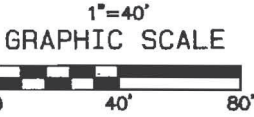
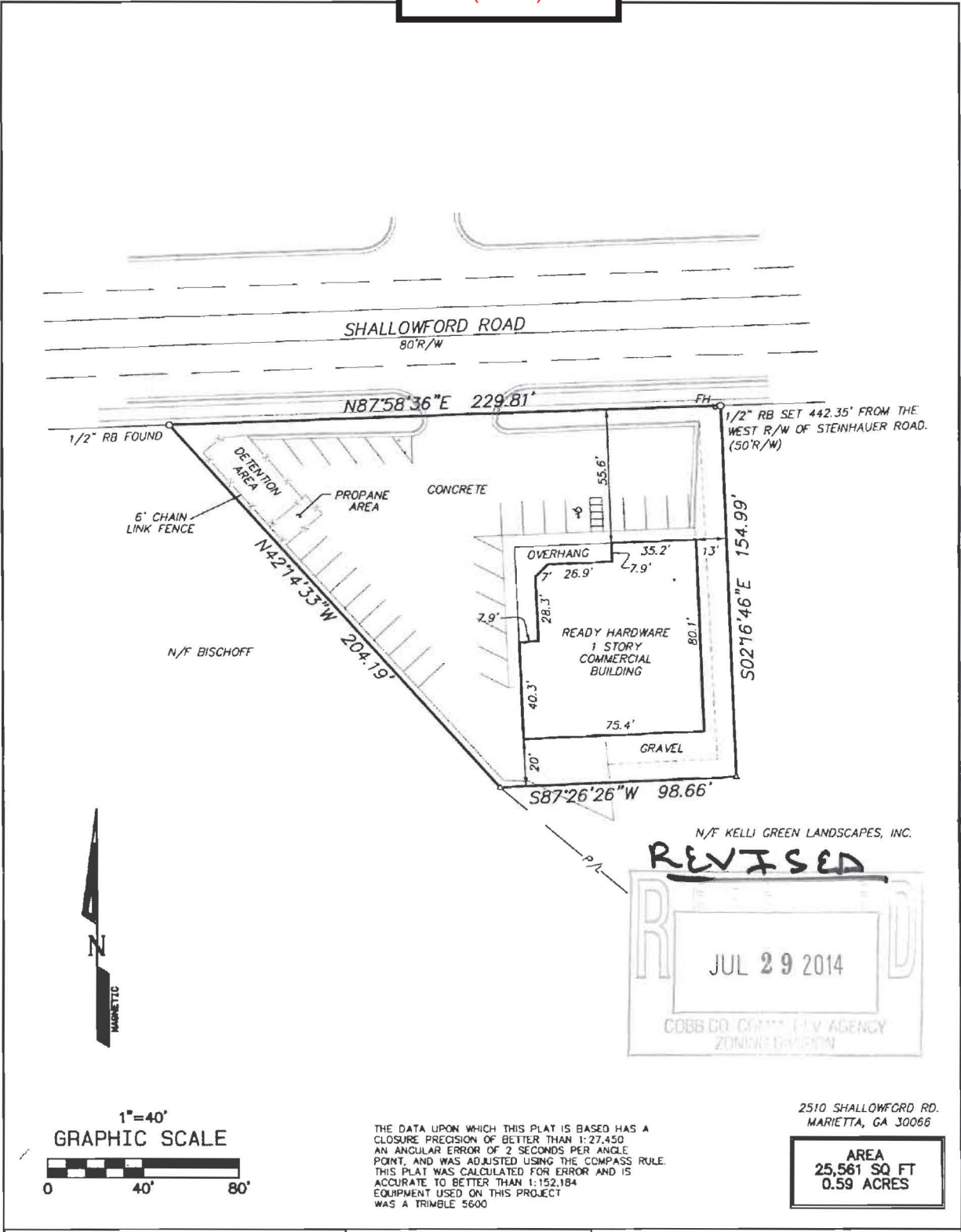


Z-63  
(2014)



THE DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF BETTER THAN 1:27,450 AN ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT WAS CALCULATED FOR ERROR AND IS ACCURATE TO BETTER THAN 1:152,184 EQUIPMENT USED ON THIS PROJECT WAS A TRIMBLE 5600

N/F KELLI GREEN LANDSCAPES, INC.  
**REVISED**  
JUL 29 2014  
COBB CO. COMMUNITY AGENCY  
ZONING DIVISION

2510 SHALLOWFORD RD.  
MARIETTA, GA 30066

AREA  
25,561 SQ FT  
0.59 ACRES

SOUTHERN SURVEYING & MAPPING CO., INC.  
4078 EBENEZER ROAD, N.E.  
MARIETTA, GEORGIA 30066  
PHONE (770) 826-7759

F.I.A. OFFICIAL FLOOD HAZARD  
MAP COMMUNITY NUMBER 130052  
PAGE 81 G., DATED 12/16/08  
SHOWS THIS PROPERTY NOT TO BE  
IN AN AREA HAVING SPECIAL FLOOD  
HAZARDS.

REFERENCE PLAT:  
BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

ALL MATTERS OF TITLE ARE  
EXCEPTED

SURVEY FOR:

**DANNY W. McCURDY**

ZONING APPLICATION # Z-63 (2014)		
LOT-	BLOCK-	UNIT-
LAND LOT-	338	
DISTRICT-	16th	SECTION- 2nd
COUNTY-	COBB	STATE- GEORGIA
DATE-	JULY 18, 2014	SCALE 1"= 40'
REVISED-		B KR22-14

**APPLICANT:** Shallowford Hardware, LLC

**PETITION NO:** Z-63

**PHONE#:** (770) 256-5656 **EMAIL:** shallowfordhardware@gmail.com

**HEARING DATE (PC):** 09-04-14

**REPRESENTATIVE:** John H. Moore

**HEARING DATE (BOC):** 09-16-14

**PHONE#:** (770) 256-5656 **EMAIL:** shallowfordhardware@gmail.com

**PRESENT ZONING:** R-20

**TITLEHOLDER:** Danny W. McCurdy

**PROPOSED ZONING:** NRC

**PROPERTY LOCATION:** South side of Shallowford Road, west of Palladian Village Drive and Steinhauer Road (2510 Shallowford Road).

**PROPOSED USE:** Retail Hardware and Related Uses

**ACCESS TO PROPERTY:** Shallowford Road

**SIZE OF TRACT:** 0.633 acre

**PHYSICAL CHARACTERISTICS TO SITE:** Existing single-story metal building

**DISTRICT:** 16

**LAND LOT(S):** 338

**PARCEL(S):** 70

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** NS and NRC/Sunshine House Daycare, Robbins Realty Offices

**SOUTH:** R-20/Undeveloped Residential, Lake

**EAST:** NS/Kelli Group, Centre Stage Plaza

**WEST:** R-20/Lake

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

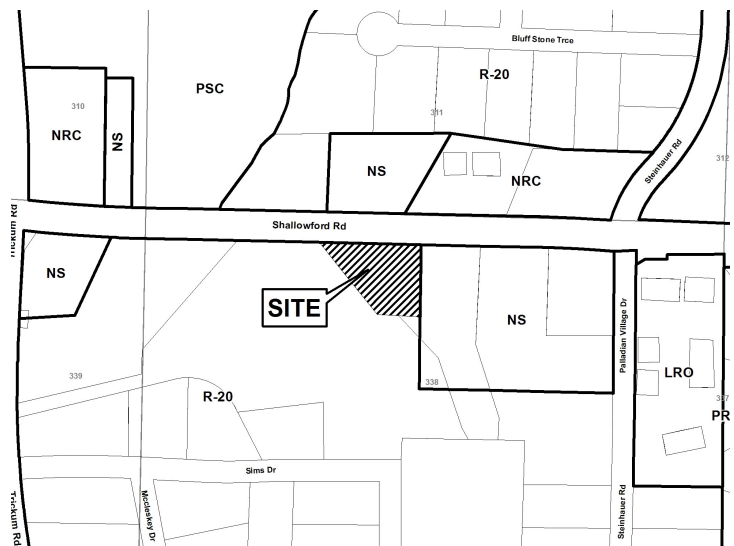
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

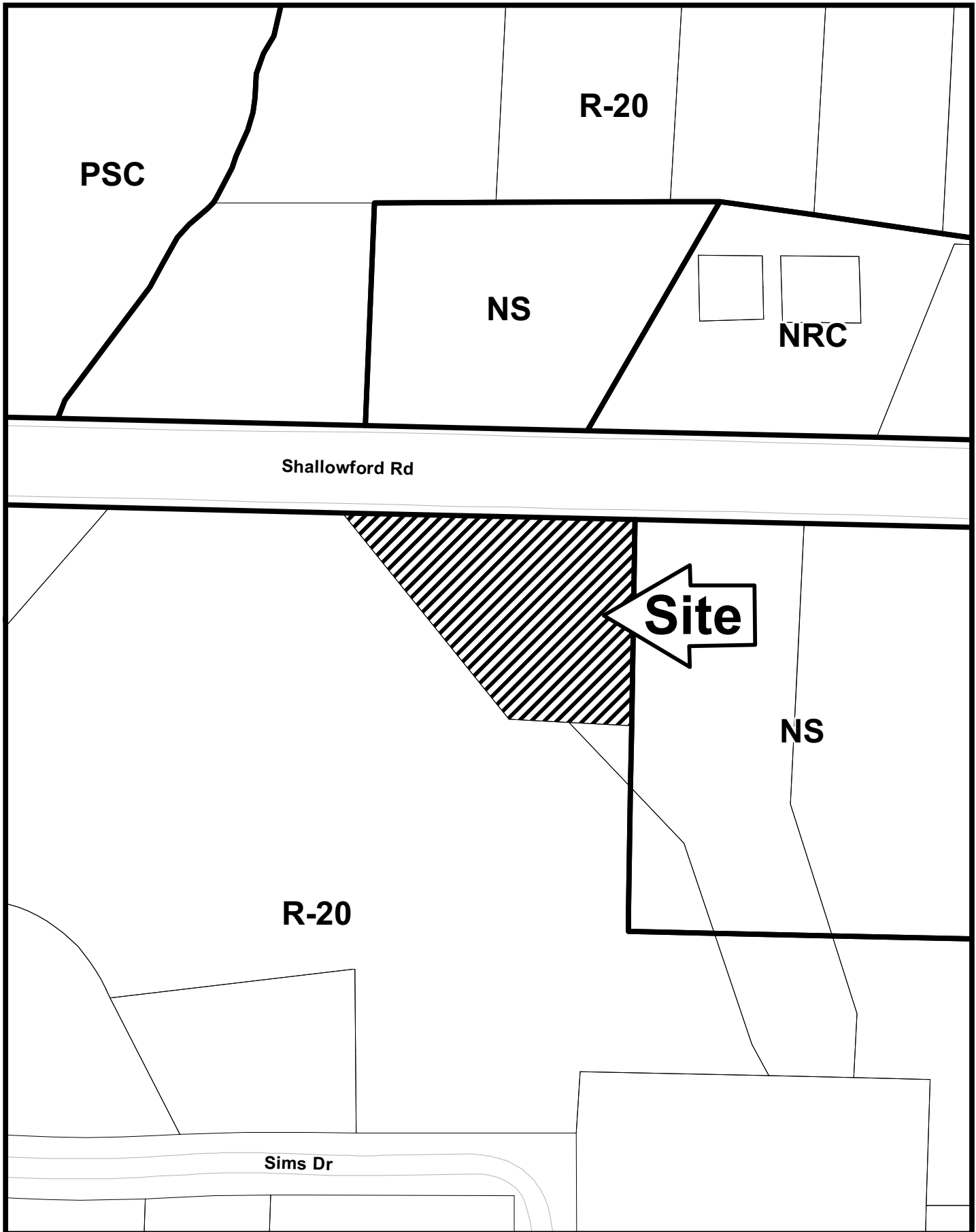
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

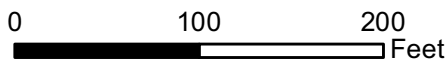
**STIPULATIONS:**





# Z-63



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Shallowford Hardware, LLC

PETITION NO.: Z-63

PRESENT ZONING: R-20

PETITION FOR: NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Kim Wakefield

**Land Use Plan Recommendation:** Neighborhood Activity Center (NAC)

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 5,412

**F.A.R.:** 0.19      **Square Footage/Acre:** 8,549.76

**Parking Spaces Required:** 37      **Parking Spaces Provided:** 27

The applicant is requesting rezoning to the NRC neighborhood retail commercial district to continue operation of the property for retail, including hardware and related uses, vehicle rental, small engine repair and propane tank rental and filling. The property has been used in this manner for the past 27+ years. Hours of operation are Sunday through Saturday from 8:00 a.m. until 6:00 p.m. Located within a neighborhood activity center, the R-20 single-family residential zoning is considered non-conforming and as such, the current request is to bring the property into compliance with the Zoning Code.

The applicant will need a variance of the required parking from a required 37 spaces to the provided 27 spaces. Also, the applicant would need a variance to allow truck and trailer leasing on site. Additionally, the applicant will require a side yard setback reduction from the required 15 feet to 13 feet on the east side of the property, and a rear setback reduction from the required 30 feet to 20 feet.

**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: Shallowford Hardware, LLC

PETITION NO.: Z-63

PRESENT ZONING: R-20

PETITION FOR: NRC

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from and R-20 to NRC for auto retail, rental and repair. The 0.63 acre site is located on the south side of Shallowford Road, east of Trickum Road.

**Comprehensive Plan**

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with R-20 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?

**Incentive Zones**

Is the property within an Opportunity Zone?     Yes             No  
The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?     Yes             No  
The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?     Yes             No  
The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

**Special Districts**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?  
 Yes             No

Is this property within the Cumberland Special District #2 (ad valorem tax)?  
 Yes             No

APPLICANT Shallowford Hardware, LLC

PETITION NO. Z-063

PRESENT ZONING R-20

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 / S side of Shallowford 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: In Shallowford Road ROW

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

Treatment Plant: Noontday

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: Shallowford Hardware, LLC**

**PETITION NO.: Z-63**

**PRESENT ZONING: R-20**

**PETITION FOR: NRC**

\*\*\*\*\*

<b>STORMWATER MANAGEMENT COMMENTS</b>
---------------------------------------

No site changes are proposed. Any future expansion will be required to meet current stormwater management regulations.

**APPLICANT: Shallowford Hardware, LLC**

**PETITION NO.: Z-63**

**PRESENT ZONING: R-20**

**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
Shallowford Road	19,000	Arterial	45 mph	Cobb County	100'

*Based on 2006 traffic counting data taken by Cobb County DOT (Shallowford Road)*

**COMMENTS AND OBSERVATIONS**

Shallowford 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 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 south side of Shallowford Road, a minimum of 50' from the roadway centerline upon redevelopment.

Recommend deceleration lane for the Shallowford Road access upon redevelopment.

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



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## STAFF RECOMMENDATIONS

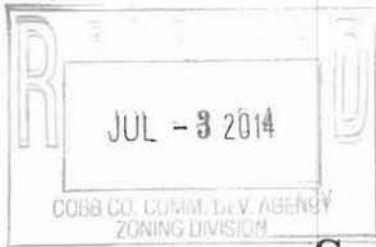
### **Z-63 SHALLOWFORD HARDWARE, LLC**

- 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 is to continue the property's use as it has been for decades. The property directly to the east is a retail plant nursery business. Further east of the property on the corner of Shallowford Road and Palladian Village Drive is a retail strip center zoned NS neighborhood shopping. Across the street to the north of the property on the corner of Shallowford Road and Steinhauer Road is another strip center with many retail shops, which is zoned NRC neighborhood retail commercial. To the west of that center is property zoned NRC neighborhood retail commercial with retail/office uses. The property directly to the north is a daycare zoned NS neighborhood shopping.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. The neighboring properties are similar in uses and are retail in nature. This request relates to existing uses that have been on the property for many years without any complaints filed.
- 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. This category seeks to encourage such uses as hardware stores to support the neighborhood and businesses in the area. The requested Neighborhood Retail Commercial zoning category is compatible with the NAC land use category, with the applicant requesting the additional use of automotive, truck, and trailer lease and rental facilities as an accessory use.
- 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. This request will allow the property to conform to the Code as it continues its commercial operation by rezoning it to a suitable commercial category from its current residential zoning. This request will allow the continued use of the property as it has been for many years with no new uses proposed. Specifically, the request is to allow the existing automobile, truck, and trailer lease and rental facilities as an accessory use to the hardware business. It is consistent with and compatible to the other commercial properties in the area.

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

- REVISED site plan received by the Zoning division on July 29, 2014, with the District Commissioner approving minor modifications;
- This approval is for current existing uses, to include hardware store and related uses, automobile, truck and trailer lease and rental facilities as an accessory use;
- Rental trucks/trailers to be parked in designated area to be approved by Zoning Division Manager;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management 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.**



Application #: Z- 63 (2014)

PC Hearing Date: 09/04/2014

BOC Hearing Date: 09/16/2014

# Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): Not Applicable
- 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): Retail, to include hardware and related uses; vehicle rental; small engine repair; and propane tank rental and filling
- b) Proposed building architecture: Traditional
- c) Proposed hours/days of operation: Sunday - Saturday; 8:00 a.m. - 6:00 p.m.
- d) List all requested variances: None known at this time

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

None at this time

.....  
**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). None known at this time.

.....  
**Part 5. Is this application a result of a Code Enforcement action? No \_\_\_; Yes X (If yes, attach a copy of the Notice of Violation and/or tickets to this form).**

MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature BY: [Signature] Date: June 5, 2014

Applicant name (printed): John H. Moore; Georgia Bar No. 519728  
Attorneys for Applicant and Property Owner

**\*Applicant reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any other part of the Application for Rezoning Revised August 21, 2013 at any time during the rezoning process.**

**ATTACHMENT TO APPLICATION FOR REZONING**

**IMPACT ANALYSIS STATEMENT**



**Application No.:** Z- 63 (2014)  
**Hearing Dates:** September 4, 2014  
September 16, 2014

**Applicant:** Shallowford Hardware, LLC  
**Titleholder:** Danny W. McCurdy

Analysis of impact of the proposed rezoning with respect to the following:

- (a) This Application for Rezoning requests rezoning of an approximately 0.633 acre tract located at 2510 Shallowford Road (hereinafter “Property” or “Subject Property”) from the existing R-20 zoning category to the Neighborhood Retail Commercial (“NRC”) zoning category. Applicant has conducted its business as a hardware store, with related uses; as well as a U-Haul rental facility and other uses, for a number of years. Applicant seeks rezoning of the Subject Property to the NRC category to allow for the continued uses of the Subject Property, and for the Property to be placed into conformity with the Future Land Use Map of Cobb County.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby residential property.
- (c) The Subject Property as presently zoned does not have a reasonable economic use. The proposed zoning will allow for the present use of the Subject Property to conform to the zoning category of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial development has almost no effect on schools, minimal effect on utilities and transportation facilities. The widened and improved roadways in the area will ease any increased traffic without burdensome effects. The established business located on the Subject Property has been in business for a number of years; and, thus no changes for infrastructure are required.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as the Subject Property is within a Neighborhood Activity Center (“NAC”).
- (f) Even though the Subject Property is currently zoned R-20, it is clear from the business and structure located thereon that it has not in recent years been used for any residential purposes. Rezoning the Subject Property to the NRC zoning classification will allow Applicant to continue its business operation, as it has done in the past years.



Cobb County... Expect the Best!

# COBB COUNTY - COMMUNITY DEVELOPMENT AGENCY Code Enforcement Division

Mailing Address  
P.O. Box 649  
Marietta, Ga. 30061

Physical Address  
1150 Powder Springs Rd.  
Suite 400  
Marietta, Ga. 30064

Fax: (770) 528-2092

**Z-63 (2014)  
Notice of  
Violation**

## Notice of Violation

Violation Number: CODE-2014-03268

Date: 5/8/2014

The Cobb County Code Enforcement Division has grounds to believe the property located at:

<u>2510 SHALLOWFORD RD</u>	<u>, GA</u>	<u>16</u>	<u>0338</u>	<u>070</u>	<u>R-20</u>
(Address)	(City/State/Zip)	(Dist)	(Land Lot)	(Par)	(Zoning)

and/or MCCURDY DANNY (200 WATERS WAY WOODSTOCK, GA 30188)

may be in violation of the Official Code of Cobb County, Georgia. You have 10 days to bring the violation(s) into compliance. An inspection will be made on or about 10 days from May 8, 2014. Failure to comply could result in a citation being issued for you to appear in the Cobb County Magistrate Court, and you may be subject to a fine, imprisonment or both.

<u>Violation</u>	<u>Code Section</u>	<u>Requirement for Compliance</u>
PERMITTED USE/U-HAUL BUSINESS	134-197 (3)	PROPERTY NOT ZONED FOR U-HAUL BUSINESS. MUST APPLY FOR REZONING.

Dwayne Hepler (dwayne.hepler@cobbcounty.org)

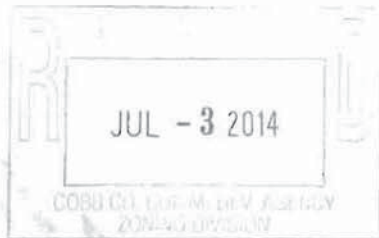
(770)528-2185

Officer

Telephone

Contact the Officer listed above by telephone or email for further information. Officer availability 8:00-9:00 a.m. and 3:30-4:30 p.m. Monday through Friday. You may leave voice mail or send email at any time.

A COMPLETE COPY OF THE COBB COUNTY ORDINANCE MAY BE VIEWED AT [WWW.COBBCOUNTY.ORG](http://WWW.COBBCOUNTY.ORG)



ERC3  
John Hairston  
Susan Wright  
UHAUL Since  
March 3, 1992