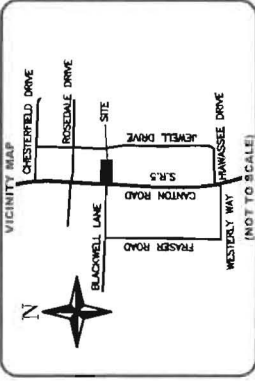


Z-87
(2015)

EXHIBIT FOR:
JUAN REYES
LAND LOT 688 & 637
OF THE 16TH DISTRICT, 2nd SECTION
COBB COUNTY, GEORGIA

CROY ENGINEERING
Engineers
Planners
Surveyors
200 NORTH COBB PARKWAY, BLDG. 400, SUITE 413
MARIETTA, GA 30062
PHONE: (770) 971-5407 FAX: (770) 971-0620

Project No. XXXX.XX
Field Surveyed: N/A
Drawn By: RK
Checked By: DH
Date of Exhibit: 06/11/15
Scale: 1" = 50'



RECEIVED
JUL - 2 2015
COBB CO. COMM DEV AGENCY
ZONING DIVISION

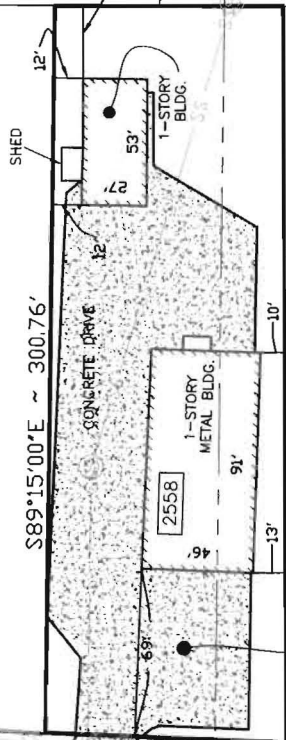
PARCEL INFORMATION
SQUARE FOOTAGE: 29468 ACREAGE: +/- 0.676
CURRENT ZONING IS GC.
SETBACKS: FRONT 50'
SIDE 10'
REAR 30'

GEORGIA WEST ZONE - NAD 83 (2011)

N/F
FIVE K INCORPORATED
PID# 16058800300

437.20' +/- ALONG RIGHT OF WAY
TO THE CENTERLINE OF ROSEDALE DRIVE
(PER DB. 15128, PG. 4536)

S89°15'00"E ~ 300.76'



N/F
JUAN REYES
DB. 15128 ~ PG. 4536
PB. 61 ~ PG. 88
PB. 67 ~ PG. 27
PID# 16058800290

N/F
MAMIE JOAN FINCHER BALLARD,
MILDRED BLACK & ELIZABETH FINCHER
DB. 14461 ~ PG. 3721
PB. 12 ~ PG. 79
PID# 16063700040

N/F
CAROL L. WESTBROOKS
PB. 19 ~ PG. 195
PID# 16063700030

N/F
RONALD E. & CHRISTINE L. NAKFOOR
PB. 19 ~ PG. 150
PID# 16058800350

SURVEYOR'S NOTES

- 1. PROPERTY INFORMATION SHOWN TAKEN FROM DEEDS AND PLATS OF RECORD.
- 2. COBB COUNTY GIS WAS USED TO SHOW SUBJECT PROPERTY IMPROVEMENTS.
- 3. PARKING AREAS ARE AVAILABLE. NO PARKING STRIPPING WAS VISIBLE.
- 4. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SURFACE CONDITIONS, OR OTHER MATTERS OF RECORD WHICH ARE NOT VISIBLE, NOT RECORDED, OR NOT DISCLOSED.
- 5. THIS EXHIBIT DOES NOT REFLECT A FIELD-RUN SURVEY.

2546

2558

2568

LL 588

LL 637

LL 588

LL 637



BLACKWELL LN.

(APPROXIMATE LAND LOT LINE)

APPLICANT: Juan Reyes
PHONE#: (770) 885-6589 **EMAIL:** Juan@myproroofting.com
REPRESENTATIVE: Richard W. Calhoun
PHONE#: (770) 422-1776 **EMAIL:** RCalhoun@gregorydoylefirm.com
TITLEHOLDER: Juan Reyes

PETITION NO: Z-83
HEARING DATE (PC): 09-01-15
HEARING DATE (BOC): 09-15-15
PRESENT ZONING: GC

PROPERTY LOCATION: East side of Canton Road, south of
Rosedale Drive
(2558 Canton Road).

PROPOSED ZONING: NRC
PROPOSED USE: Roofing and Siding
Contractor's Office

ACCESS TO PROPERTY: Canton Road

SIZE OF TRACT: 0.677 acre

PHYSICAL CHARACTERISTICS TO SITE: One story metal
building with rear one story out building

DISTRICT: 16
LAND LOT(S): 588, 637
PARCEL(S): 29

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS/ retail furntiure store
SOUTH: R-20/ vacant parcel
EAST: R-20/ Marietta-Canton Hwy Subdivision
WEST: LRC/ daycare

Adjacent Future Land Use

North: Neighborhood Activity Center (NAC)
 East: Low Density Residential (LDR)
 South: Neighborhood Activity Center (NAC)
 West: Neighborhood Activity Center (NAC) - across
 Canton Road

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

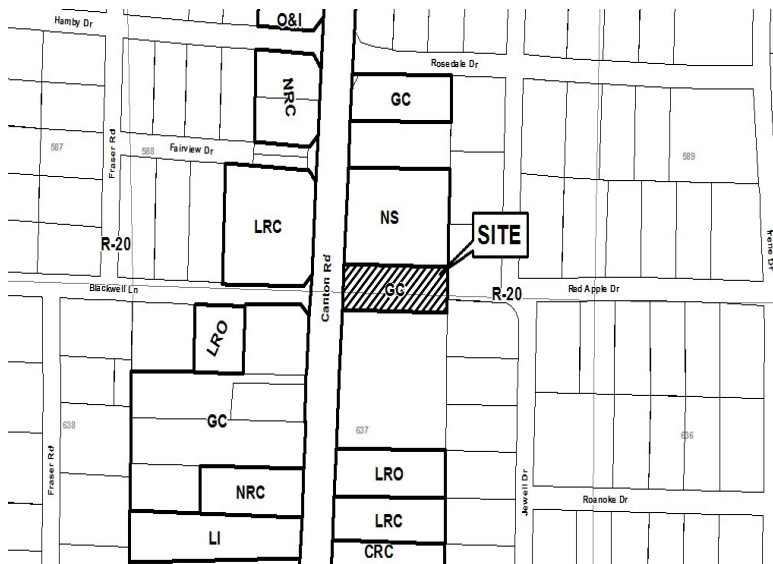
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

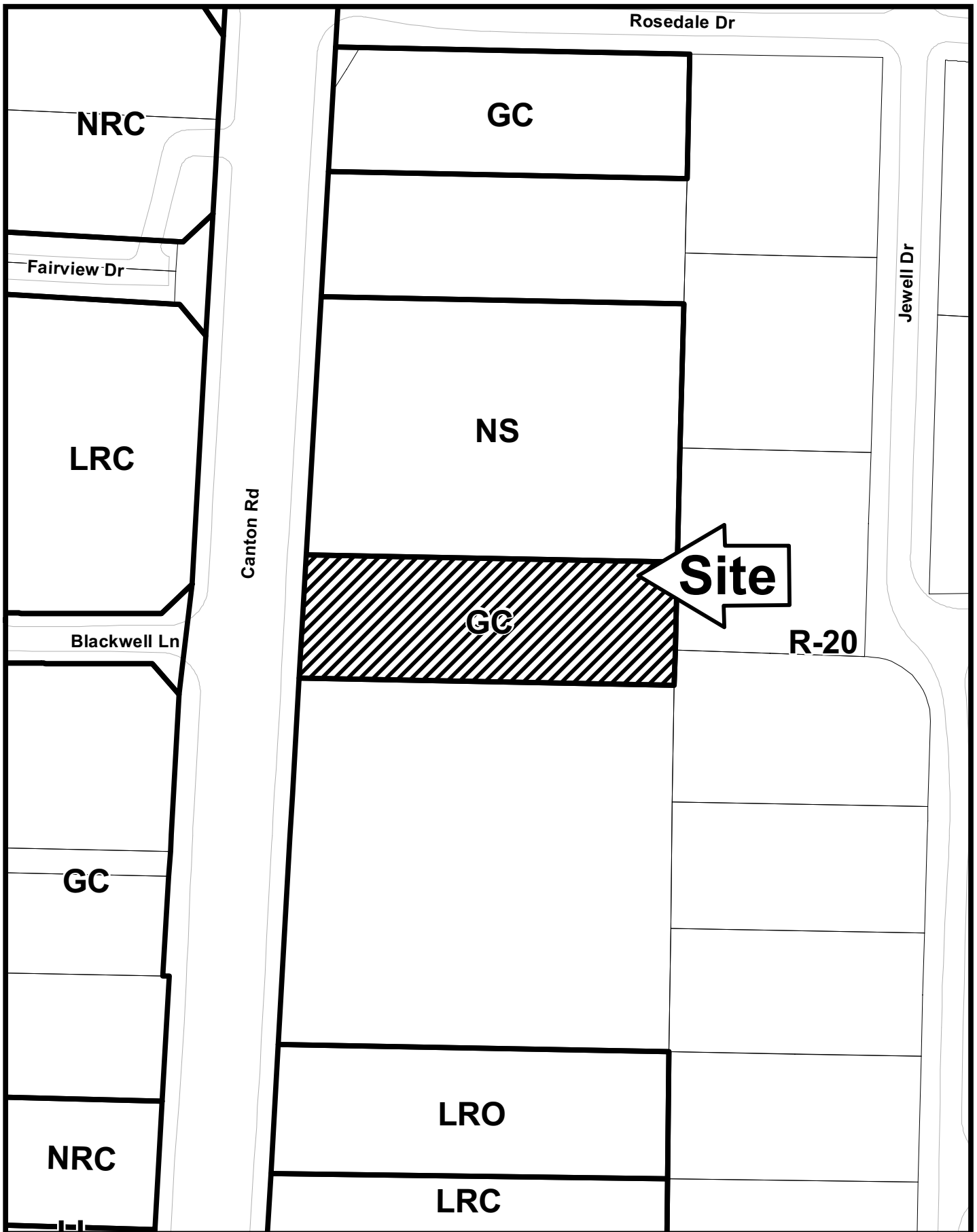
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

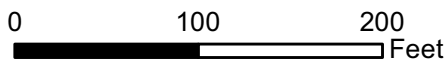
STIPULATIONS:





Z-83



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Juan Reyes

PETITION NO.: Z-83

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 2 **Total Square Footage of Development:** 5,617 sq. ft.

F.A.R.: 0.19 **Square Footage/Acre:** 8,309 sq. ft.

Parking Spaces Required: 15 **Parking Spaces Provided:** 20

The applicant is requesting a rezoning from the current GC general commercial district to the NRC neighborhood retail commercial district in order to operate a roofing and siding contractor’s office. The rezoning is necessitated by the change of use and the fact that the property’s current GC zoning is legal, nonconforming (“grandfathered”) due to its NAC neighborhood activity center future land use designation. The applicant intends to utilize the property as is, with no additional improvements proposed.

The applicant’s operation will have the hours of Monday through Saturday, 7 a.m. through 7 p.m. While the business will employ 12 persons, only two (2) will work fulltime onsite as office staff.

The property will require the following variances as part of this request, if approved, to address existing conditions:

1. Waive the side setback from the required 10 feet to one (1) foot adjacent to the northern property line for the existing rear building;
2. Waive the rear setback for an accessory building over 1,000 sq. ft. adjacent to a residential property line from the required 40 feet to 30 feet (existing);
3. Waive the side setback for the existing building from 15’ to 10’.

Also, to ensure compatibility with adjacent residential properties, it is recommended that the property install a 20 foot landscape screening buffer along the eastern property line to include an eight foot (8’) privacy fence to the rear of said buffer along the property line. Also, any dumpster should be within an enclosure to be located to the rear of the principal building.

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: Juan Reyes

PETITION NO.: Z-83

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to NRC for the purpose of a roofing and siding contractor's office. The 0.677 acre site is located on the east side of Canton Road, south of Rosedale Drive (2558 Canton Road).

Comprehensive Plan

The parcels are within a Neighborhood Activity Center (NAC) future land use category, with GC zoning designation. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Adjacent Future Land Use

- North: Neighborhood Activity Center (NAC)
- East: Low Density Residential (LDR)
- South: Neighborhood Activity Center (NAC)
- West: Neighborhood Activity Center (NAC) – across Canton Road

Master Plan/Corridor Study

The property is located within the Canton Road Corridor Study area.

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

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.

APPLICANT: Juan Reyes

PETITION NO.: Z-83

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS: **Continued**

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 Juan Reyes

PETITION NO. Z-083

PRESENT ZONING GC

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): 8" DI / E side of Canton Road

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: On 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: Existing sewer customer. Hold Harmless agreement may be required for encroachment of existing structures into sewer easement and/or setback

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: Juan Reyes

PETITION NO.: Z-83

PRESENT ZONING: GC

PETITION FOR: NRC

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 on _____.

APPLICANT: Juan Reyes

PETITION NO.: Z-83

PRESENT ZONING: 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. No substantial site improvements are proposed. Any future site improvements must meet current stormwater management requirements.

APPLICANT: Juan Reyes

PETITION NO.: Z-83

PRESENT ZONING: 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	28,300	Arterial	45 mph	Cobb County	100'

Based on traffic counting data taken by Cobb County DOT for Canton Road (2013).

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

Recommend applicant consider entering into a development agreement pursuant of 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 east side of Canton Road, a minimum of 50' from the roadway centerline.

Recommend sidewalk along the Canton Road frontage.

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STAFF RECOMMENDATIONS

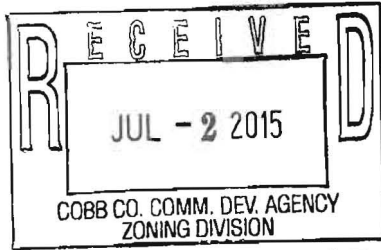
Z-83 JUAN REYES

- 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. This property's use as commercial has long been established as has been numerous, surrounding properties in this area along Canton Road.
- 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 necessary rezoning will allow the applicant to make improvements to the site that will ensure that little to no adverse effect will be felt by adjacent residential properties, all the while allowing for a transition to a less intense use (contractor's office) than existed on the property previously (auto repair).
- 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*. Located within an area delineated as a NAC neighborhood activity center, the current request will allow for a more appropriate zoning district (NRC) over that which it currently has (GC). Furthermore, by correcting the property's current, legal nonconforming status, the request will provide for an office use for a business that services neighborhood residents and businesses.
- 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 request to rezone to NRC neighborhood retail commercial district will cure the site's grandfathered status and apply a district that is in compliance with the NAC neighborhood activity center future land use. This will allow the applicant to make improvements to the site such as appropriate buffering adjacent to residential uses that will serve to minimize, if not eliminate any adverse effects upon those neighbors.

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

- Site plan received by the Zoning Division on July 2, 2015, with District Commissioner approving minor modifications;
- Construction of dumpster enclosure per Code to be located behind the principal structure;
- Compliance with required impervious surface limit of 70%
- Installation of 20 foot landscape screening buffer and eight foot (8') privacy fence along the rear, eastern property line adjacent to residential properties;
- Compliance with Canton Road Design Guidelines;
- Fire Department comments and recommendations;
- Sewer and Water Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to §36-71-13 for dedication of system improvements to mitigate traffic concerns.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



Application No. Z-83

Sept. 2015

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): Roofing and siding contractor's office
- b) Proposed building architecture: existing buildings to remain
- c) Proposed hours/days of operation: Monday - Saturday, 7 am - 7 pm
- d) List all requested variances:
 - 1) Side yard set back variance from 10' to 11' for existing shed attached to rear accessory building;
 - 2) rear yard set back variance from 40' to 30' for existing rear accessory building; 3) side yard set back variance from 15' to 12' for existing rear accessory building; 4) side yard set back variance from 15' to 10' for existing principal building

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

Rezoning necessary only due to NCU status due to GC zoning in a NAC

.....
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

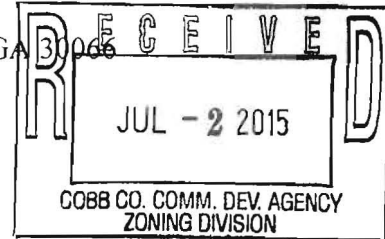
ZONING IMPACT ANALYSIS:

Property of Juan Reyes

.676 acres, Land Lots 558 and 637, 16th District

2558 Canton Road, Marietta, GA 30066

Page 1 of 2



Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

- (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed rezoning will permit a contractor's office use which is more suitable to the surrounding area than the property's previous use as an automobile repair shop.

- (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

For the same reason stated above, the proposed rezoning of this property to NRC will not adversely affect the existing use or usability of adjacent or nearby property.

- (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The property has no reasonable economic use or currently zoned inasmuch as it is a nonconforming use requiring rezoning to a NAC compatible category for its continued use. Failure to rezone the subject property as requested would result in an unconstitutional taking and damaging of the applicant and owner's property without compensation and a denial of equal protection in violation of Article 1 §1 Paragraphs 1 and 2 and Article 1, §3 Paragraph 1 of the Georgia Constitution and corresponding provisions of the U.S. Constitution.

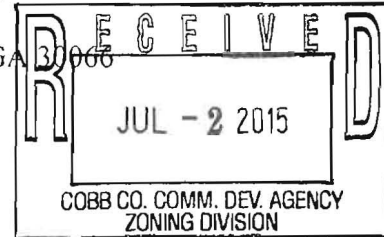
ZONING IMPACT ANALYSIS:

Property of Juan Reyes

.676 acres, Land Lots 558 and 637, 16th District

2558 Canton Road, Marietta, GA 30066

Page 2 of 2



- (d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

This zoning proposal is for an existing improved property with less vehicular traffic than the previous auto repair use. The proposed use will not burden the existing streets, or other public infrastructure

- (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

This proposal is in conformity with the land use plan as it seeks an NRC Zoning to comply with its NAC land use designation.

- (f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

Existing/changing conditions supporting this rezoning are the conversion of this property from a high intensity automobile repair use to a low intensity contractors office use.