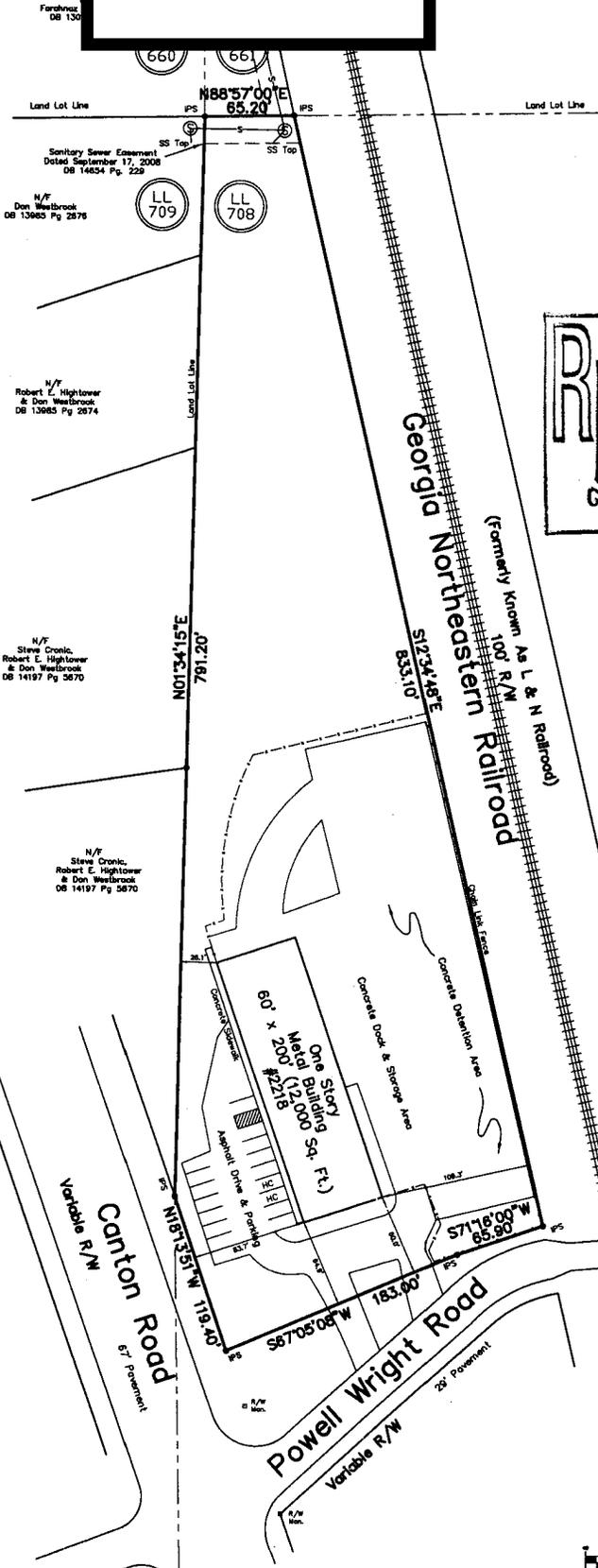


**Z-26
(2009)**



R E C E I V E D
JUL - 1 2009
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

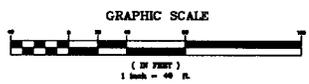
- General Site Notes**
1. Reference Boundary Survey prepared by Southern Surveying and Mapping Co., dated Dec. 9, 1980 and Site Plans prepared by West Georgia Engineers & Surveyors, Inc. dated Jan. 4, 1985 and Feb. 1, 1985.
 2. There are no Lakes, Streams or Wetlands located on or adjacent to this property. (No Stream Buffers required)
 3. There are no Architectural or Archeological landmarks on or adjacent to this property.
 4. There are no cemeteries on or adjacent to this property.
 5. Site is accessed by two drives off Powell Wright Road (as shown).
 6. No Buffers exist for this property.

THIS PROPERTY (DOES NOT) LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS. MAP # 1306700044G, DATED Dec. 16, 2008. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 17,109 FEET AND AN ANGULAR ERROR OF _____ PER ANGLE POINT AND WAS ADJUSTED USING _____ P.L.S.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN _____ FEET.

EQUIPMENT UTILIZED: ANGULAR: SURVEYOR LINEAR: TAPE

UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500 FEET OF THIS PROPERTY. ALL MATTERS PERTAINING TO TITLES ARE EXCEPTED. LARRY D. HEDRICK, GEORGIA REGISTERED LAND SURVEYOR NO. 2233.



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

Total Area
 147,331.4 Sq. Ft.
3.382 Acres



WEST GEORGIA SURVEYORS, INC.
 751 Sandtown Road
 Marietta, Georgia, 30008
 (770) 428-2122
 FAX: (770) 428-9778

CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY MARK AND ALL THE PEOPLE SHALL SAY, "AMEN". Deut. 27:17

SURVEY FOR: **John Fitzpatrick & Paper Impressions**

LAND LOT: 708	DC: LT
SECTION: 10th	DIV: 1st
COUNTY: Cobb	SHR: 15th
STATE: Georgia	SURV: 2009
DATE: June 22, 2009	SCALE: 1" = 40' FOR CO-2009

SHEET

APPLICANT: John H. Fitzpatrick
770-428-8188

PETITION NO: Z-26

REPRESENTATIVE: John H. Fitzpatrick
770-428-8188

HEARING DATE (PC): 09-01-09

HEARING DATE (BOC): 09-15-09

TITLEHOLDER: John H. Fitzpatrick

PRESENT ZONING: GC

PROPOSED ZONING: CRC

PROPERTY LOCATION: Located at the northeast intersection of
Canton Road and Powell Wright Road.

PROPOSED USE: Retail

ACCESS TO PROPERTY: Powell Wright Road

SIZE OF TRACT: 3.382 acres

PHYSICAL CHARACTERISTICS TO SITE: Existing building

DISTRICT: 16

LAND LOT(S): 708

PARCEL(S): 2

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: NS/ undeveloped
- SOUTH: GC/ Moon River Street Rods
- EAST: R-20/ Wright Pines subdivision
- WEST: GC, R-15/ undeveloped

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

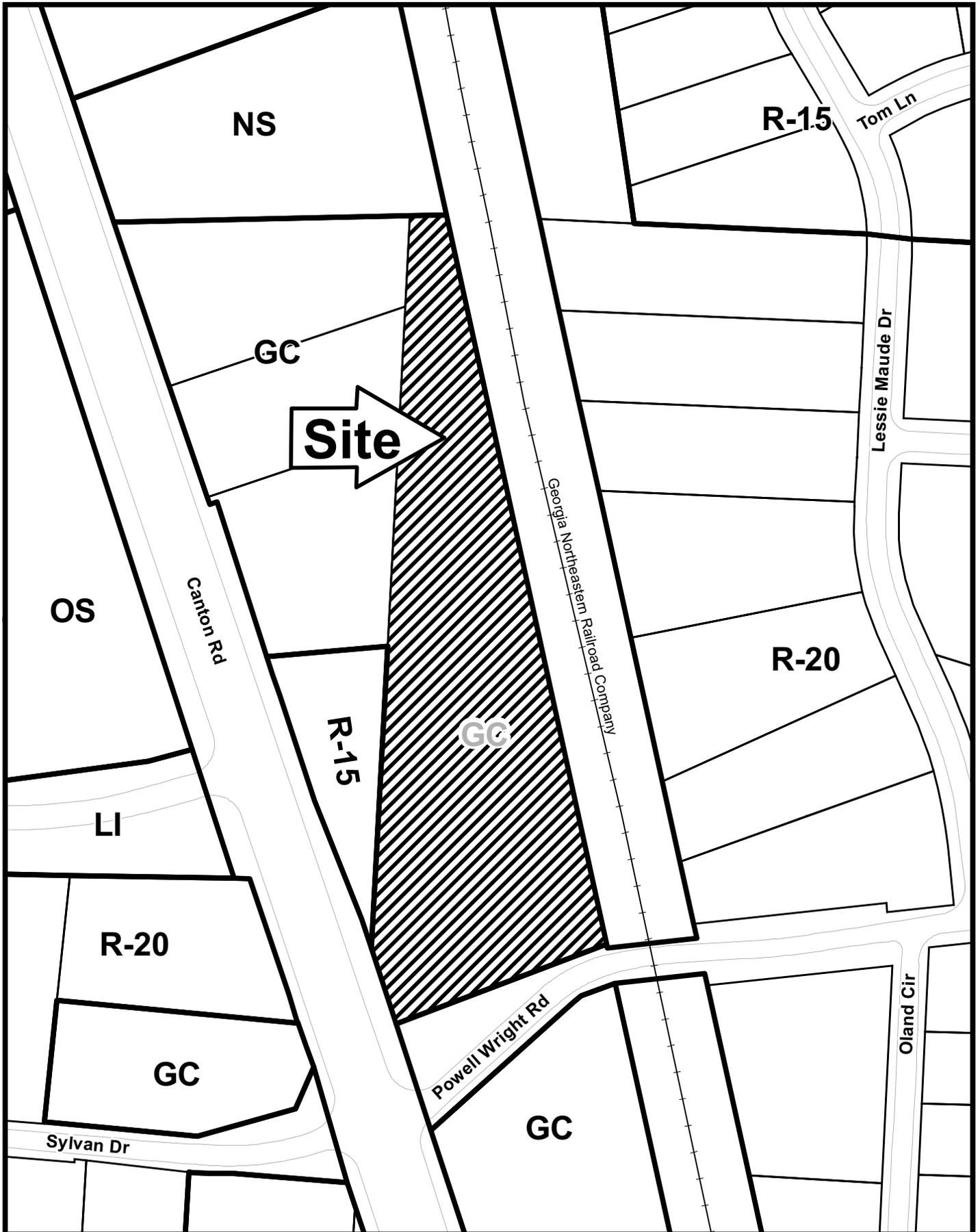
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

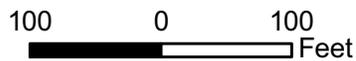
STIPULATIONS:



Z-26



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



-  City Boundary
-  Zoning Boundary

APPLICANT: John H. Fitzpatrick

PETITION NO.: Z-26

PRESENT ZONING: GC

PETITION FOR: CRC

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:** 12,000

F.A.R.: 0.08 **Square Footage/Acre:** 3,548

Parking Spaces Required: 33 **Parking Spaces Provided:** 33

The applicant is requesting rezoning to the CRC zoning district to continue to have retail businesses on this property. The property is zoned GC outside of a Community or Regional Activity Center, and could potentially lose its grandfathered status in the future. The property currently has a commercial building that has been used by a stationary company the last few years. The business is open Monday through Sunday, from 6:00 am to 9:00 pm. The existing building is one story in height with a metal exterior. 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: No comment.

FIRE COMMENTS:

If tenant changes they must submit to obtain a Certificate of Occupancy.

APPLICANT: John H. Fitzpatrick

PETITION NO.: Z-26

PRESENT ZONING: GC

PETITION FOR: CRC

PLANNING DIVISION COMMENTS:

Comprehensive Plan

The parcel is within a Neighborhood Activity Center area and CRC zoning is not compatible with the future land use map.

Master Plan/Corridor Study

According to the 2005 Canton Road Corridor Study, the following are items for consideration for the subject parcel:

- The site is in the general vicinity of a “Home Run” site (Map #6) for mixed use development.
- Retail and office uses should be restricted so that there are no twenty-four (24) hour establishments along the corridor.
- The parcel is outside the area covered by the Main Street Design Principles.
- When the property is redeveloped, the NAC designation areas shall allow a maximum building footprint of 35,000 sq. ft. for retail uses.
- When the property is redeveloped, all aspects of the Canton Road Design Guidelines will need to be incorporated into the site plan and architecture of the site.
- During the study, the parcel is included in an area designated as Mixed-Use/Loft District. Retrofit designs should consider increased buffers from existing residential communities and possible linear/pocket parks, where appropriate.
- Staff requests that a stipulation be included that has the applicant meet the sidewalk, street tree, and street light standards as detailed in the Canton Road Design Guidelines.

Based upon these criteria, the request to rezone the property from GC to CRC to for retail use would be compatible with the intent of the Canton Road Corridor Study.

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.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area Canton Road Design Guidelines

Does the current site plan comply with the design requirements?

Yes No Not applicable

APPLICANT John H Fitzpatrick

PETITION NO. Z-026

PRESENT ZONING GC

PETITION FOR CRC

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) 8" DI / E side Canton Rd

Additional Comments: Records show address is 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: On site, N end of property
- Estimated Waste Generation (in G.P.D.): **A D F** 1200 **Peak** 3000
- 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:

This is in the Liberty Hill Sewer district. Sewer is not active as of 7/31/09. Connection will require payment of special assessment in addition to the standard system development fee

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: John H. Fitzpatrick

PETITION NO.: Z-26

PRESENT ZONING: GC

PETITION FOR: CRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little 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: John H. Fitzpatrick

PETITION NO.: Z-26

PRESENT ZONING: GC

PETITION FOR: CRC

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.

ADDITIONAL COMMENTS

1. Although no improvements are currently proposed for this site, the existing detention pond located at the southeast corner of the site needs maintenance. There is a significant amount of debris and sediment in the pond that needs to be removed.

APPLICANT: John H. Fitzpatrick

PETITION NO.: Z-26

PRESENT ZONING: GC

PETITION FOR: CRC

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	31100	Arterial	45 mph	Cobb County	100'
Powell Wright Road	1300	Local	25 mph	Cobb County	50'

*Based on 2009 traffic counting data taken by Cobb County DOT (Canton Rd).
Based on 2002 traffic counting data taken by Cobb County DOT (Powell Wright Rd)*

COMMENTS AND OBSERVATIONS

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

Powell Wright Road is classified as a Local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Install sidewalk along both road frontages.

No access to Canton Road.

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 north side of Powell Wright Road, a minimum of 25' from the roadway centerline.

Recommend installing sidewalk along both roadway frontages.

Recommend no access to Canton Road.

Recommend one access onto Powell Wright Road.

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

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

STAFF RECOMMENDATIONS

Z-26 JOHN H. FITZPATRICK

- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center. The CRC zoning district is intended for a Community Activity Center and Regional 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 deleting the applicant's rezoning proposal to NRC. The applicant's proposal would be in accordance with the *Cobb County Comprehensive Plan* with the NRC zoning district. 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. Deletion to NRC would still allow the applicant to have a large range of retail businesses.

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

- Site plan received by the Zoning Division July 1, 2009, with the District Commissioner approving minor modifications;
- When the property is redeveloped, all aspects of the Canton Road Design Guidelines will need to be incorporated into the site plan and architecture of the site.
- No outdoor storage;
- 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.

REZONING IMPACT ANALYSIS

- (a) This rezoning application is necessitated due to Cobb County changing the Land Use Plan on the Canton Highway corridor. The property is currently zoned GC, and has been since the 1970's. The LUP was originally a CAC and was changed to a NAC.
- (b) This zoning should have no adverse effect on the existing use, except to reduce the value of the real estate, and it will not affect the adjacent commercial zonings.
- (c) The subject property as currently zoned has a greater economic use than the proposed zoning designation.
- (d) This zoning will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (e) The proposed zoning is in conformity with the Land Use Plan/Map of Cobb Cty.
- (f) There are no changing conditions affecting the use of the subject property. Canton Highway has been a 5 lane major thoroughfare serving north Cobb County and Cherokee County.

