

APPLICANT: 4035 Canton Road, LLC
(404) 406-3331

REPRESENTATIVE: Abb Itom
(404) 444-8174

TITLEHOLDER: 4035 Canton Road, LLC

PROPERTY LOCATION: Northwest side of Canton Road, south of
Hawkins Store Road
(4035 Canton Road)

ACCESS TO PROPERTY: Canton Road

PHYSICAL CHARACTERISTICS TO SITE: One story building
with showroom and garage

PETITION NO: Z-30

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: GC

PROPOSED ZONING: CRC

PROPOSED USE: Light Auto Repair/Tire
Sales and Service

SIZE OF TRACT: 0.52 acre

DISTRICT: 16

LAND LOT(S): 277, 278

PARCEL(S): 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NS/ Daycare Facility
- SOUTH:** NS/ Resturant
- EAST:** R-20/ Church
- WEST:** R-15/ Lookout Point Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

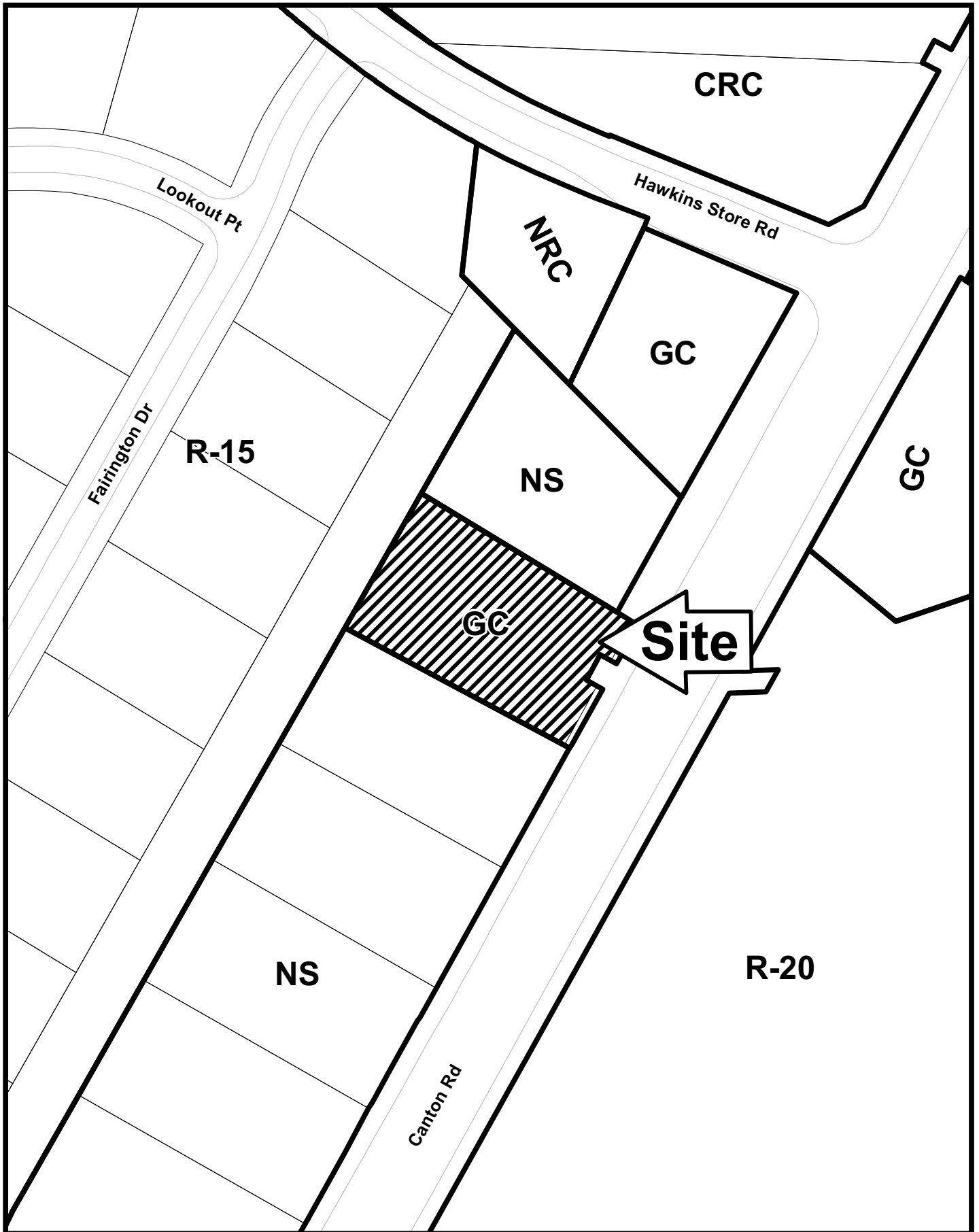
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

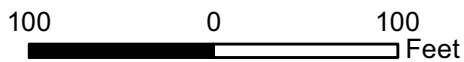
STIPULATIONS:



Z-30



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



-  City Boundary
-  Zoning Boundary

APPLICANT: 4035 Canton Road, LLC

PETITION NO.: Z-30

PRESENT ZONING: GC

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 7,263 sq. ft.

F.A.R.: 0.32 **Square Footage/Acre:** 13,967 sq. ft.

Parking Spaces Required: 9 **Parking Spaces Provided:** 12

The applicant is requesting a rezoning of the subject property from the GC general commercial district (past case Z-31 of 1979) to the CRC community retail commercial district in order to operate a light automotive repair establishment. This rezoning is necessary not only because the stipulations of past case Z-31 approved the use as “cable television business office only,” but also because the property is located within the NAC neighborhood activity center future land use area which causes the current GC zoning to be grandfathered and the current use represents a change from the property’s past use. The auto repair establishment will operate Monday through Saturday 8 a.m. to 6 p.m. with three (3) employees out of the renovated property utilizing the warehouse area as bays and attached building as office and showroom. Of note, the site has been fitted for the proposed and currently operating light automotive repair business without obtaining the necessary permits and approvals.

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: 4035 Canton Road, LLC
PRESENT ZONING: GC

PETITION NO.: Z-30
PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to CRC for purpose of Light Auto Repair/Tire Sale and Services. The 0.52 acre site is located at the Northwest side of Canton Road, south of Hawkins Store Road.

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

The site is located within the Canton Road Corridor Plan. The following should be taken into consideration:

- Meet requirements of the Canton Road Corridor Plan and design guidelines
- The site is located just south of Hawkins Store Road and Canton Road, this intersection is designated for improved crosswalk according to Corridor Plan Group 3 map.
- The Corridor Plan also recommends for more recreational uses approximately 600 ft south of site while reducing retail.

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 Corridor Streetscape and Architectural Guidelines
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

APPLICANT 4035 Canton Road, LLC

PETITION NO. Z-030

PRESENT ZONING GC

PETITION FOR CRC

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): **16" DI / NW 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: **10' from rear property line**

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

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: Existing sewer customer. Add'l SDF may be required prior to bldg permit based upon change in usage/flow calcs.

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.

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PETITION NO.: Z-30

PRESENT ZONING: GC

PETITION FOR: CRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little Noonday Creek 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 _____.

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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 has been operating as a tire store. There is an existing stormwater management facility located on the site that appears to be functioning as designed.
2. If automotive repair use is approved a Stormwater Pollution Prevention Plan must be prepared and provided to the Stormwater Management Division for review. All repairs must be made inside the garage.

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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	30,200	Arterial	45 mph	Cobb County	100'

Based on 2007 traffic counting data taken by Cobb 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 sidewalk along the Canton Road frontage.

Recommend removing the parking lot drive aisle from the right-of-way upon redevelopment.

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

STAFF RECOMMENDATIONS

Z-30 4035 CANTON ROAD, LLC

- 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 will allow use of the property that has been fitted for the proposed use in a manner consistent with other uses along Canton Road.
- 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. Allowing for reutilization of the property by clearing away the restrictions of the previous zoning case and its grandfathered status, the rezoning request will allow a use that is service oriented to commuters and residents along Canton Road and the surrounding area.
- 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 designated as NAC neighborhood activity center, the request will allow utilization of the property as retail use which is encouraged by the *Plan*.
- 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 request will allow reutilization of a property that has been limited by its past rezoning and current grandfathered status into a use that serves residents and commuters along Canton Road. Surrounded by other Canton Road neighbors that generate traffic, etc. themselves, this use, with appropriate enhancements should serve to present a welcomed addition to the area rather than a vacant, underutilized property.

Based on the above analysis, Staff recommends **DELETING** the request to NRC subject to the following conditions:

- Site plan received by Zoning Division on April 29, 2013 with District Commissioner approving minor modifications;
- Planning Division comments and recommendations;
- Fire Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Department of Transportation 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.

COBB COUNTY GEORGIA
FILED IN OFFICE

Application No. 230

2013 APR 29 PM 1:35

July
2013

COBB COUNTY ZONING DIVISION

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): Light automotive / Tire sales
and service.
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: Monday - Saturday
8am - 6pm
- d) List all requested variances: _____

.....
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).

N/A

Property address: 4035 Canton Rd Marietta Ga 30066
parcel ID: 16027700090

property owner: 4035 Canton rd LLC
Acreage : .53
Tax district : unincorporated Cobb
Zoned : GC

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2013 APR 29 PM 1:43
COBB COUNTY ZONING DIVISION

zoning proposal from GC to CRC
this property will be suitable for CRC based on nearby properties that are GC/NRC/CRC

rezoning will not affect any property adjacent or nearby based on CRC rezoning

Based on current GC zoning 4035 Canton Rd is NOT usable under current zoning for any type of business based on loss of grandfather statues .

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 . Police adopted Nov 27th ,1990

Nonconforming use and subject to Rezoning Sec 134-31