

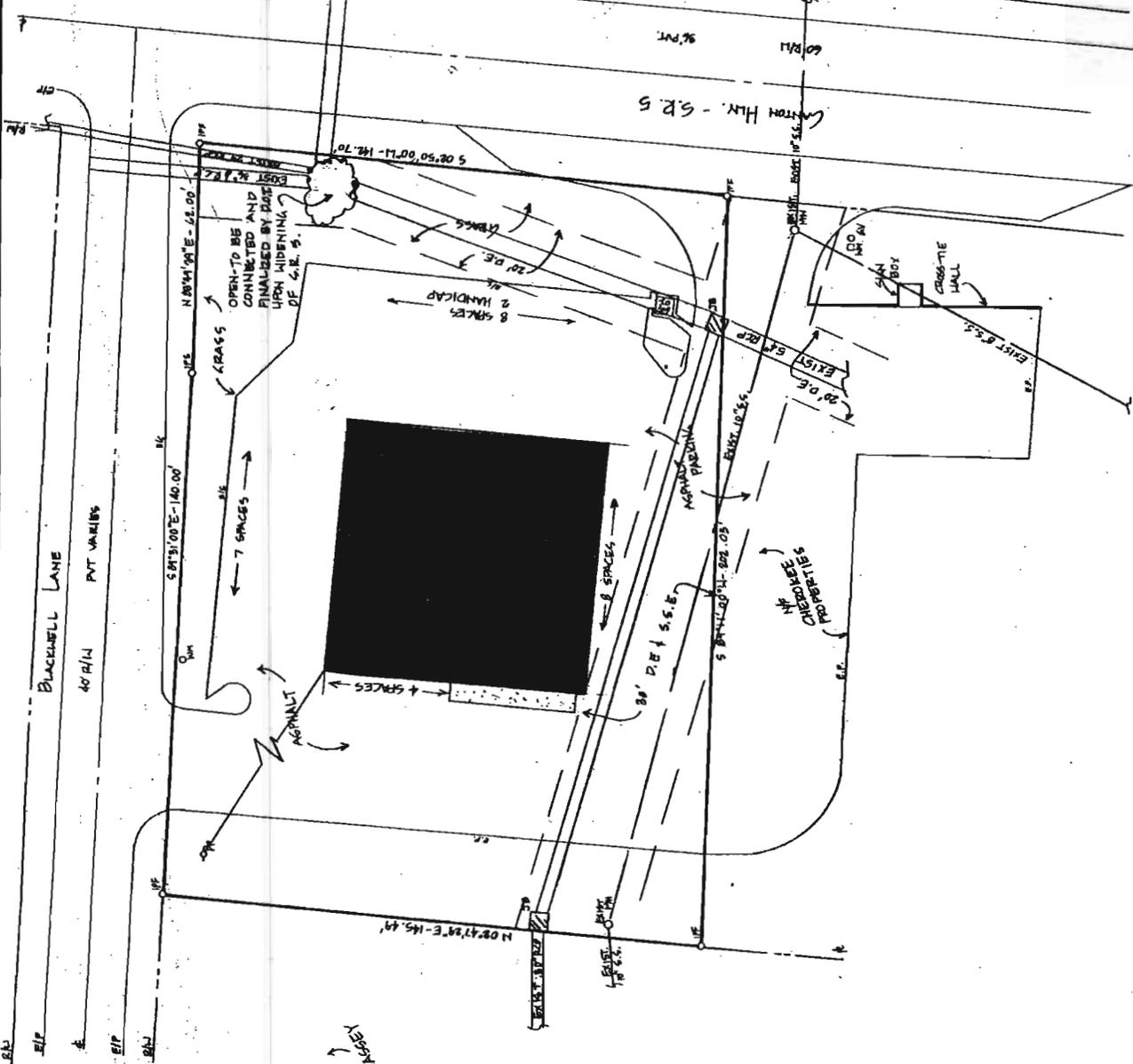
Z-69  
(2016)

**RECEIVED**  
JUN - 2 2016  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

IN THE OFFICE OF THE PLAT, AS A COMPLETE INSTRUMENTAL PLAT, AS REQUIRED BY THE PLAT ACT, THE PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS AND REGULATIONS OF LAW. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLEARANCE PRECISION OF 1:50,000. ALL ANGLES AND DISTANCES ARE IN FEET AND DECIMALS THEREOF. THE DATA SHOWN ON THIS PLAT HAS BEEN CHECKED AND FOUND TO BE CORRECT WITHIN ONE FOOT IN 100 FEET.



PAUL LEE CONSULTING ENGINEERING ASSOCIATES INC.  
7707 ATLANTA ROAD, SUITE 2000, GEORGIA 30026  
PHONE 404-887-8878  
JOB NO. 08-13-07



DESIGNED DRAWN CHECKED  
RSL RSL REC  
SCALE 1" = 20'  
DATE 08-13-07

LAND LOT 687  
W.D. DISTRICT 28 SECTION  
COBB COUNTY, GA.

AS-BUILT SURVEY FOR:  
**JENNINGS'S MUSIC STORE**



All dimensions are in feet and inches unless otherwise indicated.

APPLICANT: Donna C. Jennings and Gary A. Jennings

PETITION NO: Z-69

PHONE#: 269-252-7282 EMAIL: gmilo1@hotmail.com

HEARING DATE (PC): 08-02-16

REPRESENTATIVE: Bob Terrell

HEARING DATE (BOC): 08-16-16

PHONE#: 404-643-0505 EMAIL: cherokeerealty@bellsouth.net

PRESENT ZONING GC

TITLEHOLDER: Gary A. Jennings and Donna C. Jennings

PROPOSED ZONING: NRC

PROPERTY LOCATION: On the southwest corner of Canton Road and Blackwell Lane (2511 Canton Road)

PROPOSED USE: Retail

ACCESS TO PROPERTY: Blackwell Lane & Canton Road

SIZE OF TRACT: .6 acre

PHYSICAL CHARACTERISTICS TO SITE: Single story retail building

DISTRICT: 16

LAND LOT(S): 637

PARCEL(S): 37

TAXES: PAID X DUE \_\_\_\_\_

COMMISSION DISTRICT: 3

**CONTIGUOUS ZONING/DEVELOPMENT**

NORTH: LRC/ Daycare  
SOUTH: GC/ Retail Store  
EAST: R-20/ Undeveloped  
WEST: LRO/ Two Story House

*Adjacent Future Land Use:*  
North: Neighborhood Activity Center (NAC)  
East: Neighborhood Activity Center (NAC)  
South: Neighborhood Activity Center (NAC)  
West: Neighborhood Activity Center (NAC)

**OPPOSITION: NO. OPPOSED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION PETITION NO: \_\_\_\_\_ SPOKESMAN**

**PLANNING COMMISSION RECOMMENDATION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

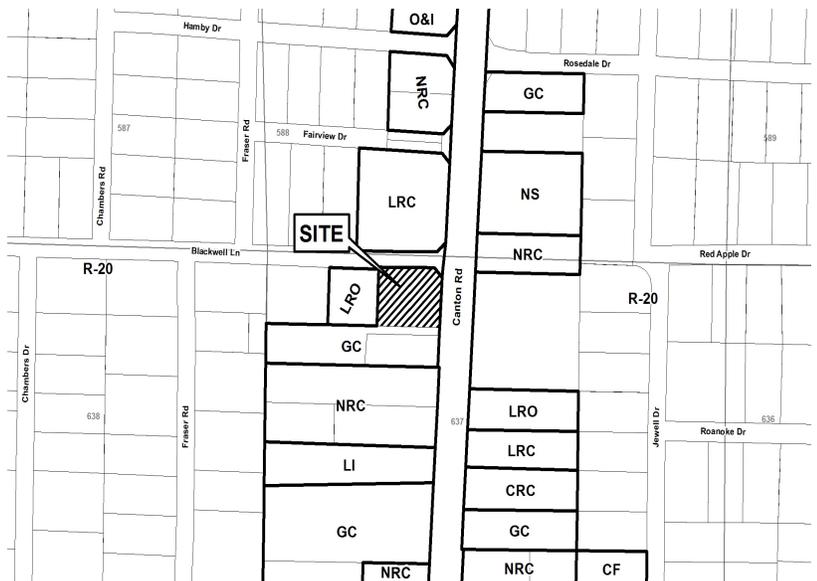
HELD \_\_\_\_\_ VOTE \_\_\_\_\_

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

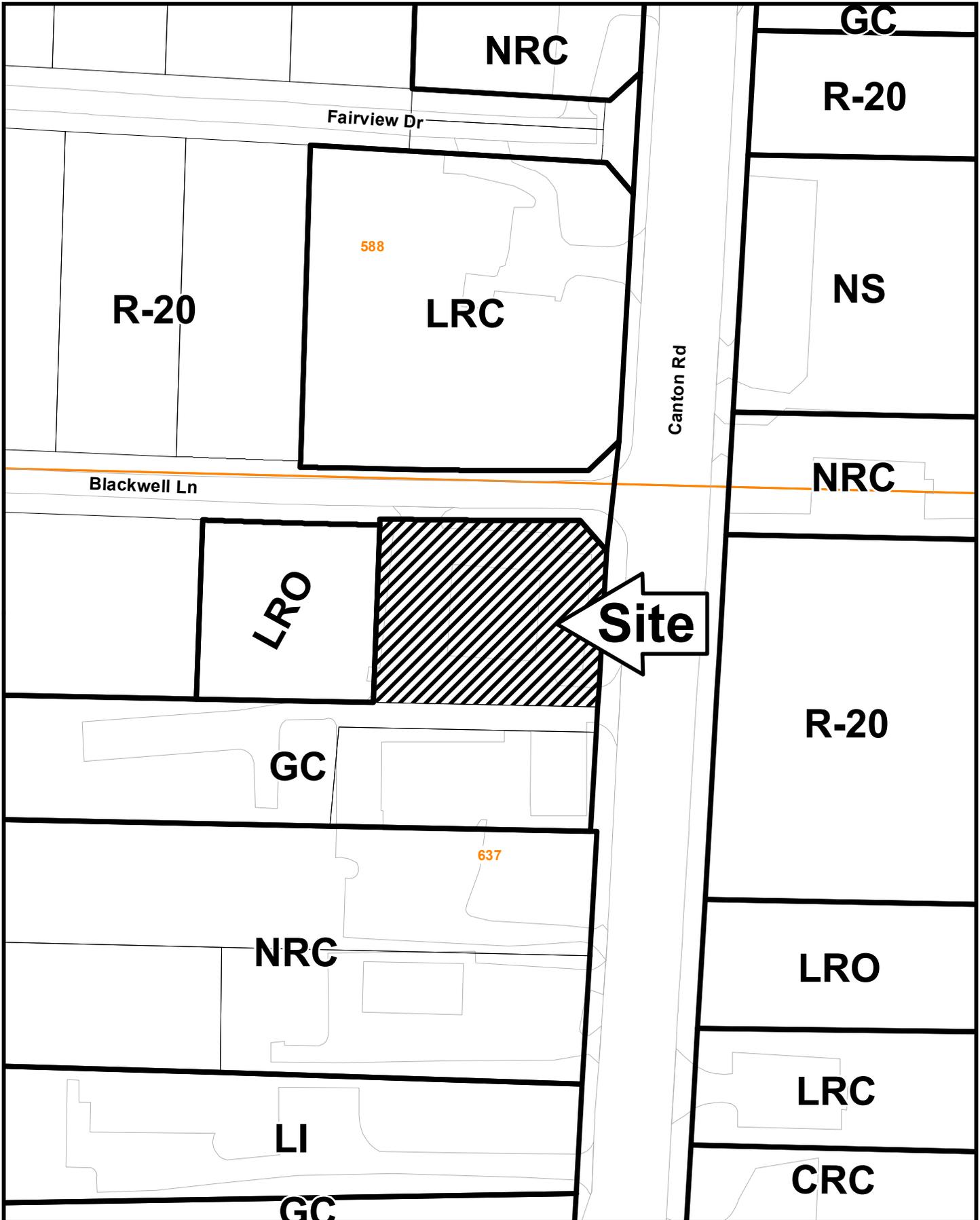
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ VOTE \_\_\_\_\_

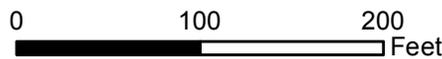
**STIPULATIONS:**



# Z-69-2016 GIS



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Donna C. Jennings and Gary A. Jennings

**PETITION NO.:** Z-69

**PRESENT ZONING:** GC

**PETITION FOR:** NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Donald Wells

**Land Use Plan Recommendation:** Neighborhood Activity Center (NAC)

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 6440

**F.A.R.:** .24      **Square Footage/Acre:** 10387

**Parking Spaces Required:** 33      **Parking Spaces Provided:** 29

The applicant is requesting Neighborhood Retail Commercial (NRC) zoning category for the purpose of a retail store. The applicant intends to use the existing 6440 square foot building. The property had been vacant for at least 6 months and the applicant wishes to change the use. The property has been zoned Neighborhood Shopping (NS) since May of 1986. The property is located outside of a community activity center or a regional activity center, therefore it must be rezoned in order to allow any development or to permit any uses. The request will also require the following contemporaneous variances;

- Waive the minimum parking requirements from 81 parking spaces to 20 parking spaces.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**APPLICANT:** Donna C Jennings

**PETITION NO.:** Z-69

\*\*\*\*\*

**FIRE COMMENTS:**

NO 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: Donna C. Jennings and Gary A. Jennings**

**PETITION NO.: Z-69**

**PRESENT ZONING: GC**

**PETITION FOR: NRC**

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to NRC for the purpose of retail. The 6.15 acre site is located on the southwest corner of Canton Road and Blackwell Lane.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary?  Yes  No  
If yes, has the city of \_\_\_\_\_ been notified?  Yes  No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with GC zoning designation. 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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC)  
East: Neighborhood Activity Center (NAC)  
South: Neighborhood Activity Center (NAC)  
West: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is located within the boundary of a 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

**APPLICANT: Donna C. Jennings and Gary A. Jennings**

**PRESENT ZONING: GC**

**PETITION NO.: Z-69**

**PETITION FOR: NRC**

\*\*\*\*\*

**PLANNING COMMENTS:**

CONT.

YES *indicates applicant has met the corresponding issue.*

NO *indicates applicant has not met the corresponding issue and/or there is not enough information provided.*

N/A *indicates issue is not applicable.*

If any building exterior modification and/or site renovation occur(s), please follow the Canton Road Design Guidelines and submit the related plans for review.

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 Canton Road 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

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

If so, which particular safety zone is this property within?

CZ (Clear Zone)  APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Donna C and Gary A Jennings

PETITION NO. Z-069

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): 6" DI / N side of Blackwell Lane

Additional Comments: Existing water customer. No relevent site changes proposed

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: Nonday

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Dry 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 Existing sewer customer. No relevent site changes proposed  
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.

**APPLICANT: Donna C. Jennings & Gary A. Jennings**

**PETITION NO.: Z-69**

**PRESENT ZONING: GC**

**PETITION FOR: NRC**

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<b>STORMWATER MANAGEMENT COMMENTS</b>
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This is an existing facility and no significant site improvements are proposed. Stormwater Management must be provided upon redevelopment or substantial improvement to the site.

**APPLICANT:** Donna C. Jennings and Gary A. Jennings

**PETITION NO.:** Z-69

**PRESENT ZONING:** GC

**PETITION FOR:** NRC

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**TRANSPORTATION COMMENTS:**

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Canton Road	27,900	Arterial	45 mph	Georgia DOT	100'
Blackwell Lane	N/A	Local	25 mph	Cobb County	50'

*Based on 2013 traffic counting data taken by Cobb County DOT for 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.

Blackwell Lane is classified as a local 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 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 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 south side of Blackwell Lane, a minimum of 25' from the roadway centerline.

Recommend sidewalk along Canton Road and Blackwell Lane frontage.

## STAFF RECOMMENDATIONS

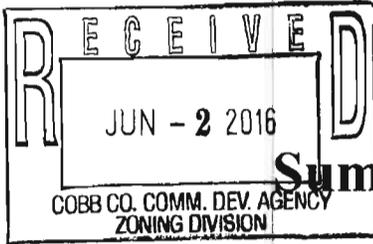
### **Z-69 DONNA C. JENNINGS AND GARY M. JENNINGS**

- 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 building was built in 1987 and has always been used as a music retail store.
- 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. It will allow the owner to use the property as it has been used for years. It will allow the owner to continue to maintain the building and surrounding property. This request will also allow new retail uses to be permitted on 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Neighborhood Activity Center (NAC) land use category which is to provide areas that serve neighborhood residents and businesses. The Neighborhood Retail Commercial (NRC) zoning district is compatible with the NAC land use category, and the proposed use is permitted under NRC.
- 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 to the NRC zoning district. The property is located outside of a community activity center or regional activity center therefor it must be rezoned in order to allow any uses. Retail type uses are consistent with nearby uses and will allow the applicant an opportunity to have additional uses.

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

1. Neighborhood Retail Uses and Professional Offices only;
2. No automotive repair or automotive uses;
3. No outdoor display of merchandise;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations;
6. Department of Transportation comments and recommendations; and
7. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §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-69

Aug. 2016

# 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: EXISTING RETAIL STRUCTURE
- 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): NRL - Allowable uses include, but are not limited to: retail offices, medical offices, music studios and other
- b) Proposed building architecture: EXISTING RETAIL STRUCTURE WITH NO SIGNIFICANT EXTERNAL MODIFICATIONS.
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

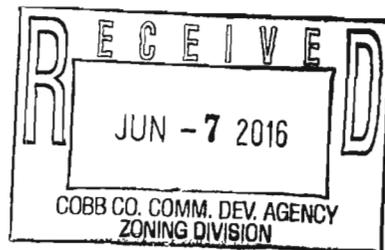
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

(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).

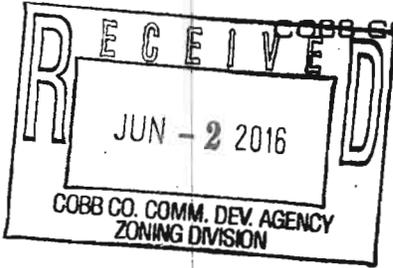
\_\_\_\_\_  
 \_\_\_\_\_

9.

- (a) The present Zoning is G C with no use restrictions and has been in place since 1985. The requested zoning category of NRC is more restrictive than the current zoning and is certainly suitable and compatible of the adjacent and nearby property.
- (b) There will be no adverse effects. All properties on Canton Highway in this area are zoned for business already.
- (c) The current zoning is much preferred, however the land use plan change necessitates rezoning to NRC for business use.
- (d) The new zoning category (NRC) will not cause any adverse effect on the surrounding streets, neighborhoods, utilities, or schools as it is more restrictive than the current G C zoning.
- (e) The current GC zone is no longer allowed in a Neighborhood Activity Center, requiring the rezoning of this property to fit the NAC category.
- (f) The current business, Jennings Music, has relocated. We have several prospective tenants and/or buyers, only one of which is in the music business, all the rest will require rezoning to NRC. The property is not yet under contract as of the date of this application (6/2/2016). Therefore, we are requesting NRC.



APPLICATION FOR REZONING  
TO THE  
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES  
AND THE  
COBB COUNTY PLANNING COMMISSION  
(type or print clearly)



Application No. 129

Hearing Date 5-20-86

Applicant Jennings Music, Inc. Business Phone 425-2560 Home Phone 926-6505  
(business name)

Donna & Gary Jennings Address 3390 Canton Highway - Marietta, Ga 30066  
(representative's name, printed)

[Signature] Business Phone Same Home Phone Same  
(representative's signature)

Titleholder Fred Martin, ETAL Business Phone 424-0300 Home Phone 548-4242

Signature [Signature] Address 2497 Canton Road - Marietta, GA 30066  
(attach additional signatures, if needed)

Zoning Request From R-20 To General Commerical  
(present zoning) (proposed zoning)

For the Purpose of Retail Sales Size of Tract .70 acre(s)  
(subdivision, restaurant, warehouse, apts., etc.)

Location Canton Highway & Blackwell Lane  
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 637 District 16th

Recommendation of Planning Commission 5-20-86 Planning Commission recommended application  
be approved. Motion by Brown, seconded by Adams; carried 5-0.

[Signature] Chairman

Board of Commissioners' Decision 5-20-86 Board of Commissioners approved application. Motion  
by Paschal, seconded by Williams; carried 5-0.

[Signature] Chairman