

#1

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

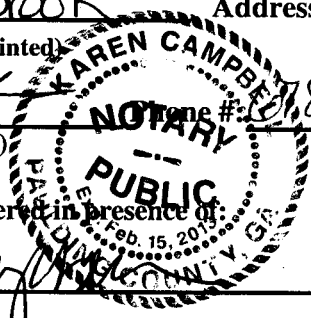
BOC Hearing Date Requested: 2/19/12

Applicant: CVS LOT LLC Phone #: 678-982-1779
(applicant's name printed)

Address: 695 Piedmont Road, Marietta, GA 30066 E-Mail: elonsaloni@gmail.com

J.D. Westbrook Address: 695 Piedmont Rd., Marietta, GA 30066
(representative's name, printed)

[Signature] Phone #: 678-982-1779 E-Mail: elonsaloni@gmail.com
(representative's signature)

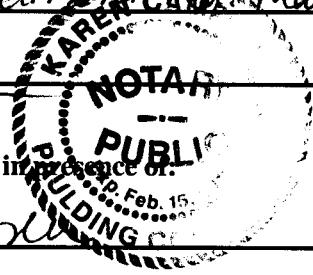


Signed, sealed and delivered in presence of:
Karen Campbell My commission expires: FEB, 15, 2013
Notary Public

Titleholder(s): CVS LOT LLC Phone #: 678-982-1779
(property owner's name printed)

Address: 695 Piedmont Road, Marietta, GA 30066 E-Mail: elonsaloni@gmail.com

[Signature]
(Property owner's signature)



Signed, sealed and delivered in presence of:
Karen Campbell My commission expires: FEB. 15, 2013
Notary Public

Commission District: 3 Zoning Case: 40 of 1996

Date of Zoning Decision: 8/20/96 Original Date of Hearing: 8/20/96

Location: Caston Rd South of Chastain Cor.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 372 District(s): 16

State specifically the need or reason(s) for Other Business: Site plan Amendment

COBB COUNTY ZONING DIVISION
2013 JAN -7 PM 2:34
RECEIVED IN OFFICE
COBB COUNTY GEORGIA

Application for Rezoning Cobb County

Application No. 7110
PC Hearing: 8/10/94
BOC Hearing: 8/20/94

Applicant Hendon PROPERTIES
MARK TILLER Business Phone 262-7400 Home Phone 261-0028

MARK TILLER Address 3391 Peachtree Road; Ste 330
(representative's name, printed)

[Signature] Business Phone 262-7400
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

Notary Public, Cobb County, Georgia.
My Commission Expires February 20, 1999
My commission expires: _____

Titleholder [Signature] Business Phone _____ Home Phone _____

Signature [Signature] Address 811 W DAN DERSON RD
(attach additional signatures, if needed) MARIETTA, GA 30066

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: _____

Zoning Request From R-20 to LRO
(present zoning) (proposed zoning)

For the Purpose of _____ Size of Tract 1.25 Acre(s)

Location 824 W.D. ANDERSON
(subdivision, restaurant, warehouse, apt., etc.)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 372 District 110

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are no such assets. If any, they are as follows:

[Signature]
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any, they are as follows:

[Signature]
(applicant's signature)

ORIGINAL DATE OF APPLICATION: 8/96

APPLICANTS NAME: HENDON PROPERTIES

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 8-20-96 ZONING HEARING: The Board of Commissioners approved rezoning to the LRO zoning district subject to: 1) detention facility to be fenced; 2) no commercial access to Centerview Drive; 3) dumpster pick-up and other commercial deliveries are not allowed between the hours of 6:00 p.m. and 8:00 a.m.; 4) installation of a 50 foot no access buffer adjacent to the eastern property line, as depicted on submitted site plan dated May 6, 1996 (reduced copy of site plan attached and made a part hereof); 5) six (6) foot chain-link fence to be installed along the boundary adjacent to the school. Motion by Wysong, second by Byrne, carried 5-0.

RECONSIDERATION OF APPLICATION Z-40 OF MARCH, 1996 (Z-40 - HENDON PROPERTY)

Commissioner Wysong introduced proposal to reconsider application Z-40 of 1996 (Hendon Property) for the purpose of rezoning property from LRO to NRC; stating that at the time the NRC request was presented in March, 1996 there was no way to control the development of adjacent properties and protect Centerview Drive from commercial traffic, but that these problems have now been resolved. Following these comments the Board of Commissioners reconsidered application Z-40 of March 1996 (Hendon Property). Motion to reconsider by Wysong, second by Byrne, carried 5-0.

Z-40 of 1996

Attachments as
referenced in Zoning
minutes of 8-20-96

Revised
DOT
Comments

TRANSPORTATION

PETITION NO. Z-40

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Canton Highway (S.R. 5)	20,900	Arterial	100'
W.D. Anderson Relocation	N/A	Local	50'

Canton Highway (S.R. 5) is classified as an Arterial and W.D. Anderson Relocation is classified as a Local Road. According to the available information, Canton Highway (S.R. 5) does not meet the minimum right-of-way requirements for this classification.

As necessitated by this development for ingress/egress to the Arterial a minimum 150' deceleration/acceleration lanes will be required.

To provide adequate left turn maneuverability from the facility, DOT is agreeable to two full access locations as shown on the submitted plan.

DOT suggests both access locations be upgraded to commercial standards.

RECOMMENDATIONS:

Recommend applicant consider entering into a Development Agreement pursuant to 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 east side of Canton Highway (S.R. 5) a minimum of 50' from the roadway centerline.

Recommend 150' deceleration/acceleration lanes for ingress/egress from the Arterial.

Recommend two full access locations as shown on the submitted plan.

Recommend both access locations be upgraded to commercial standards.

GDOT permits will be required for all work encroaching upon state right-of-way.

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

STAFF RECOMMENDATIONS

Z-40 HENDON PROPERTY

- 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. This site is located approximately 600 feet north of Blackwell Shopping Center and is across Canton Highway and W. D. Anderson road from Chastain Corners Shopping Center; therefore, these light neighborhood retail type uses are compatible to the area.
- 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. No adverse impact is anticipated if the property is developed with all stipulations referenced below.
- 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*. The Comprehensive Plan projects this area to be developed as a Community 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.

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

- Landscaped buffer to be 15 feet as per site plan.
- Subject to Water & Sewer comments.
- Subject to Drainage Comments.
- 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.
- Subject to DOT recommendations (revised)
- Subject to acquiring the right of way of the old W. D. Anderson Rd.

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