

LEGEND

- TH --- DENOTES FIRE HYDRANT
- PP --- DENOTES POWER POLE
- LP --- DENOTES LAMP POLE
- OW --- DENOTES GUY WIRE
- FB --- DENOTES POWER LINE
- EM --- DENOTES TELEPHONE BOX
- SEV --- DENOTES ELECTRIC METER
- AC/COND. --- DENOTES SPRINKLER CONTROL VALVE
- CON --- DENOTES AIR CONDITIONING UNIT
- CM --- DENOTES CONCRETE PAD
- GM --- DENOTES GAS METER
- IPF --- DENOTES IRON PIN FOUND
- IPS --- DENOTES IRON PIN SET
- C --- DENOTES CENTERLINE
- R/W --- DENOTES RIGHT-OF-WAY
- F --- DENOTES PROPERTY LINE
- CMP --- DENOTES CORRUGATED METAL PIPE
- X --- DENOTES CHAIN LINK FENCE
- S --- DENOTES SANITARY SEWER LINE
- MH --- DENOTES SANITARY SEWER MANHOLE
- WM --- DENOTES WATER METER
- HW --- DENOTES HEADWALL

REFERENCE MATERIALS

- DEED BOOK 3974, PAGE 496
- DEED BOOK 3877, PAGE 506
- DEED BOOK 2633, PAGES 347, 348

TOTAL AREA = 0.41 ACRES
or 17,952 SQ. FT.

0.410

2316 CANTON ROAD
MARIETTA, GEORGIA

PROPERTY OF
DWIGHT S. JEFFREY,
AT RIVERSIDE BANK &
TRUST COMPANY NATIONAL
TITLE INSURANCE COMPANY

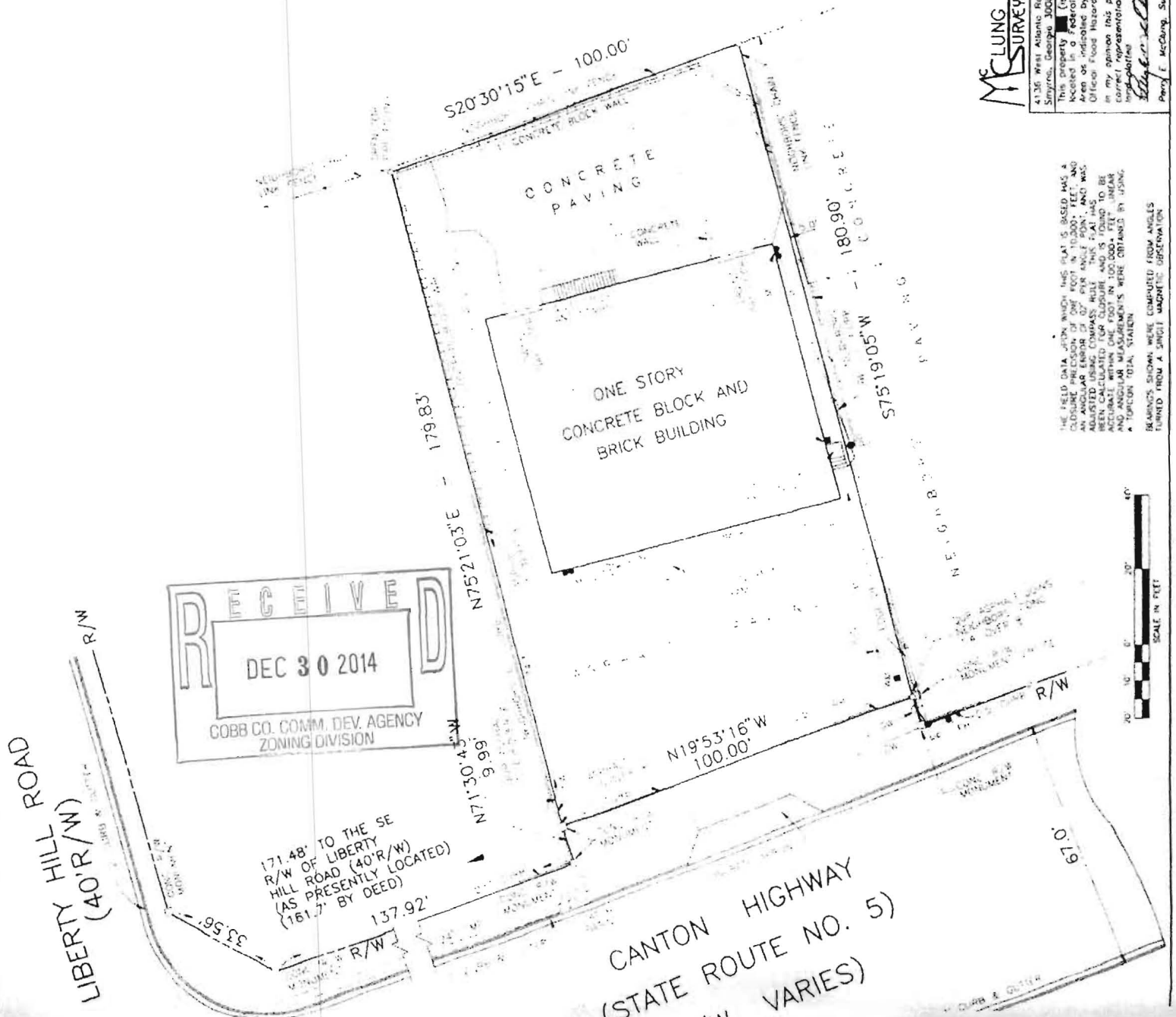
LAND LOT BEG
DISTRICT 16TH
COUNTY COBB
GEORGIA
SECTION 2ND
DATE 4-21-99 SCALE 1"=20'



McLUNG SURVEYING, INC.
4136 WEST ARBONAS BLVD
SMYRNA, GEORGIA 30080 (770) 454-3383

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSEST APPROXIMATE ACCURACY OF 1/1000 FEET AND AN ANGULAR ERROR OF 30" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING AND ANGLE MEASUREMENTS WERE OBTAINED BY USING A TOTAL STATION.

BEARINGS SHOWN WERE COMPUTED FROM ANGLES TURNED FROM A SINGLE MAGNETIC OBSERVATION.



APPLICANT: Williamson Properties, LLC
PHONE#: (404) 863-4933 **EMAIL:** martywilliamson@bellsouth.net
REPRESENTATIVE: Marty Williamson
PHONE#: (404) 863-4933 **EMAIL:** martywilliamson@bellsouth.net
TITLEHOLDER: Williamson Properties, LLC

PETITION NO: Z-24
HEARING DATE (PC): 03-03-15
HEARING DATE (BOC): 03-17-15
PRESENT ZONING: NS

PROPERTY LOCATION: East side of Canton Road, south of
Liberty Hill Road
(2316 Canton Road).

PROPOSED ZONING: NRC

ACCESS TO PROPERTY: Canton Road

PROPOSED USE: Retail

PHYSICAL CHARACTERISTICS TO SITE: One Story Concrete
Block and Brick Building

SIZE OF TRACT: 0.41 acre

DISTRICT: 16

LAND LOT(S): 660

PARCEL(S): 21

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NRC/ Big Deals Closeout Store
- SOUTH:** GC/ Retail Store
- EAST:** GC/ American Family Day Corp.
- WEST:** GC/ RaceTrac

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

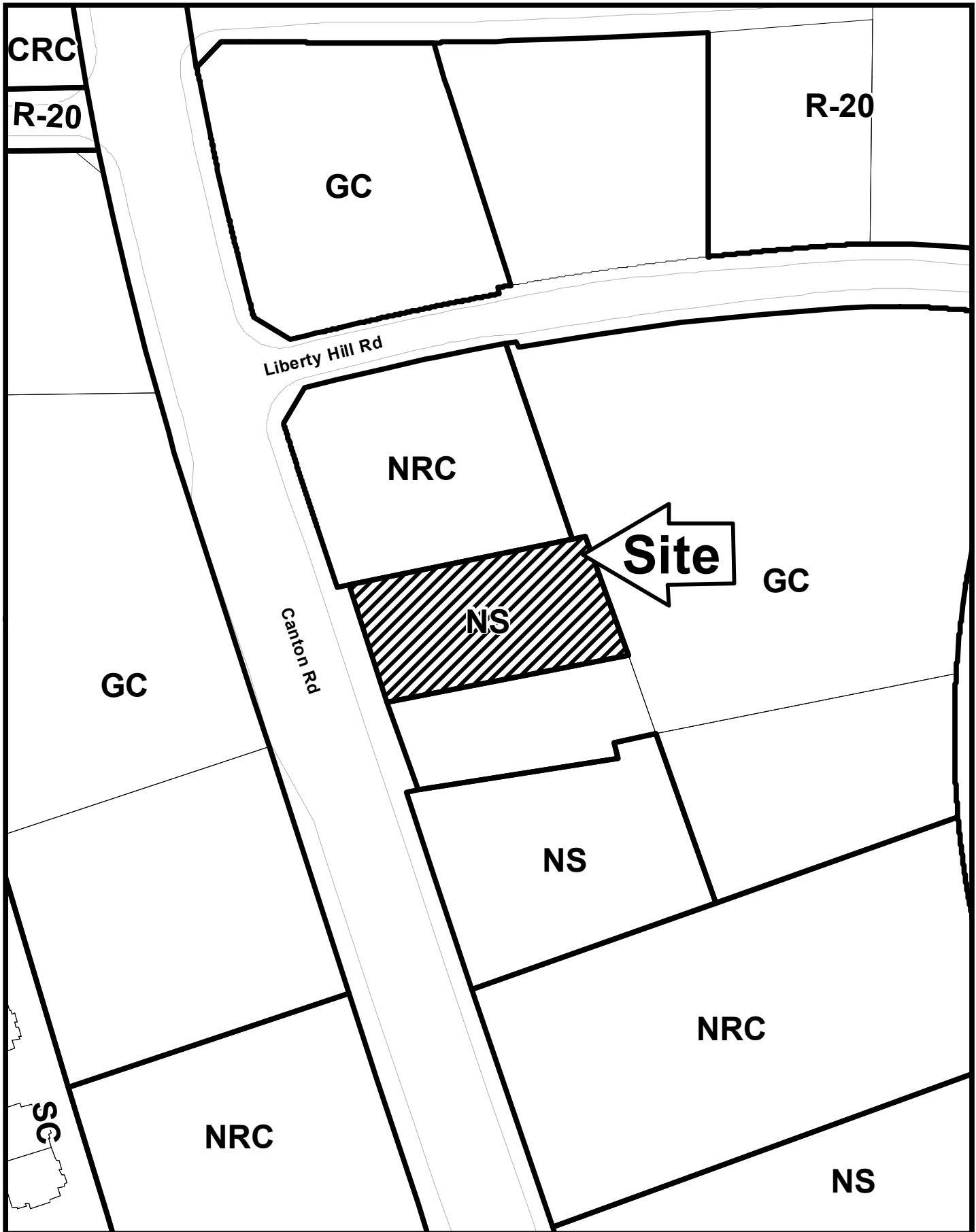
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

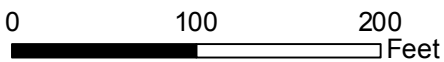
STIPULATIONS:



Z-24



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



City Boundary
Zoning Boundary

APPLICANT: Williamson Properties, LLC

PETITION NO.: Z-24

PRESENT ZONING: NS

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 11200

F.A.R.: .62 **Square Footage/Acre:** 27317

Parking Spaces Required: 24 **Parking Spaces Provided:** 24

Applicant is requesting Neighborhood Retail Commercial (NRC) zoning category to restart a retail store. The property has been vacant for at least six (6) months and lost its status of a non conforming use. The code states a nonconforming cannot be reinstated after it has been abandoned for a period longer than (6) months. The build use to be used as a retail store for hot tubs and spas. Applicant intends to rent the building to a furniture store that will do some reupholstering. The applicant intends to use the existing building as it stands today. The applicant has stated he has done some interior renovations to the building as well as put a new roof on the building. The proposed hours of operation will be Monday through Sunday 9 am to 7 pm. The received site plan shows no marked parking spaces, but the front, side, and rear of the building appears to be paved.

Due to the age of the property along with Right of Way acquisitions over the years, the property will need contemporaneous variances to waive the minimum lot size from 20,000 square feet to 17,952 square feet, reduce the minimum side yard setback from 15 feet to 5 feet adjacent to the south property line, to increase the floor area ratio from .25 to .62, to increase the maximum allowable surface from 70% to 90%, and to reduce the 8 foot landscape strip along the road to zero feet.

Cemetery Preservation: No comment.

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: Williamson Properties, LLC

PETITION NO.: Z-24

PRESENT ZONING: NS

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from NS to NRC for purpose of retail/office. The 0.41 acre site is located on the east side of Canton Road, south of Liberty Hill.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with NS zoning designation. 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: Canton Road Design Guidelines

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings
 - Yes No Not applicable
- Streetscape elements
 - Yes No Not applicable
- Building Frontage
 - Yes No Not applicable
- Parking Standard
 - Yes No Not applicable
- Architecture standard
 - Yes No Not applicable

APPLICANT: Williamson Properties, LLC

PETITION NO.: Z-24

PRESENT ZONING: NS

PETITION FOR: NRC

PLANNING COMMENTS: (Continued)

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 Community Development Agency, Planning Division at 770.528.2018 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

Is this property within the Six Flags Special Service District?

Yes No

APPLICANT Williamson Properties

PETITION NO. Z-024

PRESENT ZONING NS

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): 8" DI / E side of Canton Road

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.

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: 250' E

Estimated Waste Generation (in G.P.D.): A D F= 264 Peak= 660

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 Health Dept approval required for continued use of existing septic system. No site changes proposed. \$14,200 per acre Liberty Hill Special Assessment sewer area.

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.

APPLICANT: Williamson Properties, LLC

PETITION NO.: Z-24

PRESENT ZONING: NS

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little Noonday 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 increased volume of runoff generated by the proposed project on _____.

APPLICANT: Williamson Properties, LLC

PETITION NO.: Z-24

PRESENT ZONING: NS

PETITION FOR: NRC

STORMWATER MANAGEMENT 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. No site improvements are proposed. Stormwater Management must be provided upon redevelopment or substantial site improvement.

APPLICANT: Williamson Properties, LLC

PETITION NO.: Z-24

PRESENT ZONING: NS

PETITION FOR: NRC

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	27,900	Arterial	45	Cobb	100'

Based on [2013] 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 meet the minimum requirements for this classification.

RECOMMENDATIONS

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

Recommend sidewalk on the remaining frontage.

STAFF RECOMMENDATIONS

Z-24 WILLIAMSON PROPERTIES, LLC

- 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 is seeking to rezone the property to resume a retail use. The building was built over 25 years ago and has always been used as at retail use.
- 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 allow the applicant to not only provide a need for the surrounding single family homes. The property will no longer remain vacant and will encourage the up keep 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 NAC Neighborhood Activity Center land use category. This NAC category seeks to encourage uses that serve neighborhood residents and businesses.
- 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 request is to help restart the use of the existing building. There will be no changes made to the building. Also removing its current "grandfathered" status, the property will be allowed to make improvements and continue upkeep of the property. The applicant's proposal is surrounded by commercial uses.

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

- Site plan received December 30, 2014, with the District Commissioner approving minor modifications;
- All parking to be striped to county standards;
- Meet all Canton Road Design Guidelines;
- Planning Division comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- 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.



Application No. Z-24

March 2015

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: NA

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

- a) Proposed use(s): RETAIL, OFFICE
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: MON - SUNDAY 9:00 - 7:00
- d) List all requested variances: _____

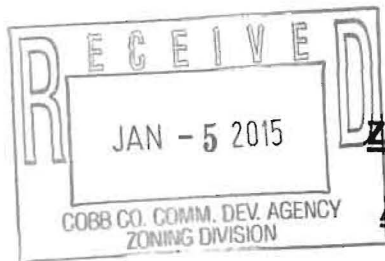
.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

NO

.....
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).

NO



ZONING IMPACT STATEMENT FOR THE REZONING

APPLICATION OF WILLIAMSON PROPERTIES, LLC

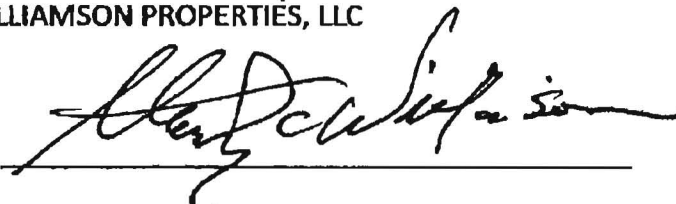
MARTY C. WILLIAMSON

COMES NOW, Marty C. Williamson , and, pursuant to the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Canton Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties. The property is located within the Neighborhood Activity Center (NAC) under Cobb County's Future Land use Map. The property has adjoining Commercial properties.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value as the same falls below the range of the similarly zoned and situated properties with equivalent utility. Additionally, the present owner is suffering a significant economic detriment by virtue of the continuation of the present classification of NS- which is no longer viable per Cobb County.
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is located within a Neighborhood Activity Center (NAC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. Current zoning of NS no longer conforms to Cobb County's Comprehensive Land Use Plan and Future Land Use Map. Rezoning to NCR would be compliant.

Respectfully submitted, this the 5 day of January 2015

WILLIAMSON PROPERTIES, LLC

By: 

MARTY C. WILLIAMSON

2440 CANTON ROAD

MARIETTA, GA 30066

Z-24