

**FEBRUARY 19, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 1

PURPOSE

To consider a site plan amendment for CVS LOT, LLC regarding rezoning application Z-40 of 1996 (Hendon Properties), for property located on the east side of Canton Road, south of Chastain Corners in Land Lots 372 of the 16th District.

BACKGROUND

The subject property was zoned site plan specific to Neighborhood Retail Commercial (NRC) in 1996 for a retail building. The applicant purchased the property a couple of years ago and would like to amend the site plan to revise the parking lot configuration, building location and building size. The applicant is planning on building a two-story brick and stucco building with retail on the 1st floor and offices on the 2nd floor. The applicant’s proposal meets required parking, Floor Area Ratio, impervious coverage, and building height. Additionally, the applicant’s proposal would meet the Canton Road Design Guidelines. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

ATTACHMENTS

Other Business application, proposed site plan and zoning stipulations.

#1

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

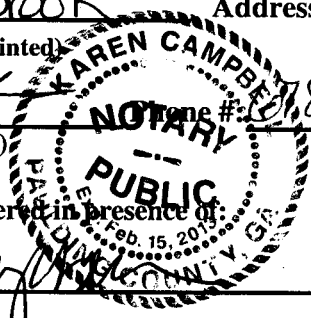
BOC Hearing Date Requested: 2/19/12

Applicant: CVS LOT LLC Phone #: 678-982-1779
(applicant's name printed)

Address: 695 Piedmont Road, Marietta, GA 30066 E-Mail: elonsaloni@gmail.com

J.D. Westbrook Address: 695 Piedmont Rd., Marietta, GA 30066
(representative's name, printed)

[Signature] Phone #: 678-982-1779 E-Mail: elonsaloni@gmail.com
(representative's signature)

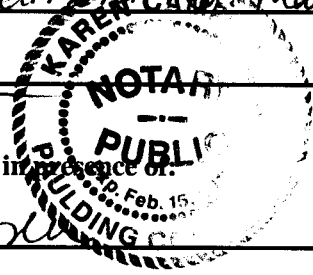


Signed, sealed and delivered in presence of:
Karen Campbell My commission expires: FEB, 15, 2013
Notary Public

Titleholder(s): CVS LOT LLC Phone #: 678-982-1779
(property owner's name printed)

Address: 695 Piedmont Road, Marietta, GA 30066 E-Mail: elonsaloni@gmail.com

[Signature]
(Property owner's signature)



Signed, sealed and delivered in presence of:
Karen Campbell My commission expires: FEB. 15, 2013
Notary Public

Commission District: 3 Zoning Case: 40 of 1996

Date of Zoning Decision: 8/20/96 Original Date of Hearing: 8/20/96

Location: Caston Rd South of Chastain Cor.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 372 District(s): 16

State specifically the need or reason(s) for Other Business: Site plan Amendment

COBB COUNTY ZONING DIVISION
2013 JAN -7 PM 2:34
RECEIVED IN OFFICE
COBB COUNTY GEORGIA

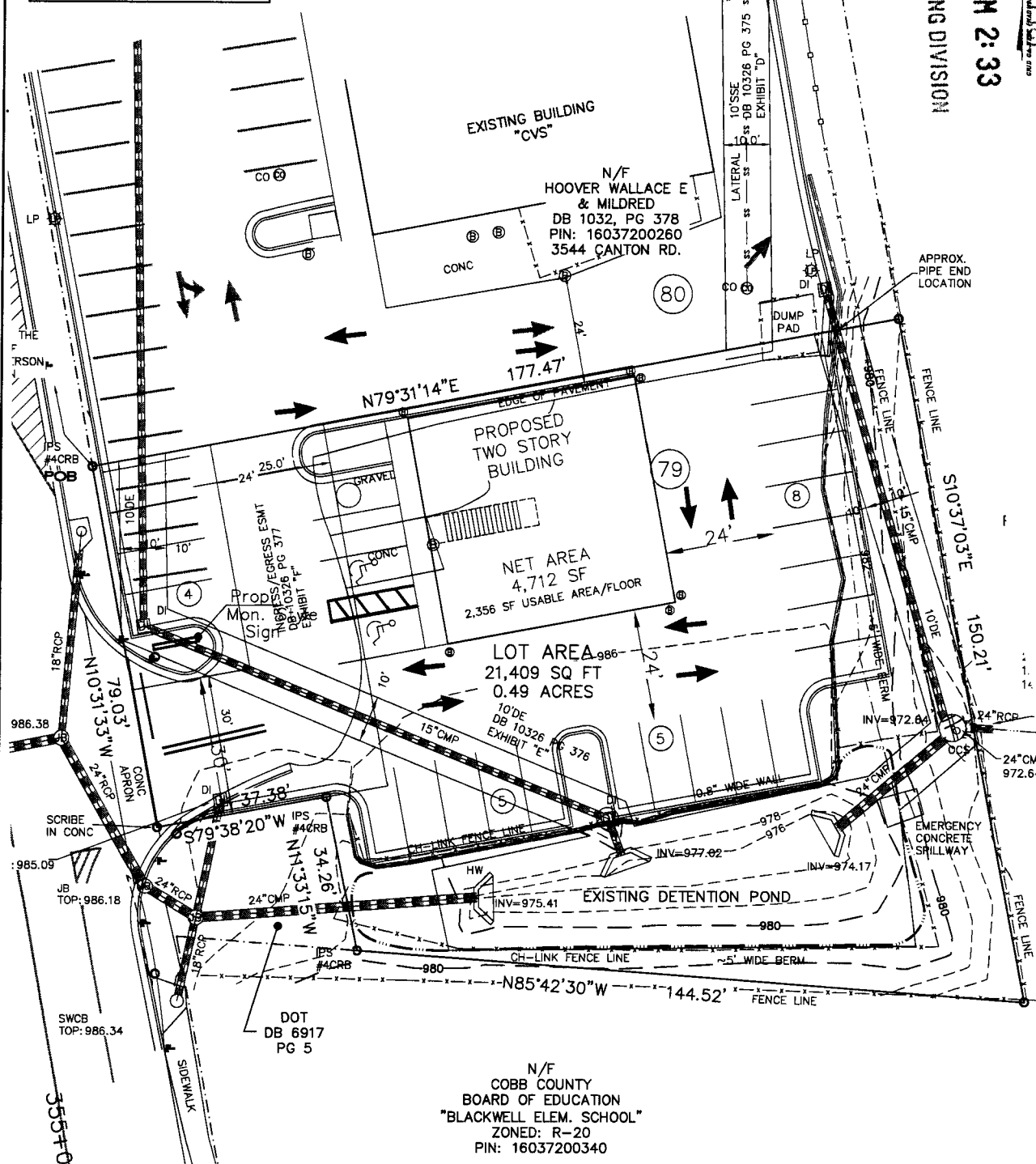
(Please attach additional information if needed)

CONCEPT PLAN #3

Prepared for: **DON WESTBROOK**
CANTON ROAD
LAND LOT 372, 16th DISTRICT
2nd SECTION
OF COBB COUNTY, GEORGIA
EXISTING ZONING: NRC
PIN: 16037200350

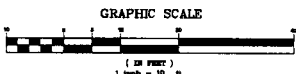
COBB COUNTY, GEORGIA
FIELD OFFICE
 2013 JAN - 7 PM 2:33
 COBB COUNTY ZONING DIVISION

| LEGEND: | |
|--------------------|--------------------------|
| IRON PIN SET | BOLLARD |
| IRON PIN PLUMB | CONCRETE MONUMENT FOUND |
| OPEN TOP PIN | OVERHEAD UTILITY LINES |
| COMP TOP PIN | SANITARY SEWER MAIN HOLE |
| REINFORCING BAR | MAN HOLE TELEPHONE |
| CONTROLLING VALVE | CATCH BASIN |
| RIGHT-OF-WAY | JUNCTION BOX |
| LAND LOT LINE | DROP HOLE |
| BRASS | HEAD OF PIPE |
| PUMP HOLE | CORRUGATED METAL PIPE |
| CURVE | CORRUGATED PLASTIC PIPE |
| PUMP HOLE | REINFORCED CONCRETE PIPE |
| SERVICE POLE | SANITARY SEWER CLEANOUT |
| WATER VALVE | WATER VALVE |
| GAS METER | DRAINAGE EASEMENT |
| TRANSFORMER | SANITARY SEWER CLEANOUT |
| SANITARY SEWER | POINT OF BEGINNING |
| POINT OF BEGINNING | POINT OF INTERSECTION |
| ACCESS EASEMENT | POINT OF COMMENCEMENT |
| PROPOSED | POINT TO SCALE |
| AIR-CONDITIONER | SMALL BRICK CATCH BASIN |
| GA POWER METER | UTILITY EASEMENT |



N/F
COBB COUNTY
BOARD OF EDUCATION
"BLACKWELL ELEM. SCHOOL"
ZONED: R-20
PIN: 16037200340

PROPOSED IMPERVIOUS AREA 67%



THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSENESS OF 1 FOOT IN 10,000 FEET, AN ANGULAR ERROR OF 1/30 SECONDS PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAN HAS BEEN CALCULATED FOR CLOSENESS AND FOUND TO BE ACCURATE TO 1 FOOT IN 10,000 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAN.

NO U.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THE PROPERTY THIS PLAN WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAN DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESS REINTERPRETATION BY THE SURVEYOR NAMED AND PERSON, PERSONS, OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE, REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART THEREOF MAY BE USED, COPIED, OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT © 2007 FRONTLINE SURVEYING AND MAPPING, INC. ALL MATTERS PERTAINING TO TITLE ARE DEEMED "M"

FRONTLINE
 SURVEYING & MAPPING, INC.

3595 Canton Road
 Suite 116, PMB 272
 Marietta, GA 30066
 Ph. (678) 355-9805
 Fax (678) 355-9805

www.frontlinesurveying.com

| CONCEPT PLAN #3 | | DON WESTBROOK | | DATE: 11-30-12 | |
|-------------------------------|--|---------------------------|--------|----------------------|------|
| LAND LOT 372 | | 16th District 2nd Section | | COBB COUNTY, GEORGIA | |
| SUBDIVISION | BLK | LOT | PERSON | ST. | DATE |
| NOONDAY | | 78 | | | |
| PG 33, PG 322, PG 366, PG 380 | I HAVE THIS DATE EXAMINED THE TYPICAL FLOOD HAZARD MAP AND FOUND THAT BY GRAPHIC FLOODING ONLY THE REFERRED PARCELS ARE NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. | | | | |
| MAP 10, 120702003P | EFFECTIVE DATE: 05/18/05 | | | | |

Application for Rezoning Cobb County

Application No. 7110
PC Hearing: 8/10/94
BOC Hearing: 8/20/94

Applicant Hendon PROPERTIES
MARK TILLER Business Phone 262-7400 Home Phone 261-0028

MARK TILLER Address 3391 Peachtree Road; Ste 330
(representative's name, printed)

[Signature] Business Phone 262-7400
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Notary Public, Cobb County, Georgia.
My Commission Expires February 20, 1999
My commission expires: _____

Titleholder [Signature] Business Phone _____ Home Phone _____

Signature [Signature] Address 811 W DAN DERSON RD
(attach additional signatures, if needed) MARIETTA, GA 30066

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: _____

Zoning Request From R-20 to LRO
(present zoning) (proposed zoning)

For the Purpose of _____ Size of Tract 1.25 Acre(s)

Location 824 W.D. ANDERSON
(subdivision, restaurant, warehouse, apt., etc.)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 372 District 110

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are no such assets. If any, they are as follows:

[Signature]
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any, they are as follows:

[Signature]
(applicant's signature)

ORIGINAL DATE OF APPLICATION: 8/96

APPLICANTS NAME: HENDON PROPERTIES

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 8-20-96 ZONING HEARING: The Board of Commissioners approved rezoning to the LRO zoning district subject to: 1) detention facility to be fenced; 2) no commercial access to Centerview Drive; 3) dumpster pick-up and other commercial deliveries are not allowed between the hours of 6:00 p.m. and 8:00 a.m.; 4) installation of a 50 foot no access buffer adjacent to the eastern property line, as depicted on submitted site plan dated May 6, 1996 (reduced copy of site plan attached and made a part hereof); 5) six (6) foot chain-link fence to be installed along the boundary adjacent to the school. Motion by Wysong, second by Byrne, carried 5-0.

RECONSIDERATION OF APPLICATION Z-40 OF MARCH, 1996 (Z-40 - HENDON PROPERTY)

Commissioner Wysong introduced proposal to reconsider application Z-40 of 1996 (Hendon Property) for the purpose of rezoning property from LRO to NRC; stating that at the time the NRC request was presented in March, 1996 there was no way to control the development of adjacent properties and protect Centerview Drive from commercial traffic, but that these problems have now been resolved. Following these comments the Board of Commissioners reconsidered application Z-40 of March 1996 (Hendon Property). Motion to reconsider by Wysong, second by Byrne, carried 5-0.

PAGE 3 OF 3

APPLICATION NO. Z-110

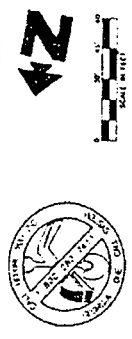
ORIGINAL DATE OF APPLICATION: 8/96

APPLICANTS NAME: HENDON PROPERTIES

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY
BOARD OF COMMISSIONERS

BOC DECISION OF 8-20-96 ZONING HEARING (CONT'D): Upon
reconsideration, the Board of Commissioners approved rezoning
1.56 acre property located in Land Lot 372 of the 16th
District, at the southeast intersection of Canton Highway and
W. D. Anderson relocation to the NRC zoning district (Z-40 of
1996 - Hendon Property) subject to: 1) original Staff
recommendations (copy attached and made a part hereof); 2)
revised site plan submitted (dated May 6, 1996) which shows
buffers, fences and detention facilities on this subject
property (reduced copy attached and made a part hereof); 3)
detention facilities to be fenced; 4) no commercial access to
Centerview Drive; 4) dumpster pick-up and other commercial
deliveries are not allowed between the hours of 6:00 p.m. and
8:00 a.m. Motion by Wysong, second by Byrne, carried 5-0.

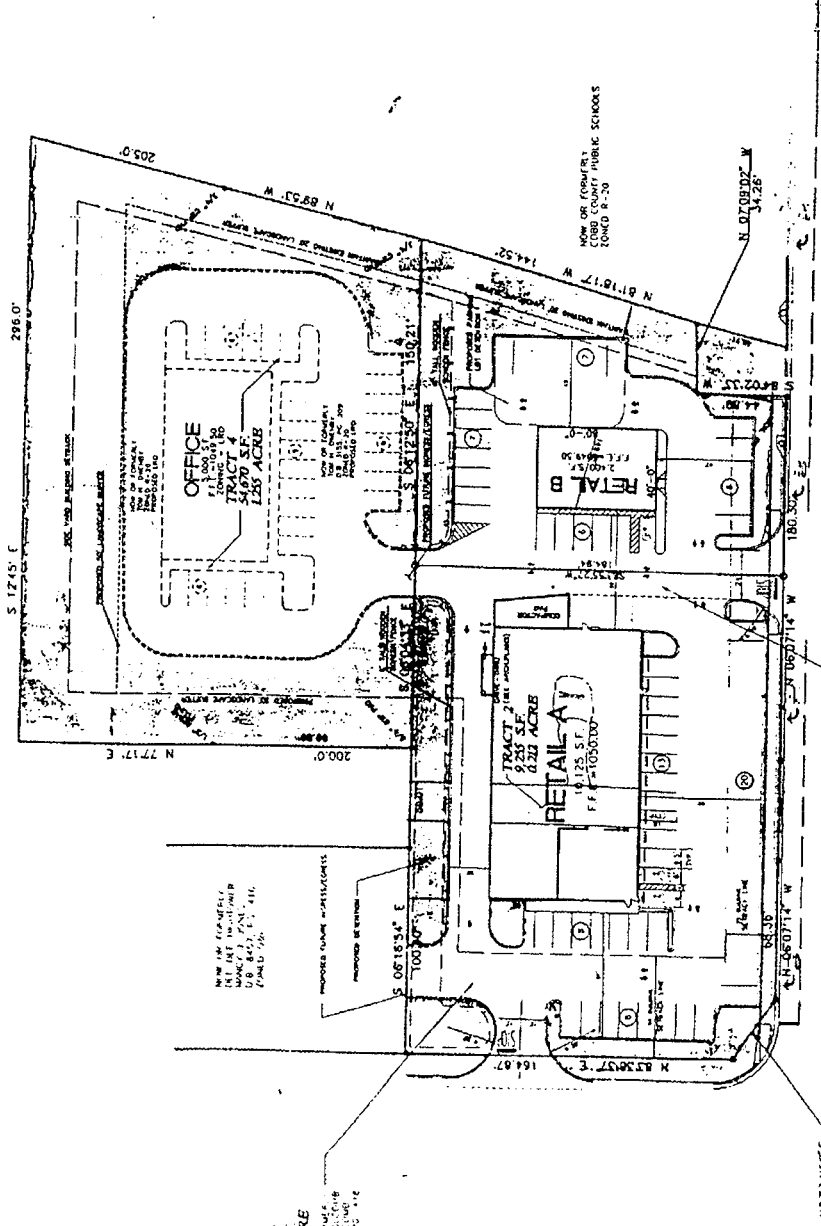
Lined area for additional text or notes.



LEGEND

| | |
|-----------|--------------------------------|
| --- | Property Line |
| - - - - - | Proposed Building Footprint |
| - - - - - | Proposed Parking |
| - - - - - | Proposed Driveway |
| - - - - - | Proposed Easement |
| - - - - - | Proposed Utility |
| - - - - - | Proposed Retention Pond |
| - - - - - | Proposed Stormwater Management |
| - - - - - | Proposed Landscape Buffer |
| - - - - - | Proposed Access |
| - - - - - | Proposed Signage |
| - - - - - | Proposed Security |
| - - - - - | Proposed Other |

*2-110 q 1996
 in zoning map
 2-20-96 K - file
 Major 2-20-96*



ACREAGE SUMMARY

| Item | Area | Total |
|--------------|------------------|--------------------|
| TRACT 1 | 11,000 SF | 0.251 ACRES |
| TRACT 2 | 11,125 SF | 0.257 ACRES |
| TRACT 3 | 40,631 SF | 0.932 ACRES |
| TOTAL | 62,756 SF | 1.440 ACRES |

PARKING RATIO

| | |
|-----------------|----------|
| TRAFFIC SIGNAGE | 1 |
| OFFICE | 1 |
| RETAIL | 1 |
| TOTAL | 3 |

CVS PHARMACIES

CEI ENGINEERING ASSOCIATES, INC.

SITE PLAN

CANTONARY, S & MID ANDERSON RD
 MARKET A



HENDON PROPERTIES

Large plan in zoning files

2-110 q 1996 #2-40 q 1996

Z-40 of 1996

Attachments as
referenced in Zoning
minutes of 8-20-96

Revised
DOT
Comments

TRANSPORTATION

PETITION NO. Z-40

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

| ROADWAY | AVERAGE DAILY TRIPS | CLASSIFICATION | MIN. R.O.W. REQUIREMENTS |
|--------------------------|---------------------|----------------|--------------------------|
| Canton Highway (S.R. 5) | 20,900 | Arterial | 100' |
| W.D. Anderson Relocation | N/A | Local | 50' |

Canton Highway (S.R. 5) is classified as an Arterial and W.D. Anderson Relocation is classified as a Local Road. According to the available information, Canton Highway (S.R. 5) does not meet the minimum right-of-way requirements for this classification.

As necessitated by this development for ingress/egress to the Arterial a minimum 150' deceleration/acceleration lanes will be required.

To provide adequate left turn maneuverability from the facility, DOT is agreeable to two full access locations as shown on the submitted plan.

DOT suggests both access locations be upgraded to commercial standards.

RECOMMENDATIONS:

Recommend applicant consider entering into a Development Agreement pursuant to 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 Highway (S.R. 5) a minimum of 50' from the roadway centerline.

Recommend 150' deceleration/acceleration lanes for ingress/egress from the Arterial.

Recommend two full access locations as shown on the submitted plan.

Recommend both access locations be upgraded to commercial standards.

GDOT permits will be required for all work encroaching upon state right-of-way.

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

STAFF RECOMMENDATIONS

Z-40 HENDON PROPERTY

- 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. This site is located approximately 600 feet north of Blackwell Shopping Center and is across Canton Highway and W. D. Anderson road from Chastain Corners Shopping Center; therefore, these light neighborhood retail type uses are compatible to the area.
- 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. No adverse impact is anticipated if the property is developed with all stipulations referenced below.
- 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*. The Comprehensive Plan projects this area to be developed as a Community 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.

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

- Landscaped buffer to be 15 feet as per site plan.
- Subject to Water & Sewer comments.
- Subject to Drainage Comments.
- 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.
- Subject to DOT recommendations (revised)
- Subject to acquiring the right of way of the old W. D. Anderson Rd.

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