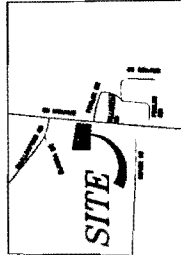
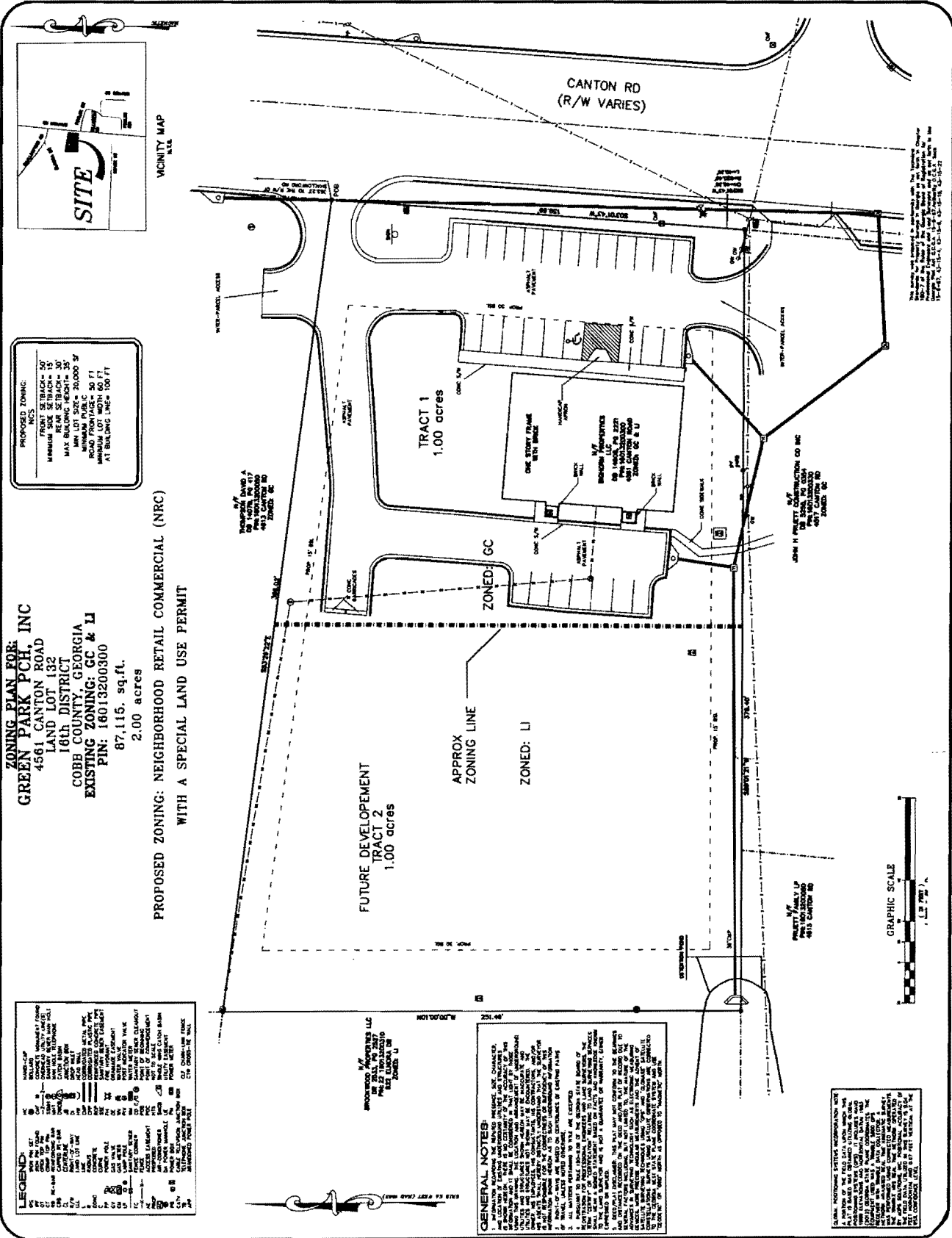


DATE: 05/31/15
SCALE: 1" = 20'
JOB NO: 16013200300
PROJECT: GREEN PARK PCH, INC
CANTON RD, 2ND MEADOW
COBB COUNTY, GEORGIA 30066

FRONTLINE SURVEYING & MAPPING, INC.
3595 Canton Road, Bld. Suite 116, Sta. 272, Marietta, GA 30066
TELEPHONE (678) 355-9905 FAX (678) 355-9805



PROPOSED ZONING:
MCS

- MIN. LOT AREA - 30'
- MIN. FRONT YARD SETBACK - 30'
- MIN. SIDE YARD SETBACK - 30'
- MIN. REAR YARD SETBACK - 30'
- MAX. BUILDING HEIGHT - 35'
- MIN. WINDOW AREA - 20.000 SF
- MIN. WINDOW PUBLIC
- ROAD FRONTAGE - 50 FT
- MIN. FRONT SETBACK - 100 FT
- MIN. SIDE SETBACK - 100 FT
- MIN. REAR SETBACK - 100 FT

ZONING PLAN FOR:
GREEN PARK PCH, INC
4561 CANTON ROAD
LAND LOT 132
16TH DISTRICT
COBB COUNTY, GEORGIA
EXISTING ZONING: GC & LI
PIN: 16013200300
87,115. sq.ft.
2.00 acres

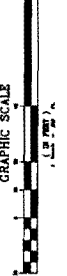
PROPOSED ZONING: NEIGHBORHOOD RETAIL COMMERCIAL (NRC)
WITH A SPECIAL LAND USE PERMIT

LEGEND:

	PROPOSED BOUNDARY
	EXISTING BOUNDARY
	RIGHT OF WAY
	UTILITY
	EASEMENT
	STREET
	BUILDING FOOTPRINT
	PARKING
	VACANT LOT
	SURVEY POINTS
	ELEVATION SPOT
	NORTH ARROW

GENERAL NOTES:

1. INFORMATION SHOWN ON THIS PLAN IS BASED ON THE RECORDS OF THE COUNTY CLERK'S OFFICE, COBB COUNTY, GEORGIA, AND THE RECORDS OF THE BOARD OF RECORDS AND PLATS, COBB COUNTY, GEORGIA.
2. THE CLIENT HAS BEEN ADVISED THAT THIS PLAN IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED.
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10. THE CLIENT HAS BEEN ADVISED THAT THIS PLAN IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THAT FOR WHICH IT WAS PREPARED.



APPLICANT: Green Park PCH, Incorporated

PETITION NO.: Z-55

PHONE#: (770) 596-4511 **EMAIL:** us@greenparkpch.com

HEARING DATE (PC): 06-02-15

REPRESENTATIVE: Garvis L. Sams, Jr.

HEARING DATE (BOC): 06-16-15

PHONE#: (770) 422-7016 **EMAIL:** gsams@slhb-law.com

PRESENT ZONING: LI, GC

TITLEHOLDER: Bighorn Properties LLC

PROPOSED ZONING: NRC

PROPERTY LOCATION: West side of Canton Road, south of

Shallowford Road.

PROPOSED USE: Assisted Living

ACCESS TO PROPERTY: Canton Road

SIZE OF TRACT: 2.0 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: One story office

LAND LOT(S): 132

building

PARCEL(S): 30

TAXES: PAID **DUE** _____

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: 3

NORTH: GC/ Undeveloped

SOUTH: GC/ Commercial Warehouse

EAST: GC/ Commercial landscape supply sales

WEST: LI/ Office

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

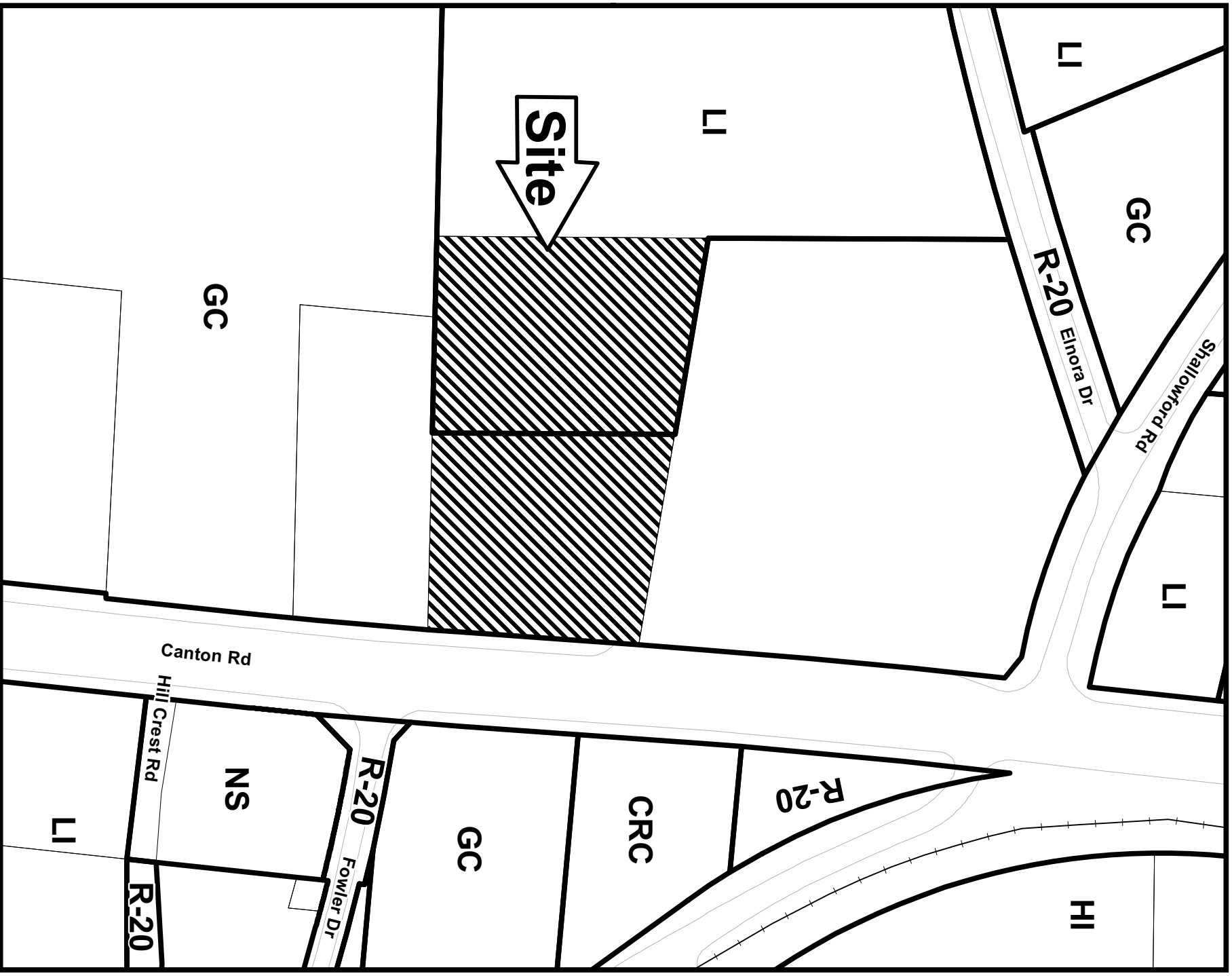
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-55



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



City Boundary
Zoning Boundary

APPLICANT: Green Park PCH, Incorporated

PETITION NO.: Z-55

PRESENT ZONING: LI, GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: NAC neighborhood activity center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 5,124 sq. ft.

F.A.R.: 0.06 **Square Footage/Acre:** 2,562 sq. ft.

Parking Spaces Required: 5 **Parking Spaces Provided:** 29

The applicant is requesting a rezoning of the subject property from its current GC general commercial district and LI light industrial district zonings to NRC neighborhood retail commercial district in order to operate a personal care home. The current designations of GC and LI cause the property to be considered legal nonconforming or “grandfathered” because of the property’s location within a NAC neighborhood activity center and, thus, the current request is necessary to change uses or to allow future improvements to the site.

The applicant’s current plans include reutilizing the property “as-is” for the intended personal care home. The home will serve 18 residents and have three (3) staff and operate 24 hours a day, seven (7) days a week.

The applicant has requested a reversionary clause be made a part of any approval of this requested rezoning:

In the event that the Purchaser does not close on the subject property subsequent to the rezoning of same to NRC, the subject property shall revert to its present zoning classifications of LI and GC without any action being necessary on the part of the Owner/Seller of the property.

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: Green Park PCH, Incorporated _____

PETITION NO.: Z-55 _____

PRESENT ZONING: LI, GC _____

PETITION FOR: NRC _____

PLANNING COMMENTS:

The applicant is requesting a rezoning from LI and GC to NRC for purpose of assisted living. The 2.0 acre site is located on the West side of Canton Road, south of Shallowford Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with LI and GC zoning designations. The purpose of the Neighborhood Activity Center (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 property is located within 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?
 - Yes No Not applicable
- Pedestrian access to buildings
 - Yes No Not applicable
- Streetcape elements
 - Yes No Not applicable
- Building Frontage
 - Yes No Not applicable
- Parking Standard
 - Yes No Not applicable
- Architecture standard
 - Yes No Not applicable

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.

APPLICANT: Green Park PCH, Incorporated

PETITION NO.: Z-55

PRESENT ZONING: L1, GC

PETITION FOR: NRC

PLANNING COMMENTS: (Continued)

Incentive Zones (Continued)

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 Green Park PCH, Inc
PRESENT ZONING LI, GC

PETITION NO. Z-055
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): 16" DI / W side of Canton Rd

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= +608* Peak= +1,700*

Treatment Plant: Noontday

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availabilitv: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No

Flow Test 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

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Existing sewer customer: *Estimated flow based upon 18 residences and 2 employees.

Comments: Additional sewer fees may be assessed at time of building permit.

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: Green Park PCH, Inc.

PETITION NO.: Z-55

PRESENT ZONING: LI, GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: 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 any increased volume of runoff generated by the proposed project on the existing master detention facility.

APPLICANT: Green Park PCH, Inc.

PETITION NO.: Z-55

PRESENT ZONING: LI-GC

PETITION FOR: NRC

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 front portion of this parcel has already been developed and the rear half is graded for expansion. The applicant is proposing to utilize the existing facility initially and then expand to the rear at a later date. The existing site is served by a master stormwater management facility located just to the west. Upon expansion of the site the stormwater facility must be evaluated to verify that it has sufficient capacity to provide detention and water quality for the site. If it does not, then onsite stormwater management may be required.

APPLICANT: Green Park PCH, Incorporated **PETITION NO.:** Z-55

PRESENT ZONING: LI, GC **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
Canton Road	29,600	Arterial	45 mph	Cobb County	100'

Based on 2008 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 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 west side of Canton Road, a minimum of 50' from the roadway centerline.

Recommend sidewalk along the Canton Road frontage.

Recommend no additional access to Canton Road.

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

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STAFF RECOMMENDATIONS

Z-55 GREEN PARK PCH, INCORPORATED

- 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 surrounding area has a mix of uses including office, commercial and warehousing, etc. Due to the area's future land use designation, newer uses to the area have been lesser intensity as will be the requested use of personal care home.
- 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 personal care home should be considered less intense than surrounding uses and is not anticipated to have any effect upon neighboring uses.
- 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*. The *Plan* designates this parcel as NAC neighborhood activity center. A rezoning to the requested NRC will further the goals of the *Plan* by encouraging uses such as that presently requested that are lesser intensity and serve the needs of immediate residents. Also, for this reason, the applicant's requested reversionary clause may not be appropriate.
- 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 property, currently considered "grandfathered" by virtue of its present zoning of GC and LI and its location within an area delineated as NAC, will be reused as a personal care home if the requested rezoning is granted. This use, less intense than others in the area, should have no negative impact of adjacent properties and encourages a use of the type that serves area residents, furthering the goals of the *Comprehensive Plan*.

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

- Site plan received by the Zoning Division on April 2, 2015 with District Commissioner approving minor modifications;
- Sewer and Water Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Fire Department comments and recommendations;
- Department of Transportation 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.

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): Personal Care Home - Assisted Living.
- b) Proposed building architecture: As built.
- c) Proposed hours/days of operation: 24 hours per day/7 days per week.
- d) List all requested variances: None at this time.

"In the event that the Purchaser does not close on the subject property subsequent to the rezoning of same to NRC, the subject property shall revert to its present zoning classifications of LI and GC without any action being necessary on the part of the Owner/Seller of the property."

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

Subject property is located within a Neighborhood Activity Center ("NAC")
under Cobb County's Future Land Use Map.

.....
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 revise this Summary of Intent for Rezoning during the pendency of the Application.

**ZONING IMPACT STATEMENT
FOR THE REZONING APPLICATION
OF GREEN PARK PCH, INCORPORATED**

COMES NOW, GREEN PARK PCH, INCORPORATED, and pursuant

to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this its 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. The subject property is zoned LI & GC and a preponderance of properties within this section of the Canton Road Corridor are zoned and utilized for Commercial and Industrial purposes.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties.
- 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. The existing LI & GC zoning classifications are a significant economic detriment to the owner of the subject property.

- 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 consistent with the uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property being within a Neighborhood Activity Center ("NAC") under and pursuant to Cobb County's Future Land Use Map and Comprehensive Land Use Plan.
- F. There is no substantial relationship between the existing zoning classifications of LI & GC and NRC which limits the property in terms of its present utilization and the public health, safety and general welfare.

Respectfully submitted, this the 2nd day of April, 2015.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 6239950