

. Plane Windstein and Scholms Statistics 102

APPLICANT: John Hillis	PETITION NO:	Z-33
PHONE#: (404) 285-1124 EMAIL: amanda@woodruffai.com	HEARING DATE (PC)	04-07-15
REPRESENTATIVE: Garvis L. Sams, Jr.	HEARING DATE (BO	C):04-21-15 07-21-15
PHONE#: (770) 422-7016 EMAIL: gsams@slhb-law.com	PRESENT ZONING:	R-15, GC
TITLEHOLDER: Hillis Enterprises, LLC		
	PROPOSED ZONING	CRC
PROPERTY LOCATION: East side of Canton Road, north of		
Powell Wright Road	PROPOSED USE:	Commercial and
(2218 Canton Road).		Contractor
ACCESS TO PROPERTY: Canton Road	SIZE OF TRACT:	2.8 acres
	DISTRICT:	16
PHYSICAL CHARACTERISTICS TO SITE: wooded	LAND LOT(S):	709
	PARCEL(S):	2, 46, 47, 48
	TAXES: PAIDX	_DUE

CONTIGUOUS ZONING/DEVELOPMENT

NORTH:	NS/ undeveloped
SOUTH:	GC/ retail commercial
EAST:	CRC/ Casteel Heating and Air
WEST:	OS, LI/ undeveloped, Canton Road Distribution Center

OPPOSITION: NO. OPPOSED____PETITION NO:____SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED____MOTION BY_____

REJECTED____SECONDED____

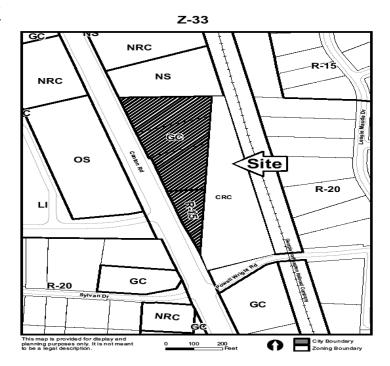
HELD____CARRIED____

BOARD OF COMMISSIONERS DECISION

APPROVED____MOTION BY_____ REJECTED___SECONDED____

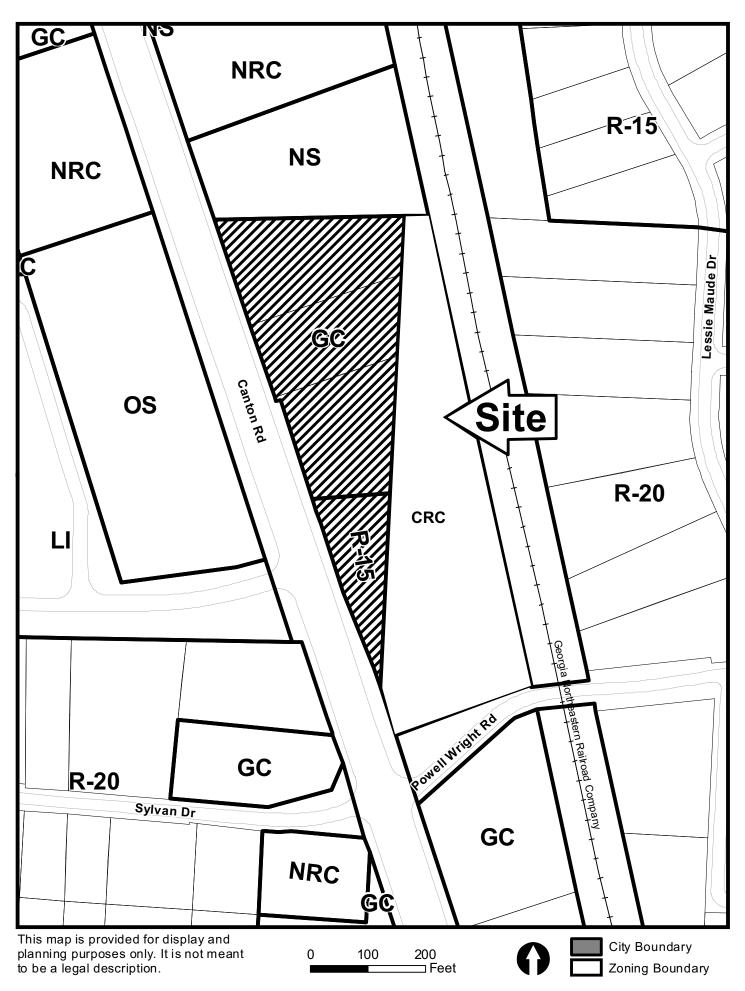
HELD____CARRIED_____

STIPULATIONS:



COMMISSION DISTRICT: <u>3</u>

Z-33



APPLICANT: John Hillis	PETITION NO.: Z-33
PRESENT ZONING: R-15, GC	PETITION FOR: CRC
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ZONING COMMENTS: Staff Me	ember Responsible: Terry Martin, MPA
Land Use Plan Recommendation: Ne	ighborhood Activity Center (NAC)
Proposed Number of Buildings: 1	Total Square Footage of Development: 15,000
F.A.R.: 0.12 Square Footage/Act	re: <u>5,357</u>
Parking Spaces Required: 65	Parking Spaces Provided: 65

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

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.

PRESENT ZONING: R-15, GC

PETITION NO.: Z-33 PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-15 and GC to CRC for purpose of commercial and contractor use. The 2.8 acre site is located on the east side of Canton Road, north of Powell Wright Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with R-15 and GC 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.

<u>Design Guidelines</u>

Is the parcel in	an area with Design	Guidelines? ■ Yes	🗆 No
If yes, design g	guidelines area: <u>Cant</u>	ton Road Design Guidelines	
Does the current	nt site plan comply wi	ith the design requirements?	
• Pedestr	ian access to building	5S	
	Yes No	□ Not applicable	
	cape elements Yes ■ No	□ Not applicable	
	lg Frontage Yes ■ No	□ Not applicable	
	g Standard Yes ■ No	□ Not applicable	
	ecture 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.

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PLANNING COMMENTS: (Continued)	
Incentive Zones	
Is the property within an Opportunity Zone? The Opportunity Zone is an incentive that provides \$3,50 jobs are being created. This incentive is available for new	00 tax credit per job in eligible areas if two or mo
Is the property within an Enterprise Zone? ■ Yo The Enterprise Zone is an incentive that provides ta qualifying businesses locating or expanding within design	ax abatements and other economic incentives for
Is the property eligible for incentives through the Comme Rehabilitation Program? The Commercial and Industrial Property Rehabilitation ad valorem property taxes for qualifying redevelopment i	es \Box No Program is an incentive that provides a reduction
For more information on incentives, please call the Com 770.528.2018 or find information online at <u>http://econom</u>	
Special Districts	
Is this property within the Cumberland Special District # □ Yes ■ No	1 (hotel/motel fee)?
Is this property within the Cumberland Special District #2	2 (ad valorem tax)?

□ Yes ■ No

Is this property within the Six Flags Special Service District? □ Yes ■ No

APPLICANT John Hillis				PE	ΓΙΤΙΟΝ ΝΟ. <u>Ζ-033</u>
PRESENT ZONING <u>R-15, GC</u>				PE	TITION FOR <u>CRC</u>
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WATER COMMENTS: NOTE: Comments	reflect on	ly what facilitie	es were	n exi	stence 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 Cantor	n Rd		
Additional Comments: Tract 1 is existing w	ater custo	omer			
Developer may be required to install/upgrade water mains, base Review Process.	ed on fire flo	w test results or Fir	re Departm	ent Co	de. This will be resolved in the Plan
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SEWER COMMENTS: NOTE: Comme	ents reflect	only what facil	lities wer	e in e	existence at the time of this review.
In Drainage Basin:	\checkmark	Yes			No
At Development:	\checkmark	Yes			No
Approximate Distance to Nearest Sewer:	At site				
Estimated Waste Generation (in G.P.D.):	A D F=	+0		Р	Peak = +0
Treatment Plant:		Noo	onday		
Plant Capacity:	\checkmark	Available		Not	Available
Line Capacity:	\checkmark	Available		Not	Available
Proiected Plant Availability:	\checkmark	0 - 5 vears		5 - 1	0 vears \Box over 10 vears
Drv Sewers Required:		Yes	\checkmark	No	
Off-site Easements Required:		Yes*	\checkmark	No	*If off-site easements are required, Developer must submit easements to CCWS for
Flow Test Required:		Yes	\checkmark	No	review/approval as to form and stipulations prior to the execution of easements by the
Letter of Allocation issued:		Yes	\checkmark	No	property owners. All easement acquisitions are the responsibility of the Developer
Septic Tank Recommended by this Departm	nent:	Yes	\checkmark	No	
Subject to Health Department Approval:		Yes	\checkmark	No	
Additional Liberty Hill Special Assessm	nent \$14,2	200 per acre u	pon dev	elopi	ment. Neither Tract 1 or 2

connected to sewer at this time

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.

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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.
<u>WETLANDS:</u> YES \boxtimes NO \square 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 X 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 (<u>undisturbed</u> 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
 Developer must secure any K.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.

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STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

Provide com	orehensiv	e hydrology	//stormwater	controls to	include dev	elopment of out	parcels.

- \boxtimes 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 rightof-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.

PRESENT ZONING: <u>R-15, GC</u>

PETITION FOR: <u>CRC</u>

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.

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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 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 #: 2-33
PC Hearing Date: 4-7-15
BOC Hearing Date: <u>4-21-15</u>

Summary of Intent for Rezoning

Part 1. Resi a)	dential Rezoning Information (attach additional information if needed)	
a)		
	Proposed unit square-footage(s):	
b)	Proposed building architecture:	
C)	Proposed selling prices(s):	FEB - 5 2015
d)	List all requested variances: <u>NA</u>	COBE CO CONTM. DEV. AGENCY
		ZONING DIVISION

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:	
		Nigena and Statistical Statistics and Statistics and Statistics
Part 3. O	ther Pertinent Information (List or attach additional information if needed)	
Part 3. 0	ther Pertinent Information (List or attach additional information if needed)	
Part 4. Is : (Ple		itate, or Federal Government?

Woodruff & associates

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

Re: Rezoning Application 2218 Canton Road Marietta, GA 30066



Date: 2/04/2015

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.

3301 Stewart Lake Road, Monroe, GA 30655 Phone (404) 530-9218 / Fax (404) 530-9219



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.

3301 Stewart Lake Road, Monroe, GA 30655 Phone (404) 530-9218 / Fax (404) 530-9219