

APPLICANT: Carroll & Carroll Properties

PETITION NO: Z-95

PHONE#: 678-494-1981 **EMAIL:** jcarroll@fontiswater.com

HEARING DATE (PC): 11-01-16

REPRESENTATIVE: James H. Carroll

HEARING DATE (BOC): 11-015-16

PHONE#: 678-491-1981 **EMAIL:** jcarroll@fontiswater.com

PRESENT ZONING OI

TITLEHOLDER: Carroll & Carroll Properties

PROPOSED ZONING: OS

PROPERTY LOCATION: West side of Canton Road, north of

Kensington Drive

PROPOSED USE: Warehouse

(3929 Canton Road)

ACCESS TO PROPERTY: Canton Road

SIZE OF TRACT: 1.89 Acre(s)

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: One story converted

LAND LOT(S): 278

house

PARCEL(S): 83

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS, R-15/Professional Office, Lookout Point Subdiv

Adjacent Future Land Use:

SOUTH: O&I/Daycare

North: Neighborhood Activity Center (NAC) and Low Density Residential (LDR)

EAST: NS/Retail Shopping Center

East: Neighborhood Activity Center (NAC)

WEST: R-15/Lookout Point Subdivision

South: Neighborhood Activity Center (NAC)

West: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

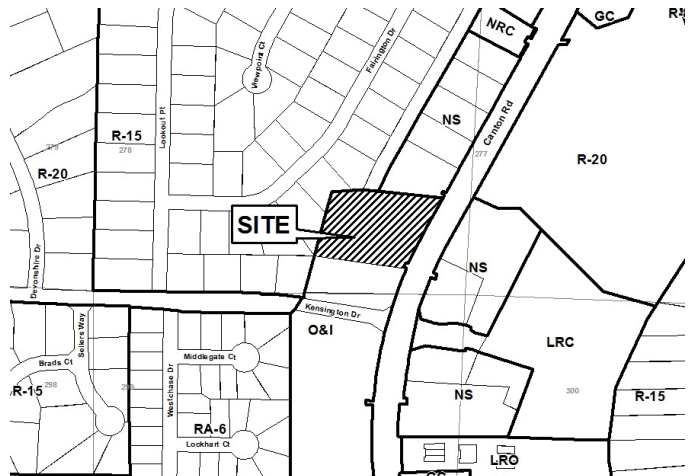
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

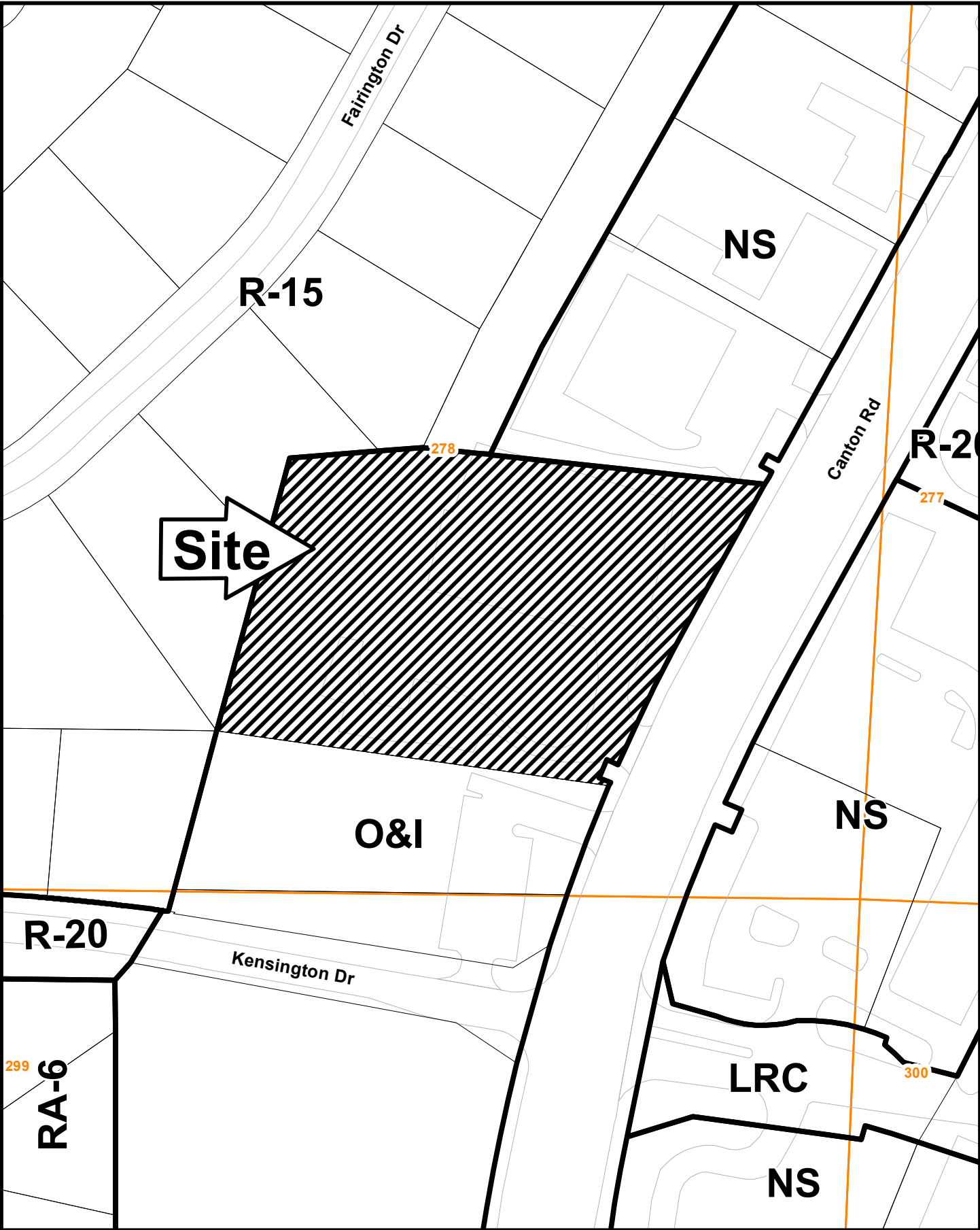
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

STIPULATIONS:



Z-95-2016 GIS



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

0 100 200 Feet

City Boundary
Zoning Boundary

APPLICANT: Carroll & Carroll Properties

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PRESENT ZONING: OI

PETITION FOR: OS

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 2 **Total Square Footage of Development:** 10,170 sq. ft.

F.A.R.: 0.12 **Square Footage/Acre:** 5,381 sq. ft.

Parking Spaces Required: 15 **Parking Spaces Provided:** 36

The applicant is requesting a rezoning of the property to the OS office/service district in order to continue operation of a water distribution facility and allow for a warehouse addition. The property has been utilized for a water business since 1982 and due to past zoning changes is currently zoned O&I office and institutional district. However, as a warehouse and distribution facility, the needed zoning is OS district.

The rezoning will also allow for the intended addition of an 8,000 sq. ft. warehouse with three (3) loading docks. This warehouse will allow the applicant to move operations which are currently outside to inside the new building. The applicant states that there will be 14 employees while only four (4) will be on site each day. Office hours will be from 8 am to 5 pm Monday through Friday while the warehouse will operate from 6:30 am to 5 pm.

If approved, the following contemporaneous variance will be required:

1. Waiver of the Code-required 30 foot landscape buffer adjacent to residential properties along the north property line;
2. Allowance of loading docks to face the front of the property.

Cemetery Preservation: No comment

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FIRE COMMENTS:

NO 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.

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PRESENT ZONING: O & I

PETITION FOR: OS

PLANNING COMMENTS:

The applicant is requesting a rezoning from O & I to OS for the purpose of warehouse. The 1.89 acre site is located on the west side of Canton Road, north of Kensington Drive (3929 Canton Road).

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of _____ been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with O & I zoning designation. The purpose of the Neighborhood Activity Center (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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC) and Low Density Residential (LDR)
East: Neighborhood Activity Center (NAC)
South: Neighborhood Activity Center (NAC)
West: Low Density Residential (LDR)

Master Plan/Corridor Study

The property is located within the boundary of Canton Road Corridor Study

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

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PETITION FOR: OS

PLANNING COMMENTS:

CONT.

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

Is the property within the Dobbins Airfield Safety Zone?

Yes No

If so, which particular safety zone is this property within?

CZ (Clear Zone) APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Carroll & Carroll Properties

PETITION NO. Z-095

PRESENT ZONING OI

PETITION FOR OS

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): 16" DI / W side of Canton Rd

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: On site

Estimated Waste Generation (in G.P.D.): A D F= +160 Peak= +400

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

Dry 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
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 FOR: OS

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little Noonday Creek FLOOD HAZARD INFO: Zone

- 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 CONDITIONS

- 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 receiving system.

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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. The proposed site expansion will require that stormwater management be provided for all new or reformed impervious areas. Due to the existing site topography and layout, an underground system will be utilized. The proposed facility must be tied into the existing drainage infrastructure within the Canton Road right-of-way near the southeast corner of the parcel.

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TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Canton Road	26,900	Arterial	45 mph	Cobb County	100'

Based on 2011 traffic counting data taken by Cobb County DOT for Canton Road.

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.

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

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

Recommend sidewalk along the Canton Road frontage.

Recommend deceleration along Canton Road for the entrance. Length to be determined during plan review.

STAFF RECOMMENDATIONS

Z-95 CARROLL & CARROLL PROPERTIES

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. Located between a daycare and professional offices along Canton Road and backing up to a residential subdivision (Lookout Point), the operation of a warehouse distribution facility is not appropriate for the area.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. The property has been utilized for a water distribution facility for many years and while the current rezoning request is meant to allow for an improvement to the site, it can also be viewed as evidence that the site may not be best suited to the current use. There have been Code Enforcement complaints on the property in the past
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan* which delineates this property to be within the NAC neighborhood activity center future land use area. The requested district of OS office/service is intended to be located in areas delineated as RAC, ICA, or industrial. These areas are ones in which a more intense use such as warehouse distribution facility may be allowed rather than the NAC area which is intended for more low scale neighborhood retail commercial and services.
- 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 denying the applicant's rezoning proposal. Though the property has been utilized for a water distribution facility for decades, it has not been without issues between neighbors. While the applicant intends to build a warehouse building that will allow activities that are now conducted outside to be brought indoors, that building will have loading docks facing the front of the property and its northwest corner will encroach into the Code-required landscape buffer adjacent to residential neighbors. Both these issues are violations to the Code. Furthermore, the OS office/service district is recommended to be located within areas delineated as RAC, ICA, and industrial on the *Comprehensive Plan*. This property is located within the NAC neighborhood activity center. Though improvements to the site may be welcomed additions for the applicant, they may also demonstrate that the site is no longer best suited for continued operation as a water distribution facility. Rather than seek to make the zoning of the property conform to its historical use and allow additions that, themselves, require variances from the Code, it may be best to keep the zoning at the O&I district in order to encourage a fitting NAC use.

Based on the above analysis, Staff recommends **DENIAL**.

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.

Nov. 2014

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: _____

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

- a) Proposed use(s): Warehouse
- b) Proposed building architecture: Steel frame
- c) Proposed hours/days of operation: M-F 6:30-5:00
- d) List all requested variances: _____

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

A water business has been in operation at this location since 1952. In 1992 zoning became OS and after recent inquiry we were told by John Pederson that we could operate as OS but need a zoning change to build warehouse

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).

None

9.

a) For over 30 years we have operated a water distribution facility at this location. In 1992 it was temporarily zoned OS and even though it is currently zoned OI we have been allowed to continue to operate under the stipulations of the 1992 agreement. A change in zoning to OS would allow us to maintain our current operations that are currently conducted outside and house them in a new warehouse, tremendously improving the visual and audible characteristics of this property. A building to contain our operations was the desire of our nearby neighbors.

b) This zoning proposal will not adversely affect any existing use of any adjacent or nearby property.

c) As is, this property would not have a bright economic future and if we had to move this would become another deserted canton road property.

d) The zoning proposal will not change the current use of the property and therefore will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

e) To my knowledge this proposal will conform to the policy and intent of the land use plan.

f) Again, we have been given the approval to maintain our operation in this location. After talking with neighbors over the years it is in everyone's best interest for us to build a warehouse to enclose our existing outdoor operations.

