



**APPLICANT:** John Carlisle  
678-600-5956

**REPRESENTATIVE:** John Carlisle  
678-600-5956

**TITLEHOLDER:** Trust Under the Will of Margaret E. Roberts, James  
L. Roberts, Sr., Trustee

**PROPERTY LOCATION:** Located on the west side of Canton Road,  
north of Jamerson Road and on the north side of Cobb Cherokee  
Industrial Drive (private road).

**ACCESS TO PROPERTY:** Canton Road

**PHYSICAL CHARACTERISTICS TO SITE:** Existing One-Story  
Metal Building

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** GC/ T.A.C.
- SOUTH:** GC/ Sam's Auto Body Shop
- EAST:** GC/ Charlie's Liquor Store
- WEST:** GC/ Mini-warehouse storage

**PETITION NO:** Z-27

**HEARING DATE (PC):** 10-05-10

**HEARING DATE (BOC):** 10-19-10

**PRESENT ZONING:** GC

**PROPOSED ZONING:** LI

**PROPOSED USE:** Diesel Repair Shop

**SIZE OF TRACT:** 0.852 acre

**DISTRICT:** 16

**LAND LOT(S):** 60

**PARCEL(S):** 6

**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** \_\_\_\_\_

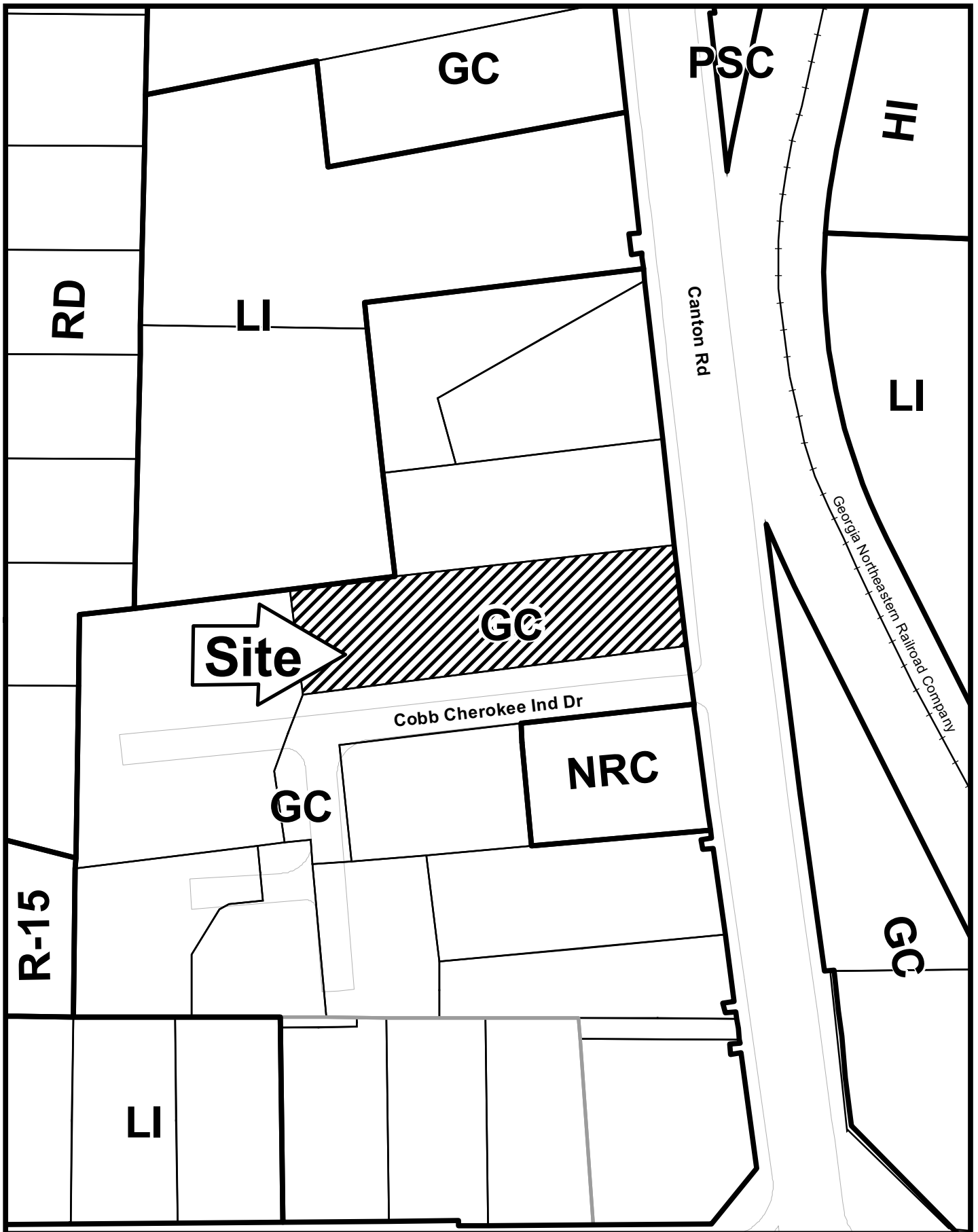
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

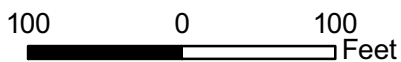
**STIPULATIONS:**



# Z-27



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



City Boundary  
Zoning Boundary

APPLICANT: John Carlisle

PETITION NO.: Z-27

PRESENT ZONING: GC

PETITION FOR: LI

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**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

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

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 6650.71

**F.A.R.:** .18      **Square Footage/Acre:** 7,806

**Parking Spaces Required:** 12      **Parking Spaces Provided:** 12

The applicant is seeking to rezone the property to the LI Light Industrial zoning category in order to make a 3,600 square foot addition to the existing diesel repair shop. The addition will be single-story metal to match the existing structure. The business will continue to operate just as it has since 2004 with hours of operation Monday through Friday 8 A.M. to 5 P.M. Because the property is located along Canton Road within a Neighborhood Activity Center Future Land Use category, the current GC General Commercial zoning is “grandfathered” and does not allow for the proposed addition without first rezoning. The applicant has submitted a Zoning Impact Analysis 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 appears 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.

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**FIRE COMMENTS:**

No Comments.

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**STORMWATER MANAGEMENT COMMENTS:**

This site is currently operating as a diesel repair shop. The proposed building will be located over an existing paved area and will allow all repairs to be made inside the building under cover. Since there is no onsite stormwater management and no opportunity for retrofitting any type of water quality device, the owner shall provide a spill prevention control and countermeasures plan to the Stormwater Management Division.

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PETITION NO.: Z-27

PRESENT ZONING: GC

PETITION FOR: LI

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**PLANNING DIVISION COMMENTS:**

Master Plan/Corridor Study

According to the 2005 Canton Road Corridor Study, the following are items for consideration for the subject parcel:

- Retail and office uses should be restricted so that there are no twenty-four (24) hour establishments along the corridor.
- The site is located in an area that has been identified as a redevelopment site that is theorized for mixed-use development (Map #8); also recommended for a campus district which serves as a transition from the more intensive Commerce District to the south of the corridor.
- When the property is redeveloped, all aspects of the Canton Road Design Guidelines will need to be incorporated into the site plan and architecture of the site.
- Staff requests that a stipulation be included that has the applicant meet the sidewalk, street tree, and street light standards as detailed in the Canton Road Design Guidelines.

Design Guidelines

Is the parcel in an area with Design Guidelines?  Yes  No

The Canton Road Design Guidelines cover only non-residential properties fronting Canton Road.

If yes, design guidelines area: Canton Road Design Guidelines

Does the current site plan comply with the design requirements?

Yes  No  Not applicable

APPLICANT John Carlisle

PETITION NO. Z-027

PRESENT ZONING GC

PETITION FOR LI

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**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): **12" DI / W side Canton Rd**

Additional Comments: Address connected. Additional development will be served by existing meter.

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:** 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: **25' N on west side of Canton Road**

Estimated Waste Generation (in G.P.D.): **A D F 180 Peak= 450**

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

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: Records show property not currently connected/billed for sewer. Must connect to sewer if not connected.

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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**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	24500	Arterial	45 mph	Cobb County	100'

*Based on 2007 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 not meet the minimum requirements for this classification.

Install sidewalk along Canton Road frontage.

Canton Road is identified in the 2005 SPLOST as a roadway safety and operational improvement project.

**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 Canton Road, a minimum of 50' from the roadway centerline.

Recommend installing sidewalk along the Canton Road frontage.

Recommend no parking on the right-of-way.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along Canton Road.

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

## STAFF RECOMMENDATIONS

Z-27

JOHN CARLISLE

- 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 existing business is similar to others located within the vicinity of Canton Road.
- 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. As the business is existing, the addition to the property allowed by this rezoning request will not represent a new potential nuisance.
- 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 to LI Light Industrial is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. This property is located within a Neighborhood Activity Center Future Land Use area which would support a more restrictive zoning category such as NRC Neighborhood Retail Commercial.
- 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 deleting the applicant's rezoning proposal to NRC. While allowing light automotive repair, the NRC zoning category would be in accordance with the *Cobb County Comprehensive Plan*. The business has been in operation for many years at this location and a deletion to NRC would allow the applicant to continue the vehicular service and repair business while protecting the integrity of other recent rezonings along Canton Road which have followed suit with the Neighborhood Activity Center delineation found along Canton Road.

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

- Existing diesel repair shop use only (if applicant ceases operation, then the property can only be used for other NRC permitted uses);
- Site plan received by the Zoning Division August 2, 2010 (additional parking, if required by County code, to be to County standard and approved in Plan Review process), with the District Commissioner approving minor modifications;
- Planning Division comments and recommendations;
- Stormwater Management comments and recommendations; and
- Cobb DOT comments and recommendations.

**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.**



Requirements For Completing Application For Rezoning  
Cobb County, GA  
Response to Question no. 9 A-F

A. Whether the zoning proposal will permit a use that is suitable in view of use and development of adjacent and nearby property: **Yes, it will. All other properties in this area, along with joining said property, is of like construction or similar.**

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property: **No, rezoning of said property will not impact others.**

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned: **By rezoning said property it will encourage some job growth on said property.**

D. Whether the zoning proposal will result in a use which will or could cause a excessive or burdensome use of existing streets, transportation facilities, utilities, or schools: **No. By allowing us to rezone, said property, will not add to any additional burden to existing conditions.**

E. Whether the zoning proposal is in conformity with the policy and intent of the land use plan: **No. Under the existing Future Land Use Plan we are only allowed to be rezoned up to NRC, without a variance. Which with this zoning, NRC, would put the current owner out of business and end 10 jobs.**

and

F. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal. **All existing business' that are in the current Land Use Plan under NAP are mostly grandfathered in. These business' and buildings that are in this Future Land Use Plan are all of like or similar construction to said property and this addition will not be seen as an " eye-sore. By allowing this addition, to the existing building, will help stimulate jobs for people that are out of work. Also by allowing this said property to be rezoned LI, will allow the current owner to conform to today's regulations. There are existing LI properties, which one a-joins said property.**