



**APPLICANT:** Bobby L. Terrell  
**PHONE #:** (404) 643-0505 **EMAIL:** cherokeerealty@bellsouth.net  
**REPRESENTATIVE:** Bobby L. Terrell  
**PHONE #:** (404) 643-0505 **EMAIL:** cherokeerealty@bellsouth.net  
**TITLEHOLDER:** James F. Brown and Charles B. Pharr

**PETITION NO:** Z-31  
**HEARING DATE (PC):** 07-06-17  
**HEARING DATE (BOC):** 07-18-17  
**PRESENT ZONING:** NS

**PROPERTY LOCATION:** East side of Canton Road, north of Chastain Corner, and at the western terminus of Noonday Drive (3600 Canton Road)

**PROPOSED ZONING:** NRC  
**PROPOSED USE:** Retail

**ACCESS TO PROPERTY:** Canton Road

**SIZE OF TRACT:** 0.96 ac  
**DISTRICT:** 16

**PHYSICAL CHARACTERISTICS TO SITE:** One Story Frame House with Parking Lot

**LAND LOT(S):** 349,372  
**PARCEL(S):** 21,22  
**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/ Noonday Subdivision  
**SOUTH:** NRC/ Professional Office  
**EAST:** R-20/ Noonday Subdivision  
**WEST:** NS/ New Chastain Corners Shopping Center

*Adjacent Future Land Use:*  
 Northwest: Neighborhood Activity Center (NAC)  
 Northeast: Low Density Residential (LDR)  
 Southeast: Neighborhood Activity Center (NAC)  
 Southwest: Neighborhood Activity Center (NAC)

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

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

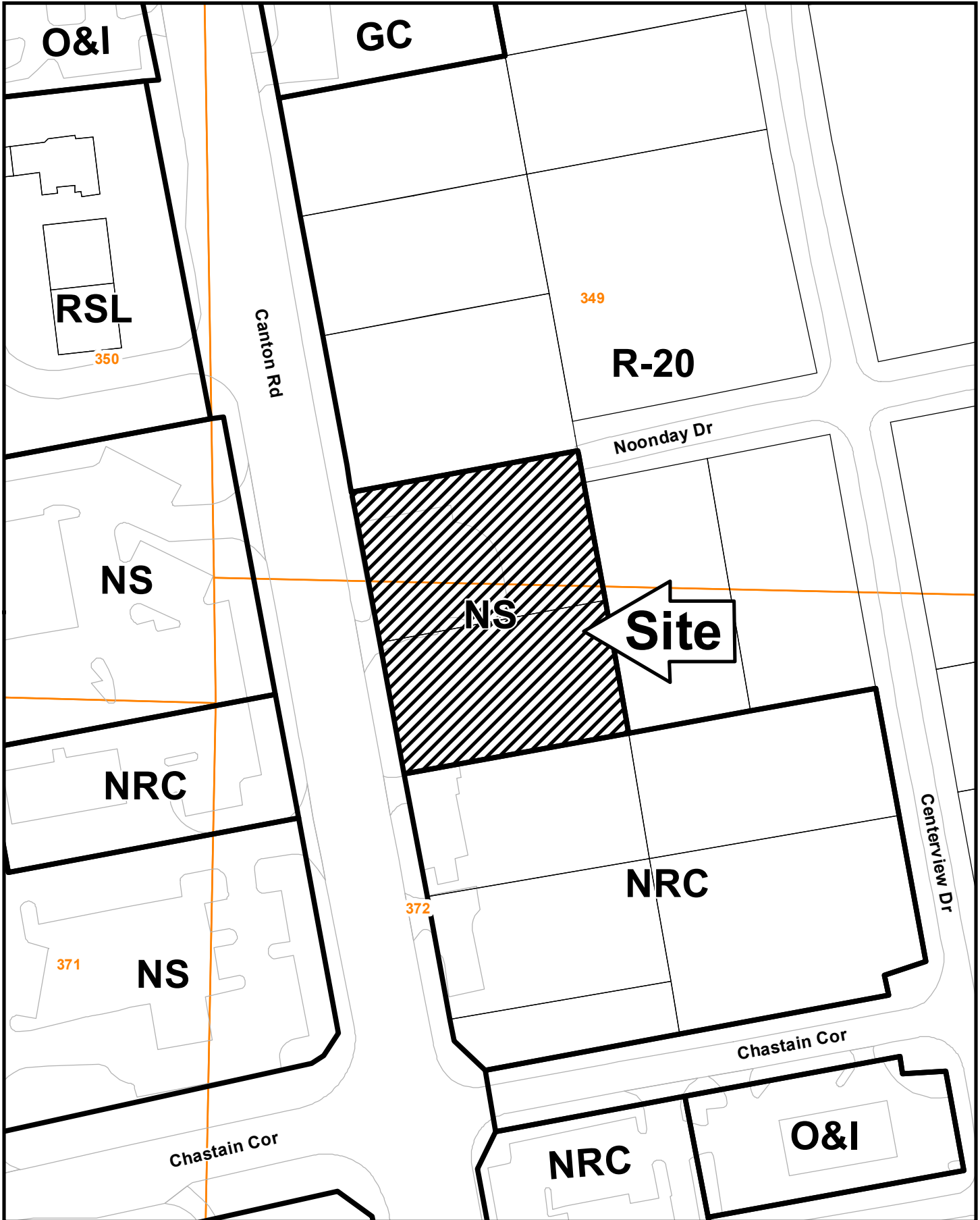
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
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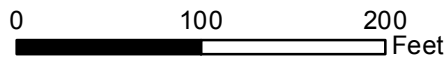
**STIPULATIONS:**



# Z-31 2017-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: Bobby L. Terrell

PETITION NO.: Z-31

PRESENT ZONING: NS

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: 1541

F.A.R.: .037 Square Footage/Acre: 1605.2

Parking Spaces Required: 8 Parking Spaces Provided: 14

Applicant is requesting Neighborhood Retail Commercial (NRC) zoning category to restart a retail store. The property has been vacant for at least six (6) months and lost its status of a non conforming use. The code states a nonconforming cannot be reinstated after it has been abandoned for a period longer than (6) months. The build use to be used as a pawn shop. Applicant intends to rent the building to allowed retail uses. The applicant intends to use the existing building as it stands today. The proposed hours of operation will be Monday through Sunday 9 am to 6 pm.

The applicant is requesting the following contemporaneous variances;

1. Waive the rear setback from 30 feet to 3 feet for accessory structures;
2. Waive the side setback from 15 feet to .2 feet for accessory structures.

Cemetery Preservation: No comments.

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APPLICANT: Bobby L. Terrell

PETITION NO.: Z-31

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**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
Elementary			
Middle			
High			

- School attendance zones are subject to revision at any time.

**Additional Comments:** Approval of this petition will not have an impact on the enrollment at Cobb County schools.

\*\*\*\*\*

**APPLICANT:** Bobby L Terrell

**PETITION NO.:** Z-31

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**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: Bobby L. Terrell**

**PETITION NO.: Z-31**

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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 R-20 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:

Northwest: Neighborhood Activity Center (NAC)  
Northeast: Low Density Residential (LDR)  
Southeast: Neighborhood Activity Center (NAC)  
Southwest: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is 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

**APPLICANT: Bobby L. Terrell**

**PETITION NO.: Z-31**

**PRESENT ZONING: NS**

**PETITION FOR: NRC**

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**PLANNING COMMENTS:**

CONT.

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

Is the property within the:

- Dobbins Airfield Safety Zone?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area



APPLICANT Bobby L Terrell

PETITION NO. Z-031

PRESENT ZONING NS

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 commercial 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 NE property corner

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

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

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 Health Dept approval required for continued use of existing septic system. No anticipated Comments: increase in wastewater discharge

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: Bobby L. Terrell

PETITION NO.: Z-31

PRESENT ZONING: NS

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 easements 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 receiving system.

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\*\*\*\*\*

**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.

ADDITIONAL COMMENTS

1. This site is located to the east of Canton Road just across from the New Chastain Corners Shopping Center. The applicant intends to utilize the existing facility with no site improvements proposed at this time. Any future site improvements must meet current stormwater management requirements. Any future stormwater improvements must be designed to discharge to the existing infrastructure within the Canton Road right-of-way.

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\*\*\*\*\*

**TRANSPORTATION COMMENTS:**

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Canton Road	Arterial	45 mph	Georgia DOT	100'
Noonday Drive	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Canton Road	South of Coventry Drive	28,300	D
Noonday Drive	N/A	N/A	N/A

*Based on 2012 traffic counting data taken by Cobb County DOT for Canton Road.  
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.  
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

**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.

Noonday Drive is classified as a local and according to the available information the existing right-of-way does 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 east side of Canton Road, a minimum of 50' from the roadway centerline.

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

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed Canton Road Corridor Improvement SPLOST project - Project D6050.

## STAFF RECOMMENDATIONS

### **Z-31 BOBBY L. TERRELL**

- 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 building has been used for years as a pawn shop, the addition of other retail uses will fit with the surrounding businesses.
- 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. This property has been used as pawn shop for several years. Other businesses in the area include retail and office 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*, which delineates this property as being within the Neighborhood Activity Center (NAC) land use category. The requested NRC zoning district is compatible with the NAC land use category and the proposed retail store 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. The applicant is required to rezone the property because of the loss of the grandfathered status. The proposed retail uses would allow the applicant to maintain the property and provide new uses.

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

1. Site plan received by the Zoning Division on May 3, 2017, with the District Commissioner approving minor modifications;
2. Professional Offices and Neighborhood Retail Uses only;
3. No outdoor storage or outdoor display of merchandise;
4. Site Plan Review Section comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. Planning Division comments and recommendations;
8. Department of Transportation comments and recommendations; and
9. 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-31  
July 2017

# 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) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- a) Proposed use(s): Retail
- b) Proposed building architecture: Existing
- c) Proposed hours/days of operation: 9AM 6 PM

- d) List all requested variances:  
1. Shed on Back of Property  
2. Paved Parking in Abandoned R/W  
of Noonday Drive

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

Use Existing Residential Bld  
For Retail

**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

Z-31 For July  
Rezoning Application for 3600 Canton Rd

9.

(a.) The present Zoning is NS with no use restrictions and has been in place since 1984. The requested zoning category of NRC is certainly suitable and compatible with the adjacent and nearby properties.

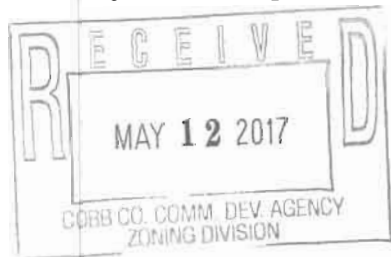
(b.) There will be no adverse effects. Most properties on Canton Highway are zoned for business already. The two properties immediately to the north fronting on Canton Rd. 3630 & 3634 are owned respectfully by the owners of this property Charles B Pharr & James F. Brown.

(c.) The current zoning is much preferred by the owners, 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 compatible to the current NS zoning.

(e.) The current NS zoning is no longer allowed in a Neighborhood Activity Center, requiring the rezoning of this property to comply with the NAC Activity Center.

(f.) The previous business, All Star Pawn, closed in 2016. We have several prospective tenants and/or buyers, one of which is in the Retail Lady's Clothing business, all these prospective users require rezoning to NRC. Therefore, we are requesting NRC rezoning.



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OPPOSITION: NO. OPPOSED \_\_\_\_\_ PETITION NO: \_\_\_\_\_ SPOKESMAN \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

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

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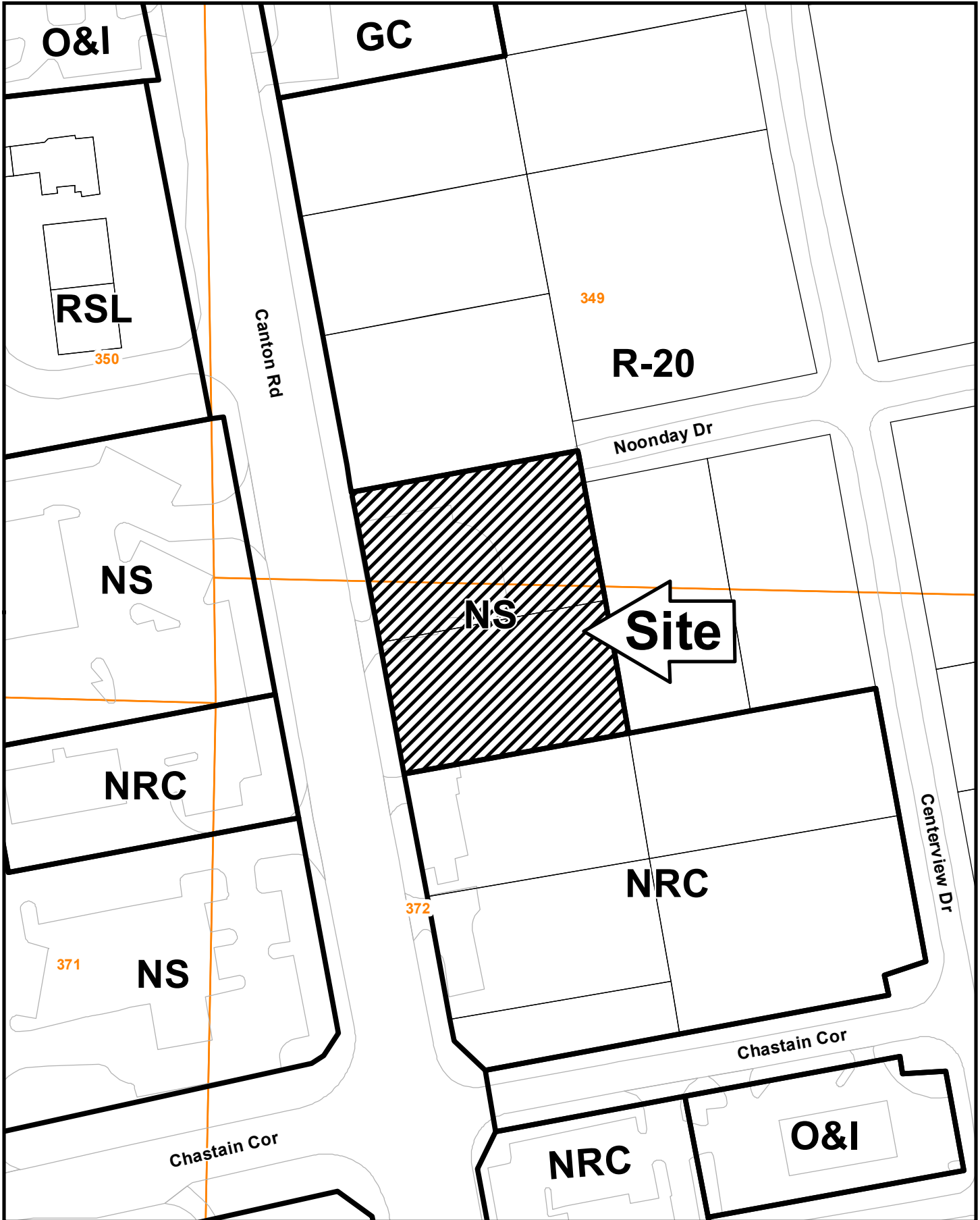
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STIPULATIONS:





# Z-31 2017-GIS



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0 100 200 Feet

City Boundary  
Zoning Boundary

APPLICANT: Bobby L. Terrell

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PETITION FOR: NRC

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F.A.R.: .037 Square Footage/Acre: 1605.2

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**Additional Comments:** Approval of this petition will not have an impact on the enrollment at Cobb County schools.

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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?
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PETITION FOR NRC

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Additional Comments: Existing commercial water customer

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**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 NE property corner

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

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

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 Health Dept approval required for continued use of existing septic system. No anticipated Comments: increase in wastewater discharge

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: Bobby L. Terrell

PETITION NO.: Z-31

PRESENT ZONING: NS

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 easements 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 receiving system.



**APPLICANT: Bobby L. Terrell**

**PETITION NO.: Z-31**

**PRESENT ZONING: NS**

**PETITION FOR: NRC**

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**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.

ADDITIONAL COMMENTS

1. This site is located to the east of Canton Road just across from the New Chastain Corners Shopping Center. The applicant intends to utilize the existing facility with no site improvements proposed at this time. Any future site improvements must meet current stormwater management requirements. Any future stormwater improvements must be designed to discharge to the existing infrastructure within the Canton Road right-of-way.

**APPLICANT:** Bobby L. Terrell

**PETITION NO.:** Z-31

**PRESENT ZONING:** NS

**PETITION FOR:** NRC

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**TRANSPORTATION COMMENTS:**

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Canton Road	Arterial	45 mph	Georgia DOT	100'
Noonday Drive	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Canton Road	South of Coventry Drive	28,300	D
Noonday Drive	N/A	N/A	N/A

*Based on 2012 traffic counting data taken by Cobb County DOT for Canton Road.  
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.  
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

**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.

Noonday Drive is classified as a local and according to the available information the existing right-of-way does 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 east side of Canton Road, a minimum of 50' from the roadway centerline.

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

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed Canton Road Corridor Improvement SPLOST project - Project D6050.

## STAFF RECOMMENDATIONS

### **Z-31 BOBBY L. TERRELL**

- 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 building has been used for years as a pawn shop, the addition of other retail uses will fit with the surrounding businesses.
- 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. This property has been used as pawn shop for several years. Other businesses in the area include retail and office 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*, which delineates this property as being within the Neighborhood Activity Center (NAC) land use category. The requested NRC zoning district is compatible with the NAC land use category and the proposed retail store 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. The applicant is required to rezone the property because of the loss of the grandfathered status. The proposed retail uses would allow the applicant to maintain the property and provide new uses.

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

1. Site plan received by the Zoning Division on May 3, 2017, with the District Commissioner approving minor modifications;
2. Professional Offices and Neighborhood Retail Uses only;
3. No outdoor storage or outdoor display of merchandise;
4. Site Plan Review Section comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. Planning Division comments and recommendations;
8. Department of Transportation comments and recommendations; and
9. 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-31  
July 2017

# 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) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- a) Proposed use(s): Retail
- b) Proposed building architecture: Existing
- c) Proposed hours/days of operation: 9AM 6 PM

- d) List all requested variances:  
1. Shed on Back of Property  
2. Paved Parking in Abandoned R/W  
of Noonday Drive

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

Use Existing Residential Bld  
For Retail

**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

Z-31 For July  
Rezoning Application for 3600 Canton Rd

9.

(a.) The present Zoning is NS with no use restrictions and has been in place since 1984. The requested zoning category of NRC is certainly suitable and compatible with the adjacent and nearby properties.

(b.) There will be no adverse effects. Most properties on Canton Highway are zoned for business already. The two properties immediately to the north fronting on Canton Rd. 3630 & 3634 are owned respectfully by the owners of this property Charles B Pharr & James F. Brown.

(c.) The current zoning is much preferred by the owners, 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 compatible to the current NS zoning.

(e.) The current NS zoning is no longer allowed in a Neighborhood Activity Center, requiring the rezoning of this property to comply with the NAC Activity Center.

(f.) The previous business, All Star Pawn, closed in 2016. We have several prospective tenants and/or buyers, one of which is in the Retail Lady's Clothing business, all these prospective users require rezoning to NRC. Therefore, we are requesting NRC rezoning.

