



**APPLICANT:** James R. Craig

**PHONE#:** (770) 597-3861 **EMAIL:** JRCFIY@comcast.net

**REPRESENTATIVE:** James R. Craig

**PHONE#:** (770) 597-3861 **EMAIL:** JRCFIY@comcast.net

**TITLEHOLDER:** James R. Craig

**PROPERTY LOCATION:** North side of Liberty Hill Road, south side of Hiwassee Drive, east of Canton Road (837 Liberty Hill Road).

**ACCESS TO PROPERTY:** Liberty Hill Road

**PHYSICAL CHARACTERISTICS TO SITE:** One story metal building

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20, LRO/ Single-family Houses, Undeveloped

**SOUTH:** GC/ American Family Day Corp.

**EAST:** R-20/ Single-family House

**WEST:** GC/ Automotive Repair

**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:**

**PETITION NO.:** Z-42

**HEARING DATE (PC):** 07-01-14

**HEARING DATE (BOC):** 07-15-14

**PRESENT ZONING:** GC, R-20

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Gym, Auto Repair

**SIZE OF TRACT:** 0.8566 acre

**DISTRICT:** 16

**LAND LOT(S):** 660

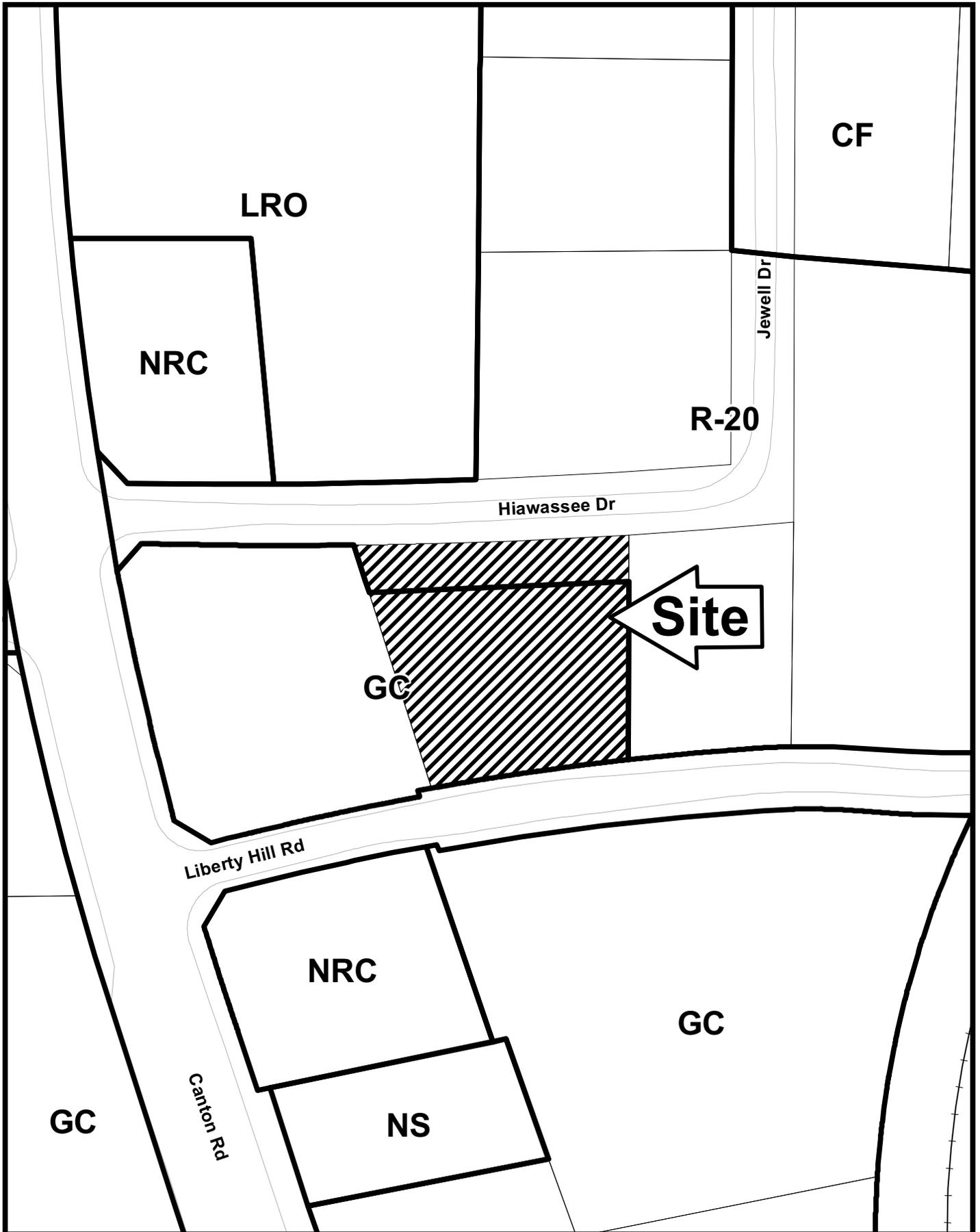
**PARCEL(S):** 14

**TAXES: PAID** X **DUE**       

**COMMISSION DISTRICT:** 3



# Z-42



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** James R. Craig

**PETITION NO.:** Z-42

**PRESENT ZONING:** GC,R-20

**PETITION FOR:** NRC

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**ZONING COMMENTS:**

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

**Land Use Plan Recommendation:** Neighborhood Activity Center (NAC) and  
Low Density Residential (1-2.5 units per acre)

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 6,000 sq. ft.

**F.A.R.:** 0.16      **Square Footage/Acre:** 7,004 sq. ft.

**Parking Spaces Required:** 30      **Parking Spaces Provided:** 11

The applicant is requesting rezoning to the NRC neighborhood retail commercial district in order to operate a gym and/or light automotive repair on the subject property. Proposed hours of operation are 7 a.m. to 8 p.m. daily. There will be up to 4 (four) employees. No changes are proposed to the one-story, metal building that exists on the site. While originally zoned in 1983 to the GC general commercial category with the R-20 buffer area along the northern property line, the property has become “grandfathered” as a result of its location within areas delineated as NAC neighborhood activity center and LDR low density residential on the future land use map. This has necessitated the current request.

**Cemetery Preservation:** No comment.

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**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: James R. Craig

PETITION NO.: Z-42

PRESENT ZONING: GC, R-20

PETITION FOR: NRC

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC, R-20 to NRC for purpose of a gym and auto repair. The 0.85 acre site is located on the north side of Liberty Hill Road, south side of Hiawasse Drive, east of Canton Road.

**Comprehensive Plan**

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with GC, R-20 zoning designations. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

**Master Plan/Corridor Study**

Not applicable.

**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.

**Design Guidelines**

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

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

**Incentive Zones**

Is the property within an Opportunity Zone?     Yes         No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?         Yes         No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?     Yes         No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on incentives, please call the Office of Economic Development at 770.528.2607 or find information online at <http://economic.cobbcountyga.gov>.

**Special Districts**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes         No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes         No

APPLICANT James R. Craig

PETITION NO. Z-042

PRESENT ZONING GC, R-20

PETITION FOR NRC

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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): 6" DI / S side of Hiwassee Drive

Additional Comments: Existing water customer

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: on site

Estimated Waste Generation (in G.P.D.): A D F= +0\* Peak= +0\*

Treatment Plant: Noontday

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 and 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 Existing sewer customer. \* Additional SDF may be assessed at time of building permit  
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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**PETITION NO.: Z-42**

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**STORMWATER MANAGEMENT COMMENTS**

No site improvements are proposed at the present time. Any future improvements or redevelopment must meet current Stormwater Management requirements. All vehicle repairs must be performed inside the building.

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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
Liberty Hill Road	1800	Minor Collector	25 mph	Cobb County	60'
Hiawasse Drive	N/A	Local	25 mph	Cobb County	50'

*Based on 2011 traffic counting data taken by Cobb County DOT (Liberty Hill Road)*

**COMMENTS AND OBSERVATIONS**

Liberty Hill 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.

Hiawasse Drive is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**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 north side of Liberty Hill Road, a minimum of 30' from the roadway centerline.

Recommend ADA ramps at the driveway for the sidewalk along the Liberty Hill Road frontage.

Recommend no access to Hiawasse Drive.

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

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## STAFF RECOMMENDATIONS

### Z-42 JAMES R. CRAIG

- 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. Being located approximately one "block" off of Canton Road, most adjacent properties are zoned commercial and that residential property to the east can be further protected by approval with stipulations.
- 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 request will result in a "down-zoning" of the property to a less intense category while preserving the owner's right to utilize the commercial site.
- 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*. Located within the NAC neighborhood activity center and LDR low density residential future land use areas, the request may be seen to further the goals of that NAC designation by providing areas that serve neighborhood residents and businesses while the LDR designation to the east can be best respected by appropriate buffering adjacent to residential neighbors.
- 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. Having been used commercially since its original rezoning to GC in 1983, the property, located within an NAC and LDR future land use area, has lost its "grandfathered" status as a result of vacancy and change of use. Approval of the applicant's request will allow continued use of this agreeably commercial property while providing the opportunity to better protect adjacent neighbors by way of appropriate buffering including preservation of that previously stipulated 35 foot R-20 buffer along Hiawassee Drive.

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

- Rezoning of existing GC general commercial district portion to NRC neighborhood retail commercial district, leaving R-20 single-family residential district 35 foot buffer along Hiawassee Drive;
- Site plan to be approved by District Commissioner after review and recommendation by County Arborist regarding appropriate landscape buffering within the northern R-20 buffer area as well as adjacent to the eastern residential neighbor;
- Fire Department Comments and Recommendations;
- Water and Sewer Division Comments and Recommendations;
- Stormwater Management Division Comments and Recommendations;
- Department of Transportation Comments and Recommendations; and
- 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.**

COBB COUNTY GEORGIA  
FILED IN OFFICE  
2014 MAY -1 AM 11:40  
COBB COUNTY ZONING DIVISION



Application #: Z-42

PC Hearing Date: 7-1-14

BOC Hearing Date: 7-15-14

## Summary of Intent for Rezoning

.....  
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 37, 313.50  
b) Proposed building architecture: metal - 1 story  
c) Proposed selling prices(s): \_\_\_\_\_  
d) List all requested variances: \_\_\_\_\_

.....  
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Gym, auto repair  
b) Proposed building architecture: No change  
c) Proposed hours/days of operation: 7 AM - 8 PM  
d) List all requested variances: NONE

.....  
Part 3. Other Pertinent Information (List or attach additional information if needed)

NONE

.....  
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). N/A

.....  
Part 5. Is this application a result of a Code Enforcement action? No ; Yes \_\_\_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: James R. Craig Date: April 29, 2014

Applicant name (printed): James R. Craig

# Cobb County Zoning

9.

- a. Should be suitable for surrounding area.
- b. Should not impact adjacent property
- c. Current zoning is expired and new zoning should benefit surrounding area
- d. Should cause no change in the use of existing streets, transportation, utilities, or schools
- e. Should conform with land use plan
- f. Should be a continuing benefit to the area

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COBB COUNTY ZONING DIVISION

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