

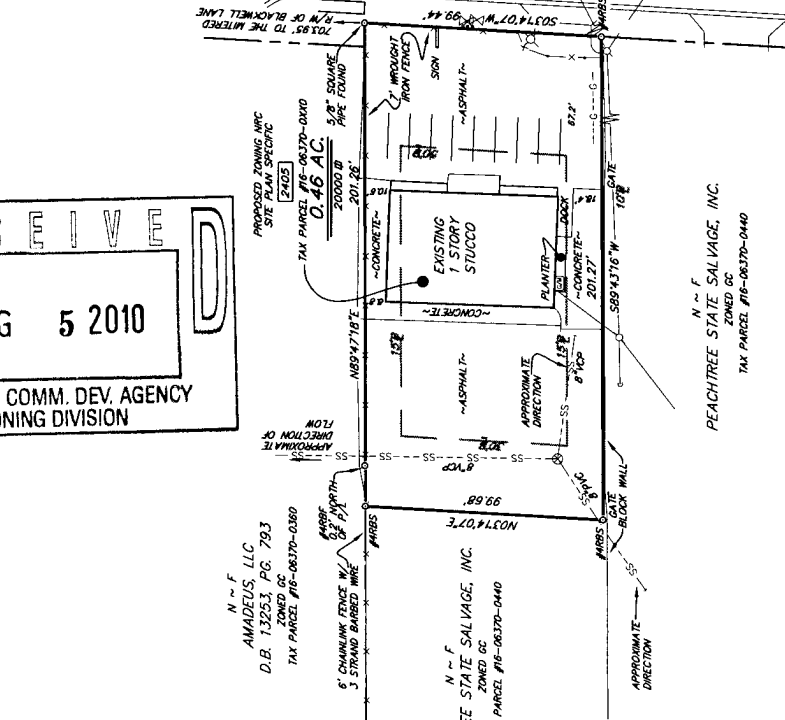
Z-31
(2010)

PROPERTY LINE DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 637 OF THE 82D DISTRICT AND SECTION COBB COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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RECEIVED
AUG 5 2010
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

PROPOSED FORMER APC
SITE PLAN SYNOPTIC
2403
0.46 AC
20000.00
5.8" SQUARE
PIPE FOUND



N ~ F
AMAIDEUS, LLC
D.B. 13253, PG. 793
ZONED GC
TAX PARCEL #16-0837D-0380

N ~ F
PEACHTREE STATE SALVAGE, INC.
ZONED GC
TAX PARCEL #16-0837D-0440



VARIANCE NOTES:

- EXISTING 1 STORY STUCCO WAS BUILT IN 1974 AS PER COBB COUNTY TAX ASSESSOR'S OFFICE.
- REQUEST TO VARY RIGHT SIDE BUILDING LINE WHERE EXISTING BUILDING IS OVER.
- PER 200 SF OF FLOOR SPACE, BUILDING IS 3270 S.F. CURRENTLY THERE ARE 9 PARKING SPACES IN FRONT OF THE BUILDING.

LEGEND	
○	P.P. - POWER POLE
○	L.P. - LIGHT POLE
⊗	F.H. - FIRE HYDRANT
⊗	M.H. - SANITARY SEWER MANHOLE
⊗	W.M. - WATER METER
⊗	G.M. - GAS METER
○	R.B.S. - REINFORCING BAR SET
○	R.B.F. - REINFORCING BAR FOUND
○	C.T.F. - CRIMP TOP PIPE FOUND
○	O.T.F. - OPEN TOP PIPE FOUND
□	R/W MON. - RIGHT-OF-WAY MONUMENT
-x-	TYPE OF FENCE
○	J.B. - JUNCTION BOX
□	D.I. - DROP INLET / YARD INLET
□	C.B. - CATCH BASIN
==	R.C.P. - REINFORCED CONCRETE PIPE
==	C.M.P. - CORRUGATED METAL PIPE
---	F.F.E. - FINISHED FLOOR ELEVATION
⊗	WATER VALVE
○	S.O. SEWER CLEAN OUT
⊗	TELEPHONE MANHOLE
⊗	H.W. - HEADWALL
⊗	O.P.B. - OVERHEAD POWER LINES
⊗	P.W.B. - POWERBOX
⊗	S.T.A. - STREET ADDRESS
---	-W-W- WATER LINE
---	-T-T- UNDERGROUND TELEPHONE LINE
---	-G-G- GAS LINE
---	-E-E- UNDERGROUND ELECTRICAL LINE

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X ACCORDING TO FEMA (F.L.A.) COMMUNITY NUMBER 130032 MAP NUMBER 13067 C.0044 G. DATED DECEMBER 16, 2008.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. PRESCRIPTION MAPS, SUBJECT TO EASMENTS, ISLANDS, MARSH OR RECORDED, THIS DRAWING THEM UNDER DETERMINED AND NOT SHOWN. THIS DRAWING IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FINE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER. LINEAR PRECISION OF TRAVERSE: 1/32403 ANGULAR PRECISION OF THIS PLAT: 1/105,868 MATTERS OF TITLE ARE EXCEPTED. ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/105,868 MATTERS OF TITLE ARE EXCEPTED.



SURVEY FOR:
TONY LITTLE
2405 CANTON HIGHWAY

LOCATED IN L.L. 637
16th DISTRICT, 2nd SECTION
COBB COUNTY, GA.

DATE: 4-22-10
SCALE: 1" = 40'
DRAWN BY: MAN
CHECKED BY: CAF
FIELD BOOK: 558
REVISIONS: 6-2-10 ADD VARIANCE NOTES

Gaskins
ENGINEERING & SURVEYING • LAND PLANNING • ENVIRONMENTAL
1266 Powder Springs Rd
Marietta, Georgia 30064
Phone: (770) 824-1648
www.gaskinsinc.com
Fax: (770) 824-1593

APPLICANT: Peach State Salvage, Inc.

770-429-5574

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP

J. Kevin Moore 770-429-1499

TITLEHOLDER: Peach State Salvage, Inc.

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

ACCESS TO PROPERTY: Canton Road

PHYSICAL CHARACTERISTICS TO SITE: Existing one story
stucco.

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: GC/ Tile store
- SOUTH: GC/ Rustique
- EAST: NRC/ Bay Breeze Restaurant
- WEST: GC/ Retail Commercial

PETITION NO: Z-31

HEARING DATE (PC): 10-05-10

HEARING DATE (BOC): 10-19-10

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Retail

SIZE OF TRACT: 0.46 acre

DISTRICT: 16

LAND LOT(S): 637

PARCEL(S): 44

TAXES: PAID X DUE _____

COMMISSION DISTRICT: _____

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

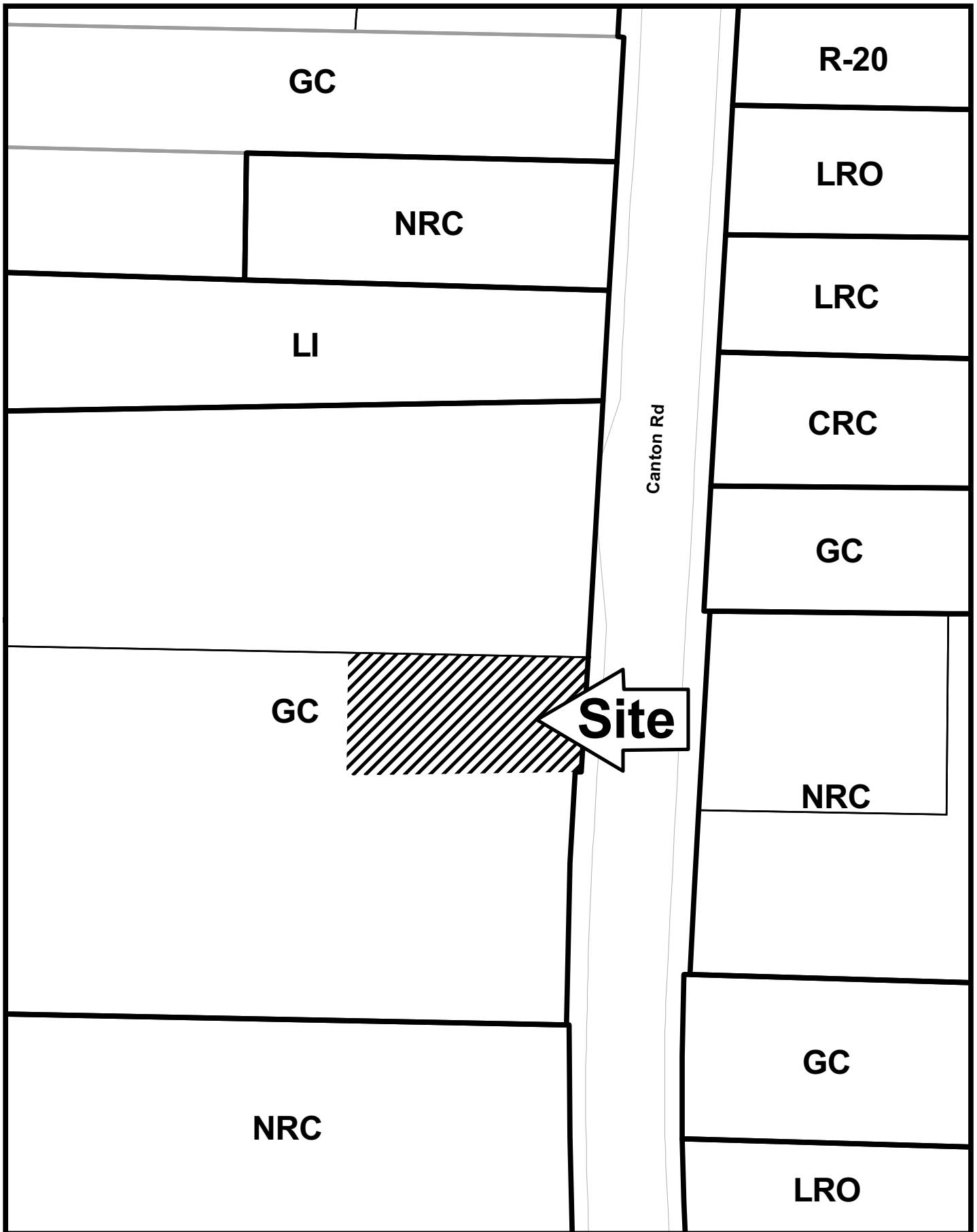
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

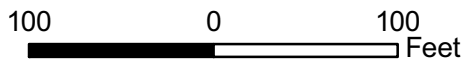
STIPULATIONS:





Z-31



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Peach State Salvage, Inc.

PETITION NO.: Z-31

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 3270

F.A.R.: .16 **Square Footage/Acre:** 7,108

Parking Spaces Required: 17 **Parking Spaces Provided:** 17

The applicant is requesting rezoning to the NRC Neighborhood Retail Commercial zoning district to be allowed to lease the existing, upgraded building for a retail commercial use as it is currently zoned GC General Commercial and is located outside of a Community or Regional Activity Center and has lost its “grandfathered” status. Unoccupied for more than two years, the structure has been renovated; including painting and new bathrooms, but must be rezoned in order to lease to a new tenant. The applicant has submitted a Zoning Impact Analysis (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:

Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.

STORMWATER MANAGEMENT COMMENTS:

The proposed use for this site is uncertain. If the future use is one that could be considered a “water quality hot-spot” (ie. automotive repair, landscaping service, etc.) then the owner will be required to install/retro-fit some type of water quality best management practice on the site. Full stormwater management measures will be required upon redevelopment.

APPLICANT: Peach State Salvage, Inc.

PETITION NO.: Z-31

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 for mixed use development (Map #8); it is also located in the southern portion of the corridor representing the Loft District concept. This area provides a transition from the City of Marietta’s Historic Area.
- 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.
- 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.

Design Guidelines

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

The Canton Road Design Guidelines cover only non-residential properties fronting Canton Road.

If yes, design guidelines area: Canton Road Design Guidelines

Does the current site plan comply with the design requirements?

Yes No Not applicable

APPLICANT Peach State Salvage, Inc.

PETITION NO. Z-031

PRESENT ZONING GC

PETITION FOR NRC

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): **12" DI / W side Canton Rd**

Additional Comments: A separate CCWS meter to serve new parcel allowed only in conjunction with a separate sewer connection to CCWS sewer.

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: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: **At site**

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

Treatment Plant: **Noonday**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form ans stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments: Records show property as connected. Private easements may be necessary if sewer services cross new property lines.

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 offsite easements, dedication of on and/or offsite 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: Peach State Salvage, Inc.

PETITION NO.: Z-31

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 Road	32500	Arterial	45 mph	Cobb County	100'

Based on 2009 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 along Canton 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 the 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

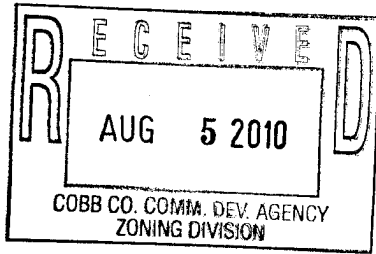
Z-31 PEACH STATE SALVAGE, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed retail commercial use which will be allowed by the current rezoning request is in keeping with other neighboring retail uses.
- 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 request for NRC is in keeping with more recent rezonings along Canton Road and will be a more restrictive commercial category than the previous GC zoning category.
- 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*. Located within an area delineated within a Neighborhood Activity Center, the request for NRC zoning is supported.
- 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 APPROVAL of the applicant's rezoning proposal. The applicant's is located in a commercial area. The applicant's property has been used commercially for a very long time.

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

- Site plan received by the Zoning Division August 5, 2010, with the District Commissioner approving minor modifications;
- No outdoor storage;
- Fire Department comments and recommendations;
- Stormwater Management comments and recommendations;
- Planning Division comments and recommendations; and
- Cobb DOT comments and recommendations.

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.



IMPACT ANALYSIS STATEMENT

Application No.: Z- 31 (2010)
Hearing Dates: October 5, 2010
October 19, 2010

Applicant/Titleholder: Peach State Salvage, Inc.

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

- (a) The Applicant/Owner is seeking the rezoning of a portion of a larger tract from the existing General Commercial ("GC") zoning category to the Neighborhood Retail Commercial ("NRC") zoning category to allow for retail uses. The overall tract is approximately 3.23 acres and is more particularly known as 2427 Canton Road (Tax Parcel No. 16063700440). The portion of the overall tract which is the subject of this Application for Rezoning is a 0.46 acre tract located adjacent to Canton Road (hereinafter "Property" or "Subject Property"). The requested category of NRC will permit a use which is suitable for the Subject Property, utilizing the existing structure, and which is in line with the uses of properties within the surrounding area. The existing structure has been unoccupied for over two years and was previously used for the sale of pools and spas. The existing structure has recently been renovated; including, painting and new bathrooms. Properties surrounding the Subject Property are zoned to the General Commercial ("GC"), Neighborhood Retail Commercial ("NRC"), Light Industrial ("LI"), Neighborhood Shopping ("NS"), Community Retail Commercial ("CRC"), Low Rise Office ("LRO"), Low Rise Commercial ("LRC"), as well as R-20 residential categories.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby properties. The proposed use of the Subject Property should have a lesser impact on surrounding properties than the uses allowed under the existing GC zoning category. If approved and utilized according to the request, the adjacent and nearby property owners should benefit in increased land values.
- (c) The Subject Property, as presently zoned, does not have a reasonable economic use due to the loss of grandfathered use under the GC zoning category. The proposed zoning will allow for a higher and better use of the Subject Property.
- (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, as well as in conformity with the policy and intent of the Land Use Plan.

- (f) This zoning proposal is consistent with the current conditions affecting the development of this Property. As set forth above, the Property has been vacant for over two years. Rezoning the Subject Property to the NRC category would allow for a retail use to occupy the recently refurbished and upgraded building, which, in turn, will allow for a more suitable and economic use without high impact into any neighboring residential areas. Additionally, the Subject Property has its own curb cut which allows a business to operate independently from the larger, overall tract without any infrastructure upgrades. The improved Canton Road corridor would support the proposed usage of the Subject Property for a “neighborhood commercial” category.