

Z-14
(2009)

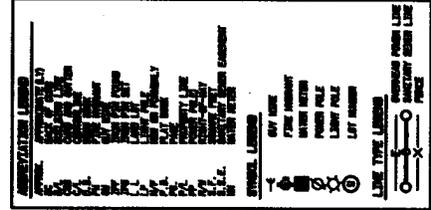
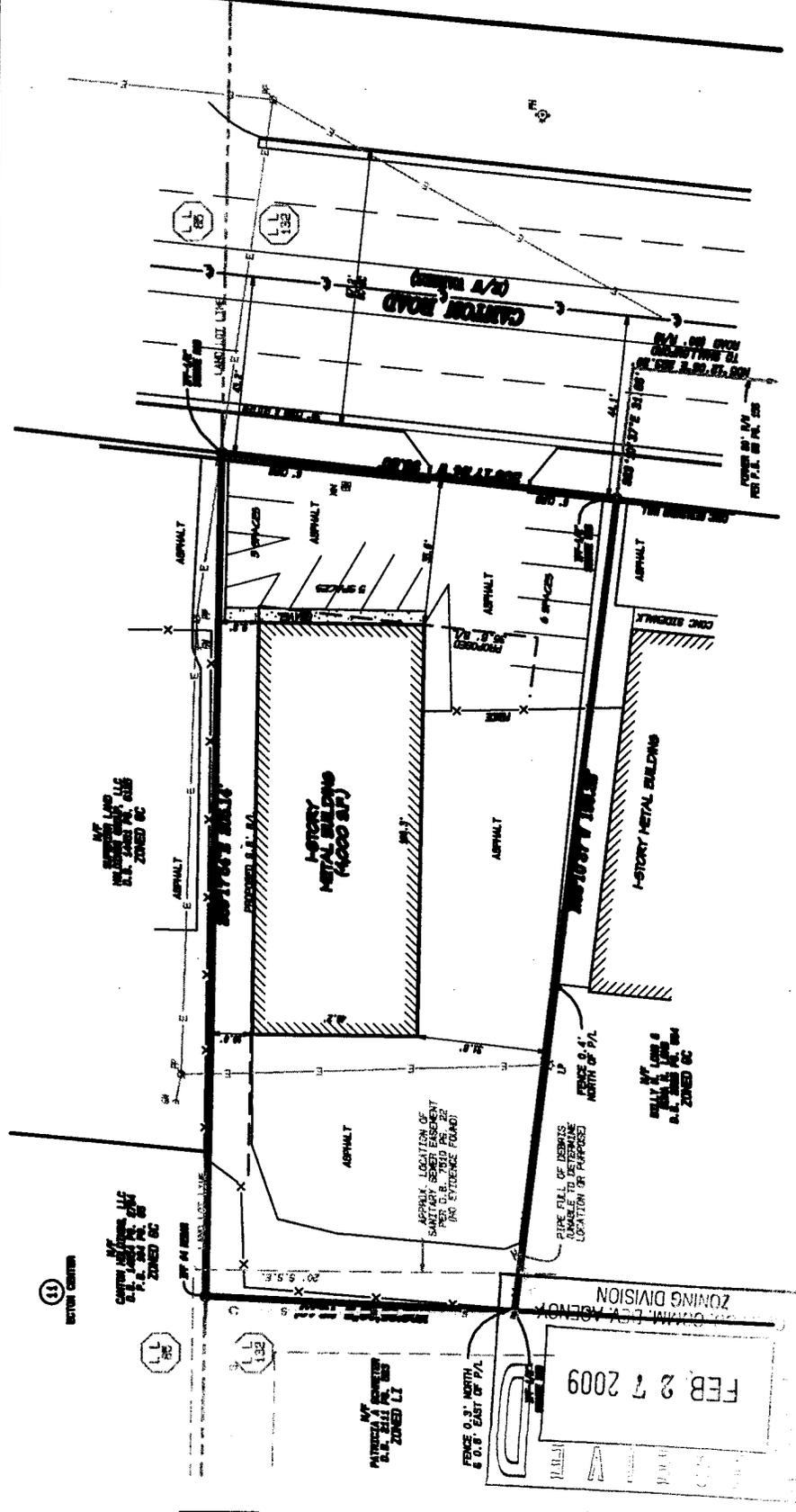
BETTERTON
SURVEYING & ENGINEERING, INC.
LAND SURVEYING/PLANNING
CORPORATION & COMMERCIAL SITE DESIGN
SOUTH MAHARITA PARKWAY, SUITE A
MARIETTA, GEORGIA 30066
(770) 485-0242



DATE

ZONING PLAN
4655 CANYON ROAD
LOCATED IN
COUNTY DISTRICT, AND SECTION
TOM D. ANNA
PREPARED FOR

DATE: DECEMBER 12, 2008
SCALE: 1" = 20'
DRAWN BY: [Name]
CHECKED BY: [Name]
APPROVED BY: [Name]
PROJECT NO.: 08158 PRO
JOB NUMBER: 4211111111
08158



ZONING NOTES:
 1. PROPERTY ZONING: GC
 2. PROPOSED ZONING: MFC
 3. PROPOSED USE: PARTY SUPPLY & RENTAL FACILITY
 4. TOTAL AREA: 0.388 ACRES (17,348 S.F.)
 5. AREA INSIDE FLOOD PLAIN: 0.000 ACRES
 6. MAXIMUM LOT AREA: 20,000 S.F.
 7. TOTAL NUMBER OF LOTS: 3
 8. MINIMUM LOT WIDTH: 20 FT.
 9. MINIMUM FLOOR AREA: N/A
 10. MINIMUM SETBACK REQUIREMENTS:
 FRONT: 20'
 SIDE: 10'
 REAR: 10'
 11. MAXIMUM BUILDING HEIGHT: N/A
 12. MAXIMUM LOT COVERAGE: N/A
 13. MAXIMUM FLOOR AREA RATIO: 0.25 FOR RETAIL
 14. FLOOR AREA RATIO: 4000 S.F. / 17348 S.F. = 0.23

PARKING CALCULATION:
 FOR RETAIL/RESTAURANT USE:
 1 SPACE PER 200 SQUARE FEET (NET) OF FLOORSPACE
 4,000 S.F. OF RETAIL FLOOR PROPOSED
 1,000 S.F. = 1 SPACE / 200 S.F. = 5 SPACES RESULTED
 14 SPACES EXISTING WITH
 9 SPACES MEETING COUNTY CODE REQUIREMENTS

IN MY OPINION, THIS PLAN IS A TRUE AND CORRECT REPRESENTATION WITH THE NECESSARY STANDARDS AND REQUIREMENTS OF THE LAW.

SURVEY NOTES:
 1. THIS PLAN WAS CALCULATED FOR 3000 HOURS AND HAS BEEN FOUND TO BE ACCURATE WITHIN 1 FOOT IN HORIZONTAL DISTANCE.
 2. THE FIELD DATA WERE OBTAINED FROM THIS PLAN BY THE SURVEYOR AND HIS ASSISTANTS USING A TOTAL STATION.
 3. THE COMPASS WAS USED TO DETERMINE THE TRUE NORTH.
 4. DATE OF SURVEY: NOVEMBER 10, 2008
 5. I, THE SURVEYOR, HAVE EXAMINED THE ORIGINAL FIELD NOTES AND HAVE FOUND THEM TO BE TRUE AND CORRECT.
 6. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL SURVEYING ACT AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING.
 7. ALL DIMENSIONS AND CORNER MARKS SHOWN HEREON ARE BASED ON THE ORIGINAL FIELD NOTES.
 8. SETBACKS SHOWN HEREON ARE BASED ON THE REQUIREMENTS OF THE ZONING ORDINANCE.

SURVEY REFERENCES:
 1. SURVEY FOR JAVIER HERRERA, DATED DECEMBER 15, 1977, PREPARED BY RAYMOND W. HERRERA, ENGINEER & SURVEYOR, LOCATED IN PLAT BOOK 10, PAGE 100.
 2. SURVEY FOR TERRY AND BETTY LEE, DATED JULY 6, 2008.
 3. SURVEY FOR TERRY AND BETTY LEE, DATED JULY 11, 1984.
 4. SURVEY FOR TERRY AND BETTY LEE, DATED JULY 22, 1984.
 5. SURVEY FOR TERRY AND BETTY LEE, DATED SEPTEMBER 4, 1984.
 6. SURVEY FOR TERRY AND BETTY LEE, DATED SEPTEMBER 14, 1984.
 7. SURVEY FOR TERRY AND BETTY LEE, DATED SEPTEMBER 14, 1984.
 8. SURVEY FOR TERRY AND BETTY LEE, DATED OCTOBER 4, 2004.
 9. SURVEY FOR TERRY AND BETTY LEE, DATED JANUARY 28, 1984.
 10. SURVEY FOR TERRY AND BETTY LEE, DATED MAY 27, 1984.
 11. SURVEY FOR TERRY AND BETTY LEE, DATED MAY 27, 1984.

FEB 27 2009
 ZONING DIVISION
 COMMUNITY DEVELOPMENT DEPARTMENT
 CITY OF MARIETTA, GEORGIA

08158

APPLICANT: Mary Landsiedel Shaw
678-332-7088

REPRESENTATIVE: Mary Landsiedel Shaw
678-332-7088

TITLEHOLDER: Mary Landsiedel Shaw f/k/a Mary Landsiedel

PROPERTY LOCATION: Located on the west side of Canton Road,
north of Shallowford Road.

ACCESS TO PROPERTY: Canton Road

PHYSICAL CHARACTERISTICS TO SITE: Existing commercial
building

PETITION NO: Z-14

HEARING DATE (PC): 05-05-09

HEARING DATE (BOC): 05-19-09

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Office and Retail

SIZE OF TRACT: 0.40 acre

DISTRICT: 16

LAND LOT(S): 132

PARCEL(S): 32

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/ Used car lot
- SOUTH:** GC/ Auto repair
- EAST:** HI/ Thomas Concrete
- WEST:** LI/ Auto repair

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

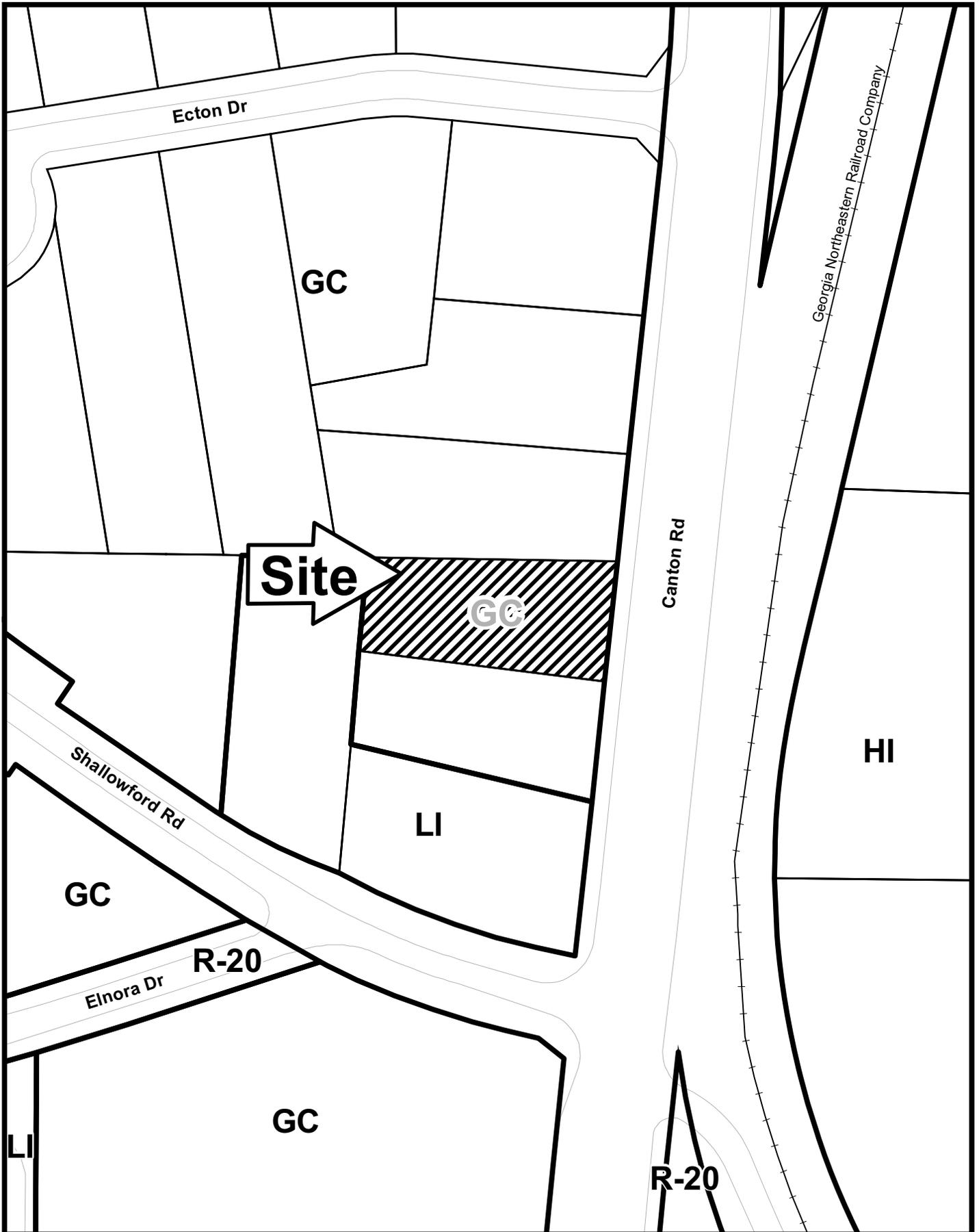
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

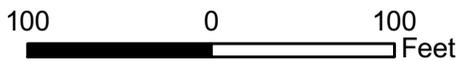
STIPULATIONS:



Z-14



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Mary Landsiedel Shaw

PETITION NO.: Z-14

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.: 0.22 **Square Footage/Acre:** 10,000

Parking Spaces Required: 10 **Parking Spaces Provided:** 14

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 throughout the years. The owner would like to sell the property to an alarm business. The business is anticipated to be open Monday through Friday, from 9:00 am to 5:00 pm. The existing building is one story in height with a stucco front. There will be three employees, and there will be no outdoor storage. The applicant would need three contemporaneous variances, which would be for the 1) side setback adjacent to the north property line (9-feet in lieu of 15-feet), 2) for the front setback (35-feet in lieu of 50-feet), and 3) to reduce the parking standards to allow substandard parking spaces. 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: No comment.

APPLICANT: Mary Landsiedel Shaw

PETITION NO.: Z-14

PRESENT ZONING: GC

PETITION FOR: NRC

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupiable floor level. Aerial fire apparatus roads shall be a minimum with of 24 feet face of curb to face of curb maximum of 40 feet from the structure and be positioned parallel to the long side of the building for its entire length. No overhead utility and power lines shall be located within the aerial apparatus access.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-de-sac without an island to have a 60 foot paved radius **or** Hammerhead turnaround – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal’s Office.

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT Mary Landsiedel Shaw

PETITION NO. Z-014

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 Canton Rd

Additional Comments: Records show address (#4655) 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: On site at rear

Estimated Waste Generation (in G.P.D.): **A D F** 400 **Peak** 1000

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 (#4655) 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: Mary Landsiedel Shaw

PETITION NO.: Z-14

PRESENT ZONING: GC

PETITION FOR: NRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday 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: Mary Landsiedel Shaw

PETITION NO.: Z-14

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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. No improvements have been made to this site other than reconstruction of the fire-damaged building. Although no new stormwater measures will be required at this time, any future redevelopment of the site will necessitate compliance with all stormwater management ordinances.
2. The southwestern corner of the site has drainage issues that need to be addressed. The existing grate and drywell appears to be clogged and non-functional. This drywell should be replaced and possibly expanded or the low area raised so that positive drainage is provided to the existing discharge point from the site. The existing discharge pipe is small and has limited capacity. However, replacement of this pipe will require cooperation from adjacent parcel owners since no easement agreements exist. Resolution of this issue may not be possible until these parcels are assembled and redeveloped.

APPLICANT: Mary Landsiedel Shaw

PETITION NO.: Z-14

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 Rd	29600	Arterial	45 mph	Cobb County	100'

Based on 2008 traffic counting data taken by Cobb County 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 frontage.

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 to 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-14 MARY LANDSIEDEL SHAW

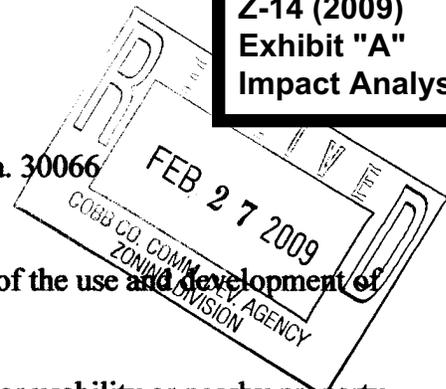
- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains a variety of commercial properties including retail, auto repair, offices and restaurants.
- B. It is Staff's opinion 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 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 many years without adversely affecting properties in the area. Staff is concerned about the parking layout and would suggest the applicant restripe the parking spaces to meet county requirements, since there is enough asphalt to do so.

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

- Site plan received by the Zoning Division February 27, 2009, with the District Commissioner approving minor modifications;
- Subject to the Canton Road Design Guidelines;
- Alarm business only, with the District Commissioner approving other users;
- No outdoor storage;
- Parking lot be restriped to meet county standards;
- 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.

Regarding zoning application for 4655 Canton Road, Marietta, Ga. 30066



- A). The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B). The zoning proposal will not adversely affect the existing use or usability or nearby property.
- C). The property to be affected by the zoning proposal does have economic use as currently zoned, however, there are currently too many car repair shops on Canton Road to be profitable for any owner.
- D). The zoning proposal will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- E). The zoning proposal is in conformity with the policy and intent of the land use plan.
- F). There are no supporting grounds for disapproval of the zoning proposal. With the new zoning there would be less traffic into and out of the property than if it remained a repair shop. The property would also have a nicer appearance than having cars in need of repair covering the area. (See Aerial view of the current location and surrounding properties which are all car repair shops)