

MAR - 3 2011



Site Data

Total Site Area: .68 AC
 Present Zoning: GC
 Proposed Zoning: NRC
 Building Area Shown: 3,600 SF +/-

Rezoning Request Plan

4861 Canton Road
 Land Lot 60, 16th District, 2nd Section
 Cobb County, Georgia

prepared for:

Robert L. Woody

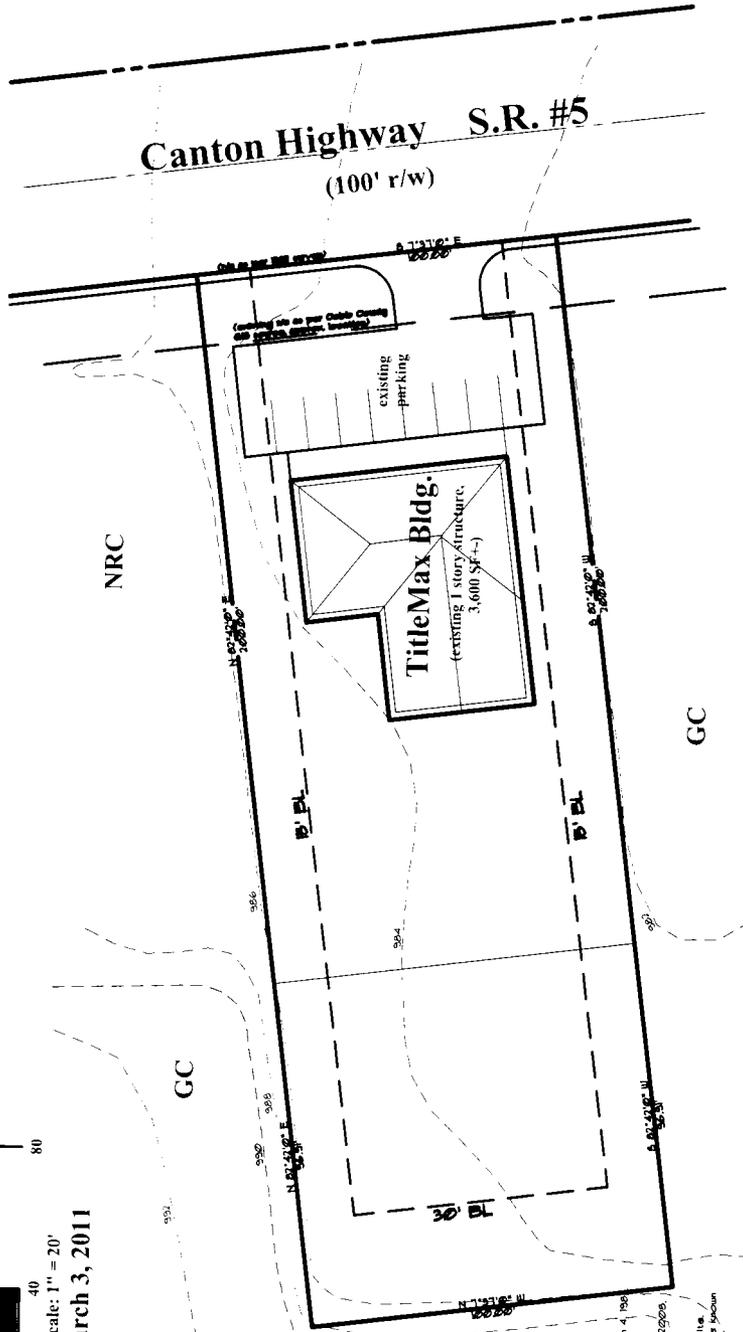


Scale: 1" = 20'
 March 3, 2011

DGM
 LAND PLANNING
 CONSULTANTS

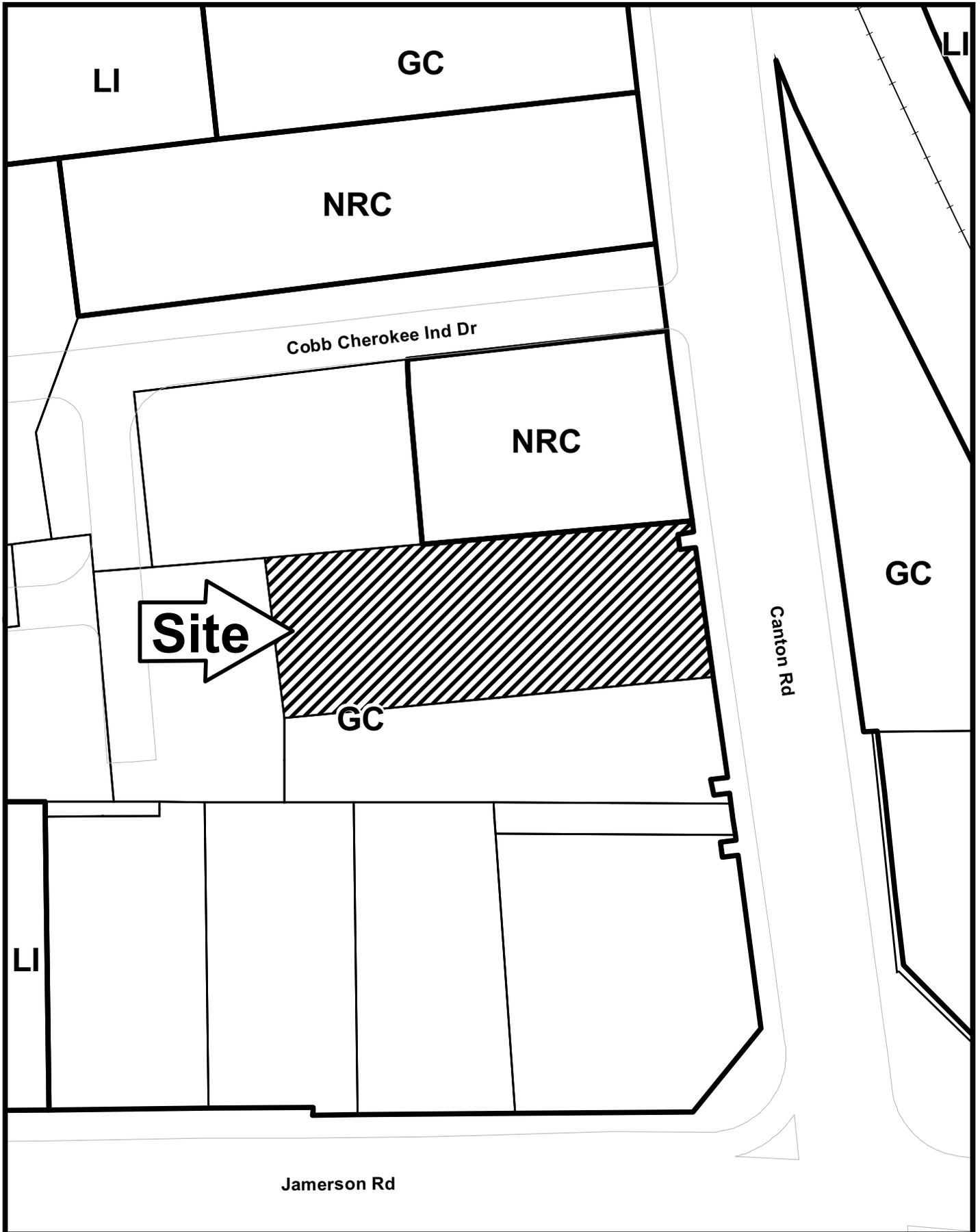


975 Oak Hill
 P.O. Box 212
 ALPHARETTA,
 GA 30114
 770 314-9006
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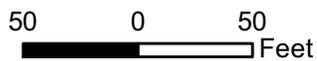


- Notes:**
1. Boundary survey from A.O. Gentile, dated March 4, 1988.
 2. Topographic information by Cobb County GIS.
 3. According to Flood Insurance Rate Map (FIRM) 130601C0034G, dated December 16, 2009, no portions of the site are in a flood plain.
 4. No cemeteries are known to exist on site.
 5. No streams or wetlands are known to exist on site.
 6. No archaeological or architectural landmarks are known to exist on site.
 7. No utility statements are known to exist on site.

Z-16



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



- City Boundary
- Zoning Boundary

APPLICANT: TitleMax

PETITION No.: Z-16

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: NAC Neighborhood Activity Center

Proposed Number of Buildings: 1

Total Square Footage of Development: 3,600

F.A.R: .12

Square Footage/Acre: 5,294

Parking Spaces Required: 13

Parking Spaces Provided: 9

This application is filed for the purpose of the existing TitleMax business at 4861 Canton Road to add an insurance component to their existing business operations. Because they must apply for an additional business license for this additional component to their business, the applicant has filed for rezoning to the NRC neighborhood retail commercial district as their current GC general commercial district zoning is "grandfathered" as a result of its location within an NAC neighborhood activity center future land use designaion. Yet, GC zoning is necessary for the title pawn component. No additions to the parcel are proposed, only utilizing the existing building and parking as-is. To account for the existing parking deficiency of four (4) spaces, the request may be approved site plan specific. Hours of opertaion will remain Monday through Friday 9:00 a.m. to 7:00 p.m. and Saturday 10:00 a.m. to 4:00 p.m. TitleMax does not sell or store vehicles on site; its operation most resembling that of any other office/financial institution. The zoning impact analysis is attached for review.

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: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

APPLICANT: TitleMax

PETITION NO.: Z-16

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING DIVISION COMMENTS:

Master Plan/Corridor Study
Canton Road Corridor Study

Design Guidelines

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

If yes, design guidelines area Canton Corridor Streetscape and Architectural Guidelines

Does the current site plan comply with the design requirements?

Yes No Not applicable

APPLICANT TitleMax

PETITION NO. Z-016

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 Road**

Additional Comments: Records show property connected and active

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: **East side of Canton Road**

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

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 and 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: Health Dept approval required for continued use of existing septic system. Connection to sewer may be required based upon Health Dept assessment.

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: TitleMax

PETITION NO.: Z-16

PRESENT ZONING: GC

PETITION FOR: NRC

DRAINAGE COMMENTS

No site changes or improvements are currently proposed for this existing facility. However, if any additions or redevelopment is considered in the future the site will need to meet the current stormwater management requirements.

APPLICANT: TitleMax _____

PETITION NO.: Z-16 _____

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	24500	Arterial	45 mph	Cobb County	100'

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

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.

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 road frontage.

Recommend no parking on the right-of-way.

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-16 TitleMax

- 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 request, necessitated by the addition of another business component to the existing operations, is meant to bring the property back into zoning compliance since having become “grandfathered” due to its current zoning and future land use designations.
- 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. In fact, the requested rezoning, by way of bringing the property back into zoning compliance, may serve to further encourage improvements to this and surrounding parcels.
- 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, substantively, is in conformity with the policy and intent of the *Cobb County Comprehensive Plan* which delineates this property to be within the NAC Neighborhood Activity Center land use category. This category supports such low-key commercial services of the kind similar to the applicant. Yet, the zoning regulations require pawn of any kind to be zoned GC.
- 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. Currently “grandfathered,” the present request would allow the property to return to zoning compliance, confirming existing and proposed uses on the site, while expanding the services offered by the applicant and utilizing the existing building and property as-is.

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

- Site Plan received by Zoning Division on March 3, 2011 with District Commissioner approving minor modification;
- Letter of Agreeable Stipulations from applicant’s representative dated April 6, 2011, not in conflict;
- Title pawn and insurance sales only;
- Canton Road Design Guidelines;
- Fire department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- 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.

May 2011

Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

Proposed unit square-footage(s): _____

Proposed building architecture: _____

Proposed selling prices(s): _____

MAR - 3 2011

a) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

a) Proposed use(s): Adding an insurance component to the existing TitleMax business.

b) Proposed building architecture: The as-built is reflected on the Cobb County Tax Assessor's Office records.

c) Proposed hours/days of operation: Monday through Friday 9:00 a.m. to 7:00 p.m. and Saturday 10:00 a.m. to 4:00 p.m.

d) List all requested variances: N/A

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The subject property is presently zoned in the GC classification and constitutes a non-conforming "grandfathered" use because of the fact it is located outside of the confines of a RAC or a CAC. In fact, the property is located within the confines of a Neighborhood Activity Center (NAC) which contemplates the existing and proposed uses sought by the Applicant.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where those properties are located.)

N/A

*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

**Z-16
(2011)**

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
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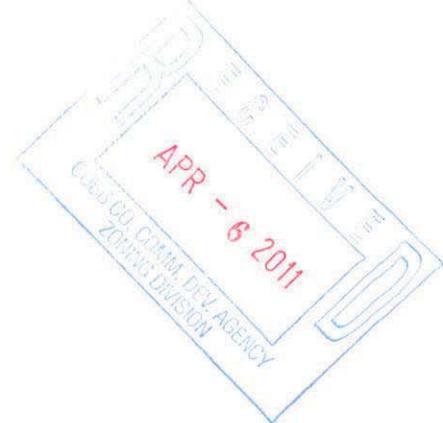
MELISSA P. HAISTEN
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

April 6, 2011

VIA EMAIL AND HAND DELIVERY

Mr. Terry Martin, Planner II
Cobb County Community Development Agency
Zoning Division
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Application of TitleMax to Rezone a 0.68 Acre Tract from GC to NRC (No. Z-16)

Dear Terry:

As you know, this firm has been engaged by and represents TitleMax concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on March 3, 2011 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on May 17, 2011.

While this Application has been pending, we have established a dialogue with the County's professional staff, Canton Road Neighbors ("CRN"), Northeast Cobb Homeowners Group ("NECHG"), Northeast Cobb Coalition ("NECC") and area business and property owners. In that regard, the following is a list of stipulations which TitleMax agrees to becoming conditions and a part of the grant of the rezoning and binding upon the subject property thereafter:

1. The stipulations and conditions herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

VIA EMAIL AND HAND DELIVERY

Mr. Terry Martin, Planner II
Cobb County Community Development Agency
Zoning Division
April 6, 2011
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2. The subject property has been previously developed and a 3,600 sq. ft. building constructed thereon and shall remain in substantial conformity to that certain site plan prepared by DGM Land Planning Consultants which was submitted contemporaneously with the Application for Rezoning.
3. The architectural style and composition of the building shall remain the same as its present as-built condition. Any modifications to the existing building shall be subject to review and approval by the District Commissioner.
4. The hours of operation shall be from 9:00 a.m. until 7:00 p.m. Monday through Friday and from 10:00 a.m. until 4:00 p.m. on Saturdays. The business will be closed on Sundays.
5. Subject to recommendations from the Cobb County Stormwater Management Division with respect to the ultimate location and configuration of on-site detention and/or stormwater management and water quality issues.¹
6. Compliance with the Canton Road Corridor design criteria upon full redevelopment of the subject property.
7. Subject to the following recommendations from the Cobb County Department of Transportation:
 - a) The voluntary donation and conveyance of right-of-way on the west side of Canton Road so that the County can achieve a minimum of fifty feet (50') from the roadway centerline.
 - b) Upon a full redevelopment of the subject property, the installation of sidewalk, curb and gutter along Canton Road.

¹ The Stormwater Management Division has informed the Applicant that there will be no requirement for the installation of stormwater detention or water quality except upon a full redevelopment of the subject property.

VIA EMAIL AND HAND DELIVERY

Mr. Terry Martin, Planner II
Cobb County Community Development Agency
Zoning Division
April 6, 2011
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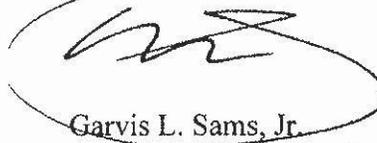
8. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.²
9. Subject to recommendations from the Cobb County Fire Department.
10. The District Commissioner shall have the authority to make minor modifications to these stipulations and the site plan.

The subject property is presently zoned in the GC classification and constitutes a non-conforming "grandfathered" use because of the fact that it is located outside of the confines of a Regional Activity Center (RAC) or a Community Activity Center (CAC). The purpose of the rezoning is to seek approval for adding an insurance component, under and pursuant to the Georgia Industrial Loan Act ("GILA"), to the existing TitleMax business.

Please do not hesitate to call should you require any additional information or documentation prior to the formulation of your Zoning Analysis and Staff Recommendations to the Planning Commission and Board of Commissioners. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./dsj

² Assuming no changes to the building and based upon the continuation of office uses contained therein, the property will continue to utilize the existing septic system so long as same is properly permitted and functioning appropriately.

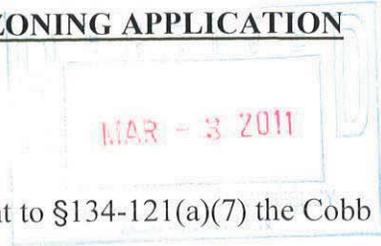
VIA EMAIL AND HAND DELIVERY

Mr. Terry Martin, Planner II
Cobb County Community Development Agency
Zoning Division
April 6, 2011
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cc: Members, Cobb County Board of Commissioners (via email and hand delivery)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP, Director
Community Development Agency (via email)
Mr. John P. Pederson, AICP, Manager (via email)
Ms. Jane Stricklin, P.E. (via email)
Mr. David Breaden, P.E. (via email)
Ms. Karen L. King, Assistant County Clerk (via hand delivery)
Ms. Lori Presnell, Deputy County Clerk (via hand delivery)
Ms. Carol Brown, CRN (via email)
Mr. Norm DeWalt, President, NECHG (via email)
Mr. Lee Berg, NECC (via email)
Mr. Clay Collins, TitleMax (via email)
Ms. Maya Chandler (via email)

Z-16
2011

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF TITLEMAX**



COMES NOW, TITLEMAX, and, pursuant to §134-121(a)(7) the Cobb County Zoning Ordinance, files this its Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Canton Road Corridor.

- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties, the majority of which are commercial.

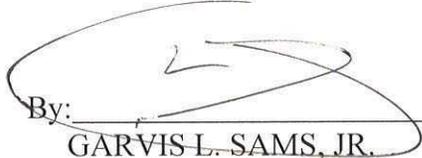
- C. The subject property to be affected by the zoning proposal has limited economic use as currently zoned, because of its “grandfathered” non-conforming status.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

- E. The zoning proposal is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being within an existing Neighborhood Activity Center (NAC).
- F. There is no substantial relationship between the existing zoning classification of General Commercial (GC) which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Canton Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 3rd day of March, 2011.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.

Attorney for Applicant

Ga. Bar No. 623950