

APPLICANT: John Hillis

PHONE#: (404) 285-1124 **EMAIL:** amanda@woodruffai.com

REPRESENTATIVE: Amanda Woodruff

PHONE#: (404) 285-1124 **EMAIL:** amanda@woodruffai.com

TITLEHOLDER: Hillis Enterprises, LLC

PROPERTY LOCATION: East side of Canton Road, north side of Powell Wright Road (2218 Canton Road).

ACCESS TO PROPERTY: Powell Wright Road

PHYSICAL CHARACTERISTICS TO SITE: Existing building

PETITION NO: Z-33

HEARING DATE (PC): 04-07-15

HEARING DATE (BOC): 04-21-15

PRESENT ZONING: R-15, GC, CRC

PROPOSED ZONING: CRC

PROPOSED USE: Commercial and Contractor

SIZE OF TRACT: 6.19 acres

DISTRICT: 16

LAND LOT(S): 708, 709

PARCEL(S): 2, 2, 46, 47, 48

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NS/ undeveloped
- SOUTH:** GC/ retail commercial
- EAST:** R-20/ Wright Pines Subdivision
- WEST:** OS/ undeveloped

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

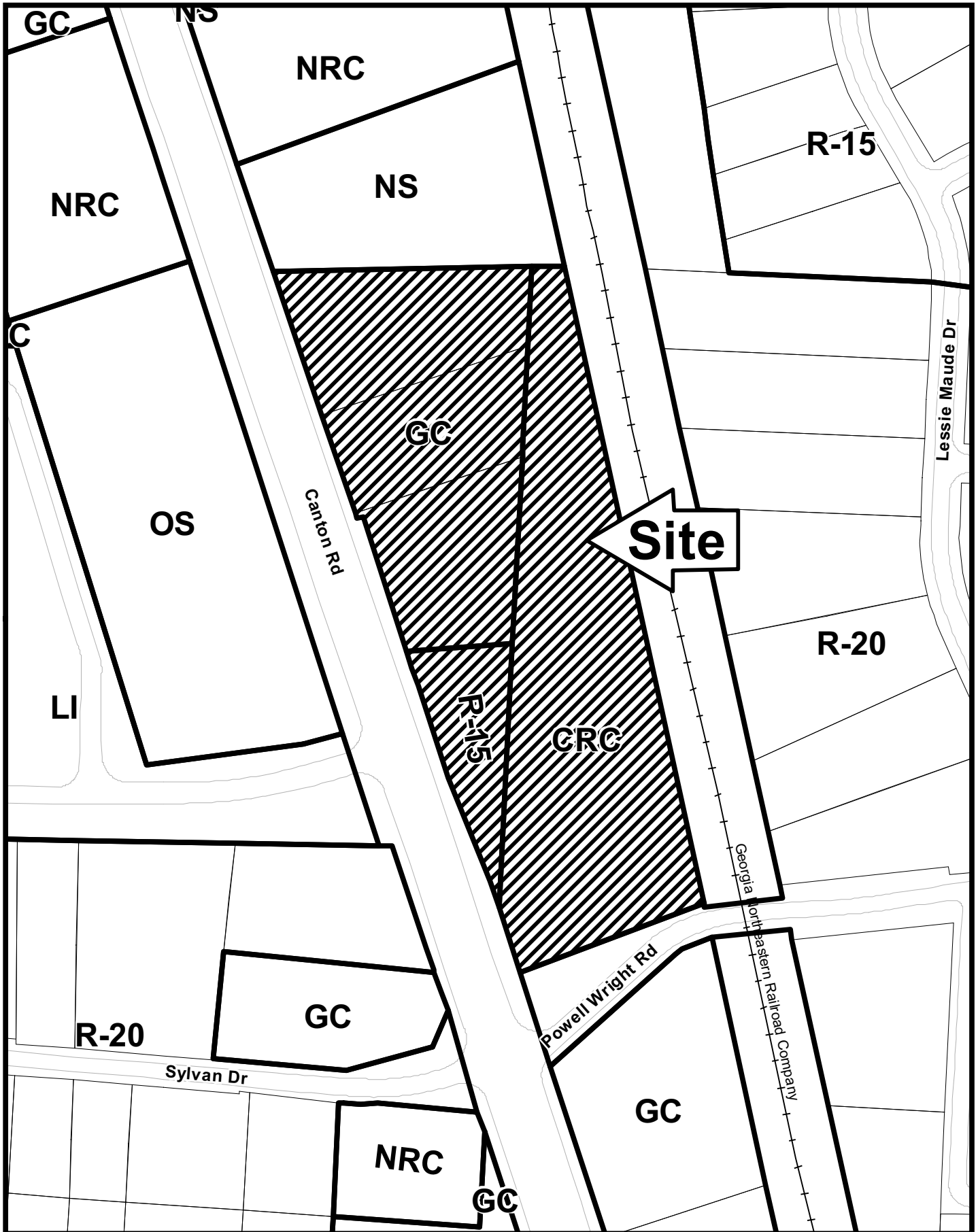
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

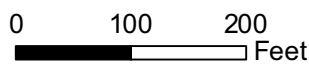
STIPULATIONS:



Z-33



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



City Boundary
Zoning Boundary

APPLICANT: John Hillis

PETITION NO.: Z-33

PRESENT ZONING: R-15, GC, CRC

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:** 12,000

F.A.R.: 0.04 **Square Footage/Acre:** 1,939

Parking Spaces Required: 22 **Parking Spaces Provided:** 22

The applicant is requesting rezoning from the existing R-15 single-family residential district, GC general commercial district, and CRC community retail commercial district to the CRC district in order to expand the existing specialized contractor use (Casteel Heating and Air on proposed Tract 1) and also provide for future commercial activity on the remaining area (proposed Tract 2). The applicant has indicated a willingness to follow the Canton Road Guidelines on both tracts as development takes place as well as traffic improvements that may be warranted at the time of development of Tract 2.

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: John Hillis

PETITION NO.: Z-33

PRESENT ZONING: R-15, GC, CRC

PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-15, GC and CRC to CRC for purpose of commercial and contractor use. The 6.19 acre site is located on the east side of Canton Road, north side of Powell Wright Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with R-15, GC and CRC zoning designations. 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 parcels are located within the boundary of the Canton Road Corridor Study.

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 Road Design 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

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

APPLICANT: John Hillis

PETITION NO.: Z-33

PRESENT ZONING: R-15, GC, CRC

PETITION FOR: CRC

PLANNING COMMENTS: (Continued)

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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

Is this property within the Six Flags Special Service District?

Yes No

APPLICANT John Hillis

PETITION NO. Z-033

PRESENT ZONING R-15, GC, CRC

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): 8" DI / E side of Canton Rd

Additional Comments: Tract 1 is 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: At site

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 Comments: Liberty Hill Special Assessment \$14,200 per acre upon development. Neither Tract 1 or 2 connected to sewer at this time

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: John Hillis

PETITION NO.: Z-33

PRESENT ZONING: R-15, GC, CRC

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 CONDITIONS

- 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 existing railroad culvert.

APPLICANT: John Hillis

PETITION NO.: Z-33

PRESENT ZONING: R-15, GC, CRC

PETITION FOR: CRC

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. The site is located to the east of Canton Road. The entire site drains to the existing railroad right-of-way to the east.
2. Although not indicated on the site plan, either a master stormwater management facility that would accommodate all future improvements to both tracts or two separate facilities (one for each tract) will be required.

APPLICANT: John Hillis

PETITION NO.: Z-33

PRESENT ZONING: R-15, GC, CRC

PETITION FOR: CRC

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	29700	Arterial	45	Cobb	100'

Based on [2011] 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 addition of sidewalks along Canton Road and Powell Wright Road frontage.

Recommend Canton Road access be determined at plan review, subject to the Department's approval.

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

STAFF RECOMMENDATIONS

Z-33 JOHN HILLIS

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. The area contains a mixture of commercial and residential.
- 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. The applicant's proposal would be consistent with the current use of the property.
- 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. Moreover, it calls for a "transition in land use types" between "higher intensity uses and adjacent residential areas." Therefore, the deletion to the NRC district is most beneficial to the applicant in allowing future development as well as current expansion of the specialized contractor use per the NRC code section allowing special exceptions that "currently have a zoning district that is not consistent with neighborhood activity centers" and that contain "existing structure or use that is considered a nonconforming use given its delineation as a neighborhood activity center." 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. A rezoning for the purpose of commercial development 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 allow the continuance of the use of specialized contractor as a special exception under the NRC district Code.

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

- allowance of a "contractor without heavy equipment" as a permitted use;
- all new development, including additions to existing buildings, to follow all applicable aspects of the Canton Road Design Guidelines;
- security lighting to be environmentally sensitive and designed so as to contain light on site;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- Department of Transportation comments and recommendations; and
- 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.

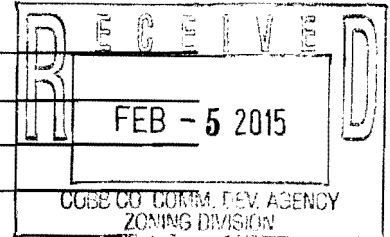


Application #: E-33
PC Hearing Date: 4-7-15
BOC Hearing Date: 4-21-15

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): N/A
- b) Proposed building architecture: N/A
- c) Proposed selling prices(s): N/A
- d) List all requested variances: N/A



.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

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

None

.....
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). No

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

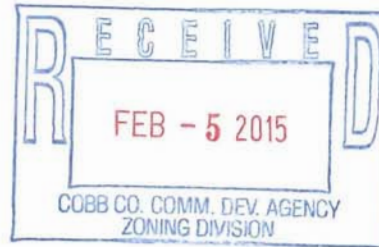
Applicant signature: Amenda Woodruff Date: 12/3/2014
Applicant name (printed): Amenda Woodruff



WOODRUFF & ASSOCIATES

Z-33 (2015)
Impact Analysis

To: Cobb County Zoning Division
1150 Powder Springs Street
Suite 400
Marietta, GA 30064



Date: 2/04/2015

Re: Rezoning Application
2218 Canton Road
Marietta, GA 30066

To Whom it May Concern:

We are providing this letter of analysis regarding the impact from rezoning the property located at 2218 Canton Road, Marietta, Georgia from R-15/GC (a retired zoning) to CRC. The existing site is a 2.80 acre piece of property comprised of four smaller tracts to be combined.

The proposed zoning will permit a use that fits with the existing development in the area and adjacent to the property. An overall survey plan has been provided to show the commercial development in the area and there will be no adverse affect to the adjacent property.

The proposed zoning will have a positive economic impact for the property, allowing for possible expansion of the current Casteel Heating and Air Business and providing the needed zoning for other viable commercial businesses to develop.

No excessive burden would be expected from the proposed zoning.

The traffic impact on existing streets would be the same.

No adverse impact on utilities or schools is expected.

We would like to propose the following stipulations:

1. Development shall follow the Canton Road Guidelines and be imposed on Tract 1 and Tract 2, in their combined configuration, respectively as development is proposed on each tract.
2. Access via Canton Highway with the required deceleration lane shall be completed at the time Tract 2 seeks a Land Development Permit.



WOODRUFF
& ASSOCIATES

3. The existing ground sign serving the current Casteel Heating and Air Location shall be allowed to convert to a digital sign at the time of expansion.

4. The existing 30-foot set-back along the current L & N Rail Road shall remain intact as a buffer in lieu of additional buffer area.

The zoning proposed is in conformity with the policy and intent of the land-use plan. The existing site lends itself to redevelopment as proposed with no new utility connections required or major site work proposed.

If you have any questions or concerns, feel free to call me anytime at 404-285-1124.

Sincerely,

Amanda K, Woodruff, P.E.