

**APRIL 17, 2012 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 2

PURPOSE

To consider amending the stipulations for Nick and Anna Letsos regarding SLUP-4 (Nick Letsos and Anna N. Letsos) of 2010, for property located in Land Lot 660 of the 16th District, at the northwesterly intersection of Canton Road and Westerly Way.

BACKGROUND

The subject property is zoned Community Retail Commercial (CRC) for a used car lot in 2010. One of the stipulations established a time limit for the used car lot to operate, which was three years from the issuance of a business license. The business license was issued in May 2010. Subsequently, the used car business went out of business May 2011. The owners have a new used car business that would like the three year time limit to coincide with their lease. In effect, the applicant would like to reset the start date of the three year clause to a start date of May 2012, with an end date of May 2015. If approved, all other stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment.

Cobb DOT comment: No additional DOT recommendations. We still recommend sidewalk and driveway closure.

ATTACHMENTS

Other Business Application and zoning stipulations.

Application for "Other Business" Cobb County, Georgia

2

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 04/17/12

Applicant: Nick Letsos & Anna N. Letsos
(applicant's name printed)

Phone #: (404) 636-0847

Address: 1837 Angelique Drive, Decatur, GA 30033

E-Mail: npletsos@aol.com

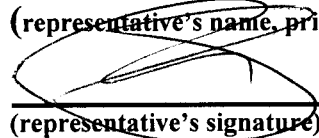
SAMS, LARKIN & HUFF, LLP

376 Powder Springs Street, Suite 100

Garvis L. Sams, Jr.

Address: Marietta, GA 30064

(representative's name, printed)

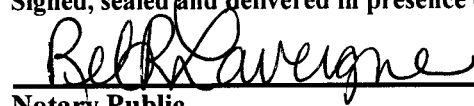


Phone #: (770) 422-7016

E-Mail: gsams@samslarkinhu

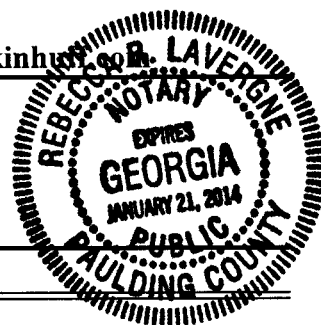
(representative's signature)

Signed, sealed and delivered in presence of:



My commission expires: _____

Notary Public



Titleholder(s) Nick Letsos & Anna N. Letsos
(property owner's name, printed)

Phone #: (404) 636-0847

Address 1837 Angelique Drive, Decatur, GA 30033

E-Mail: npletsos@aol.com

SEE ATTACHED

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Commission District: 3 (Birrell)

Zoning Case: SLUP-4 (2010)

Date of Zoning Decision: April 20, 2010 **Original Date of Hearing:** April 20, 2010

Location: Northwesterly intersection of Canton Road and Westerly Way (2357 & 2377 Canton Road)

Land Lot(s): 660

District(s): 16th

State specifically the need or reason(s) for Other Business: In 2010, the subject property was approved for a SLUP of 36 months from the date of issuance of a business license. A tenant, operating under the name of Canton Car Complex, signed a three year lease on May 20, 2010 and secured an attendant business license. However, that business terminated 11 months later on May 31, 2011. The Applicant is requesting that the time limit on the SLUP be reinstated for a total period of 36 months and that the time frame be restored to commence upon the date of issuance of a business license for the tenants presently under lease (AMA Auto Finance, LLC & Storm Motor Brokers, LLC).

The underlying Minutes require that "future requests for a time limit extension to be approved by the Board of Commissioners as an Other Business Item".

(List or attach additional information if needed)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 20, 2010
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REGULAR CASES -- NEW BUSINESS (Continued)

SLUP-4 **NICK LETSOS AND ANNA N. LETSOS** (owners) requesting a **Special Land Use Permit** for the purpose of Used Vehicle Sales in Land Lot 660 of the 16th District. Located at the northwesterly intersection of Canton Road and Westerly Way (2377 Canton Road).

The public hearing was opened and Mr. Parks Huff addressed the Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Thompson, to approve Special Land Use Permit for **36 months**, subject to:

Stipulation
to Amend →

- **time limit on this SLUP of 36 months from the date of issuance of Business License**
- **future request for time limit extension to be approved by the Board of Commissioners as an Other Business Item**
- **site plan received by the Zoning Division February 3, 2010, with the District Commissioner approving minor modifications to site layout (on file in the Zoning Division)**
- **Applicant to adhere to all stipulations from Z-36 of 2009 (including and with emphasis on: removal and replacement of existing signage, preservation of existing trees on the property, and no net increase in paved area for this use)**
- **no junk or inoperative vehicles kept on site**
- **no repossessed vehicles kept on site**
- **no outdoor storage (except for used vehicles)**
- **no parking, loading or unloading vehicles in the right-of-way or within median of Canton Road**
- **all exterior lighting be designed to eliminate stray light onto adjacent properties**
- **no outdoor speakers or pagers**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED 3-0**

APPLICANT: Nick Letsos and Anna N. Letsos

PETITION NO.: SLUP-4

PRESENT ZONING: CRC

PETITION FOR: SLUP

ZONING COMMENTS: Staff Member Responsible: John P. Pederson, AICP

The applicant is requesting a Special Land Use Permit for used vehicular sales. The property currently has two houses that were converted to offices years ago, which have been used for used car sales in the past. The business is anticipated to be open Monday through Saturday, from 8:00 am to 7:00 pm. The plan is showing the required one-acre of paved parking for the used car lot. The property was rezoned in December 2009 with many stipulations that the applicant is agreeable to.

Historic Preservation: No comments.

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.

WATER & SEWER COMMENTS:

Records show both addresses connected to water. Health Dept. OK with existing septic system for existing car sales & buildings with no additions/expansions.

TRAFFIC COMMENTS:

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 installing sidewalk along the road frontages.

Recommend eliminating the southern driveway along Canton Road.

Recommend upgrading existing driveway to meet commercial standards.

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

FIRE COMMENTS:

Certificate of Occupancy for 2377 Canton Rd- Auto Consign Mart

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process for 2nd Building (2357 Canton Rd).

STORMWATER MANAGEMENT COMMENTS:

Additional parking to meet the one acre minimum will require an increase of more than 5000 sq ft of impervious area. Stormwater management must be provided for the new paved area to meet detention and water quality requirements. Stormwater management for the entire site must be provided upon re-development.

REFERENCES

1. SURVEY BY A.C. CHARLIE, OF LOTS 13 & 14 AND PART OF LOT 15, DATED OCTOBER 11, 1982.
2. SURVEY FOR NICK & ANNA N. LETSOS BY ADVANCE SURVEY, INC. DATED JULY 23, 1992.
3. GA. DOT R/W MAP PROJECT M-9018(G), SHEET #10, DATED 3/10/86, LAST REVISED 3/06/90.
4. COBB COUNTY R/W DEED FROM NICK LETSOS DATED 9/28/88

N.V. FREDERICK
DEED BOOK 2893, PAGE 374
TP #1806000060

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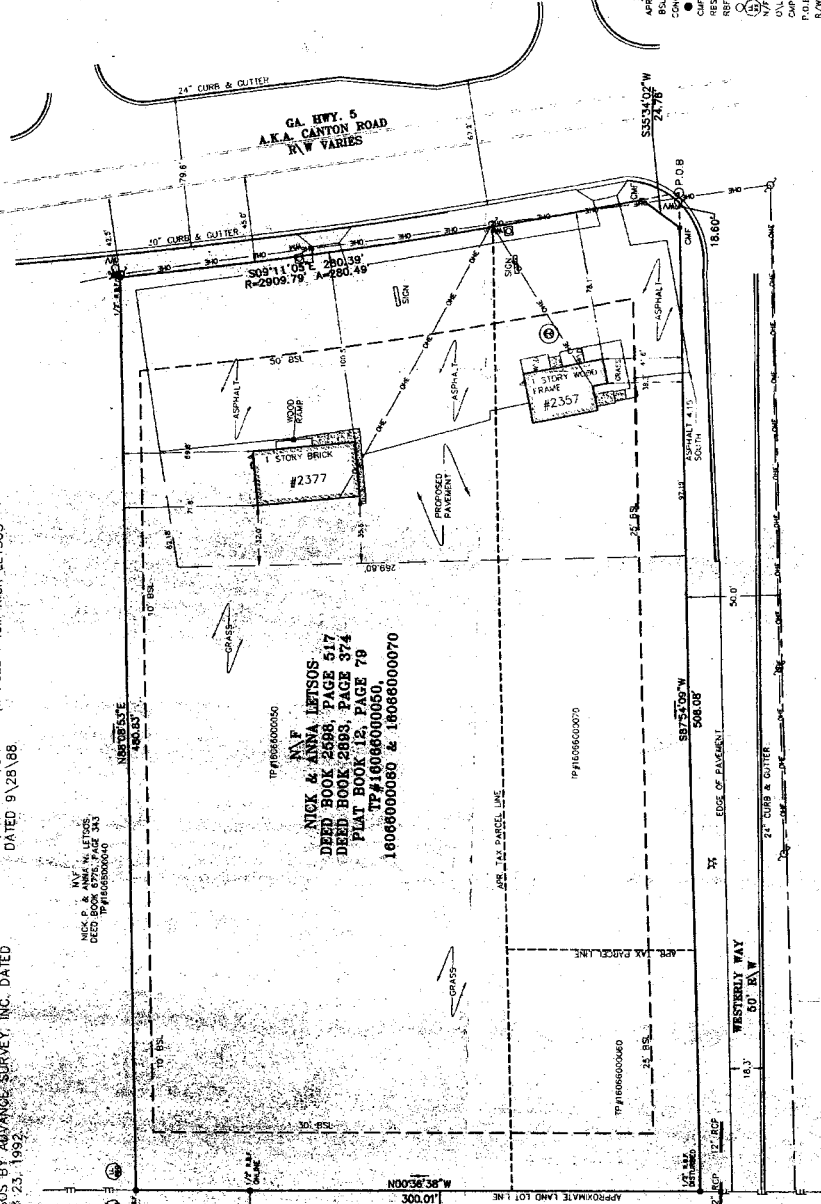
N.V. FREDERICK
DEED BOOK 2893, PAGE 374
TP #1806000060



- 1.) THIS MAP OR PLAT IS CERTIFIED TO THE NAME BELOW AND /OR NUMBER OR MONITORING NO. LIABILITY IS ASSUMED TO THIRD PARTIES. NO ABSTRACT OF TITLE WAS PERFORMED.
- 2.) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A HORIZONTAL CLOSURE OF 1 FOOT IN 10,000 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE BY LATITUDE AND DEPARTURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 377.254 FEET.
- 3.) A THEODOLITE READING DIRECTLY TO 03 SECONDS, AND AN ELECTRONIC DISTANCE METER READING DIRECTLY TO 005 FEET WERE USED TO CONDUCT THIS SURVEY.
- 4.) THE UTILITIES SHOWN ARE BASED ON FIELD OBSERVATIONS AND RECORDS AVAILABLE AT THE TIME. THE SURVEY WAS PERFORMED AND PROPERTY CENTRE ALL UTILITIES ON OR ADJACENT TO THE PROPERTY. THERE IS SERVICE OR ABANDONED FURTHERMORE THE UNDERGROUND UTILITIES SHOWN MAY NOT BE IN THE EXACT LOCATION INDICATED. AS ASSUMPTIONS WERE MADE AS TO THE DIRECTION AND LOCATION. A DETAILED STUDY BY A LICENSED ENGINEER AND QUALIFIED TO DETERMINE THE EXACT LOCATION AND UNDERGROUND UTILITIES MAY INDICATE A DIFFERENT DIRECTION, LOCATION OR TYPE.
- 5.) THE BUFFERS, EASEMENTS, AND SETBACKS SHOWN HEREON WERE TAKEN FROM INFORMATION THAT WAS AVAILABLE AT THE TIME THE SURVEY WAS DONE AND MAY NOT BE ACCURATE AS TO THE EXTENT OR EXACT LOCATION OF ALL EASEMENTS ON SITE.
- 6.) THIS PARCEL IS IN ZONE "X" AS PER FEMA FLOOD INSURANCE RATE MAP NUMBER 13067C0044G PANEL 44 OF 222 COVERING COBB COUNTY, GEORGIA EFFECTIVE DATE DECEMBER 16, 2008.
- 7.) ZONING: CC (GENERAL COMMERCIAL)
* SEE ZONING CASE 1989 163
- 8.) ZONING INFORMATION WAS TAKEN FROM COBB COUNTY, GA. ZONING ORDINANCE ON SEPTEMBER 22, 2008. ALL ORDINANCES AND SHOULD BE VERIFIED BY OWNER /DEVELOPER
- 9.) EXISTING PAVEMENT AREA=24,722 SQ. FT.
PROPOSED PAVEMENT AREA= 19,839 SQ. FT.
TOTAL PAVEMENT AREA= 43561 SQ.FT.
1.00 ACRES

DATA SUMMARY
SIZE OF TRACT: 3.434 ACRES
EXISTING ZONING: CC
PROPOSED ZONING: CONDITIONAL GC

- LEGEND**
- APL ASPHERIC MONUMENT
 - B/C CONCRETE BUILDING SETBACK LINE
 - CONC CONCRETE CORNER
 - FOUN FOUND, CONCRETE MONUMENT
 - FOUN FOUND, IRON
 - FOUN FOUND, BRASS
 - CALC/CALC SET CORNER
 - LAND LAND LOT NUMBER
 - NOW OR FORMERLY
 - ON-LINE INFERIATED METAL
 - POINT OF BEGINNING
 - R/W=RIGHT OF WAY
 - TAX TAX PARCEL
 - WOOD WOOD DECK
 - GAS GAS METER
 - FIRE FIRE HYDRANT
 - WATER WATER VALVE
 - WATER WATER METER



BOUNDARY SURVEY FOR:
NIKOS P. LETSOS &
ANNA N. LETSOS

JOB NO: 0920799	LAND LOT: 660
SCALE: 1" = 30'	D STRICT: 16TH
DATE: SEPT. 30, 2009	SECTION: 2ND
DRAWN BY: EEH	COUNTY: COBG
CHK BY: ACP	STATE: GEORGIA
PC: RG	IM:

Advance Survey, Inc.
6348 CLAYTON STREET
DUBLIN, GEORGIA 30098
OFFICE (770) 995-0938
FAX (770) 995-6421

RE-USED 10/26/2009; SHOW PROPOSED PAVEMENT
IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW

© COPYRIGHT 2009
ADVANCE SURVEY, INC.
ALL MATTERS OF TITLE EXCEPTED

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 15, 2009
PAGE 4**

REGULAR AGENDA – NEW BUSINESS (Continued)

Z-36 **NICK LETSOS AND ANNA N. LETSOS** (owners) requesting Rezoning from GC to GC for the purpose of Vehicular Sales, Service, Repair and Retail in Land Lot 660 of the 16th District. Located at the northwest intersection of Canton Road and Westerly Way.

The public hearing was opened and Mr. Garvis L. Sams, Jr. and Ms. Carol Brown addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to delete Rezoning to the CRC zoning district subject to:

- site plan received by the Zoning Division October 30, 2009 with the District Commissioner approving minor modifications (attached and made part of these minutes)
- letter of agreeable conditions from Mr. Garvis L. Sams, Jr., dated December 3, 2009 *not otherwise in conflict and with the following changes/additions* (attached and made a part of these minutes):
 - Item No. 4, Amend to now read: *“The architectural style and composition of the buildings on the subject property shall remain the same as the buildings which presently exist thereon until the redevelopment of the subject property, at which time the site plan and architectural style and composition of the buildings shall be reviewed and approved by the Board of Commissioners as an Other Business Item following input from the Canton Road Neighbors and Northeast Cobb Homeowners Group.”*
 - Item No. 9, Second sentence: Remove word *“heavy”* and replace with *“screening”*
 - Item No. 16, Remove paragraph in its entirety (*a SLUP application for pre-owned vehicular sales was withdrawn*)
- prior to redevelopment of site, the hardwood specimen trees on site to be kept intact, and cannot be removed unless they become diseased or distressed as approved by the County Arborist (at time of redevelopment this site to meet Tree Ordinance requirements)

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 15, 2009
PAGE 5**

REGULAR AGENDA – NEW BUSINESS (Continued)

Z-36 NICK LETSOS AND ANNA N. LETSOS (Continued)

- existing signs to be removed and replaced with one ground based monument sign, based on tenant occupancy
- subject to Canton Road Guidelines
- Planning Division comments and recommendations
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb 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

VOTE: ADOPTED unanimously

Clerk's Note: The County Attorney was asked to consider, as a general statement, discouragement of language similar to the wording of paragraph 16 of the above listed letter referring to potential stipulations or future action of the Board of Commissioners.

LUP-27 MARIAN LAWTON (owner) requesting a Land Use Permit for the purpose of a Personal Care Home For Six Residents in Land Lot 1137 of the 16th District. Located on the northern side of Shadowbrook Drive, north of Dewberry Trail and on the south side of Gresham Road, east of Fairview Street (1402 Shadowbrook Drive).

The public hearing was opened and Ms. Marian Lawton and Ms. Jill Flamm addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Thompson, to deny Land Use Permit request **without prejudice**.

VOTE: ADOPTED unanimously

Clerk's Note: The Board directed waiver of Land Use Permit application fee for the next filing by this Applicant.

Min. Bk. 5B Petition No. 2-36
Doc. Type letter of
agreeable conditions
Meeting Date 12/15/09

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-8448

770-422-7016
TELEPHONE

770-426-6583
FACSIMILE

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

MELISSA P. HAISTEN
JUSTIN H. MEEKS

December 3, 2009

SAMSLARKINHUFF.COM

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Re: Application of Nick Letsos and Anna N. Letsos to Rezone a 3.434
Acre Tract from GC to CRC (No. Z-36)

Dear John:

You will recall that I represent the applicants who are also the property owners concerning the above-captioned Application for Rezoning. In that regard, the application was heard, considered and unanimously recommended for approval by the Cobb County Planning Commission earlier this week. The application is now scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on December 15, 2009.

With respect to the foregoing and consistent with our discussions with the County's professional staff, representatives of Canton Road Neighbors, Inc. ("CRN") and the Northeast Cobb Homeowners Group ("NECHG"), I have been authorized by my clients to submit this revised letter of agreeable stipulations which, if the application for rezoning is approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced revised stipulations are as follows, to-wit:

1. The revised stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. Rezoning of the subject property, in accordance with the recommendation from the Cobb County Planning Commission, shall be from General Commercial (GC) to Community Retail Commercial (CRC) in conformity with the stipulations/conditions which follows hereinbelow.

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
December 3, 2009

3. The total site area consists of 3.434 acres and is proposed to be utilized for retail and/or vehicular sales.¹
4. The architectural style and composition of the buildings on the subject property shall remain the same as the buildings which presently exist thereon until a total redevelopment of the subject property occurs at which time the architectural style and composition shall be reviewed and approved by the District Commissioner with input from CRN and NECHG.

Prior to tenant occupancy and the issuance of business license(s), the existing buildings shall be repainted with a neutral color and trim as recommended in the Canton Road Design Guidelines.

5. The existing non-conforming signage shall be removed and replaced with ground-based, monument style signage prior to new tenant occupancy and the issuance of business license(s).
6. The applicants intend to utilize the existing parking and security lighting on the site. However, upon a redevelopment of the subject property, lighting shall comply with Canton Road Design Guidelines.
7. The dumpsters servicing the site shall be enclosed with a minimum 6' high enclosure consistent with the architectural style as aforementioned on three (3) sides, with an opaque wooden door on the access side which shall remain in the closed position except when the dumpster is being emptied. All dumpsters shall have rubber lids to minimize noise.
8. The following otherwise permitted uses under the CRC classification shall be prohibited:
 - a. Video arcades as a primary business.
 - b. Tattoo parlors and body piercing shops.

¹ The property is zoned GC but lost its "grandfathered" exemption when it ceased being utilized for a period in excess of six (6) months necessitating the filing of this Application for Rezoning.

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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- c. Pawn shops and title pawn shops.
- d. Shooting ranges.
- e. Any business which principally features sexually explicit products or drug related paraphernalia.
- f. Designated recycling and collection locations.
- g. Group homes.
- h. In-home day care.
- i. Rest homes, personal care homes or convalescent homes.
- j. Self service laundry facilities.
- k. Adult entertainment or adult uses.
- l. Automobile, truck and trailer lease and rental facilities (principal or accessory).
- m. Automobile and truck service facilities.
- n. Automotive paint and body repair shops.
- o. Automotive parking lots or garages.
- p. Automotive upholstery shops.
- q. Billiard and pool halls, subject to Chapter 78, Article III, Division 6, pertaining to pool rooms.
- r. Check cashing establishments.
- s. Outdoor recreation uses.
- t. Helicopter landing areas.

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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- u. Hotels.
 - v. Motels.
 - w. Radio, television and other communication towers and antennas, subject to Sec. 134-273.
 - x. Rooming houses and boarding houses.
 - y. Outdoor repair of vehicles.
 - z. Outside storage.
 - aa. Aerial, portable or inflatable billboards.
 - bb. Trucks parked along the subject property's frontage with advertising.
 - cc. Vehicles parked on or within the right-of-way.
 - dd. Outside paging systems, phone bells or loudspeakers.
9. Upon a redevelopment of the subject property, consistent with Canton Road Design Guidelines, the submission of a landscape plan during the Plan Review process subject to review and approval by the Community Development Agency. Additionally, heavy landscaping around the detention facility; the erection of an 8' privacy fence along the western property line; and, a 50' "naturally maintained" buffer along the western property line.
10. Upon a redevelopment of the subject property, compliance with the following recommendations from the Cobb County Department of Transportation:
- a. The voluntary donation and conveyance of additional right-of-way so that the County can achieve 50' from the centerline of Canton Road.
 - b. The installation of sidewalk, curb and gutter along the subject property's frontage.

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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December 3, 2009

- c. Closing or converting to right-in/right-out status the driveway closest to Westerly Way.
 - d. Upgrading the remaining commercial driveway to commercial standards.
11. No vehicular access to Westerly Way.
 12. Compliance with the recommendations from Stormwater Management Division with respect to the location, configuration and methodology of on site detention and water quality ponds, upon a redevelopment of the subject property.
 13. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis upon a redevelopment of the subject property.
 14. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.
 15. Minor modifications to the site plan, landscape plan and this letter of agreeable stipulations/conditions may be reviewed and approved by the District Commissioner.
 16. The applicants have submitted an application for a Special Land Use Permit ("SLUP") which will be heard and considered by the Planning Commission and Board of Commissioners during the February, 2010 cycle. If the rezoning is approved to CRC, the approval of the SLUP for pre-owned vehicular sales from the premises shall be limited to and shall expire at the end of thirty-six (36) months from the date of the approval of said SLUP.²

² The SLUP application was filed on December 2, 2009 (No. SLUP-1 [2010]).

SAMS. LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-36
Meeting Date 12/15/09
Continued

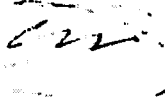
VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 6
December 3, 2009

Please do not hesitate to call should you require any further information or documentation prior to the Application for Rezoning being heard and considered by the Board of Commissioners on December 15, 2009. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery
Mr. Mark A. Danneman, Manager – VIA Hand Delivery
Mr. David Breden, P.E. – VIA E-Mail
Ms. Jane Stricklin, P.E. – VIA E-Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Ms. Carol Brown, President, Canton Road Neighbors – VIA E-Mail
Mr. Norm DeWalt, President, Northeast Cobb Homeowners Group – VIA E-Mail
Mr. David Poteet – VIA E-Mail
Mr. and Mrs. Nick Letsos

APPLICANT: Nick Letsos and Anna N. Letsos

PETITION NO.: Z-36

PRESENT ZONING: GC

PETITION FOR: GC

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;
- When the property is redeveloped, the NAC designation areas shall allow a maximum building footprint of 35,000 sq. ft. for retail uses;
- The site is located in an area that has been identified for mixed use development adjacent to redevelopment sites (Map #8);
- Mixed use developments within a NAC are limited to two stories in height;
- Area from Sandy Plains Connector to Piedmont Road is recognized as the Loft District, which promotes residential-type uses in this portion of the corridor, similar to the Brumby Loft development theme in the City of Marietta.
- 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;
- The site is also in the general vicinity of a "Home Run" site (Map #6) slated for mixed use; and
- 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

If yes, design guidelines area Canton Road Design Guidelines

Does the current site plan comply with the design requirements?

Yes No Not applicable

APPLICANT Nick Letsos and Anna Letsos

PETITION NO. Z-036

PRESENT ZONING GC

PETITION FOR GC

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) 12" DI / W side Canton Rd

Additional Comments: Master meter required for retail development

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:

- In Drainage Basin? Yes No
- At Development? Yes No
- Approximate Distance to Nearest Sewer: 75' S / S side Westerly Way
- Estimated Waste Generation (in G.P.D.): A D F 50 ** Peak 124 **
- 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:

Health Department OK with existing septic system for existing car sales & buildings with no additions/expansions. Development of retail would require sewer connection.

**Expected wastewater generation for vehicular sales only.

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.

APPLICANT: Nick Letsos and Anna N. Letsos

PETITION NO.: Z-36

PRESENT ZONING: GC

PETITION FOR: GC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek Trib #3 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 existing storm conveyance system.

APPLICANT: Nick Letsos and Anna N. Letsos

PETITION NO.: Z-36

PRESENT ZONING: GC

PETITION FOR: GC

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. Additional parking to meet the one acre minimum will require an increase of more than 5000 sq ft of impervious area. Stormwater management must be provided for the new paved area to meet detention and water quality requirements. Stormwater management for the entire site must be provided upon re-development.

APPLICANT: Nick Letsos and Anna N. Letsos

PETITION NO.: Z-36

PRESENT ZONING: GC

PETITION FOR: GC

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	32500	Arterial	45 mph	Cobb County	100'
Westerly Way	N/A	Local	25 mph	Cobb County	50'

Based on 2009 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.

Westerly Way is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

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

Install sidewalk along the road frontages.

Eliminate the southern driveway along Canton Road.

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

Recommend installing sidewalk along the road frontages.

Recommend eliminating the southern driveway along Canton Road.

Recommend upgrading existing driveway to meet commercial standards.

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