER
- 6"HC 6 INCH WIDE HEADER CURB

UTILITY WARNING

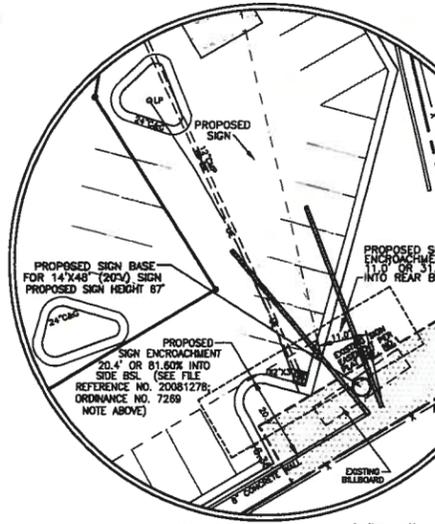
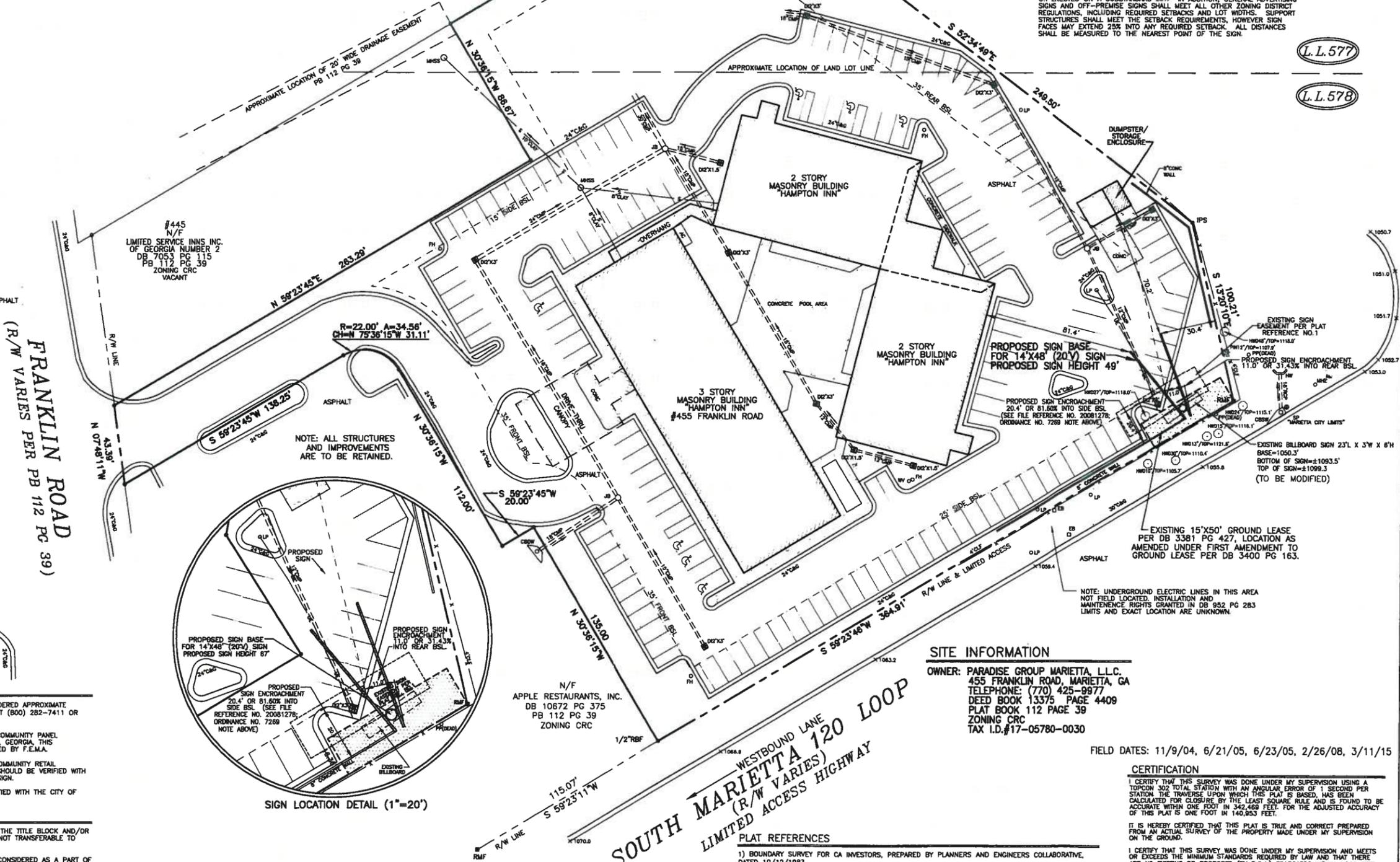
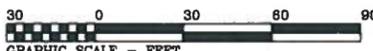
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM VISIBLE FIELD EVIDENCE INFORMATION ONLY. THE UNDERSIGNED SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THEIR EXACT LOCATION. ADDITIONAL BURIED UTILITIES LINES AND/OR STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES LINES AND/OR STRUCTURES.

GENERAL NOTES

- 1) ALL UNDERGROUND UTILITIES SHOWN ON THIS SURVEY SHOULD BE CONSIDERED APPROXIMATE ONLY AND THE CONTRACTOR MUST NOTIFY THE UTILITY PROTECTION SERVICE AT (800) 282-7411 OR (770) 623-4344 THREE WORKING DAYS PRIOR TO CONSTRUCTION.
 - 2) ACCORDING TO THE PRELIMINARY F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 13067C01096, MAP DATED SEPTEMBER 30, 2005 FOR COBB COUNTY, GEORGIA, THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DEFINED BY F.E.M.A.
 - 3) CURRENT ZONING ACCORDING TO CITY OF MARIETTA IS LISTED AS CRC, COMMUNITY RETAIL COMMERCIAL DISTRICT. BUILDING SETBACK LINES AND VARIANCE INFORMATION SHOULD BE VERIFIED WITH THE CITY OF MARIETTA PRIOR TO DESIGN AND CONSTRUCTION OF PROPOSED SIGN.
- NOTE: BUILDING SETBACK LINES AND VARIANCE INFORMATION SHOULD BE VERIFIED WITH THE CITY OF MARIETTA PRIOR TO DESIGN AND CONSTRUCTION OF PROPOSED SIGN.

SPECIAL NOTES

- 1) CERTIFICATION AND DECLARATION IS MADE TO THE ENTITIES AS LISTED IN THE TITLE BLOCK AND/OR CERTIFICATIONS. THE CERTIFICATIONS AND DECLARATIONS ON THIS PLAT ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- 2) SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- 3) PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS, THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.



SITE INFORMATION

OWNER: PARADISE GROUP MARIETTA, L.L.C.
455 FRANKLIN ROAD, MARIETTA, GA
TELEPHONE: (770) 425-9977
DEED BOOK 13375 PAGE 4409
PLAT BOOK 112 PAGE 39
ZONING CRC
TAX I.D.#17-05780-0030

FIELD DATES: 11/9/04, 6/21/05, 6/23/05, 2/26/08, 3/11/15

CERTIFICATION

I CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION USING A TORCHON 302 TOTAL STATION WITH AN ANGULAR ERROR OF 1 SECOND PER STATION. THE TRAVERSE UPON WHICH THIS PLAT IS BASED, HAS BEEN CALCULATED FOR CLOSURE BY THE LEAST SQUARE RULE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 342,469 FEET FOR THE ADJUSTED ACCURACY OF THIS PLAT IS ONE FOOT IN 140,953 FEET.

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

I CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION AND MEETS OR EXCEEDS THE MINIMUM STANDARDS REQUIRED BY LAW AND THAT THERE ARE NO EXISTING OR PROPOSED (BY B.O.A.) BILLBOARDS WITHIN 1,000 FEET OF THIS PROPOSED BILLBOARD LOCATION.

GLENN A. VALENTINO
GEORGIA REGISTERED LAND SURVEYOR #2528

SOUTH MARIETTA 120 LOOP
(R/W VARIES)
WESTBOUND LANE
LIMITED ACCESS HIGHWAY

PLAT REFERENCES

- 1) BOUNDARY SURVEY FOR CA INVESTORS, PREPARED BY PLANNERS AND ENGINEERS COLLABORATIVE, DATED 10/12/1983.
- 2) COMMITMENT FOR TITLE INSURANCE, COMMITMENT NUMBER 2-13061(R1), EFFECTIVE DATE 8/8/2004, PROVIDED BY STEWART TITLE GUARANTY COMPANY.
- 3) SUBDIVISION PLAT FOR COBB CORPORATE CENTER, DATED 9/26/84, PREPARED BY HENSLEY-SHIMDT, INC., RECORDED AT PLAT BOOK 112, PAGE 39, COBB COUNTY RECORDS.

EXHIBIT PLAT FOR:
PARADISE GROUP MARIETTA, LLC
AND SWIFT LAND COMPANY

LAND LOTS 577 & 578 17TH LAND DISTRICT CITY OF MARIETTA COBB COUNTY, GEORGIA

VALENTINO & ASSOCIATES, INC.
LAND SURVEYORS

1280 WINCHESTER PARKWAY SUITE 243 SMYRNA, GEORGIA 30080
PHONE (770) 438-0015 FAX (770) 435-6050

- REVISIONS**
- 3/27/08: REVISE SIGN, PROPOSED PARKING, & TRACT 2.
 - 5/04/08: REVISED PROPERTY LINE TRACT 1 AND TRACT 2.
 - 5/24/08: CITY COMMENTS, REVISED PROPERTY LINE TRACT 1 AND TRACT 2.
 - 6/27/08: CITY COMMENTS, REVISE TRACTS 1 AND 2.
 - 8/12/08: ADDED PROPOSED PARKING LOT ON ADJOINER.
 - 11/14/07: CITY COMMENTS, REVISE TRACTS 1 AND 2.
 - 2/27/08: CITY COMMENTS, AND ATTORNEY COMMENTS, ADD WATER, STORM AND SANITARY SEWER IMPROVEMENTS.
 - 8/4/08: REMOVE TRACT 1 AND TRACT 2.
 - 4/20/15: REVISE SIGN LOCATION AND UPDATE SURVEY.



SCALE: 1" = 30'
DATE: 7/20/2005
JOB NUMBER: 24121
FILE NUMBER: 24121R3
PLOTTED: 3/20/2015

EXHIBIT PLAT
SHEET 1 OF 1