

APPLICANT: Metro Group Development II, LLC
770-641-1671

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP
John H. Moore 770-429-1499

TITLEHOLDER: Marvin & Jeff, LLC and BT Marietta, LLC

PROPERTY LOCATION: Located at the northwest intersection of
Roswell Road and Old Canton Road.

ACCESS TO PROPERTY: Roswell Road and Old Canton Road

PHYSICAL CHARACTERISTICS TO SITE: Existing car wash

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** PSC/ Olde Mill shopping center
- SOUTH:** NS/ Frankie's Italian Ristorante, shopping center
- EAST:** OI/ Coldweld Bankers, Office Park
- WEST:** PSC/ McDonalds

PETITION NO: Z-17

HEARING DATE (PC): 06-03-10

HEARING DATE (BOC): 06-15-10

PRESENT ZONING: GC, PSC

PROPOSED ZONING: NRC

PROPOSED USE: Pharmacy And Drug Store

SIZE OF TRACT: 1.87 acres

DISTRICT: 16

LAND LOT(S): 910

PARCEL(S): 7, 20

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

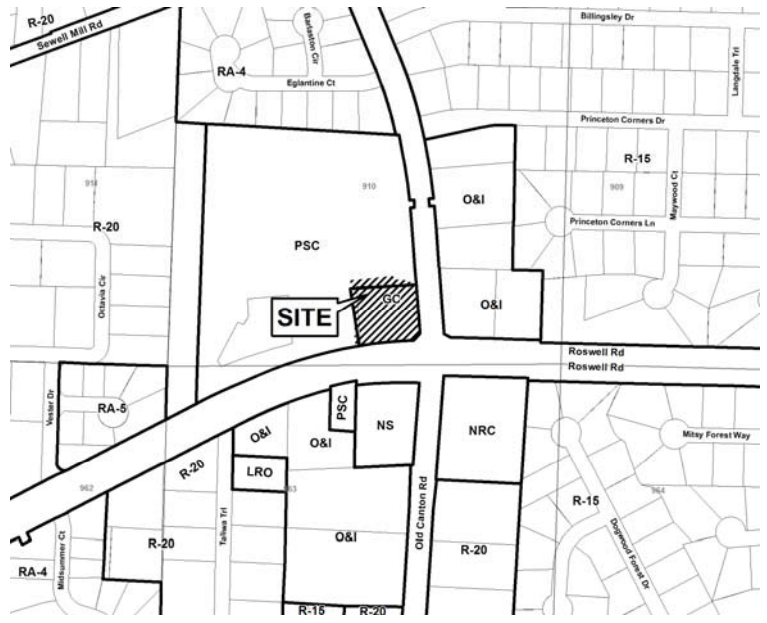
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

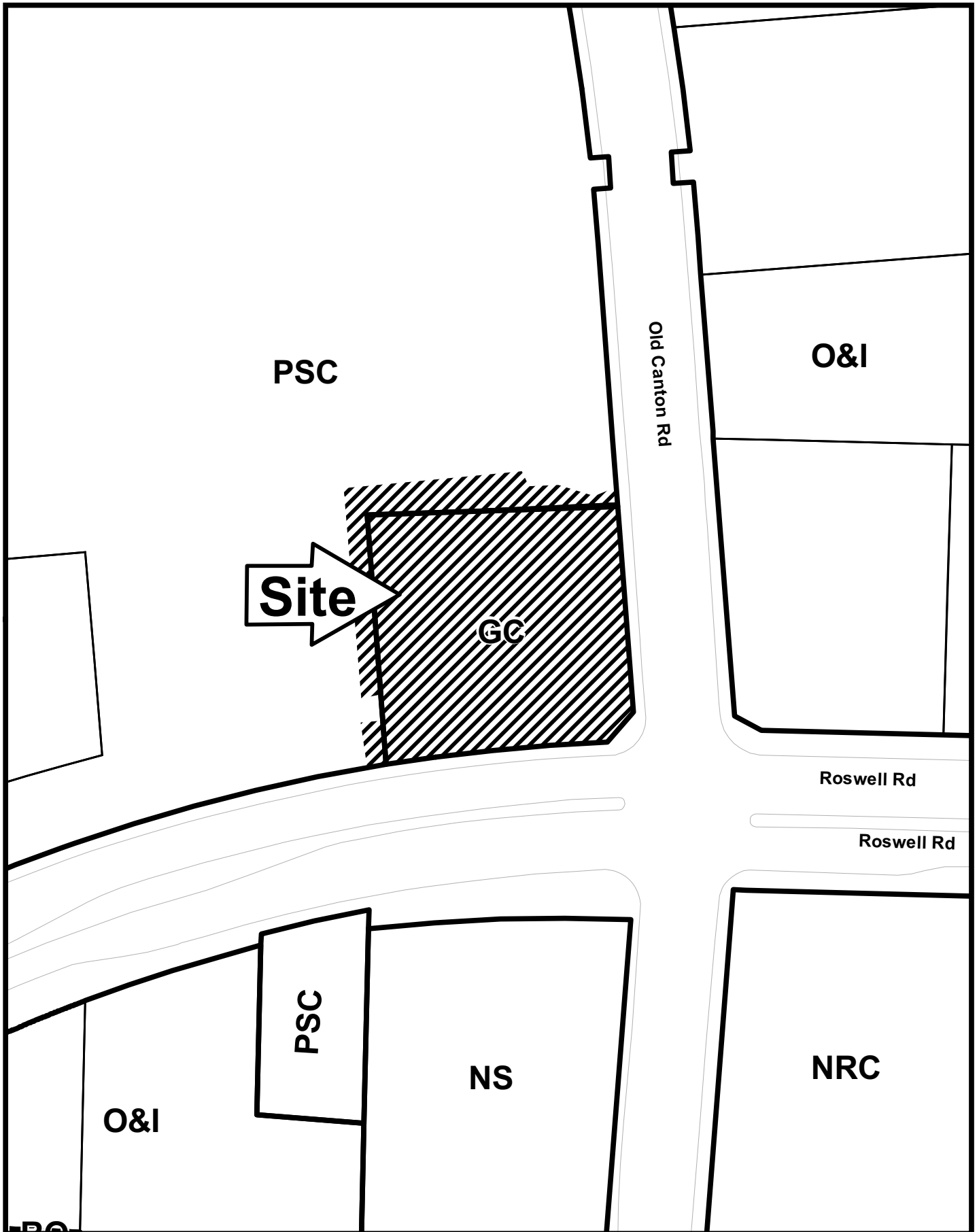
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

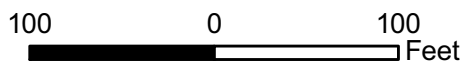
STIPULATIONS:





Z-17



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Metro Group Development II, LLC

PETITION NO.: Z-17

PRESENT ZONING: GC, PSC

PETITION FOR: NRC

ZONING 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:** 14,329

F.A.R.: 0.18 **Square Footage/Acre:** 7,662

Parking Spaces Required: 72 **Parking Spaces Provided:** 83

The applicant is requesting the NRC zoning district to redevelop the property for a CVS drugstore. The existing car wash building will be removed. The proposed building would be one-story in height with a brick and stucco exterior. The drugstore is proposed to be open 24 hours a day, seven days a week. The applicant has submitted a Zoning Impact Statement, which is attached 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 Metro Group Development II, LLC

PETITION NO. Z-017

PRESENT ZONING GC, PSC

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): 20" DI / W side of Old Canton Rd

Additional Comments: Also 10" DI / N side of Roswell Rd

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 along Roswell Rd frontage

Estimated Waste Generation (in G.P.D.): **A D F** 1300 **Peak=** 3250

Treatment Plant: **Sutton**

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 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:

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.

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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 any increased volume of runoff generated by the proposed project on downstream **stormdrainage 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. Stormwater management for this project is proposed to be provided by underground detention. This will require the use of a proprietary water quality device to provide adequate water quality treatment.
2. Since this parcel was previously operated as a fueling center there is the potential for ground water contamination associated with the underground storage tanks. Documentation should be provided that the tanks and any associated contamination were properly removed. UST closure reports and any corrective action plans for the site should be obtained from GAEPD Underground Storage Tank Management Program and provided at Plan Review.

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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
Roswell Road	37300	Arterial	45 mph	Cobb County	100'
Old Canton Road	18000	Arterial	35 mph	Cobb County	100'

*Based on 2008 traffic counting data taken by Cobb County DOT (Roswell Road)
Based on 2007 traffic counting data taken by Cobb County DOT (Old Canton Road)*

COMMENTS AND OBSERVATIONS

Roswell 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.

Old 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.

Install sidewalk along Roswell Road frontage.

Install sidewalk along Old Canton 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 west side of Old Canton Road, a minimum of 50' from the roadway centerline.

Recommend installing sidewalk along the Roswell Road frontage.

Recommend installing sidewalk along the Old Canton Road frontage.

Recommend no additional access to Roswell Road or Old Canton Road.

Recommend eliminating the existing southern driveway along Old Canton Road.

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

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

STAFF RECOMMENDATIONS

Z-17 METRO GROUP DEVELOPMENT II, INC.

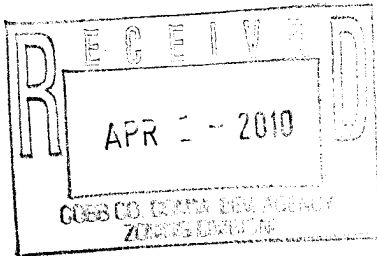
- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. All the adjoining property is zoned commercially. The applicant's property is located in an area that contains a myriad of different commercial uses.
- 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 compatible with adjacent and nearby properties. The applicant's proposal is located at the center of this commercial activity center, and would be an aesthetic upgrade over the current use of 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 to be within a Neighborhood Activity Center.
- 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 in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal would be consistent with, and compatible to other commercially zoned properties in the area. Additionally, the applicant's proposal would aesthetically upgrade some property that is in poor condition.

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

- Site plan received by the Zoning Division May 11, 2010, with the District Commissioner approving minor modifications;
- 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.

IMPACT ANALYSIS STATEMENT



Application No.: Z- 17 (2010)
Hearing Dates: June 3, 2010
June 15, 2010

Applicant: Metro Group Development II, LLC
Titleholders: Marvin & Jeff, LLC and BT Marietta, LLC

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The Application for Rezoning requests rezoning from the existing zoning categories of Planned Shopping Center ("PSC") and General Commercial ("GC") to the proposed Neighborhood Retail Commercial ("NRC") zoning category for the purpose of a free-standing pharmacy/drug store. The requested category of NRC will permit a use that is more suitable for the Subject Property due to its size and location. The Property is a combined, total tract of 1.81 acres, and is located at the northwest intersection of Roswell Road (State Route 120) and Old Canton Road. It has a one-story brick structure which was once used as an Exxon service station; however, this business is no longer open. Applicant proposes to completely demolish the existing structure, do the remediation necessary on the site, and construct a new structure which will be a free-standing pharmacy/drug store. The rezoning, as proposed, would allow for the improvements to be made, thus enhancing the Roswell Road corridor and the shopping center to the north and west of the Subject Property. Additionally, properties surrounding the Subject Property are zoned and utilized for commercial uses; e.g., PSC, Office and Institutional ("OI"), Low Rise Office ("LRO"), and Neighborhood Shopping ("NS"). Therefore, the rezoning and redevelopment of the Subject Property will have no adverse impact upon surrounding and existing developments.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby properties. Properties surrounding and immediately adjacent to the Subject Property are zoned and utilized for commercial uses. The proposed NRC zoning category should have a lesser impact on surrounding properties than the uses allowed under the existing GC zoning category. If approved and developed according to the request, the adjacent and nearby property owners should benefit in increased land values.
- (c) The Subject Property, as presently zoned, does not have a reasonable economic use. The proposed zoning will allow for a higher and better use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Retail and commercial development has

almost no effect on schools, minimal effect on utilities and transportation facilities. The major effect will be on traffic; however, the impact should be minimal due to the improvements proposed by Applicant; as well as, the widened and improved roadways in the area which will ease any increased traffic without burdensome effects.

- (e) The Subject Property is located within a Neighborhood Activity Center ("NAC"); and, therefore, the zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as well as in conformity with the policy and intent of the Land Use Plan.
- (f) This zoning proposal is consistent with the current conditions affecting the development of this Property. The Property is located at a major intersection, with Roswell Road being a four-lane roadway with divided median. The location will allow for access to the proposed pharmacy/drug store off Roswell Road, via a right-in/right-out entrance, or from the minor collector, Old Canton Road. Additionally, a traffic signal is located at the intersection. Applicant will also make the necessary roadway improvements along both Roswell Road and Old Canton Road to accommodate the proposed development. Shared parking between the pharmacy/drug store and the existing shopping center will be utilized. Development of the Property to the proposed use will allow for it to become an economically viable business for the County rather than a vacant structure.