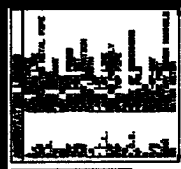
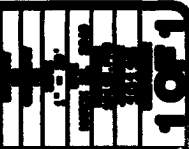




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SURVEY TITLE

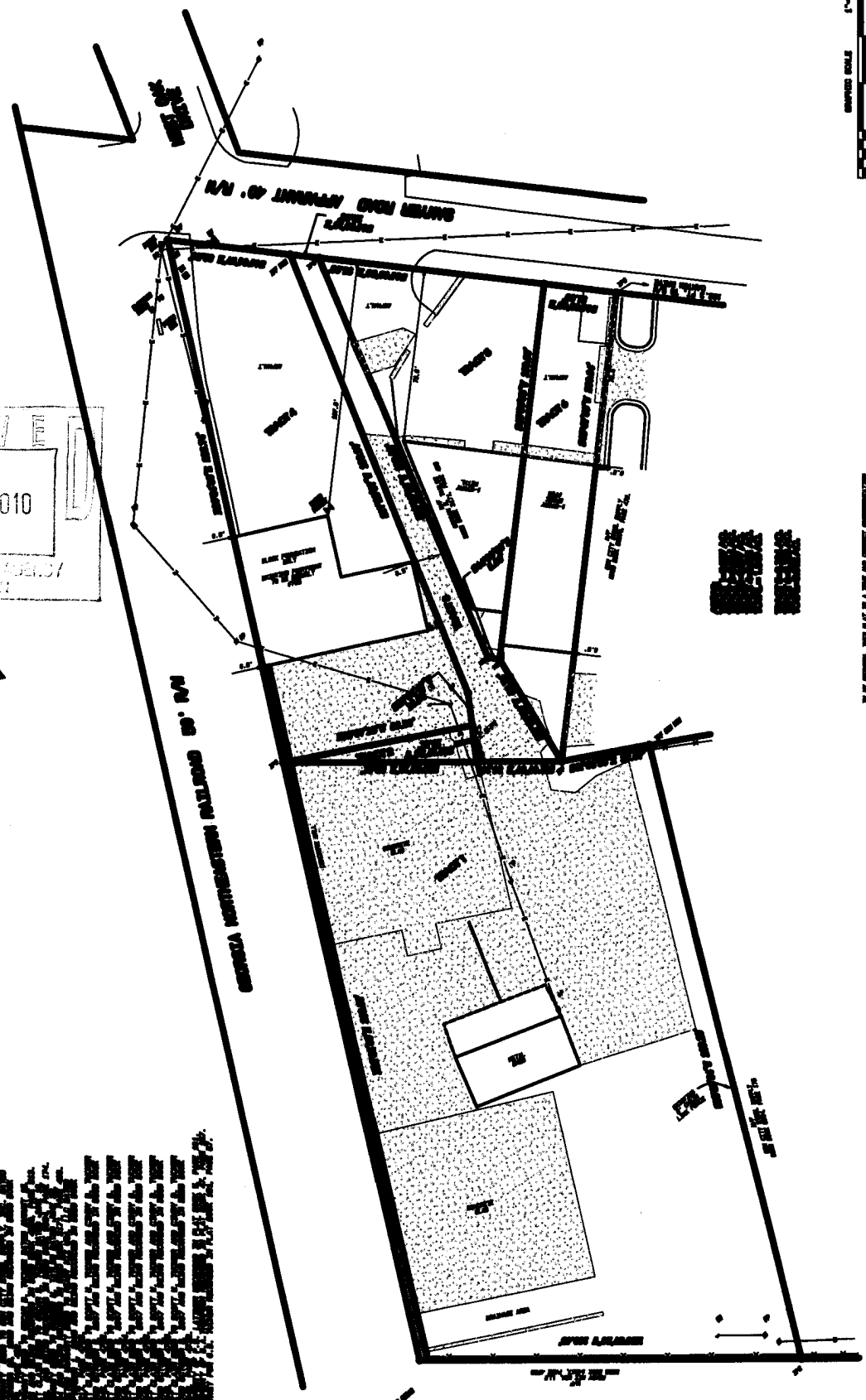
Z-14
(2010)

SCOTT N. LINDSEY & ASSOCIATES, L.L.P.
SURVEY TITLE
THE BAYVIEW ROAD



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ZONING DEPARTMENT



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AS SHOWN ON THE SURVEY MAP

APPLICANT: Scott W. Tucker

404-625-8579

REPRESENTATIVE: Sams, Larkin & Huff, LLP

Melissa P. Haisten 770-422-7016

TITLEHOLDER: Scott W. Tucker, Cindy B. Tucker, Gordon M.

Taylor

PROPERTY LOCATION: Located at the southeasterly intersection of Sawyer Road and the Georgia Northeastern Railroad right-of-way.

ACCESS TO PROPERTY: Sawyer Road

PHYSICAL CHARACTERISTICS TO SITE: Existing buildings

PETITION NO: Z-14

HEARING DATE (PC): 06-03-10

HEARING DATE (BOC): 06-15-10

PRESENT ZONING: GC, R-20

PROPOSED ZONING: HI

PROPOSED USE: Industrial And Warehouse Uses

SIZE OF TRACT: 1.661 acres

DISTRICT: 16

LAND LOT(S): 875

PARCEL(S): 6, 64, 66, 68, 71

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Cornerstone Baptist Church

SOUTH: GC/ Readymix USA concrete batch plant

EAST: HI/ GEM City Steel

WEST: City of Marietta/ Circle A Fences, White Hawk Business Park

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

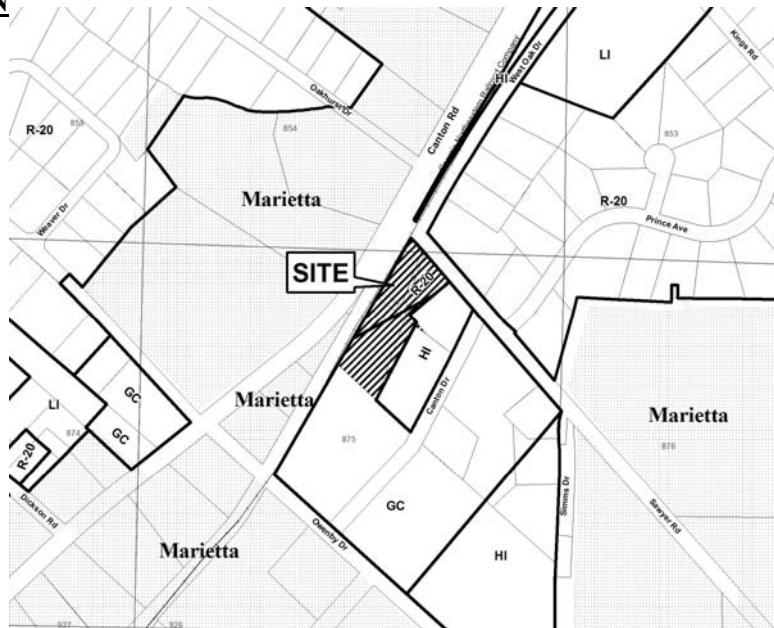
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

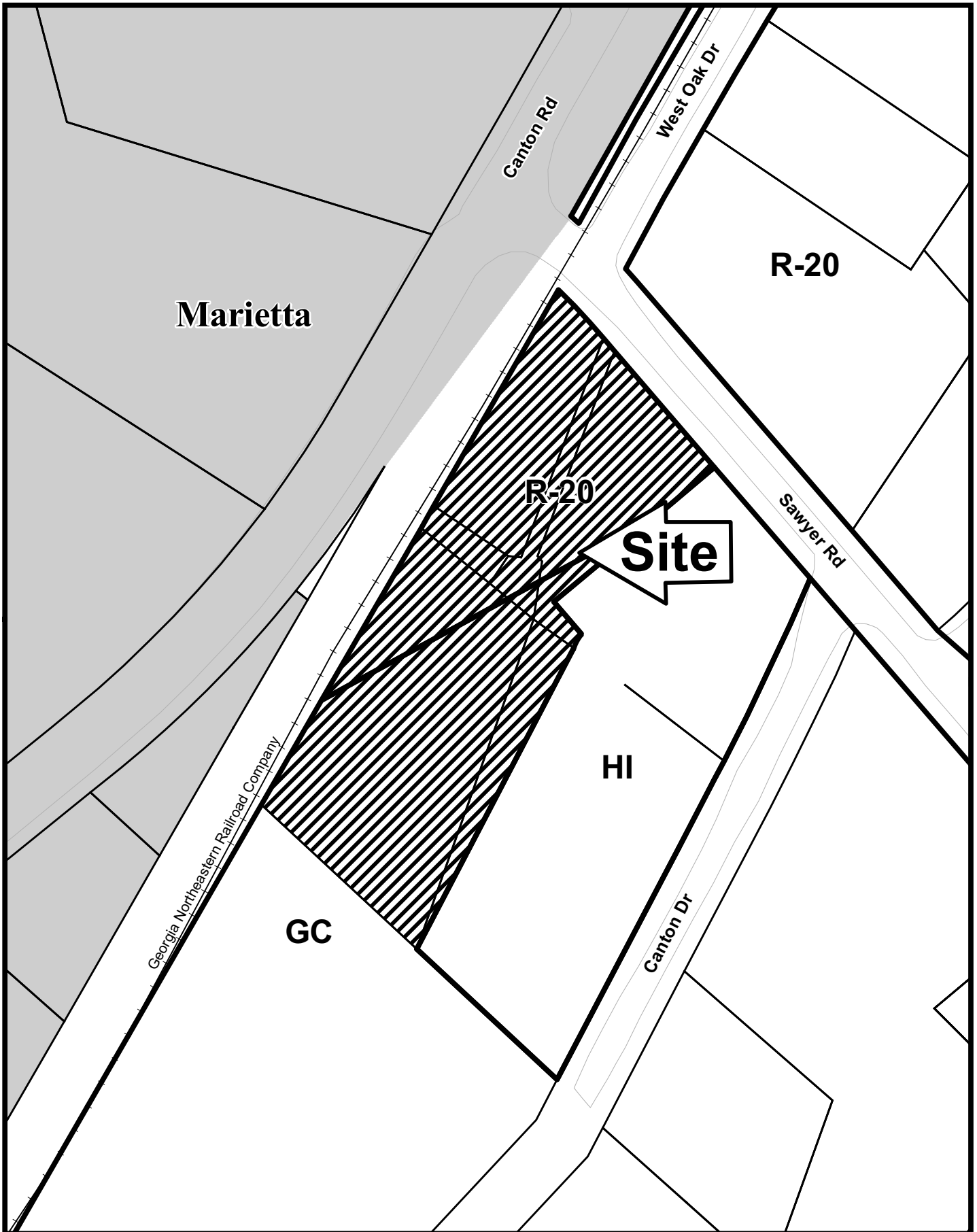
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

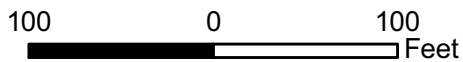
STIPULATIONS:





Z-14



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Scott W. Tucker

PETITION NO.: Z-14

PRESENT ZONING: GC, R-20

PETITION FOR: HI

ZONING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 3 **Total Square Footage of Development:** 9,500

F.A.R.: 0.12 **Square Footage/Acre:** 5,719

Parking Spaces Required: 13 **Parking Spaces Provided:** 20

The applicant is requesting the HI zoning district to bring the existing property into compliance with the *Cobb County Comprehensive Plan*. The applicant’s property has been used as a heavy auto repair business and office/warehouse for many years. However, the businesses closed, and remained vacant for more than six months, which caused the property to loose its grandfathered status since the property is zoned GC and R-20. The owner will rebuild the auto repair garage that burned down a couple years ago. The building exterior will have three sides brick, including the side that faces Canton Road. The building will have a pitched roof. The applicant would need a contemporaneous variance from twenty-feet to zero-feet for the east and west side setbacks, which have been this way since the 1960’s. The applicant has submitted a Zoning Impact Statement for review (See Exhibit “A”).

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: No comment.

FIRE COMMENTS:

No comments.

APPLICANT Scott W Tucker

PETITION NO. Z-014

PRESENT ZONING R-20, GC

PETITION FOR HI

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 / S side Sawyer Rd

Additional Comments: Records show 705 Sawyer Rd as connected and active

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: 2600' E at West Oak Parkway w/easements

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

Treatment Plant: **Noonday**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drw 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 ans 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: Health Dept approval required for continued use of existing septic system for proposed re-built structure

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: Scott W. Tucker

PETITION NO.: Z-14

PRESENT ZONING: GC, R-20

PETITION FOR: HI

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sope 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 _____.

APPLICANT: Scott W. Tucker

PETITION NO.: Z-14

PRESENT ZONING: GC, R-20

PETITION FOR: HI

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit any 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. Any redevelopment or expansion other than restoration/reconstruction of the existing building will require meeting all stormwater management site requirements.

APPLICANT: Scott W. Tucker

PETITION NO.: Z-14

PRESENT ZONING: GC, R-20

PETITION FOR: HI

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
Sawyer Road	4200	Minor Collector	25 mph	Cobb County	60'

Based on 2009 traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Sawyer Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Existing driveway shall be built to Cobb County commercial standards.

Install curb and gutter along Sawyer Road frontage.

RECOMMENDATIONS

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 south side of Sawyer Road, a minimum of 30' from the roadway centerline.

Recommend one driveway on Sawyer Road.

Recommend building the existing driveway to comply with Cobb County commercial standards.

Recommend installing curb and gutter along Sawyer Road frontage.

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

STAFF RECOMMENDATIONS

Z-14 SCOTT W. TUCKER

- 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 area contains a variety of commercial and industrial properties. The applicant's property has been used for heavy auto repair and office/warehouse for a very long time.

- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal would be consistent with other properties. This section of Canton Road is highly commercial. Additionally, the applicant's proposal would help to finish a building that has sat half-built for years.

- 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 Industrial Compatible area.

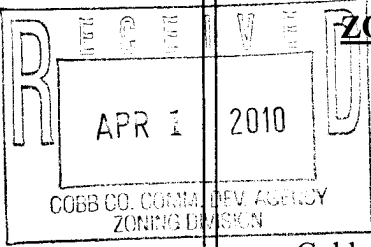
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal would be compatible with and consistent to other industrially zoned properties in the area. The applicant's proposal would help to remove the R-20 and GC zoning districts from this property, which are in consistent with the area and the *Comprehensive Plan*. The applicant's proposal would help to clean up the area by finishing the half-built auto repair garage that has been an eyesore for years.

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

- Site plan received by the Zoning Division April 1, 2010, with the District Commissioner approving minor modifications;
- Any outdoor storage be screened;
- Auto repair garage be painted a neutral color (tan or beige);
- 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.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF SCOTT W. TUCKER**



COMES NOW, SCOTT W. TUCKER, and, pursuant to §134-121(a)(7) of the

Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Canton Road Corridor.

- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties the preponderance of which are commercial or industrial and located within the confines of an Industrial Compatible (IC) area under Cobb County's Future Land Use Map.

- C. The subject property to be affected by the zoning proposal has no economic use as currently zoned and constitutes a non-conforming circumstance with no present entitlement to use the subject property under the R-20 & GC classifications.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

- E. The zoning proposal is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being within an existing an Industrial Compatible (IC) area under Cobb County's Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classifications of R-20 & GC for which there is no present entitlement and which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Canton Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 1st day of April, 2010.

SAMS, LARKIN & HUFF, LLP

By: Melissa P. Haisten
MELISSA P. HAISTEN
Attorney for Applicant
Ga. Bar No. 316357