



**APPLICANT:** Calbert Enterprises, LLC  
770-331-3794

**REPRESENTATIVE:** Michael Calbert  
770-424-1731

**TITLEHOLDER:** Calbert Holdings, LLC

**PROPERTY LOCATION:** Located at the northwest intersection of  
Canton Road and Cauthen Court.

**ACCESS TO PROPERTY:** Canton Road and Cauthen Court

**PHYSICAL CHARACTERISTICS TO SITE:** Vacant lot

**PETITION NO:** Z-34

**HEARING DATE (PC):** 08-05-08

**HEARING DATE (BOC):** 08-19-08

**PRESENT ZONING:** GC with  
Stipulations

**PROPOSED ZONING:** LRO

**PROPOSED USE:** Office Building

**SIZE OF TRACT:** 1.07 acres

**DISTRICT:** 16

**LAND LOT(S):** 157

**PARCEL(S):** 12

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** PSC/ Hair Salon
- SOUTH:** RA-4/ Highland Chase subdivison
- EAST:** GC/ wooded
- WEST:** RA-4/ Windcrest subdivision

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

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

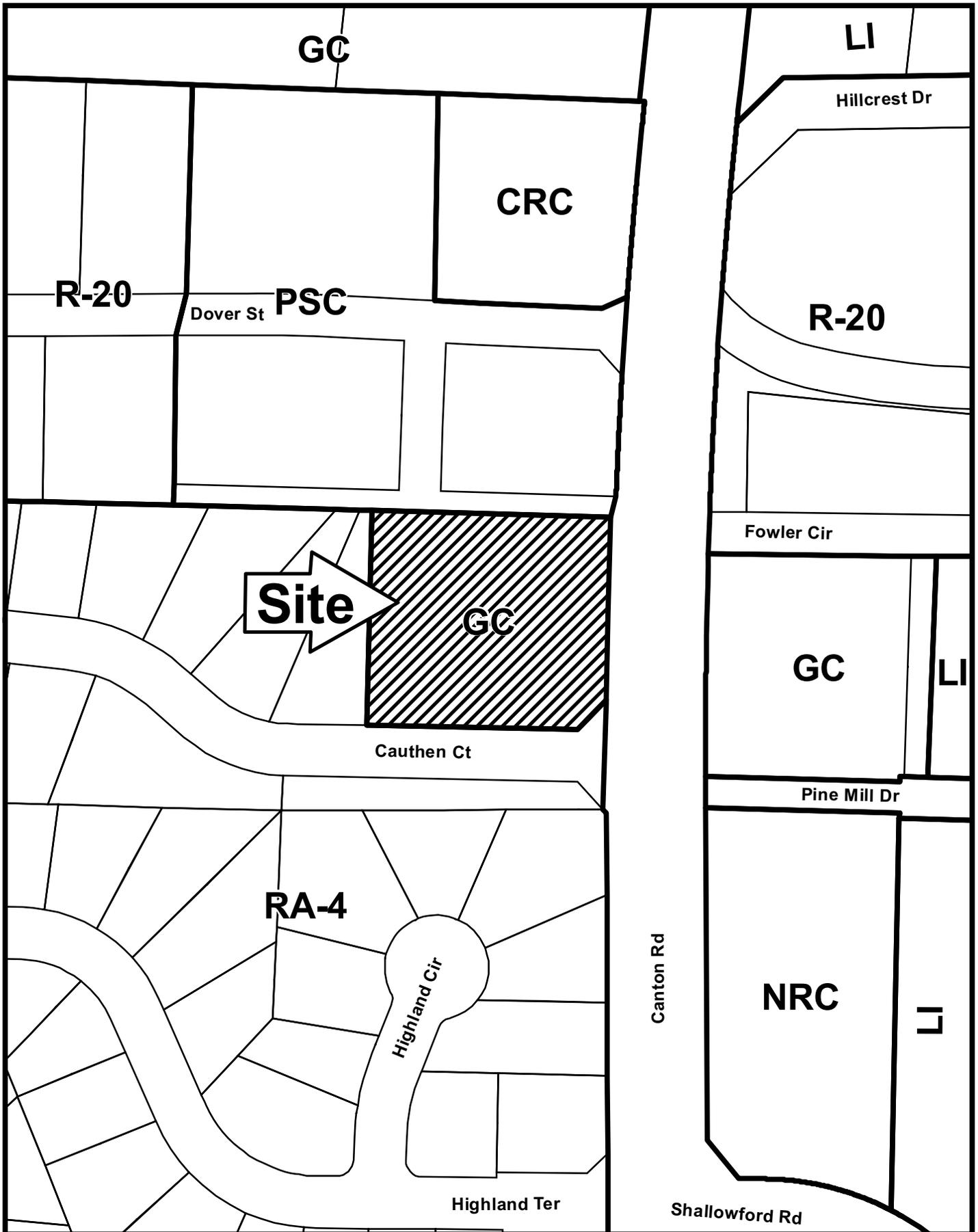
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

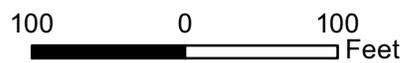
**STIPULATIONS:**



# Z-34



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



 City Boundary  
 Zoning Boundary

**APPLICANT:** Calbert Enterprises, LLC

**PETITION NO.:** Z-34

**PRESENT ZONING:** GC with stipulations

**PETITION FOR:** LRO

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**PLANNING COMMENTS:**

**Staff Member Responsible:** John P. Pederson, AICP

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 1 **Total Square Footage of Development:** 10,000

**F.A.R.:** 0.21 **Square Footage/Acre :** 9,345

**Parking Spaces Required:** 35 **Parking Spaces Provided:** 41

The applicant is requesting the LRO zoning district to develop a one-story office building. The proposed building would have a brick, stone and/or stucco exterior. The proposed office would be open Monday through Friday, from 8:00 a.m. to 6:00 p.m. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A".

**Planning Division Comments regarding 2005 Canton Road Corridor Study:** Based on the 2005 Canton Road corridor study, the following are recommendations that apply to the subject parcel:

- Any new development tracts fronting Canton Road (Sandy Plains Connector to Jamerson Road) greater than two acres are required to build a three rail fence (painted white) with stacked red brick columns (2' x 2' x 5') minimum of 40' on-center along any property fronting Canton Road. The fence is to be located just outside the proposed right-of-way and is to be maintained by the property owner, where it should not create a sight distance problem with entrance driveways.
- New retail and office uses to have complimentary building facades designed with stone and/or brick material. No metal, stucco, or split block material allowed on exterior surfaces unless approved by the Cobb County Board of Commissioners.
- Roofs to be asphalt shingled, pitched with gables, dormers and aesthetic treatments designed in a residential style. Standing seam metal roofs are discouraged.

**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.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

**FIRE DEPARTMENT COMMENTS:**

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT Calbert Enterprises, LLC

PETITION NO. Z-034

PRESENT ZONING GC w/stips

PETITION FOR LRO

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NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

**WATER COMMENTS:**

- Available at Development?  Yes  No
- Fire Flow Test Required?  Yes  No

Size / Location of Existing Water Main(s) 16" DI / W side Canton Rd

Additional Comments: 6" DI / S side Cauthen Ct; connection here may be necessary if 36" Water Authority line in Canton impedes

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.

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**SEWER COMMENTS:**

- In Drainage Basin?  Yes  No
- At Development?  Yes  No

Approximate Distance to Nearest Sewer: On site, NW corner

Estimated Waste Generation (in G.P.D.): **A D F** 750 **Peak** 1875

Treatment Plant: Noonday

- Plant Capacity Available?  Yes  No
- Line Capacity Available?  Yes  No
- Projected Plant Availability:  0 - 5 year  5 - 10 years  over 10 years
- Dry Sewers Required?  Yes  No
- Off-site Easements Required?  Yes\*  No
- Flow Test Required?  Yes  No
- Septic Tank Recommended by this Department?  Yes  No
- Subject to Health Department Approval?  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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Notes FYI:

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 off site easements, dedication of on and/or off site 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 NO.: Z-34

PRESENT ZONING: GC w/ stips

PETITION FOR: LRO

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**DRAINAGE 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 CONDITION

- 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 downstream system.

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DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The detention pond discharge must be tied directly into the existing downstream system. The allowable design discharges will be subject to the existing available system capacity.
2. Adequate landscape screening must be provided between the proposed detention facility and the adjacent residential lot. The pond must be relocated outside the required landscape buffer. Any exposed concrete pond walls must be decoratively faced.

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**PETITION FOR: LRO**

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**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	29600	Arterial	45 mph	Cobb County	100'
Cauthen Court	N/A	Local	25 mph	Cobb County	50'

*Based on 2008 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 does meet the minimum requirements for this classification.

Cauthen Court is classified as a Major Collector and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

No access to Cauthen Court.

Install sidewalk, curb and gutter along both road frontages.

**RECOMMENDATIONS**

Recommend no access to Cauthen Court.

Recommend installing sidewalk, curb and gutter along both road frontages.

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

## STAFF RECOMMENDATIONS

### Z-34            CALBERT ENTERPRISES, LLC

- 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 applicant's property is situated in area that contains residential and commercial properties.
- 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 would be a good transitional property to help buffer the residentially zoned 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 to be within a Neighborhood Activity Center Land Use Category.
- 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's proposal is located in an area of Canton Road that contains commercially and residentially zoned properties. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*.

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

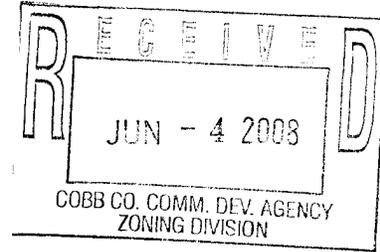
- Site plan received by the Zoning Division June 30, 2008, with the District Commissioner approving minor modifications;
- Final building architecture meet the architectural guildlines from the 2005 Canton Road Corridor Study;
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- 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.**

May 30, 2008

Cobb County Community Development Department  
191 Lawrence Street  
Marietta, Georgia 30060

RE: **Calbert Enterprises, LLC - Letter of Intent**  
**Corner Canton Highway (S.R. 5) and Cauthen Court**



To whom it may concern:

It is the intent of Calbert Enterprises, LLC to request rezoning of the parcel located at the corner of Cauthen Court and Canton Highway in Land Lot 157, 16<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County, Georgia. The current zoning for this property is General Commercial (GC) with stipulations for use as dry cleaners and convenience store from November 1988. The applicant is seeking to rezone to GC for use as offices. The following is a list of responses to the items from #9 in the Application for Rezoning in Cobb County:

- a) The proposed zoning for use as offices adheres to the Canton Road Corridor principles promoting economic development.
- b) The proposed zoning is of the same classification, therefore there will be no adverse affect to use of adjacent or nearby property.
- c) Based on points a) and b) reasonable economic use will be promoted by this development.
- d) The zoning proposal is not anticipated to have any negative or burdensome affect to existing streets or facilities in this area because of the use as offices.
- e) The zoning proposal is in conformity with the majority of properties along this corridor which are zoned general commercial.
- f) The changing of use from GC as dry cleaners and convenience store to office use is a more appropriate development under the Canton Road Corridor recommendations. This would be supporting grounds for approval of this rezoning request.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Calbert".

Michael Calbert  
Calbert Enterprises, LLC

