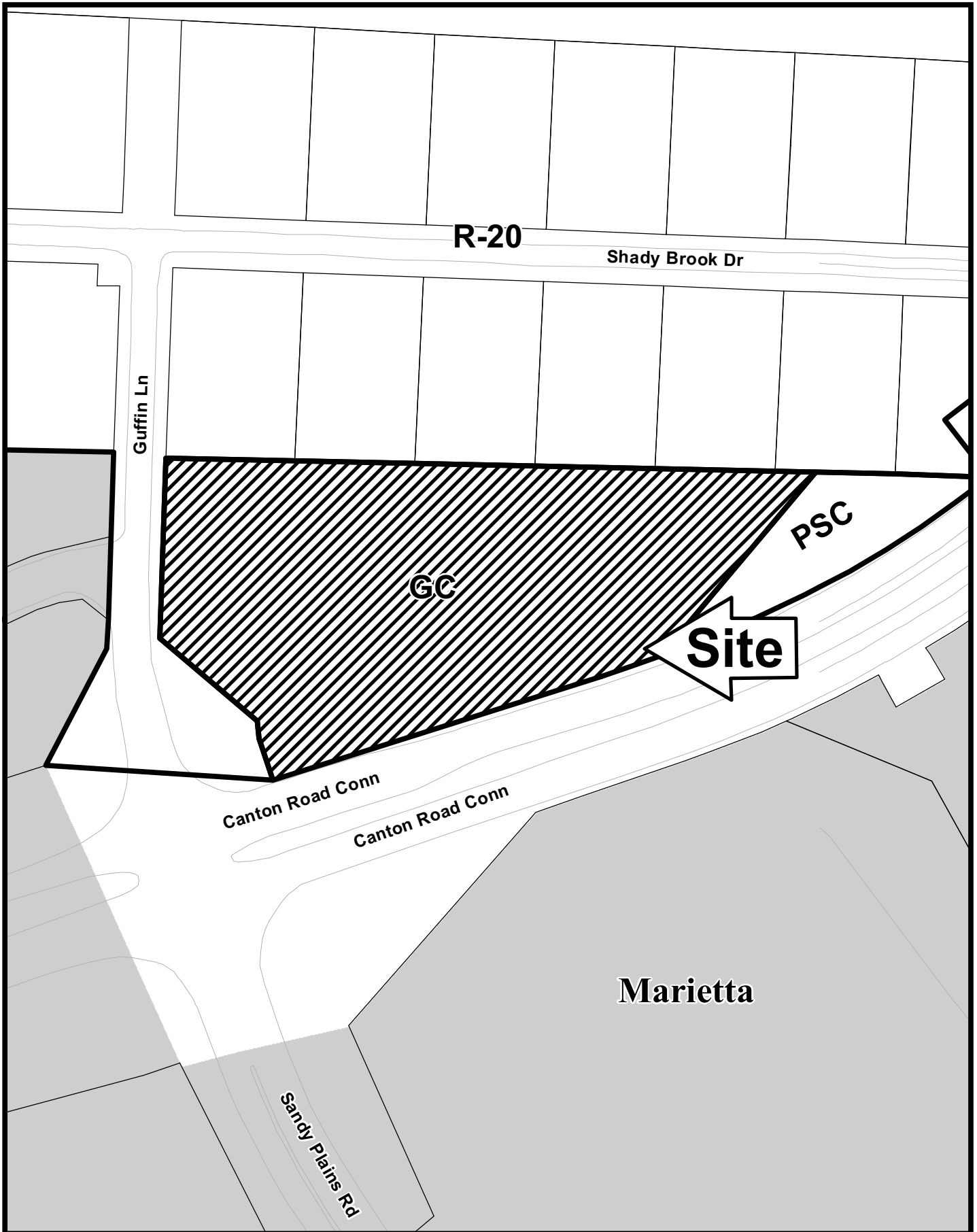
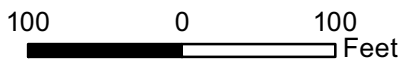




Z-15



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



-  City Boundary
-  Zoning Boundary

APPLICANT: South Central Industrial Properties of Texas, Inc. PETITION NO.: Z-15

PRESENT ZONING: GC PETITION FOR: GC w/Stipulations

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 2 (Existing) **Total Square Footage of Development:** 12,260

F.A.R.: .095 **Square Footage/Acre:** 4,148

Parking Spaces Required: 43 **Parking Spaces Provided:** 23

Applicant is requesting the General Commercial (GC) category with stipulations in order to allow the existing building for a specialized contractor (HVAC). The GC category is still needed for the proposed use. However, the GC zoning category is no longer in compliance with the *Cobb County Comprehensive Plan*, which delineates the property as being in the Neighborhood Activity Center (NAC) land use category. GC needs to be in either a Community Activity Center (CAC) or Regional Activity Center (RAC) land use category. The property lost its grandfathered status when the previous use on the property went out of business. The architectural style and composition of the buildings shall remain in substantial conformity to the as built architectural style and composition. However, brick accents which are painted red and have faded will be repainted. The hours of operation will be from 6 a.m. until 6 p.m., Monday through Saturday.

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.

APPLICANT: South Central Industrial Properties of Texas, Inc. PETITION NO.: Z-15

PRESENT ZONING: GC PETITION FOR: GC w/Stipulations

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to GC with Stipulations for specialized contractor (HVAC). The 2.9 acre site is located on the northeast intersection of Canton Road Connector and Guffin Lane.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with GC zoning designation. The purpose of the (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

Not applicable.

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 _____

Does the current site plan comply with the design requirements?

APPLICANT South Central Industrial Properties of Texas, Inc.

PETITION NO. Z-015

PRESENT ZONING GC

PETITION FOR GC /stips

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 W / side of Guffin Lane

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: On 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 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 Existing sewer customer
Comments:

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: South Central Industrial Properties of TX, Inc. PETITION NO.: Z-15

PRESENT ZONING: GC PETITION FOR: GC w/ stips

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek Tributary #3 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 _____.

APPLICANT: South Central Industrial Properties of TX, Inc.

PETITION NO.: Z-15

PRESENT ZONING: GC

PETITION FOR: GC w/ stips

STORMWATER MANAGEMENT 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. This is an existing facility that was previously occupied by an equipment rental business. The site is served by an existing stormwater management facility located at the northwest corner of the site. This detention pond is need of maintenance and should be cleaned out prior to issuance of a certificate of occupancy.
2. Any redevelopment or proposed site improvements must meet current stormwater management requirements.

APPLICANT: South Central Industrial Properties of Texas, Inc. PETITION NO.: Z-15

PRESENT ZONING: GC PETITION FOR: GC with Stipulations

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 Connector	21,900	Arterial	45 mph	GDOT	100'
Guffin Lane	5400	Local	25 mph	Cobb County	50'

*Based on 2011 traffic counting data taken by Cobb DOT (Canton Road Connector)
Based on 2010 traffic counting data taken by Cobb DOT (Guffin Lane)*

COMMENTS AND OBSERVATIONS

Canton Road Connector is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Guffin Lane is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend curb, gutter, and sidewalk along the Guffin Lane frontage.

Recommend no access to Canton Road Connector.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-15 SOUTH CENTRAL INDUSTRIAL PROPERTIES OF TEXAS, 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 property had previously been used for a heavy commercial use and the existing building will be utilized for the new HVAC contractor's business. Other properties in the area are also zoned commercial.
- 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. Nearby properties are also zoned for commercial uses, some in the City of Marietta and unincorporated Cobb County. The property is developed and has had a heavy commercial use in the past. The applicant plans to utilize the existing building, while making minimal improvements to the facade.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates the property as being in the Neighborhood Activity Center (NAC) land use category. The General Commercial (GC) zoning category needs to be within the Community Activity Center or Regional Activity Center land use categories. The property has been zoned GC for a number of years and the GC category is needed for this specific user. The Neighborhood Retail Commercial (NRC) zoning category would normally have been requested in order to comply with the NAC land use category, but it does not allow the specialized contractor.
- 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 deleting the applicant's rezoning proposal. The property has been used as a heavy commercial use in the past and the existing building and parking layout will continue to be utilized the proposed specialized contractor's business (HVAC).

Based on the above analysis, Staff recommends DELETING the request to the Neighborhood Retail Commercial (NRC) category subject to the following conditions:

- Additional use in NRC for a contractor, for this applicant only;
- No heavy equipment;
- No outdoor storage;
- Applicant's letter of stipulations received by the Zoning Division on March 14, 2013, not in conflict with the Board of Commissioners' final decision;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- 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.

COBB COUNTY GEORGIA
FILED IN OFFICE

Summary of Intent for Rezoning *

April
2013

COBB COUNTY ZONING DIVISION

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

- a) Proposed unit square-footage(s): _____
- b) Proposed building architectre: _____
- 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): Specialized Contractor (HVAC)
- b) Proposed building architectre: As-built
- c) Proposed hours/days of operation: Monday - Saturday 6:00 am - 6:00pm
- d) List all requested variances: None, at the time of filing

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

The subject property is located within the confines of a Neighborhood Activity Center (NAC) under the County's Future Land Use Map which contemplates the type of use proposed.

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).

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.

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB -7 PM 3:37

COBB COUNTY ZONING DIVISION

ZONING IMPACT STATEMENT FOR THE REZONING

APPLICATION OF

SOUTH CENTRAL INDUSTRIAL PROPERTIES OF TEXAS, INC.

COMES NOW, SOUTH CENTRAL INDUSTRIAL PROPERTIES OF TEXAS, INC., and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this 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 Connector.

- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property being located within the confines of a Neighborhood Activity Center (NAC) which has a mixture of commercial and industrial uses under Cobb County's Future Land Use Map.

- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present

SAMS, LARKIN & HUFF
ATTORNEYS AT LAW
376 POWDER SPRINGS ST
MARIETTA, GA 30064
770 422 7816

nonconforming classification of General Commercial (GC).

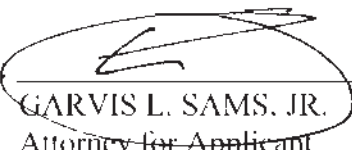
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

- E. The zoning proposal is located within a Neighborhood Activity Center (NAC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.

- 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 Connector, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 7th day of February, 2013.

SAMS, LARKIN & HUFF, LLP

By 
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

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JUSTIN H. MEEKS

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March 14, 2013

VIA EMAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Application of South Central Industrial Properties, Inc. to Rezone a 2.9551± tract from GC to Conditional GC (No. Z-15)

Dear John:

As you know, I represent South Central Industrial Properties, Inc. ("South Central") concerning the above-captioned Application for Rezoning. In that regard, the Application is scheduled to be heard and considered by the Planning Commission on April 2, 2013 and, thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on April 16, 2013.

The subject property is zoned General Commercial ("GC") and is located in an area denominated under the Cobb County Future Land Use Map as a Neighborhood Activity Center ("NAC"). The property presently exists in a non-conforming "grandfathered" state, having been utilized for an extended length of time by RSC, an equipment rental operation, until RSC went out of business. South Central, which has owned the subject property since 2002, has entered into a Purchase Contract with a Specialized Contractor (HVAC) which requires a rezoning of the subject property.

In most instances, within the confines of a NAC, an Applicant would seek a rezoning to the NRC classification. However, Specialized Contractors are not allowed under the NRC classification. That explains why we have asked for a continuation of the GC classification with certain stipulations/conditions which have been formulated in order to continue utilization of the property in substantial conformity to its as-built circumstances.

With respect to the foregoing and consistent with discussions which we have initiated with the County's professional staff and in accordance with the ongoing dialogue which we have established with Canton Road Neighbors and the Northeast Cobb Homeowners Group, please allow this letter to serve as my client's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

March 14, 2013

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1. The stipulations and conditions set forth 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.
 2. The rezoning of the subject property shall be in substantial conformity to that certain as-built survey for South Central Industrial Properties, III, LP by Loo-Turley & Associates, P.C. which was filed contemporaneously with the Application for Rezoning.
 3. The total site area of the subject property (2.9551± acres) shall be utilized for purposes of a Specialized Contractor (HVAC) and for other uses under the GC classification not hereinafter expressly prohibited.
 4. The architectural style and composition of the buildings shall remain in substantial conformity to the as-built architectural style and composition. However, brick accents shall be added to the smaller two-story building and the metal accents which are painted red and have faded will be repainted.
 5. Signage for the proposed Specialized Contractor (HVAC) shall be ground-based, monument-style, with finished materials and colors being in substantial conformity to the as-built architectural style and composition as aforementioned. Additional signage in conformity with the Sign Ordinance shall be allowed on the buildings. There shall be no roof signs, exterior or temporary signs or banners nor shall there be any flashing sign components. Temporary signage announcing the opening of a new business, signage indicating the coming development and signage relating to leasing opportunities shall be allowed.
 6. Parking area lighting and the existing lighting shall remain as-built. However, any additional lighting shall be environmentally sensitive to prevent illumination from penetrating outside the boundaries of the subject property. Any security lighting added to the rear of the building shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cutoff shields to prevent illumination from penetrating outside the boundaries of the subject property.
 7. Dumpsters servicing the Specialized Contractor (HVAC) shall be enclosed with a minimum six foot (6') high enclosure consistent with the architectural style and composition as aforementioned on three (3) sides with an opaque wooden door on the access side which shall remain in a closed position except when the dumpster(s) are being emptied. All dumpsters shall have rubber lids to minimize noise.

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VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

March 14, 2013

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8. The following uses otherwise permitted under the GC classification shall be prohibited:
- a. Video arcades as a primary business.
 - b. Tattoo parlors and body piercing shops.
 - c. Billiard parlors.
 - d. Pawn shops, title pawn shops or check cashing establishments.
 - e. Shooting ranges.
 - f. Houses of worship.
 - g. Any business which principally features sexually explicit products or drug related paraphernalia.
 - h. Car washes.
 - i. Commercial produce and agricultural stands.
 - j. Automotive repair establishments.
 - k. Designated recycling and collection locations.
 - l. Full service gasoline stations.
 - m. Radio, television or other communication towers with antennas.
 - n. Self-service laundry facilities.
 - o. Hotels, motels, group homes.
 - p. Paging systems, phone bells or loud speakers.
9. The hours of operation shall be from 6:00 a.m. until 6:00 p.m. Monday through Saturday.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
March 14, 2013
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10. Deliveries shall be limited to a period of time between 8:00 a.m. until 9:00 p.m. on weekdays and between 10:00 a.m. until 8:00 p.m. on weekends. During the hours when deliveries are prohibited, trucks shall not be allowed to stand and park with running motors.
 11. The submission of a landscape plan during the Plan Review process subject to final review and approval by the Community Development Agency, including the following:
 - a. Maintaining the existing forty foot (40') landscaped buffer on the northern portion of the subject property between the buildings thereon and the homes within Shady Brook Subdivision.
 - b. The planting of Leland Cypress trees along the subject property's frontage on the Canton Road Connector. Additionally, utilization of species of lower story vegetation which are ecologically compatible to the site and appropriate for the design circumstances. Minimum height of plant materials and installation shall be five feet (5') for trees and two feet (2') for shrubs.
 - c. Subject to water restrictions which may be imposed by the State and/or County, all landscaping for the site shall be perpetually maintained and irrigated. Any dead or irrevocably diseased tree, plant or shrub shall be replaced as necessary.
 - d. All landscaped and buffer areas may be penetrated for purposes of utilities and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities and any and all slopes or other required engineering features.
 12. Compliance with the following recommendation from the Cobb County Department of Transportation which consists of the construction of sidewalk, curb and gutter on Guffin Lane to the extent of the subject property's frontage thereon.
 13. Compliance with recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on-site detention and water quality ponds.
 14. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
 15. Compliance with the recommendations from the Cobb County Water System with respect to the availability and acquisition of water and sewer that service the subject property.

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
March 14, 2013
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16. Minor modification to the site plan, the landscape plan and to the stipulations/conditions may be reviewed and approved by the District Commissioner during the Plan Review process or thereafter.

The proposed change in zoning is to accommodate a much less intense use than the RSC operation which utilized the subject property for an extended length of time. Moreover, the proposed Specialized Contractor (HVAC) use is entirely appropriate within the confines of the NAC and under the terms and provisions of the County's Future Land Use Map and Comprehensive Land Use Plan.

Please do not hesitate to contact me should you require further information or documentation prior to the formulation of the Staff Analysis and Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLS/dsj(snw)

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. Jason Campbell, Planner III (via email)
Mr. David Breden, PE, Cobb County Stormwater Management (via email)
Ms. Jane Stricklin, PE, Cobb County DOT (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
Ms. Carol Brown, President, Canton Road Neighbors (via email)
Mr. Norm DeWalt, President, Northeast Cobb Homeowners Group, Inc. (via email)
Mr. Bill N. Goss, President, South Central Properties of Texas, Inc. (via email)
Mr. Greg Dickerson, SIOR, Senior Vice President, King Industrial Realty|CORFAC International (via email)