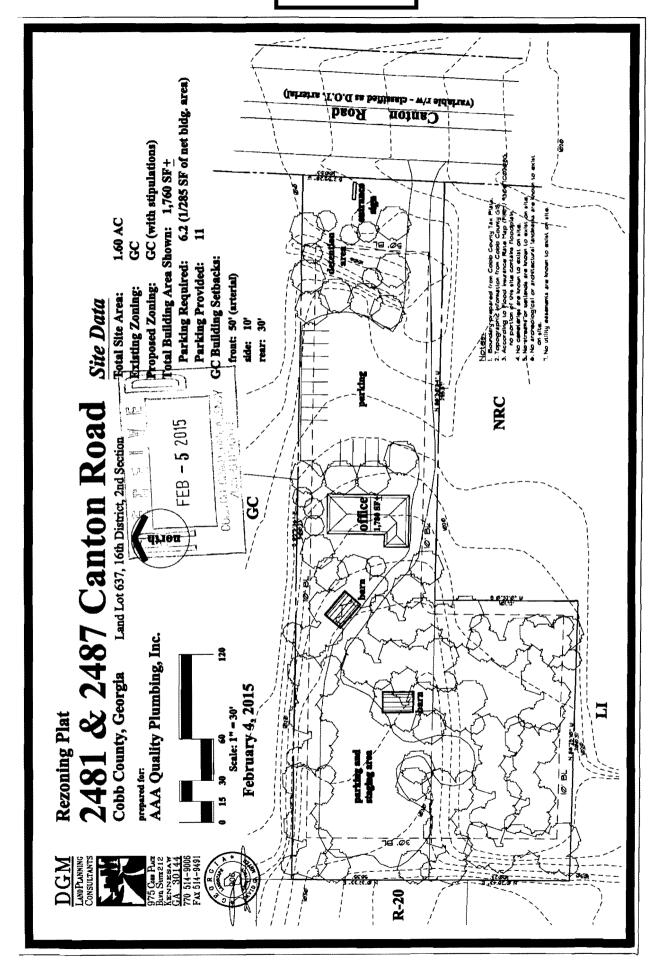
Z-32 (2015)



APPLICANT: Qual	ity Construction, Inc. & AAA Quality Plumbing, Inc.	PETITION NO:	Z-32
<b>PHONE#:</b> (404) 64	1-1372 EMAIL: Jezubeciks@yahoo.com	HEARING DATE (PC):	04-07-15
REPRESENTATIV	E: Garvis L. Sams, Jr.	HEARING DATE (BOC): _	04-21-15
<b>PHONE#:</b> (770) 422	2-7016 EMAIL: gsams@slhb-law.com	PRESENT ZONING:	GC
TITLEHOLDER: _A	AJ & Sons Properties, LLC		
		PROPOSED ZONING: GC	with Stipulations
PROPERTY LOCA	ATION: East side of Canton Road, south of		
Blackwell Lane		PROPOSED USE: Specia	alized Contractors
(2481 and 2487 Car	nton Road).		
ACCESS TO PROP	PERTY: Canton Road	SIZE OF TRACT:	1.60 acres
		DISTRICT:	16
PHYSICAL CHAR	ACTERISTICS TO SITE: Existing building	LAND LOT(S):	637
		PARCEL(S):	7, 60
		TAXES: PAID X DU	E
CONTIGUOUS ZO	NING/DEVELOPMENT	COMMISSION DISTRICT	: 3
NORTH:	GC/ The Fireplace Company		
SOUTH:	NRC/ Retail, Professional Office		
EAST:	LRO/ Professional Office		
WEST:	R-20/ Fraser Subdivision		

OPPOSITION: NO. OPPOSED\_\_\_PETITION NO:\_\_\_\_SPOKESMAN \_\_\_\_

#### PLANNING COMMISSION RECOMMENDATION

APPROVED\_\_\_\_MOTION BY\_\_\_\_

REJECTED SECONDED

HELD\_\_\_\_CARRIED\_\_\_\_

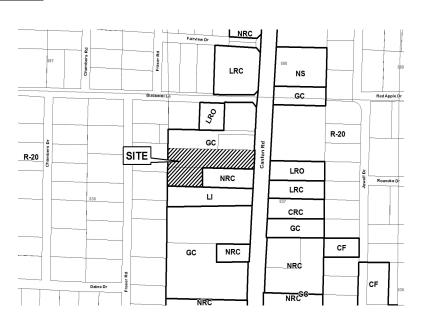
#### **BOARD OF COMMISSIONERS DECISION**

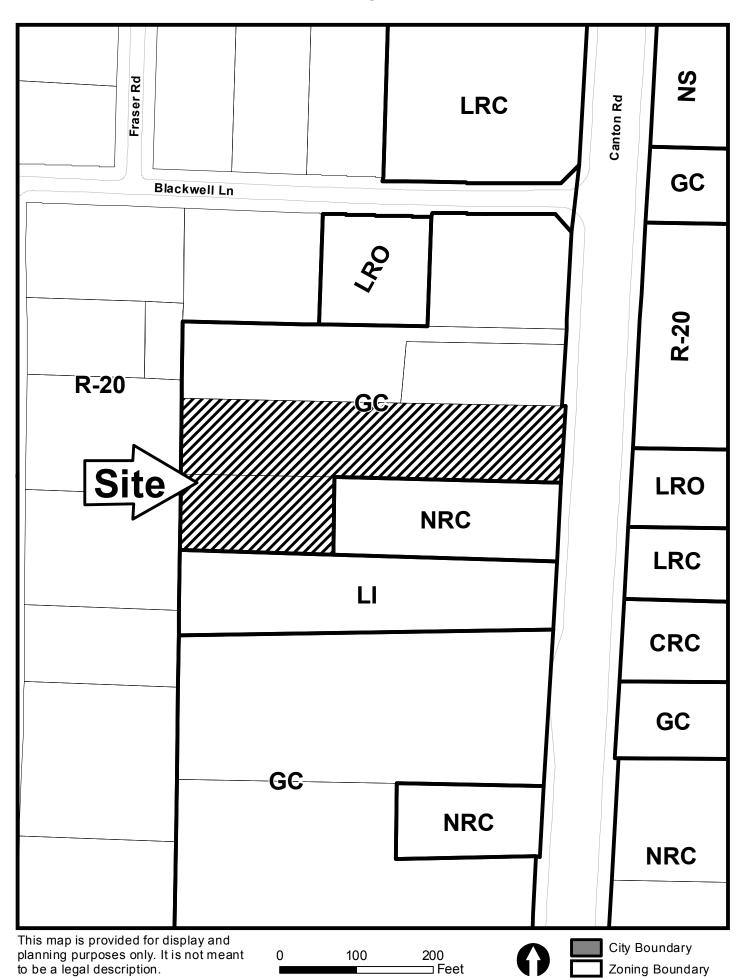
APPROVED\_\_\_\_MOTION BY\_\_\_\_

REJECTED\_\_\_\_SECONDED\_\_\_\_

HELD\_\_\_\_CARRIED\_\_\_\_

**STIPULATIONS:** 





APPLICANT: Quality Constru	ction, Inc. & AAA Quality Plui	mbing, Inc. PETITION NO.:	Z-32
PRESENT ZONING: GC		PETITION FOR:	: GC/S
*****	*****	******	*****
ZONING COMMENTS:	Staff Member Respons	ible: Terry Martin, MPA	
	_		
Land Use Plan Recommenda	ation: Neighborhood Act	ivity Center (NAC)	
<b>Proposed Number of Buildin</b>	ngs: 3 Total Squar	re Footage of Development:	1,760
<b>F.A.R.:</b> 0.03 <b>Square</b>	Footage/Acre: 1,100		
Parking Spaces Required: 7	Parking Spa	aces Provided: 11	
The applicant is requesting a the use of a specialized contra within a NAC neighborhood a due to its vacancy for longer are intended to operate from the The applicant's requested rez specialized contractor use that heavy industrial district. A district.	actor. The rezoning is requiactivity center future land up than six (6) months. The phis site Monday through Sattoning to the GC general content would otherwise only be a specialized contractor with	red as the property, currently ase category, has lost its legal proposed plumbing and home turday 7:00 a.m. to 7:00 p.m. ommercial district with stipullowed in either the LI light	zoned GC and located l nonconforming status e renovation businesses ulations is to allow the industrial district or H
<b><u>Cemetery Preservation</u></b> : 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.

PRESENT ZONING: GC	PETITION FOR: GC/S
********	************
PLANNING COMMENTS:	
	oning from GC to GC with stipulations for purpose of specializated on the east side of Canton Road, south of Blackwell Lane.
Comprehensive Plan	
designation. The purpose of the (NAC	od Activity Center (NAC) future land use category, with GC zoning category is to provide for areas that serve neighborhood residents are areas include small offices, limited retail and grocery stores.
Master Plan/Corridor Study	
The parcels are located within the bou	undary of the Canton Road Corridor Study.
<u> Historic Preservation</u>	
After consulting various county historench location maps, staff finds that	ric resources surveys, historic maps, archaeology surveys and Civil W t no known significant historic resources appear to be affected by the action by applicant requested at this time.
trench location maps, staff finds that	t no known significant historic resources appear to be affected by the
After consulting various county history trench location maps, staff finds that application. No further comment. No	t no known significant historic resources appear to be affected by the action by applicant requested at this time.  Guidelines?  Yes  No  No Road Design Guidelines
After consulting various county history trench location maps, staff finds that application. No further comment. No Design Guidelines  Is the parcel in an area with Design Guidelines area: Canto	t no known significant historic resources appear to be affected by the o action by applicant requested at this time.  Guidelines?    Yes  No  No Road Design Guidelines  The design requirements?
After consulting various county history trench location maps, staff finds that application. No further comment. No Design Guidelines  Is the parcel in an area with Design Guidelines area: Canto Does the current site plan comply with Pedestrian access to buildings	t no known significant historic resources appear to be affected by the o action by applicant requested at this time.  Guidelines?  The Yes  In No  In Road Design Guidelines  The the design requirements?
After consulting various county historench location maps, staff finds that application. No further comment. No Design Guidelines  Is the parcel in an area with Design Guidelines area: Canto Does the current site plan comply with Pedestrian access to buildings Yes No  Streetscape elements	t no known significant historic resources appear to be affected by the o action by applicant requested at this time.  Guidelines?  Yes  No No Road Design Guidelines  the the design requirements?  Not applicable
After consulting various county history trench location maps, staff finds that application. No further comment. No Design Guidelines  Is the parcel in an area with Design Guidelines area: Canto Does the current site plan comply with Pedestrian access to buildings Yes No  Streetscape elements Yes No  Building Frontage	t no known significant historic resources appear to be affected by the contact action by applicant requested at this time.  Suidelines?  Yes  No na Road Design Guidelines  the design requirements?  Not applicable  Not applicable

If there is no renovation or improvement on the property fronting Canton Road, the complying with the design guidelines is not required.

APPLICANT: Quality Construction, Inc. & AAA Quality Pl	umbing, Inc. <b>PETITION NO.:</b> Z-32
PRESENT ZONING: GC	PETITION FOR: GC/S
**********	*********
<b>PLANNING COMMENTS:</b> (Continued)	
Incentive Zones	
Is the property within an Opportunity Zone?  The Opportunity Zone is an incentive that provides \$3, jobs are being created. This incentive is available for ne	- · · · · · · · · · · · · · · · · · · ·
Is the property within an Enterprise Zone?  The Enterprise Zone is an incentive that provides qualifying businesses locating or expanding within desi	
Is the property eligible for incentives through the Comm Rehabilitation Program?  The Commercial and Industrial Property Rehabilitation ad valorem property taxes for qualifying redevelopment	Yes
For more information on incentives, please call the Co 770.528.2018 or find information online at <a href="http://econormation.neg/">http://econormation.neg/</a>	
Special Districts	
Is this property within the Cumberland Special District  ☐ Yes ■ No	#1 (hotel/motel fee)?
Is this property within the Cumberland Special District  ☐ Yes ■ No	#2 (ad valorem tax)?
Is this property within the Six Flags Special Service Dis ☐ Yes ■ No	strict?

PRESENT ZONING GC				PE	FITION FOR GC w/stips
* * * * * * * * * * * * * * * * * * * *	* *	* * * * * * * * *	* *	* * *	*****
WATER COMMENTS: NOTE: Comments refl	lect o	only what facilities w	vere	in exi	stence at the time of this review.
Available at Development:	<b>✓</b>	Yes			No
Fire Flow Test Required:		Yes		<b>✓</b>	No
Size / Location of Existing Water Main(s): 12"	DI/	W side of Canton	Rd		
Additional Comments: Existing water customer					
Developer may be required to install/upgrade water mains, based on Review Process.	fire fl	low test results or Fire Do	epartn	nent Co	de. This will be resolved in the Plan
* * * * * * * * * * * * * * * * * * * *	* *	* * * * * * * * *	* *	* * :	* * * * * * * * * * * * *
SEWER COMMENTS: NOTE: Comments in	refle	ct only what facilitie	es we	re in e	existence at the time of this review.
In Drainage Basin:	<b>✓</b>	Yes			No
At Development:	<b>✓</b>	Yes			No
Approximate Distance to Nearest Sewer: On	site				
Estimated Waste Generation (in G.P.D.): A	D F=	= +0		P	eak= +0
Treatment Plant:		Noond	lay		
Plant Capacity:	<b>✓</b>	Available		Not	Available
Line Capacity:	<b>~</b>	Available		Not	Available
Proiected Plant Availability:	<b>~</b>	0 - 5 vears		5 - 1	0 vears $\Box$ over 10 vears
Drv Sewers Required:		Yes	<b>~</b>	No	
Off-site Easements Required:		Yes*	<b>✓</b>	No	*If off-site easements are required, Developer must submit easements to CCWS for
Flow Test Required:		Yes	<b>~</b>	No	review/approval as to form and stipulations prior to the execution of easements by the
Letter of Allocation issued:		Yes	<b>~</b>	No	property owners. All easement acquisitions are the responsibility of the Developer
Septic Tank Recommended by this Department	: <b>~</b>	Yes		No	
Subject to Health Department Approval:	<b>✓</b>	Yes		No	
Additional No proposed utility impact. Heal	lth D	ept approval requ	ired	for c	ontinued use of existing

PETITION NO.

Z-032

APPLICANT Quality Construction Inc

Comments:

septic system.

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: Quality Construction, Inc.	<b>PETITION NO.:</b> <u><b>Z-32</b></u>
PRESENT ZONING: GC	PETITION FOR: GC w/ stips
************	*************
STORMWATER MANAGEMENT COMMENTS	
FLOOD HAZARD: YES NO POSSIBLY,	NOT VERIFIED
DRAINAGE BASIN: Little Noonday Creek FLOOD FEMA Designated 100 year Floodplain Flood. Flood Damage Prevention Ordinance DESIGNATED FL Project subject to the Cobb County Flood Damage Prevention Dam Breach zone from (upstream) (onsite) lake - need to	OOD HAZARD.  ntion Ordinance Requirements.
WETLANDS: ☐ YES ☐ NO ☐ POSSIBLY, NOT	VERIFIED
Location:	
☐ The Owner/Developer is responsible for obtaining any Corps of Engineer.	required wetland permits from the U.S. Army
STREAMBANK BUFFER ZONE: YES NO	POSSIBLY, NOT VERIFIED
<ul> <li>Metropolitan River Protection Area (within 2000' of undisturbed buffer each side of waterway).</li> <li>□ Chattahoochee River Corridor Tributary Area - County realized Erosion-Sediment Control Law and County Ordion Georgia DNR Variance may be required to work in 25 for County Buffer Ordinance: 50', 75', 100' or 200' each side</li> </ul>	eview ( <u>undisturbed</u> buffer each side). inance - County Review/State Review. ot streambank buffers.
DOWNSTREAM CONDITIONS	
<ul> <li>□ Potential or Known drainage problems exist for developm</li> <li>□ Stormwater discharges must be controlled not to excessorm drainage system.</li> <li>□ Minimize runoff into public roads.</li> <li>□ Minimize the effect of concentrated stormwater discharge</li> <li>□ Developer must secure any R.O.W required to receive naturally</li> </ul>	eed the capacity available in the downstream es onto adjacent properties.
<ul> <li>Existing Lake Downstream</li> <li>Additional BMP's for erosion sediment controls will be related Lake Study needed to document sediment levels.</li> <li>Stormwater discharges through an established residential</li> </ul>	
Project engineer must evaluate the impact of increased	_

APPLICANT: Quality Construction, Inc.	<b>PETITION NO.: <u>Z-32</u></b>
PRESENT ZONING: GC	PETITION FOR: GC w/ stips
************	*********
STORMWATER MANAGEMENT COMMENTS – C	ontinued
SPECIAL SITE CONDITIONS	
<ul> <li>□ Provide comprehensive hydrology/stormwater controls to ince</li> <li>□ Submit all proposed site improvements to Plan Review.</li> <li>□ Any spring activity uncovered must be addressed by a quality</li> <li>□ Structural fill must be placed under the direction of a engineer (PE).</li> <li>□ Existing facility.</li> <li>□ Project must comply with the Water Quality requirement County Water Quality Ordinance.</li> <li>□ Water Quality/Quantity contributions of the existing lake/perconditions into proposed project.</li> <li>□ Calculate and provide % impervious of project site.</li> <li>□ Revisit design; reduce pavement area to reduce runoff and positions.</li> </ul>	fied geotechnical engineer (PE). a qualified registered Georgia geotechnical ts of the CWA-NPDES-NPS Permit and ond on site must be continued as baseline
INSUFFICIENT INFORMATION	
<ul> <li>☐ No Stormwater controls shown</li> <li>☐ Copy of survey is not current – Additional comments may be are exposed.</li> <li>☐ No site improvements showing on exhibit.</li> </ul>	e forthcoming when current site conditions

#### **ADDITIONAL COMMENTS**

- 1. The site is located to the west of Canton Road. The entire site drains to the north through the adjacent commercial parcel (2493 Canton Rd) to the Canton Road R/W.
- 2. The applicant is proposing to use the existing structure with no significant site improvements anticipated. Full stormwater management must be provided upon redevelopment or substantial improvement of the site. Existing debris must be removed from the site.

APPLICANT: Quality Construction, Inc.	PETITION NO.: <u>Z-32</u>
PRESENT ZONING: GC	PETITION FOR: GC w/Stips
**********	*******

#### 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	39700	Arterial	45	Cobb	100'

Based on [2014] traffic counting data taken by Cobb County DOT

#### COMMENTS AND OBSERVATIONS

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

#### RECOMMENDATIONS

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

Recommend the driveway apron be upgraded to the commercial standard.

Recommend addition of sidewalks along Canton Road frontage.

#### STAFF RECOMMENDATIONS

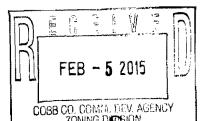
#### Z-32 QUALITY CONSTRUCTION, INC. & AAA QUALITY PLUMBING, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is not suitable in view of the use and development of adjacent and nearby properties. While the use of a contractor's (professional) office may well coexist with the surrounding retail, office, and restaurant uses, the potential for outdoor storage of equipment and heavy vehicles may be disruptive to the redevelopment trend and adjacent residential neighbors in this area of Canton Road.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse affect on the usability of adjacent or nearby property. The potential of the requested use to utilize the property for outdoor storage of equipment and heavy vehicles relative to the contractor's business could have a negative impact on the adjoining residential properties in way of veiwshed and noise pollution.
- 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*. The *Plan* identifies this property as being within a NAC neighborhood activity center that is meant to encourage such uses as small offices, limited retail and grocery stores, etc. Moreover, it calls for a "transition in land use type" between "higher intensity uses and adjacent residential areas." As identified, the applicant's requested use poses the threat of negative impact to those immediately adjacent residential neighbors to the west. Also, the subject property lies within that area identified by the *Plan* along Canton Road where certain design guidelines have been devised to "encourage an improved sense-of-place."
- 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 to NRC neighborhood retail commercial district. Due to the property's loss of its legal nonconforming status, a rezoning from the GC district is warranted and the NRC district would be in accordance with the *Cobb County Comprehensive Plan*. The NRC district would provide for those uses best suited to this area of Canton Road as identified by the *Plan* and keep the pace of redevelopment that follows its intentions seen in this area over recent years.

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

- Permitted uses to be only those prescribed by the County Code for the NRC district;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations:
- Stormwater Management comments and recommendations;
- Department of Transportation comments and recommendations
- Planning Division 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.



# Application No. 2-32 April 2015

## COSB CO. COMM. DEV. AGENCY ZONING DISERMAN Of Intent for Rezoning

Part 1.	Resid	ential 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:
art 2.		esidential Rezoning Information (attach additional information if needed)
	a)	Proposed use(s): Specialized Contractors
	b)	Proposed building architecture: As-built
	c)	Proposed hours/days of operation: Monday-Saturday from 7:00 a.m. until 7:00 p.m.
	<u>d)</u>	List all requested variances: None at this time.
Part 3	 3 Oth	er Pertinent Information (List or attach additional information if needed)
		abject property is presently zoned GC but lost its non-conforming "grandfathered" exemption through
	a non	use over a statutory period of time. It is bounded on the north by property zoned and utilized for GC in the south by properties utilized for LI & NRC and is located in an area denominated as a Neighborhood
	Activ	ty Center ("NAC") under Cobb County's Future Land Use Map.
Part 4	Is an	y of the property included on the proposed site plan owned by the Local, State, or Federal Government?
. 4. 1 7.		e list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach
	•	early showing where these properties are located).
	Not A	Applicable

## ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION OF QUALITY CONSTRUCTION, INC. & AAA QUALITY PLUMBING, INC.

FEB - 5 2015

COBB CO. COMM. DEV. AGENCOMES NOW, QUALITY CONSTRUCTION, INC. & AAA
ZOMING DIVISION

QUALITY PLUMBING, 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 Corridor.
- 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. The property is within a Neighborhood Activity Center (NAC) 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 nonconforming classification of GC.

AMS, LARKIN, HUFF & BALLI
ATMITED HABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS ST.
MARIETTA, GA 30064
770, 422, 7016

Z-32 (2015) Impact Analysis

- 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 commercially or industrially oriented and 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 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 Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 14 day of February, 2015.

SAMS, LARKIN, HUFF & BALLI, LLP

By: GARVIS L. SAMS, JR.
Attorney for Applicant

Ga. Bar No. 623950

SAMS, LARKIN, HUFF & BALLI
AUMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS ST.
MARIETTA, GA 30064
770,422,7016

Z-32 (2015) Stipulation Letter

#### SAMS, LARKIN, HUFF & BALLI

#### A LIMITED LIABILITY PARTNERSHIP

Garvis L. Sams, Jr. Joel L. Larkin Parks F. Huff James A. Balli

Suite 100 376 Powder Springs Street Marietta, Georgia 30064-3448 770-422-7016 TELEPHONE 770-426-6583 FACSIMILE

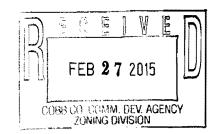
ADAM J. ROZEN

SLHB-LAW.COM

February 27, 2015

#### VIA EMAIL:

Mr. Terry Martin, Planner II Cobb County Zoning Division Community Development Agency 1150 Powder Springs Road, Suite 400 Marietta, GA 30064



Re:

Application of Quality Construction, Inc. & AAA Quality Plumbing, Inc. to Rezone a 1.60 Acre Tract from GC to GC with stipulations (No. Z-32)

#### Dear Terry:

As you know, this firm has been engaged by and represents the Applicants and Property Owner with respect to the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on April 7, 2015. Thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on April 21, 2015.

During the pendency of this Application, we have had the opportunity to initiate and engage in discussions with the Planning & Zoning staff, with various departmental representatives and others. In that regard, we are submitting this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

- 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 from its existing zoning category of GC to GC with stipulations for the purposes of specialized contractors. The total site area

<sup>&</sup>lt;sup>1</sup> The subject property lost its non-conforming "grandfathered" exemption through non-use over the statutory period of time. It is bounded on the north by property zoned and utilized for GC and on the south by property utilized for LI & NRC and is located in an area denominated as a Neighborhood Activity Center ("NAC") under Cobb County's Future Land Use Map.

### SAMS, LARKIN, HUFF & BALLI A LIMITED LIABILITY PARTNERSHIP

#### VIA EMAIL:

Mr. Terry Martin, Planner II Cobb County Zoning Division Community Development Agency February 27, 2015 Page 2

consists of 1.60 acres and the Applicants propose to utilize the subject property for their respective businesses, Quality Construction, Inc. and AAA Quality Plumbing, Inc.

- 3. The days and hours of operation will be Monday through Saturday from 7:00 a.m. until 7:00 p.m.
- 4. The Applicants are in the process of removing all materials on the subject property not otherwise related to the subject businesses and will store all materials ancillary to their businesses in accordance with County Regulations.<sup>2</sup>
- 5. Compliance with recommendations from the Stormwater Management Division with respect to detention, hydrology, water quality and downstream considerations.<sup>3</sup>
- 6. The submission of a landscape plan during the Plan Review Process subject to the Arborist's review and approval. All landscaped buffer areas may be penetrated for purposes of access, utilities and stormwater management and any and all slopes or other engineering features required by Cobb County.
- 7. Compliance with the following recommendations from the Cobb County Department of Transportation, as follows:
  - a) The voluntary donation and conveyance of right-of-way so that the County can achieve fifty feet (50') from the centerline of Canton Road (the width of which varies).
  - b) If determined to be necessary during the Plan Review Process, the driveway to the subject property may be widened to commercial standards where it intersects Canton Road.
  - c) An agreement to comply with Cobb County Development Standards and Ordinances related to project improvements except as otherwise approved by the Board of

<sup>&</sup>lt;sup>2</sup> The subject property was purchased approximately four and a half (4½) months ago and the Applicants and Property Owner have undertaken enormous remedial measures during that time frame in which to clean up the litter, debris and junk on the site.

<sup>&</sup>lt;sup>3</sup> Even though detention is shown on the site plan, the Stormwater Management Division advises that no detention or water quality will be required unless 5,000 sq. ft. or more of the subject property is disturbed and replaced with impervious surfaces.

### SAMS, LARKIN, HUFF & BALLI A LIMITED LIABILITY PARTNERSHIP

#### **VIA EMAIL:**

Mr. Terry Martin, Planner II Cobb County Zoning Division Community Development Agency February 27, 2015 Page 3

Commissioners, Cobb County Department of Transportation or the Cobb County Community Development Agency as their respective authority may allow.

- 8. Compliance with recommendations from the Cobb County Water System with respect to the availability of water and sewer to the subject property.<sup>4</sup>
- 9. Compliance with recommendations from the Cobb County Fire Department with respect to fire prevention and life-safety issues.
- 10. The District Commissioner shall have the authority to approve minor modifications as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:
  - a) Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
  - b) Relocate a structure closer to the property line of adjacent property that is zoned the same or in a more restrictive zoning district.
  - c) Increase the height of a building that is adjacent to a property that is zoned in the same or in a more restrictive zoning district.
  - d) Change access location to a different roadway.

The subject property is located in a long established commercial area along the Canton Road Corridor. Contiguous to Light Industrial property and General Commercial property, the Applicants' proposal is entirely appropriate from a land use perspective particularly when considered in the context of existing and planned development within this sub-area of the County.

Please do not hesitate to contact me should you need any additional information or documentation prior to the formulation of staff's Zoning Analysis and Recommendations.

<sup>&</sup>lt;sup>4</sup> The subject property is presently on an existing septic system which is subject to review and approval by the Health Department.

#### SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

#### **VIA EMAIL:**

Mr. Terry Martin, Planner II Cobb County Zoning Division Community Development Agency February 27, 2015 Page 4

With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

Garvis L. Sams, Jr. gsams@slhb-law.com

#### GLS/dsi

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. Dana Johnson, AICP, Deputy Director (via email)

Mr. John P. Pederson, AICP, Manager (via email)

Mr. Jason Campbell, Planner II (via email)

Ms. Kim Wakefield, Zoning Analyst (via email)

Mr. David Breaden, P.E., Cobb County Stormwater Management (via email)

Mr. Eric Meyer, P.E., Cobb County DOT (via email)

Mr. Tim Davidson, Cobb County Water System (via email)

Ms. Lori Barton, Deputy County Clerk (via email)

Mr. David V. Poteet (via email)

Ms. Carol Brown, Chairperson, Canton Road Neighbors, Inc. (via email)

Mr. Alex Jezubciks (via email)

Mr. Steve Wilbert (via email)