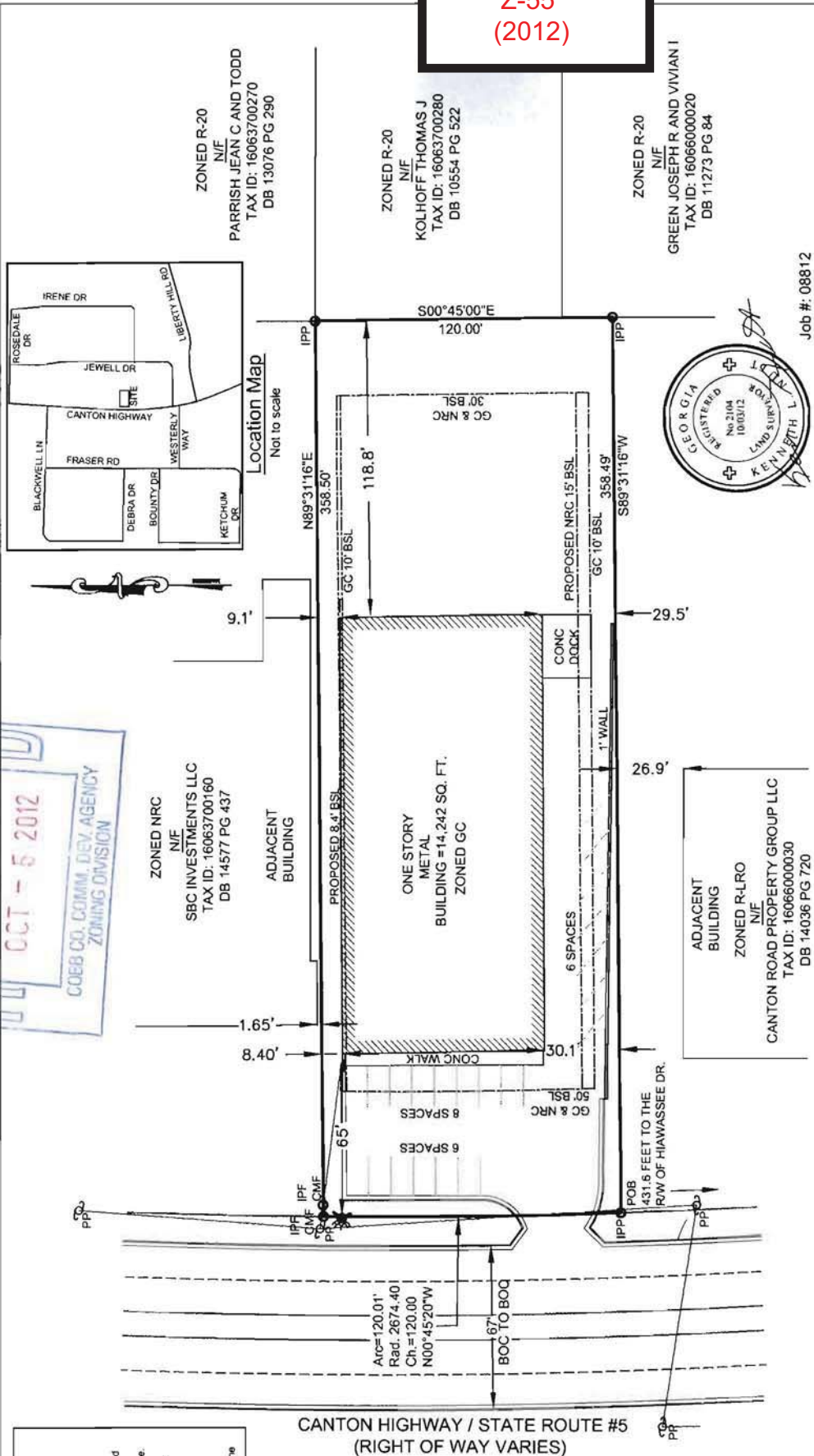


Z-55
(2012)



RECEIVED
 OCT - 5 2012
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

- LEGEND**
- SS = Sanitary Sewer
 - PP = Power Pole
 - IPF = Iron Pin Found
 - OPF = Iron Pin Found
 - POB = Point of Beginning
 - CMF = Concrete Man Found
 - SSE = Sanitary Sewer Easement
 - PL = Property Line
 - DE = Drainage Easement
 - WM = Water Meter
 - WV = Water Valve
 - FH = Fire Hydrant
 - FW = Right of Way
 - BL = Building Setback Line

ZONED NRC
NIF
SBC INVESTMENTS LLC
TAX ID: 16063700160
DB 14577 PG 437

ADJACENT BUILDING
ONE STORY METAL BUILDING = 14,242 SQ. FT.
ZONED GC

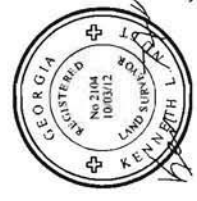
ADJACENT BUILDING
ZONED R-LRO
NIF
CANTON ROAD PROPERTY GROUP LLC
TAX ID: 16066000030
DB 14036 PG 720

ZONED R-20
NIF
PARRISH JEAN C. AND TODD
TAX ID: 16063700270
DB 13076 PG 290

ZONED R-20
NIF
KOLHOFF THOMAS J
TAX ID: 16063700280
DB 10554 PG 522

ZONED R-20
NIF
GREEN JOSEPH R AND VIVIAN I
TAX ID: 16066000020
DB 11273 PG 84

Job #: 08812



<p>PROPOSED ZONING Property Zone NRC WITH NORTH SIDE VARIANCE Neighborhood Retail Min. Lot Area = 20,000 S.F. Min Street Frontage = 50' Max Lot Coverage = N/A</p>	<p>PROPOSED Zoning for: MANUEL F. CASAL TAX ID: 16063700150 2410 CANTON ROAD N.E. Cobb County, Georgia</p>	<p>Area = 43.073 OR 0.99 ACRES This plat may be based on a recorded plat from iron pins referenced on said plat for closure tie in. According to F.L.R.M. Community Plat #13067/0044G, dated 12/16/2008 this property is not located in an area having special flood hazards.</p>
<p>CURRENT ZONING Property Zone GC General Commercial Min. Lot Area = 20,000 S.F. Min Street Frontage = 50' Max Lot Coverage = N/A</p>	<p>Plat Book: Deed Book:</p>	<p>Computed by: JF Drawn by: JF Checked by: KN Party Chief: KN Date Surveyed: 10/02/12 Date Drawn: 10/02/12</p>
<p>Setbacks: Front - 50 Feet Sides - 15 Feet - PROPOSED 8.4' ON NORTH SIDE Rear - 30 Feet</p>	<p>Graphic Scale 0 10 20 40 SCALES: 1" = 40'</p>	<p>Perimeter Surveying Co., Inc. 1085 Sandtown Road, Marietta, GA 30008 Phone: (770) 425-8824 Fax: (770) 425-6768</p>

TOTAL PARKING
20 SPACES

CANTON HIGHWAY / STATE ROUTE #5
(RIGHT OF WAY VARIES)

APPLICANT: Dolores Casal
770-471-6844

REPRESENTATIVE: Paul Copeland
404-314-1209

TITLEHOLDER: Dolores Casal

PROPERTY LOCATION: East side of Canton Road, north of
Hiawassee Drive
(2410 Canton Road).

ACCESS TO PROPERTY: Canton Road

PHYSICAL CHARACTERISTICS TO SITE: Vacant one-story
metal retail/warehouse building

PETITION NO: Z-55

HEARING DATE (PC): 12-04-12

HEARING DATE (BOC): 12-18-12

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Furniture Store

SIZE OF TRACT: 0.99 acre

DISTRICT: 16

LAND LOT(S): 637

PARCEL(S): 15

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NRC/Bay Breeze Restaurant
- SOUTH:** LRO/Office Building
- EAST:** R-20/Single-family Houses
- WEST:** NRC/Daycare and NRC Rustique Closeout

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

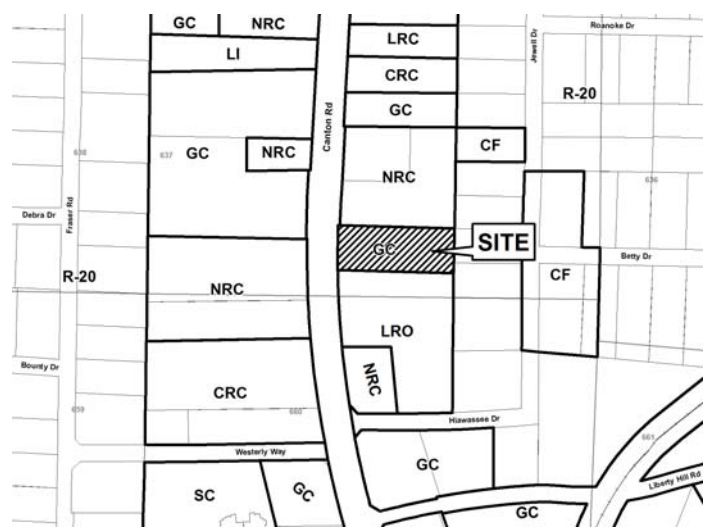
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

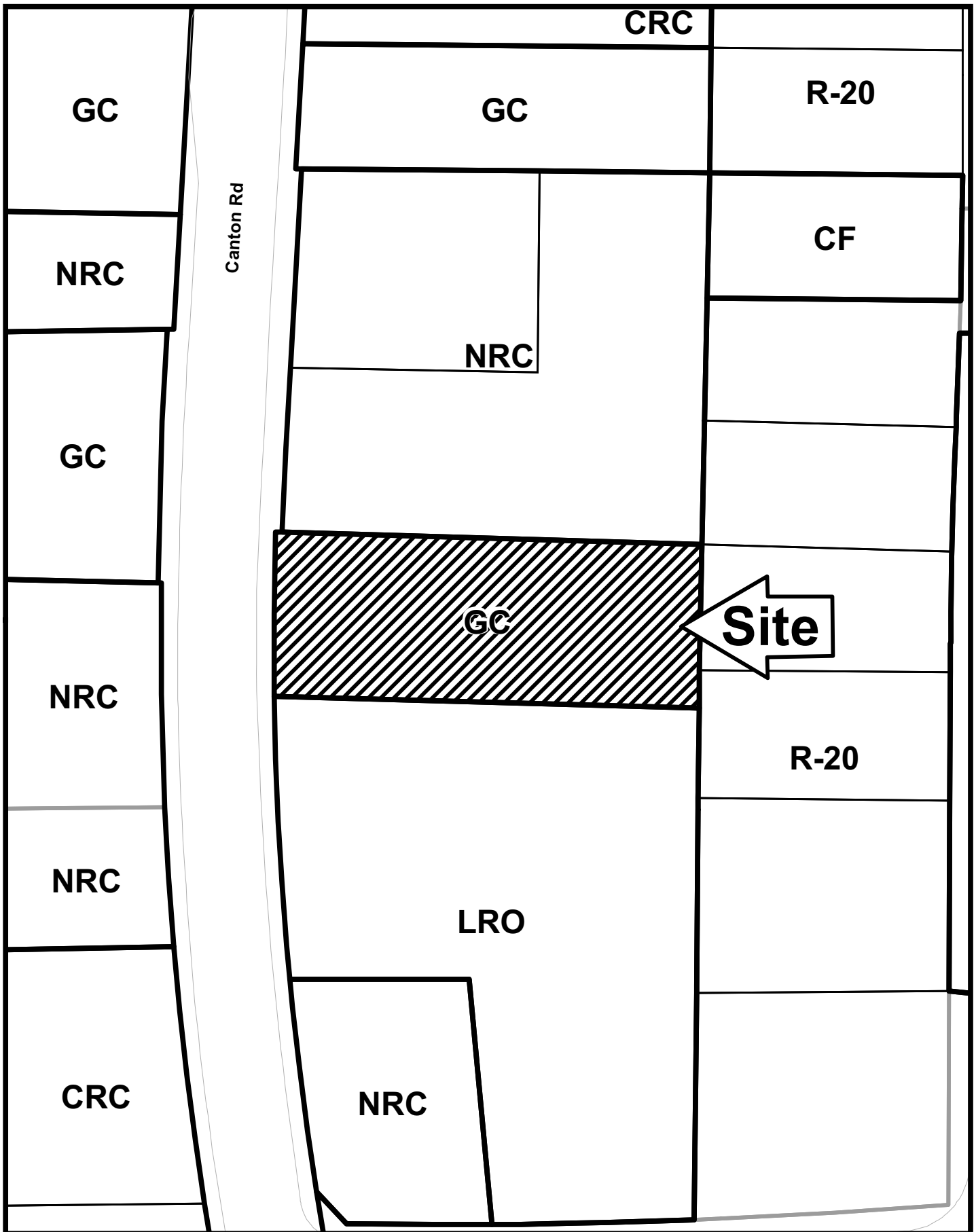
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

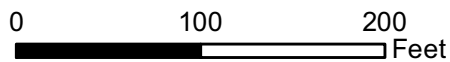
STIPULATIONS:





Z-55



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Dolores Casal

PETITION NO.: Z-55

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1(Existing) **Total Square Footage of Development:** 14,242

F.A.R.: 0.33 **Square Footage/Acre:** 14,385

Parking Spaces Required: 55 **Parking Spaces Provided:** 20

Applicant is requesting the Neighborhood Retail Commercial zoning category in order to utilize the property again as a retail furniture store/showroom. The current General Commercial (GC) zoning of the property does not comply with the *Cobb County Comprehensive Plan* and prevents the property from being utilized. The hours of operation will be Monday through Friday from 10 a.m. until 6 p.m., Saturday 10 a.m. until 5 p.m. and Sunday from 12 p.m. until 5 p.m. There will be one employee. The property was previously utilized as Silk Gardens. The rear of the property cannot be accessed for parking due to the loading dock on the south side of the building. Having the parking located in the front and on the south side of the building will also prevent parking adjacent to the residentially zoned property to the rear.

The proposed site plan will require the following contemporaneous variances for the existing building:

1. Waive the side setback on the north property line from the required 15 feet to 8 feet;
2. Waive the side setback on the south property line from the required 15 feet to 10 feet for the existing dock; and
3. Waive the number of required parking spaces from 55 to 20.

Historic Preservation:

Cemetery Preservation: No comment.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage. (Plans approved on 09/24/12 for move-in only)

APPLICANT: Dolores Casal
PRESENT ZONING: GC

PETITION NO.: Z-55
PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to NRC for purposes of furniture store. The 0.99 acre site is located on the east side of Canton Road, north of Hiawassee Drive. (2410 Canton Road)

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category with NRC zoning designation. The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Master Plan/Corridor Study

Canton Road Corridor Study. Please review and meet requirements of 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 *

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings
 Yes No Not applicable
- Streetscape elements
 Yes No Not applicable
- Building Frontage
 Yes No Not applicable
- Parking Standard
 Yes No Not applicable
- Architecture standard
 Yes No Not applicable

* If the applicant only requests the zoning change and there is no major improvement on site, the design guidelines will not be applied on the project.

YES indicates applicant has met the corresponding issue.

NO indicates applicant has not met the corresponding issue and/or there is not enough information provided.

N/A indicates issue is not applicable.

APPLICANT Dolores Casal

PETITION NO. Z-055

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): **8" DI E / side of Canton Road**

Additional Comments: Existing water customer

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: **Approx 200' N in Canton Road**

Estimated Waste Generation (in G.P.D.): **A D F 570 Peak= 1424**

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

Drw 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. If system fails or improvements are necessary, must connect to public sewer

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: Dolores Casal

PETITION NO.: Z-55

PRESENT ZONING: GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

The applicant is not proposing any site improvements other than possible remodeling within the existing building or pavement resurfacing. Any future site improvements or redevelopment will be subject to current stormwater management requirements and address downstream drainage issues.

APPLICANT: Dolores Casal

PETITION NO.: Z-55

PRESENT ZONING: GC

PETITION FOR: NRC

COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

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	26,970	Arterial	45 mph	Cobb County	100'

Based on 2011 traffic counting data taken by Georgia 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 east side of Canton Road, a minimum of 50' from the roadway centerline.

Recommend sidewalk along Canton Road frontage.

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

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STAFF RECOMMENDATIONS

Z-55 DOLORES CASAL

- 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 property has been used for commercial purposes in the past. Other properties in the area are similarly zoned and recent rezonings in the area have gone to NRC.
- 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 proposed zoning request is similar to other properties that have been rezoned recently along this stretch of Canton Road. The property has been used commercially in the past, but lost its grandfathered status.
- 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 the Neighborhood Activity Center (NAC) land use category. The current GC zoning of the property is not compatible with the NAC land use category and prevents use of the property. The requested NRC zoning category is compatible with the NAC land use category and a furniture store is a permitted retail use under NRC.
- 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 property cannot be utilized under its current GC zoning category. The requested NRC zoning category is compliant with the NAC land use category. The property was used for commercial businesses in the past, but it has lost its grandfathered status. The NRC zoning category has recently be approved for recent rezonings in this area.

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

- Site plan received by the Zoning Division on October 5, 2012, with the District Commissioner approving minor modifications;
- Planning Division comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management 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.



Application No. Z-55

Dec.
2012

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): _____
 - b) Proposed building architecture: _____
 - c) Proposed selling prices(s): _____
 - d) List all requested variances: _____
- _____
- _____
- _____

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

- a) Proposed use(s): Furniture Store
 - b) Proposed building architecture: Same
 - c) Proposed hours/days of operation: Mon - F 10-6 Saturday 10-5
Sunday 12-5
 - d) List all requested variances: Land variance = North side of 8'4"
- _____
- _____

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

.....
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 these properties are located).

NO

Property address: 2410 Canton Rd Marietta GA 30066
Parcel ID: 16063700150
Property Owner: Casal Manuel F Revocable Living Trust 6/15/93
Acreage: .79
Tax District: Unincorporated Cobb
Zoned: GC



Zoning proposal from GC to NRC

This property will be suitable for NRC based on nearby properties that are GC / NRC / CRC

Rezoning will not affect any properties adjacent or nearby based on NRC rezoning.

Based on current GC zoning 2410 Canton rd is NOT usable under current zoning for any type of business based on loss of grand father status.

Rezoning will not affect any burdensome use of existing streets, transportation facilities , utilities , or schools.

Rezoning of this property is in conformity with policy and intent of current land use.

At current zoning GC this property is unusable for any type of business based on current zoning Sec. 134-227 delineated with a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive plan. Policy adopted November 27, 1990.

Nonconforming use and subject to Rezoning Sec 134-31



COMPLAINT - MISCELLANEOUS SERVICE



Amount Paid 115
Area _____
Activity No. 1- _____

Z-55 (2012)
Septic Tank
Information

Incident No. 1- _____

Name and/or address of service location:

2410 Canton Rd Marietta Ga 30060

TEC #: _____

Subdivision Name: _____ Lot/ Block: _____

Land Lot: _____ District: _____ Section: _____ Year built: _____ # Bedrooms: _____

Requestor's Name: Paul Copeland Phone: 4) 314-1209

Address: _____

Service requested

- Complaint
- Septic Tank Letter(see below)
- Water Sample
- Other (list) Existing System Eval

Request date: 9/20/12
Received by: _____

Condition reported/ request:

Date of Incident: _____

Rezoning Commercial property (Furniture Store)

Septic Tank Letters

- Mail letter to owner's address
- Hold letter and call when ready at this phone number 4) 314-1209
- Mail letter to this address
- Disposal
- Evidence of tank pumping or service provided

Property Owner's Name: _____ Phone: _____

Property Owner's Address: _____

Investigation / Inspection record (attach additional sheets as needed)

Date	Findings	Action Taken	Recheck Date	Initials
<u>9-28-12</u>	<u>The property is empty. If sold after rezoning & septic system is not adequate for use, will have to hook to sewer.</u>			<u>JA</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____