

Z-30
(2009)

Preliminary Plan 4665 Canton Road

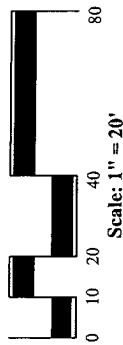
Cobb County, Georgia
Land Lot(s) 85 & 132, 16th District, 2nd Section

prepared for:

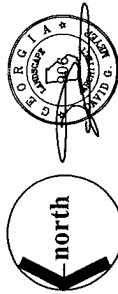
S&D Property Holdings, LLC

DGM
LAND PLANNING
CONSULTANTS

DGM
975 Cobb Place
Buna, Sims 212
KENNESAW
GA 30144
770 514-8006
FAX 514-9491



August 6, 2009



Site Data

Total Site Area: 28,306 SF
Present Zoning: GC
Proposed Zoning: NRC
Minimum Lot Size: 20,000 SF

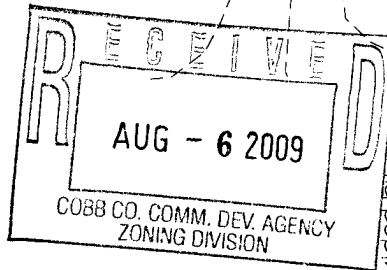
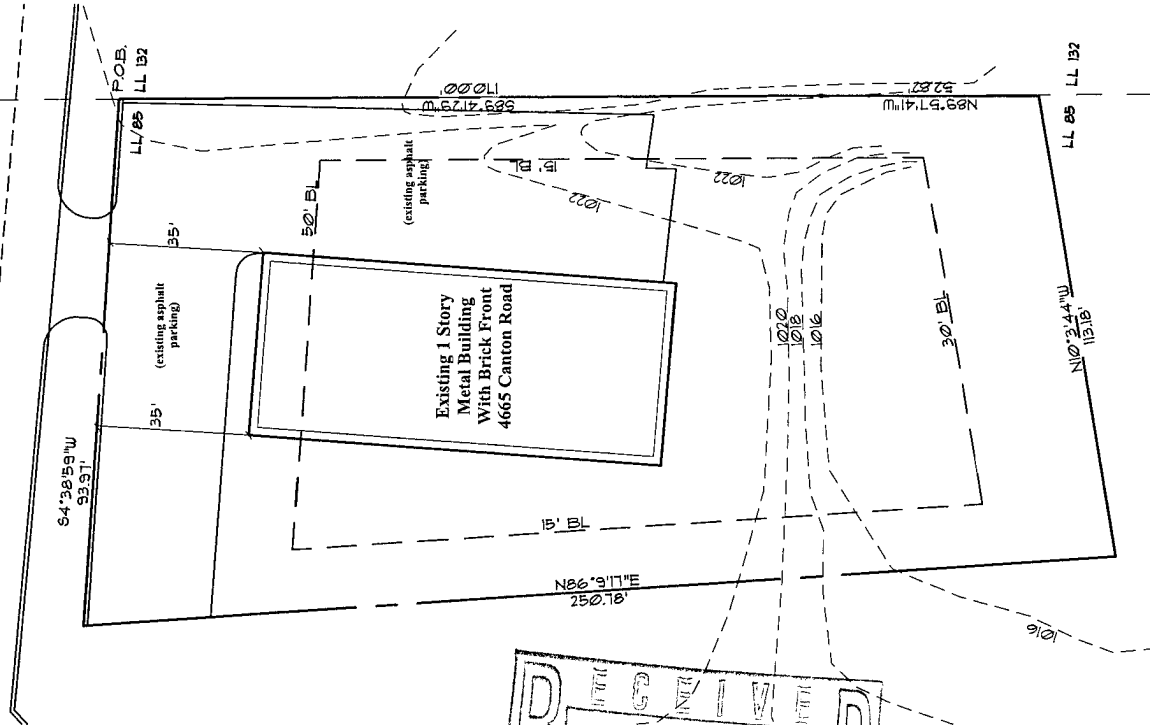
*Variance Request:

1. Reduce Front Setback to 35'.

Notes:

1. Boundary survey and topographic information provided by Cobb County GIS.
2. According to Flood Insurance Rate Map (FIRM) #13061C0034 G., December 16, 2008, no portion of this site lies within the 100 year intermediate flood plain.
3. No cemeteries are known to exist on site.
4. No streams or wetlands are known to exist on site.
5. No archeological or architectural landmarks are known to exist on site.
6. No utility easements are known to exist on site.
7. No site improvements are proposed, therefore no additional stormwater management structures will be required.

Canton Highway (100' r/w)



APPLICANT: S & D Property Holdings, LLC
770-652-6871

PETITION NO: Z-30

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP
J. Kevin Moore 770-429-1499

HEARING DATE (PC): 10-06-09

HEARING DATE (BOC): 10-20-09

TITLEHOLDER: S & D Property Holdings, LLC

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPERTY LOCATION: Located on the west side of Canton Road,
south of Jamerson Road.

PROPOSED USE: Light Automotive Repair

ACCESS TO PROPERTY: Canton Road

SIZE OF TRACT: 0.64 acre

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Existing building

LAND LOT(S): 85,132

PARCEL(S): 17

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: GC/ Used car lot
- SOUTH: NRC/ Alarm contractor
- EAST: HI/ Thomas Concrete
- WEST: GC/ Auto repair

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

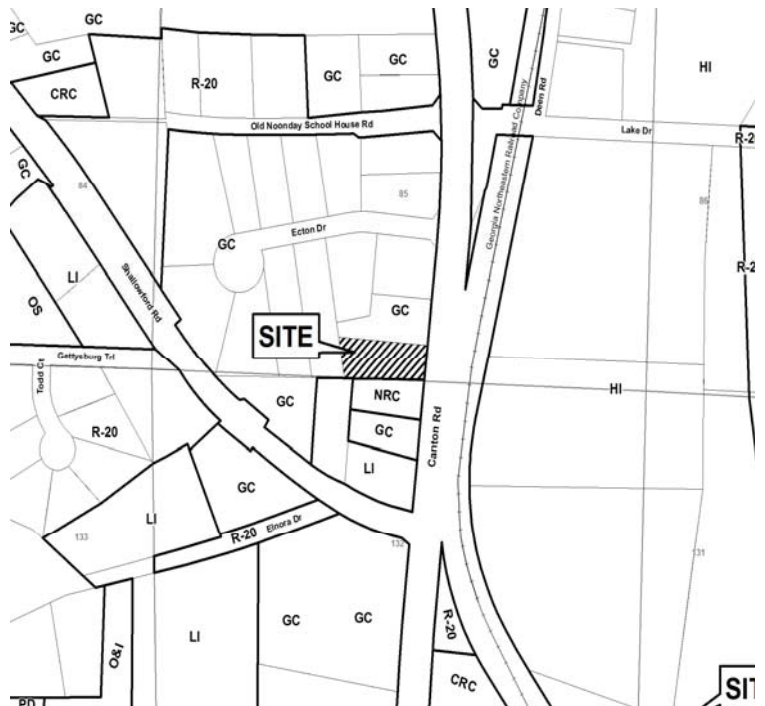
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

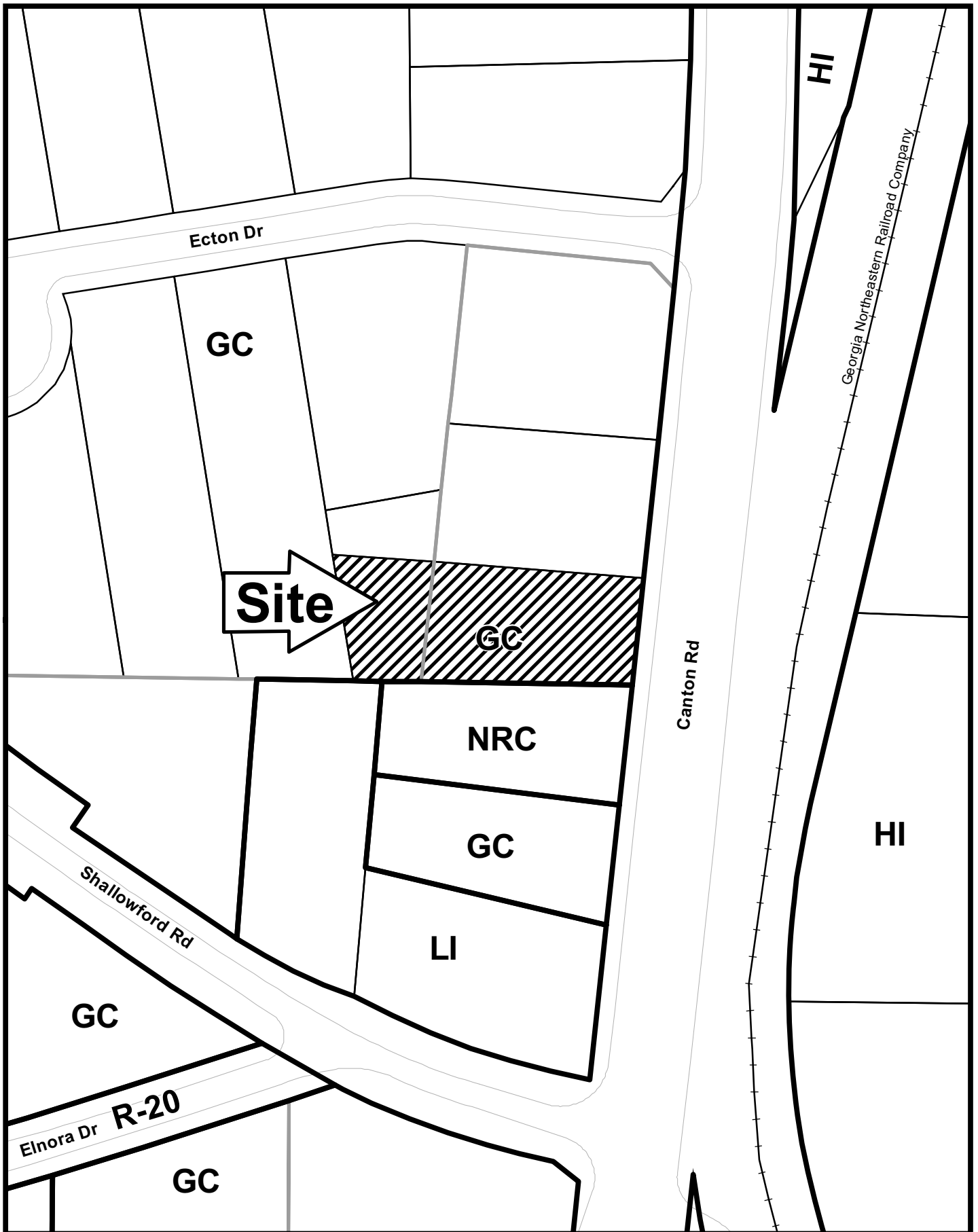
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

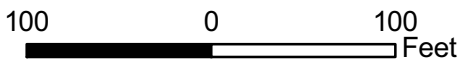
STIPULATIONS:





Z-30



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



-  City Boundary
-  Zoning Boundary

APPLICANT: S & D Property Holdings, LLC

PETITION NO.: Z-30

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:** 4,400

F.A.R.: 0.15 **Square Footage/Acre:** 6,875

Parking Spaces Required: 22 **Parking Spaces Provided:** 22

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 use the property for a light automotive repair business. The business is anticipated to be open Monday through Friday, from 8:00 am to 5:00 pm. The existing building is one story in height with a brick front. The applicant would need three contemporaneous variance for the front setback (35-feet in lieu of 50-feet). The applicant has submitted a Zoning Impact Statement, which is attached for review (see Exhibit "A").

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comments.

FIRE COMMENTS:

If changes have accord since the Certificate of Occupancy was issued, the occupant must submit to the Cobb County Fire Marshal's Office.

If the business name changes from "Superior Automotive" then a name change application must be completed at the Cobb County Fire Marshal's Office.

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.

All fuel tanks must be submitted to Cobb County Fire Marshal's Office for approval call 770-528-8328.

APPLICANT: S & D Property Holdings, LLC

PETITION NO.: Z-30

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING DIVISION COMMENTS:

Master Plan/Corridor Study

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

- Retail and office uses should be restricted so that there are no twenty-four (24) hour establishments along the corridor.
- The site is located in an area that has been identified as a redevelopment site, but outside of the area theorized for mixed-use development (Map #8);
- 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.
- Area from New Chastain Road to the Cherokee County line is identified as a Campus District to take advantage of the existing office and educational uses, but the areas marked for potential redevelopment & land use changes are north of the subject parcel.
- 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 NRC 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 S & D Property Holdings, LLC

PETITION NO. Z-030

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 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: At south property line, rear

Estimated Waste Generation (in G.P.D.): **A D F** 500 **Peak** 1250

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 indicate previous connection; currently inactive

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: S & D Property Holdings, LLC

PETITION NO.: Z-30

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: S & D Property Holdings, LLC

PETITION NO.: Z-30

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. Due to the age of this existing facility, no stormwater management or water quality has been provided. Since vehicular maintenance facilities are considered water quality hot spots due to the potential for discharge of contaminated runoff it is recommended that some type of best management practice be installed on the site. As a minimum, a small berm should be created along the rear of the site to direct runoff to the existing discharge point near the southwest corner of the rear parking area. A concrete pad and flume could be constructed at this point and a sorbent boom installed as a spill prevention measure.
2. Full stormwater management for the site will be required upon re-development.

APPLICANT: S & D Property Holdings, LLC

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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	24500	Arterial	45 mph	Cobb County	100'

Based on 2007 traffic counting data taken by Cobb County DOT (Canton Rd).

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 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 of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Canton Road, a minimum of 50' from the roadway centerline.

Recommend installing sidewalk along Canton Road frontage.

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-30 S & D PROPERTY HOLDINGS, LLC

- 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.

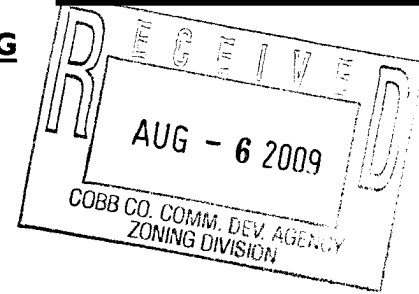
Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division August 6, 2009, with the District Commissioner approving minor modifications;
- Subject to the Canton Road Design Guidelines;
- Planning Division comments;
- 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.

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT



Application No.: Z- 30 (2009)
Hearing Dates: October 6, 2009 and
October 20, 2009

Applicant/Titleholder: S&D Property Holdings, LLC

Analysis of impact of the proposed rezoning with respect to the following:

- (a) This Application for Rezoning requests rezoning of a 0.64 acre tract from the existing zoning category of General Commercial ("GC") to the proposed zoning category of Neighborhood Retail Commercial ("NRC"). The requested category of NRC will permit uses that are more suitable in view of the location and use of adjacent and nearby properties. The GC zoning classification does not allow continued commercial uses on the Subject Property. Applicant is seeking rezoning to the NRC category to allow the Subject Property to become economically viable. The lot immediately adjacent to the southerly boundary of the Subject Property has been rezoned to the NRC zoning category, as well as granted certain variances. Additionally, properties to the east, located across Canton Highway, are zoned to the Heavy Industrial ("HI") zoning category; and, two properties south of the Subject Property, and northerly of the intersection of Canton Highway and Shallowford Road, are zoned to the Light Industrial ("LI") zoning category. Applicant proposes minor upgrades and refurbishing of the existing building in order for it to be leased for use as a light automotive repair shop.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed use should have a minimal, if any, impact on surrounding properties. The rezoning should have a positive effect due to the use of the existing structure and improvements and maintenance to the property. If approved and used according to the request, the adjacent and nearby property owners should benefit in higher land values. The county will benefit in increased tax revenue.
- (c) The property as zoned does not have a reasonable economic use.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia.
- (f) This zoning proposal is consistent with the current conditions affecting the Subject Property.