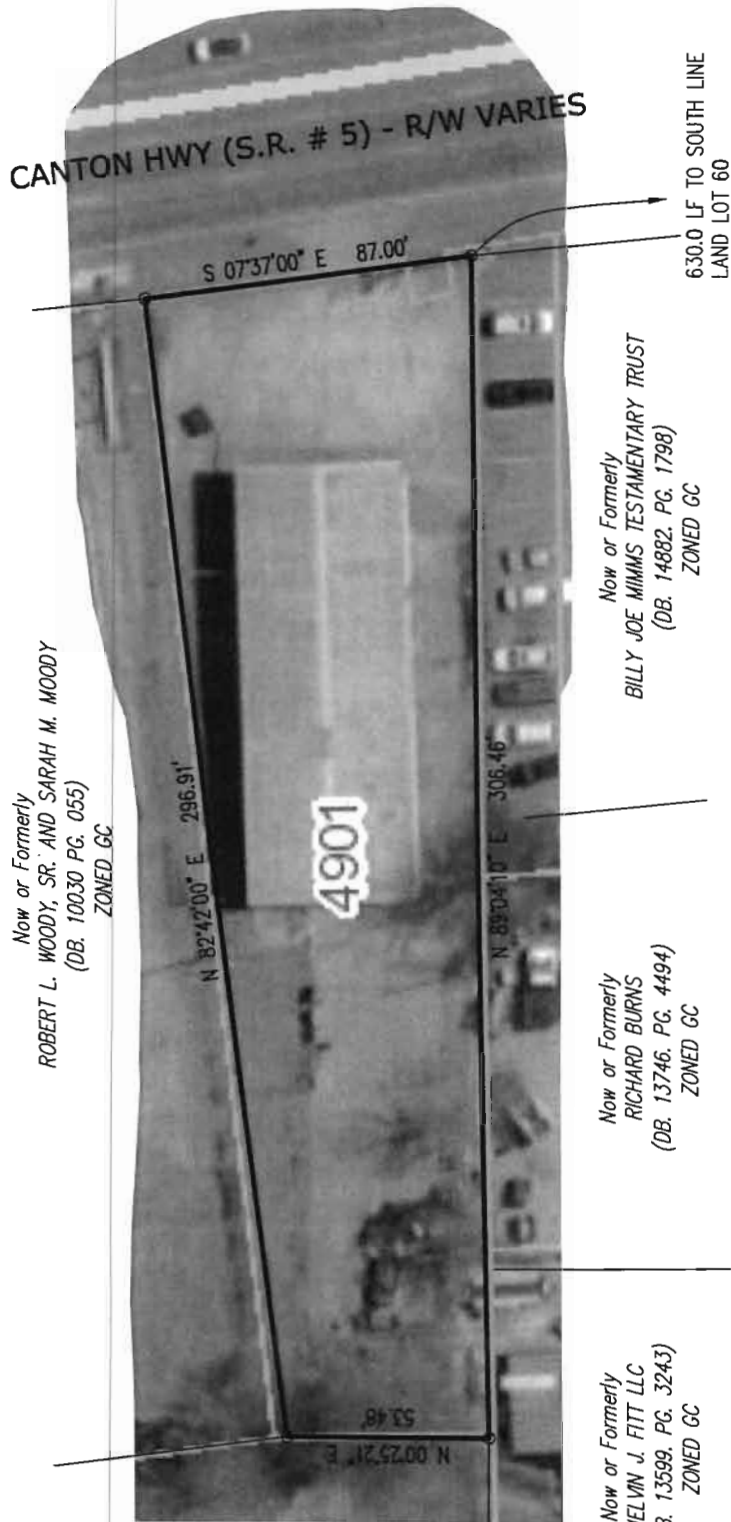


THIS PROPERTY IS NOT LOCATED WITHIN A FEMA  
100 YEAR FLOOD ZONE ACCORDING TO FEMA  
MAP# 13067C0034G, DATED: DEC. 16, 2008



Now or Formerly  
ROBERT L. WOODY, SR. AND SARAH M. MOODY  
(DB. 10030 PG. 055)  
ZONED GC

Now or Formerly  
BILLY JOE MIMMS TESTAMENTARY TRUST  
(DB. 14882. PG. 1798)  
ZONED GC

Now or Formerly  
RICHARD BURNS  
(DB. 13746. PG. 4494)  
ZONED GC

Now or Formerly  
MELVIN J. FITT LLC  
(DB. 13599. PG. 3243)  
ZONED GC

Now or Formerly  
JOHN CONNELL  
(DB. 15365 PG. 2203)  
ZONED GC

630.0 LF TO SOUTH LINE  
LAND LOT 60

CANTON HWY (S.R. # 5) - R/W VARIES

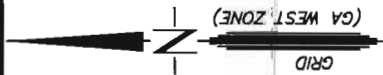
S 07°37'00\" E 87.00'

N 82°42'00\" E 296.91'

4901

N 89°04'10\" E 306.46'

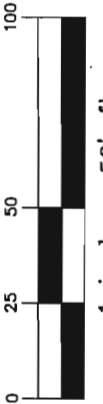
N 00°25'21\" E 53.48'



SITE PLAN FOR:

**LONNIE D. COX**

LOCATED IN LAND LOT 60  
IN THE 16TH DISTRICT, 2ND SECTION  
COBB COUNTY, GEORGIA  
SCALE: 1" = 50' DATE: FEBRUARY, 13 2017



1 inch = 50' ft.

# Genterline

Surveying and Land Planning, Inc.  
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144  
PHONE: (770) 424-0028 FAX: (770) 424-2399

APPLICANT: Lonnie D. Cox

PHONE#: (404) 867-6107 EMAIL: coxinteriors@att.net

REPRESENTATIVE: Lonnie D. Cox

PHONE#: (404) 867-6107 EMAIL: coxinteriors@att.net

TITLEHOLDER: Cox Investments, LLC

PROPERTY LOCATION: West side of Canton Road, north of  
Jamerson Road

ACCESS TO PROPERTY: Canton Road

PHYSICAL CHARACTERISTICS TO SITE: Existing brick front  
and metal commercial building

PETITION NO: Z-18

HEARING DATE (PC): 04-04-17

HEARING DATE (BOC): 04-18-17

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Automotive Repair

SIZE OF TRACT: 0.48 ac

DISTRICT: 16

LAND LOT(S): 60

PARCEL(S): 7

TAXES: PAID X DUE       

COMMISSION DISTRICT: 3

**CONTIGUOUS ZONING/DEVELOPMENT**

NORTH: GC/TitleMax  
SOUTH: GC/Auto Repair and Emissions Testing; Glass Repair;  
Transmission & Clutch Service  
EAST: GC/Convenience Store; Bottle Shop and Check Cashing  
WEST: GC/Auto Repair

*Adjacent Future Land Use:*

North: Neighborhood Activity Center (NAC)  
East: Neighborhood Activity Center (NAC)  
South: Neighborhood Activity Center (NAC)  
West: Neighborhood Activity Center (NAC)

OPPOSITION: NO. OPPOSED PETITION NO:        SPOKESMAN       

**PLANNING COMMISSION RECOMMENDATION**

APPROVED        MOTION BY       

REJECTED        SECONDED       

HELD        VOTE       

**BOARD OF COMMISSIONERS DECISION**

APPROVED        MOTION BY       

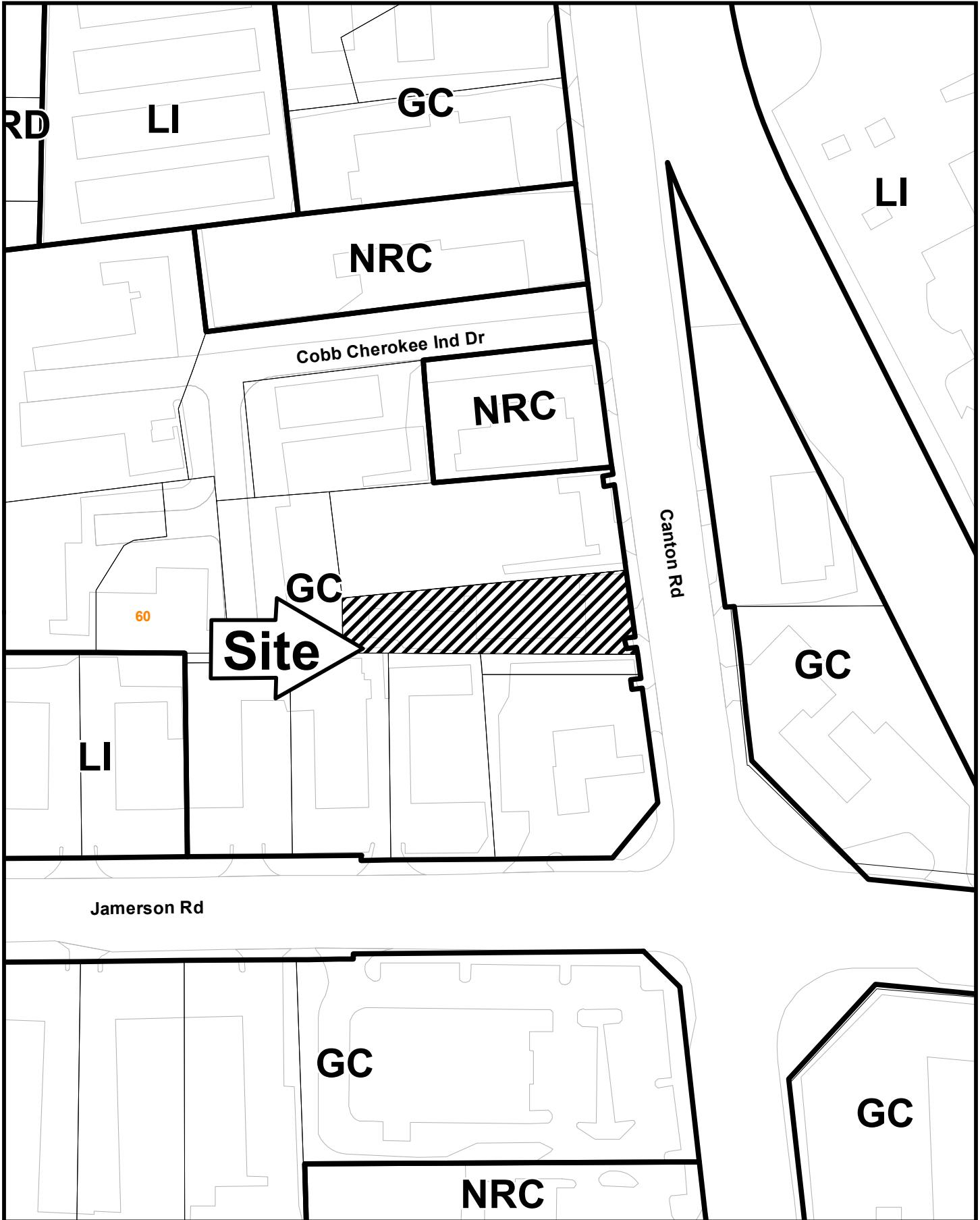
REJECTED        SECONDED       

HELD        VOTE       

STIPULATIONS:



# Z-18-2017-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: Lonnie D. Cox

PETITION NO.: Z-18

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Neighborhood Activity Center (NAC)

**Proposed Number of Buildings:** 1 (Existing) **Total Square Footage of Development:** 4,000

**F.A.R.:** 0.19 **Square Footage/Acre:** 8,333

**Parking Spaces Required:** 5 **Parking Spaces Provided:** Unstriped Concrete

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of operating a family-owned and operated, light auto repair business from the existing building. The hours of operation will be from 8 a.m. to 5 p.m., Monday through Friday and there will be two employees. The applicant is not proposing any changes to the existing building. This application has been submitted because the property sat vacant over six months under its GC zoning and lost its grandfathered status. The property's land use designation of NAC does not allow continuance of the GC zoning after losing its grandfathered status.

The existing building will require a contemporaneous variance to waive the front setback from the required 50 feet to 40 feet.

**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.

\*\*\*\*\*

**APPLICANT:** Lonnie D. Cox

**PETITION NO.:** Z-18

**PRESENT ZONING:** GC

**PETITION FOR:** NRC

\*\*\*\*\*

**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
Elementary			
Middle			
High			

- School attendance zones are subject to revision at any time.

**Additional Comments:** Approval of this petition will not have an impact on the enrollment at Cobb County Schools.

\*\*\*\*\*

**APPLICANT:** Lonnie D Cox

**PETITION NO.:** Z-18

\*\*\*\*\*

**FIRE COMMENTS:**

\*\*\*\*\*

C/O: Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

APPLICANT: Lonnie D. Cox

PETITION NO.: Z-18

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to NCR for the purpose of automotive repair. The 0.48 acre site is located on the west side of Canton Road, north of Jamerson Road (4901 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 GC 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)  
East: Neighborhood Activity Center (NAC)  
South: Neighborhood Activity Center (NAC)  
West: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is located within the boundary of the 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

**YES** indicates applicant has met the corresponding issue.

**NO** indicates applicant has not met the corresponding issue and/or there is not enough information provided.

**APPLICANT: Lonnie D. Cox**

**PRESENT ZONING: GC**

**PETITION NO.: Z-18**

**PETITION FOR: NRC**

\*\*\*\*\*

**PLANNING COMMENTS:**

CONT.

N/A indicates issue is not applicable.

Canton Road Design Guidelines shall be complied with if a building or site renovation is involved in this application.

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?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Bird / Wildlife Air Strike Hazard (BASH) area



APPLICANT Lonnie Cox

PETITION NO. Z-018

PRESENT ZONING GC

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): 12" DI / W 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: N side of Jamerson Rd

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 Health Dept approval required for continued use of existing septic system. No anticipated Comments: increase in wastewater discharge

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: Lonnie D. Cox

PETITION NO.: Z-18

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to 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 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 receiving stream.

APPLICANT: Lonnie D. Cox

PETITION NO.: Z-18

PRESENT ZONING: GC

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.

ADDITIONAL COMMENTS

1. This is an existing commercial facility located on Canton Road just north of its intersection with Jamerson Road. The entire site drains to the east to the Canton Road R/W.
2. No significant site improvements are proposed. Stormwater management will be required for any future substantial site improvement or redevelopment.
3. All automotive repairs must be performed inside the building. A Spill Prevention Plan will be required to be provided prior to issuance of a certificate of occupancy.

**APPLICANT:** Lonnie D. Cox

**PETITION NO.:** Z-18

**PRESENT ZONING:** GC

**PETITION FOR:** NRC

\*\*\*\*\*

**TRANSPORTATION COMMENTS:**

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Canton Road	Arterial	45 mph	Cobb County	100'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Canton Road	South of Jamerson Road	24,500	D

*Based on 2007 traffic counting data taken by Cobb County DOT for Canton Road.  
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.  
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

**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 curb, gutter, and sidewalk along the Canton Road frontage.

Recommend restricting left turns out of the driveway on Canton Road.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed SPLOST Canton Road Corridor - Roadway Improvements project.

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## STAFF RECOMMENDATIONS

### **Z-18 LONNIE D. COX**

- 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. Properties in the area are similarly zoned with similar uses.
- 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. Other properties in the area have businesses geared toward automotive repair, industrial, and retail uses.
- 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 as being within the Neighborhood Activity Center (NAC) land use designation. The property needs to be rezoned in order to establish any new use on the property. The property was grandfathered under GC and the NAC land use designation, but the property sat vacant for over six months and as a result lost the ability to continue utilization of the GC zoning. The requested NRC zoning district is compatible with the NAC land use designation and light auto repair is a permitted use under NRC.
- 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 property has an existing brick front, metal building with a bay door in the rear. The property sat vacant over six months and lost its grandfathered ability to use the GC zoning. The applicant is requesting a zoning category that is compatible with the *Cobb County Comprehensive Plan* and that will accommodate the light auto repair business. Similar uses are in this area along Canton Road.

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

1. Site plan received by the Zoning Division on February 13, 2017, with the District Commissioner approving minor modifications;
2. Variance mentioned in Zoning comments;
3. All repair work to be done inside building;
4. Fire Department comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. Department of Transportation comments and recommendations;
8. 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; and
9. No outdoor storage or display of merchandise.

**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-18

April 2017

# 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) List all requested variances: \_\_\_\_\_

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

- a) Proposed use(s): Automotive Repair Shop
- b) Proposed building architecture: Existing Building
- c) Proposed hours/days of operation: M - F 8:00 am - 5:00 pm
- d) List all requested variances: \_\_\_\_\_

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

Existing zoning will not change. Change of use only. Proposed use is in zoning capacity.

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

4901 Canton Road Zoning Application

- (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property: - *Yes, all adjacent properties operate similar uses.*
- (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; - *No – Same.*
- (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; - *No change.*
- (d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; *No.*
- (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan and; *Yes*
- (f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal; *No*



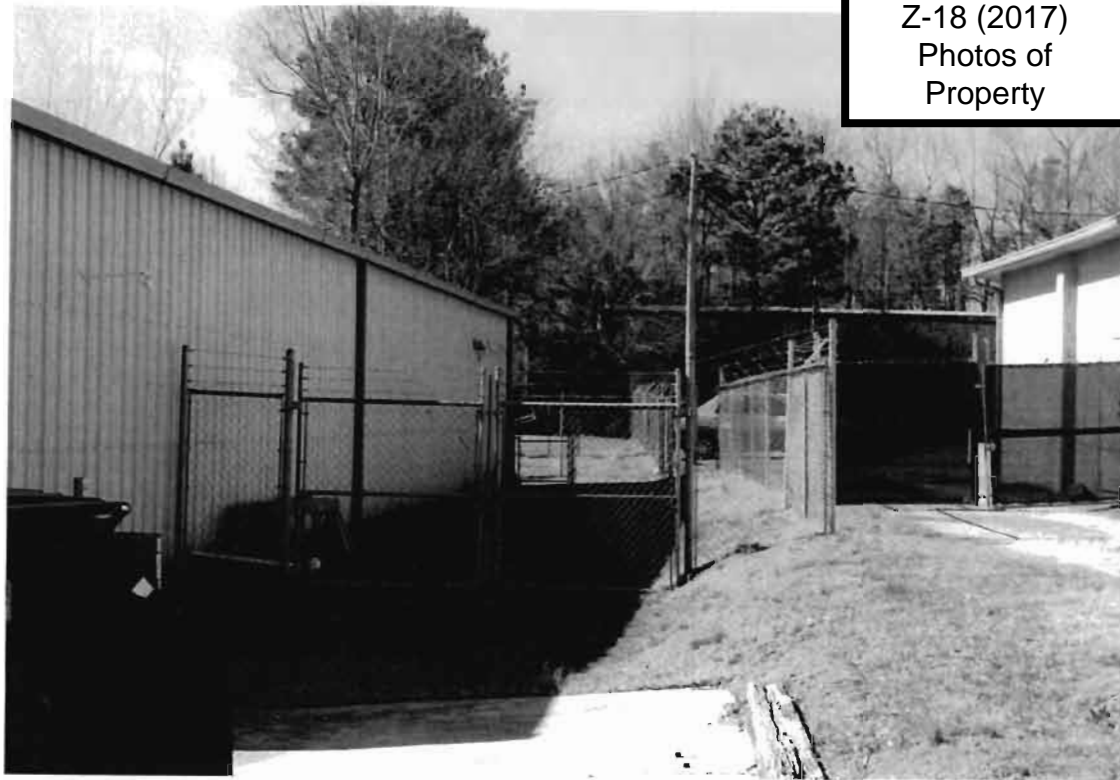
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Photos of  
Property



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CHICAGO BUSINESS AGENCY  
ZONING DIVISION



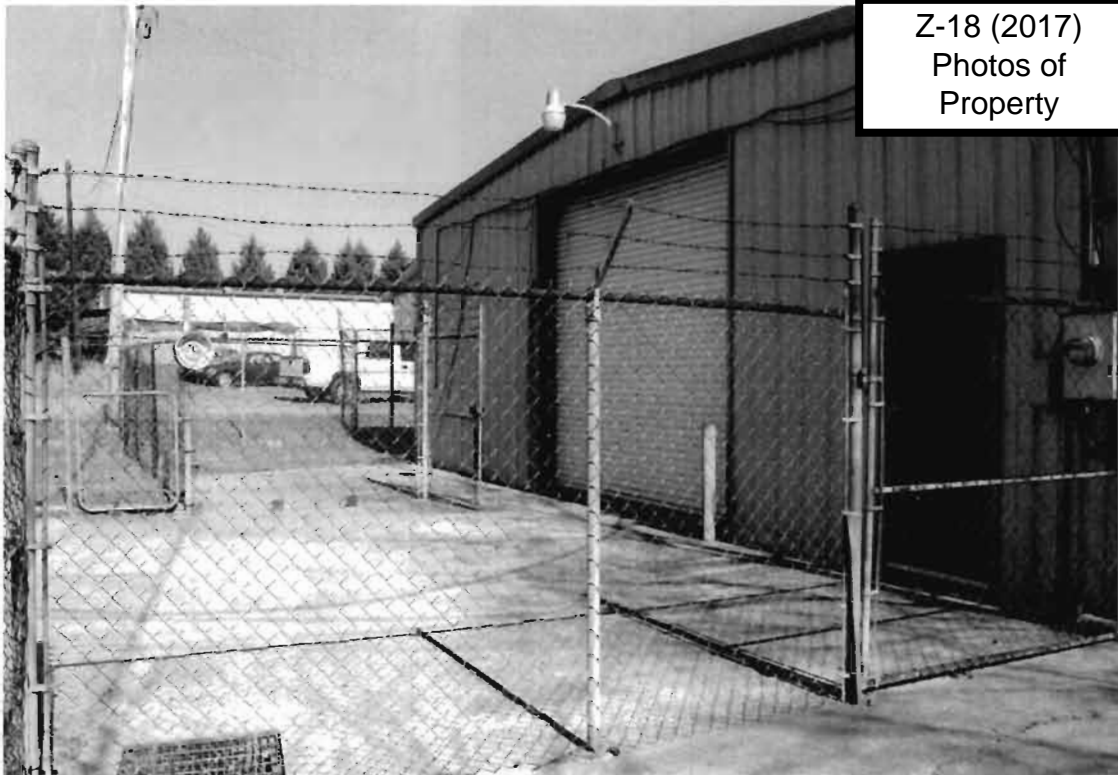
Z-18 (2017)  
Photos of  
Property



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FEB 13 2017  
COLUMBIA COUNTY LAND AND  
ZONING DIVISION



Z-18 (2017)  
Photos of  
Property



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FEB 13 2017  
CLERK OF SUPERIOR COURT  
JUNIOR DIVISION

