



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2012-10

LEGISTAR #: 20120983

LANDOWNERS: Cornelia Corporation
P. O. Box 1134
Trion, GA 30753

APPLICANT: Thomas E. Divine, Jr.
P. O. Box 670494
Marietta, GA 30066

PROPERTY ADDRESS: 1749 Canton Road

PARCEL DESCRIPTION: Land Lot 08040, District 16, Parcel 0130

AREA: 0.601 acs.

COUNCIL WARD: 6

EXISTING ZONING: CRC (Community Retail Commercial)

REQUEST: LI (Light Industrial)

FUTURE LAND USE MAP

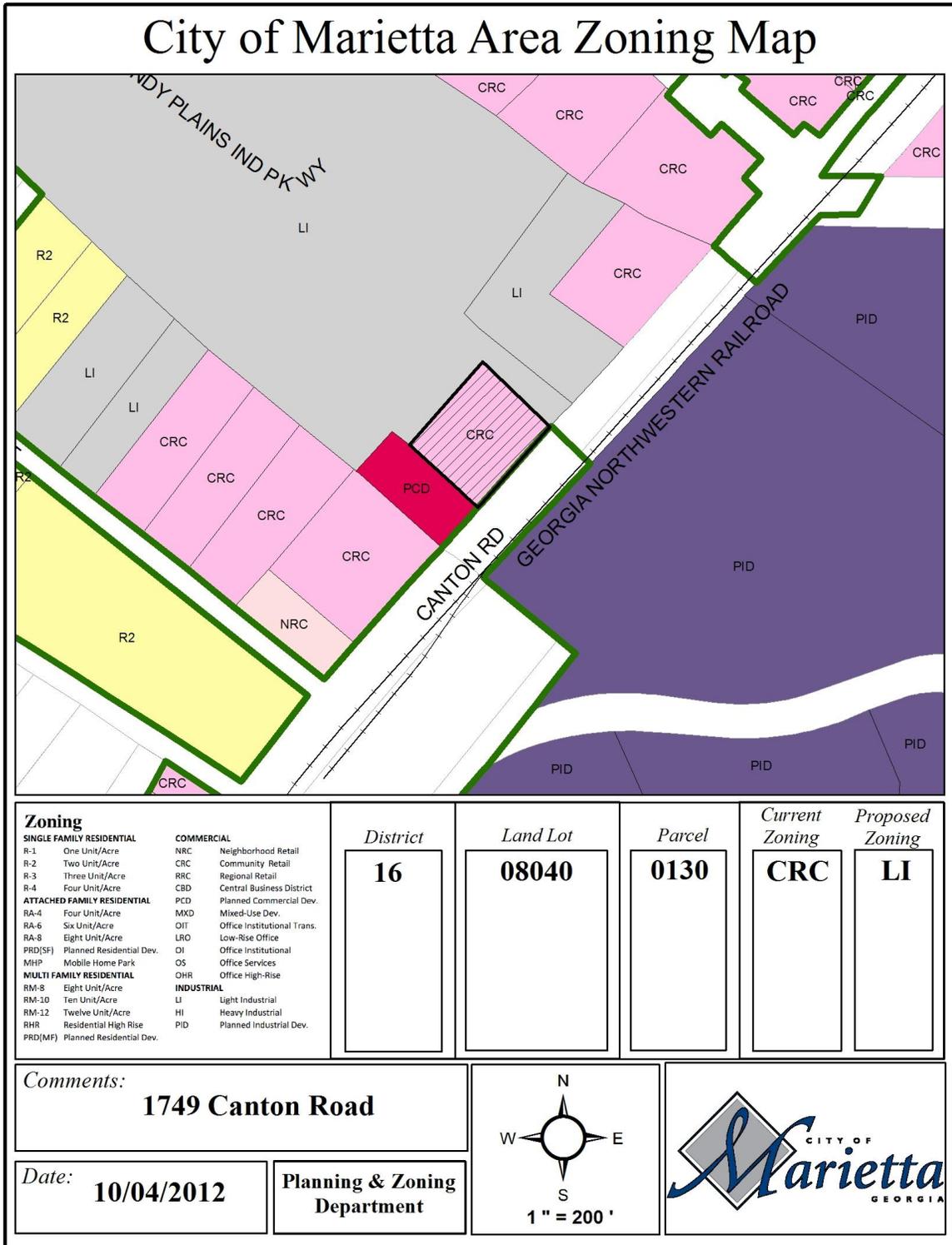
RECOMMENDATION: IW (Industrial Warehousing)

REASON FOR REQUEST: The applicant is requesting the rezoning of this property from CRC to LI in order to park tractor trailers on the site.

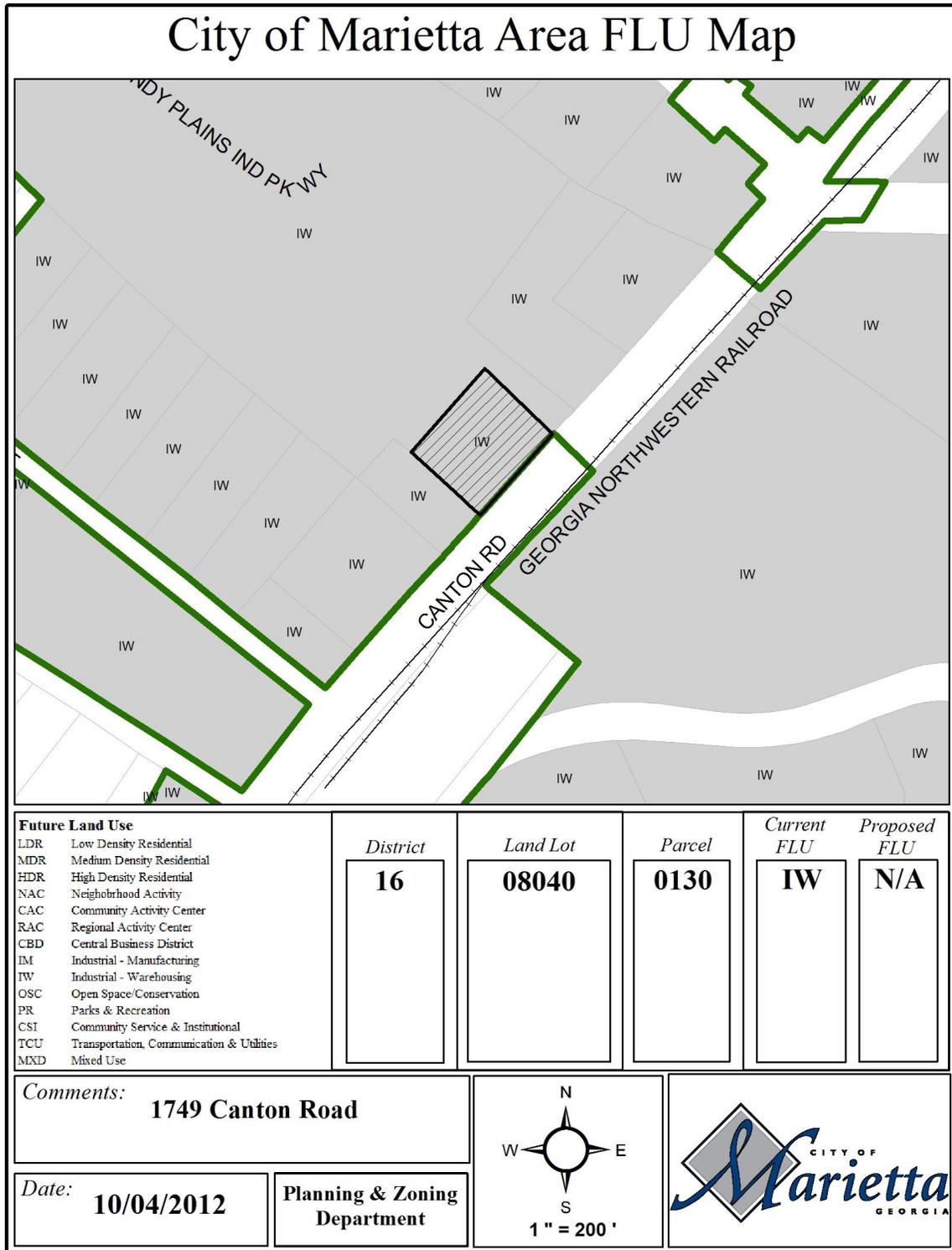
PLANNING COMMISSION HEARING: Wednesday, November 7, 2012 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, November 14, 2012 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



1749 Canton Road



1749 Canton Road



1749 Canton Road

STAFF ANALYSIS

Location Compatibility

The petitioner, Thomas E. Devine, Jr., is requesting the rezoning of property located at 1749 Canton Road from CRC (Community Retail Commercial) to LI (Light Industrial). The purpose of the request is so the property may be used as a location for tractor trailer drivers to store their trucks when they are not being used. The property is currently being used as a car wash.

An office park, zoned LI, is located to the north of the subject property. A wholesale bakery lies directly to the southwest and is zoned PCD (Planned Commercial Development). Across Canton Road and the railroad tracks to the south is the West Oak Center, zoned PID (Planned Industrial Development).

Use Potential and Impacts

The Canton Road corridor is a transition area containing a wide variety of land uses and zoning districts. Most of the properties lining Canton Road between I-75 and Sandy Plains Road are zoned CRC. However, many of these properties contain warehouse buildings or large areas devoted to outside storage and are otherwise used in an industrial context, despite being zoned commercially. The properties north of Canton Road but south of Canton Road Connector are mostly zoned either residential or industrial, if located within the City. Cobb County Community Development recently conducted a corridor study along the section of Canton Road north of Sandy Plains Road in order to address numerous issues, including land use, streetscaping, pedestrian mobility and building façade improvements.

The long term storage of tractor trailers is an activity that is inconsistent within the CRC zoning district. However, the zoning of many of the parcels on Canton Road does not match how they are actually used. Tractor trailer parking is consistent with how the corridor is currently being used and will not necessarily create any additional negative effects to the area. However, the property has not been well maintained, and it is suggested that the tractor trailers be limited to parking in the rear of the property and surrounded by an opaque fence no less than 8' tall in order to maintain an orderly appearance on the site.

The future land use for this parcel is IW (Industrial – Warehousing). The purpose of the IW category is to provide for areas that can support light industrial, office/warehouse and distribution uses and the vehicular traffic associated with those uses. Light Industrial zoning is compatible with a future land use of IW whereas the current zoning classification, CRC, is not. As a result, the current rezoning proposal is a better fit by more closely aligning existing use with projected future use, as identified by the City in the Comprehensive Plan.

STAFF ANALYSIS CONTINUED

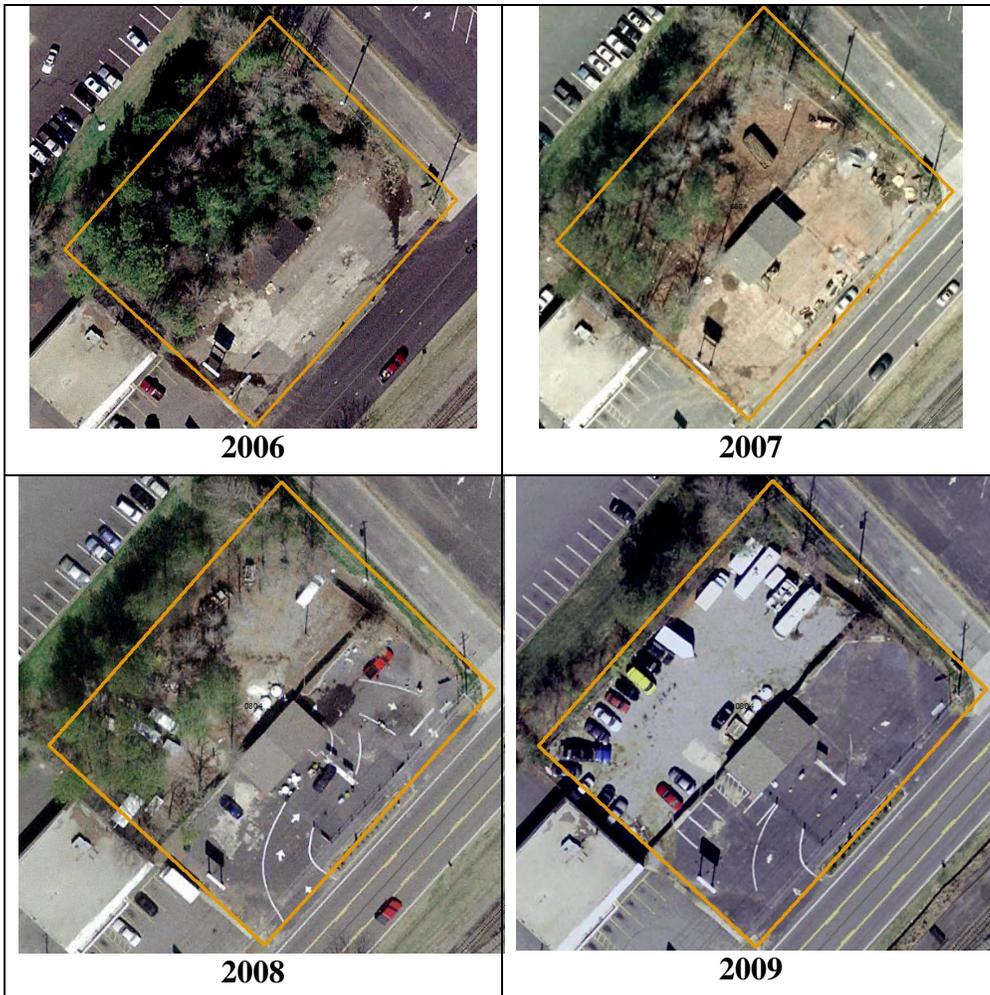
Environmental Impacts

The applicant is not proposing any changes to the site so there should be no additional environmental impacts caused by the proposed use.

The property currently contains very few trees and is not in compliance with Section 712.08, Tree Protection and Landscaping. In order for the property to remain as-is, the following variance would be necessary.

- Variance to allow the current trees and landscaping conditions satisfy the requirements of Sect. 712.08 until the site is redeveloped according to Sect. 706.03.

It is worth noting that the original annexation and rezoning file from 2003 indicates that the rear portion of the site was heavily wooded. Aerial imagery found while researching this case shows that trees gradually began to be removed in 2007, throughout 2008, until the rear yard was completely cleared in 2009. The variance would be necessary due to the unauthorized removal of the trees.



It appears that the ground cover in the rear yard is either gravel or bare dirt, which is not an approved surface for vehicle parking. To be used for parking, the rear yard would have to be covered in an acceptable surface such as concrete, asphalt, or brick, unless the following variance was granted:

- Variance to allow the storage of vehicles on an unapproved surface (gravel) until the property is redeveloped according to Section 706.03.

The entire site would be required to come into compliance with these codes should these variances not be approved. These improvements would drastically improve the appearance of the property.

Economic Functionality

Despite being annexed into the City in 2003, there is no building permit or business license history to indicate the property was used until 2007. Since that time it has operated as various auto-oriented uses and currently contains an automobile detail shop. As displayed by a continuous business license history since 2007, the property has a reasonable economic use as currently zoned.

Infrastructure

This rezoning request should not affect the transportation, education, water, sewer, electricity, or other public infrastructure in the area.

History of Property

This property was annexed (A2003-07) into the City from Cobb County and rezoned (Z2003-18) from PSC [Planned Shopping Center (County)] to CRC.

Other Issues

The property contains a legally nonconforming pylon sign along the southwestern property line. If the property is rezoned as requested, the following variance would be required to allow the sign to remain:

- Variance to allow the existing nonconforming sign along the southwestern property line remain until the property is redeveloped according to Section 706.03.



ANALYSIS & CONCLUSION

Thomas E. Devine, Jr. is requesting the property at 1749 Canton Road be rezoned from CRC to LI in order to store tractor trailers on the site. The property is currently being used as a car wash. The property is surrounded by a wholesale bakery and two office parks that are zoned PCD, PID, and LI.

Despite the prevalence of CRC zoning along the Canton Road corridor, many of these properties contain warehouse buildings or large areas devoted to outside storage and are otherwise used in an industrial context. Industrial uses, such as tractor trailer parking, are consistent with how the corridor is currently being used; and allowing such a use on this lot will not necessarily create any additional negative effects to the area. However, as pointed out in the report, the property has not been well maintained, was not originally developed to accommodate tractor trailers – previous businesses were auto-oriented uses – and the gravel area where the travel trailers are currently parked used to contain numerous trees.

In order for the property to remain as-is, the following variances would be necessary should the property be rezoned:

1. Variance to allow the existing nonconforming sign along the southwestern property line remain until the property is redeveloped according to Section 706.03.
2. Variance to allow the current trees and landscaping conditions satisfy the requirements of Section 712.08 until the site is redeveloped according to Section 706.03.
3. Variance to allow the storage of vehicles on an unapproved surface (gravel) until the property is redeveloped according to Section 706.03.

In addition, should the property be rezoned as requested, the following stipulation is suggested:

- Tractor trailers be limited to parking in the rear of the property and surrounded by an opaque fence no less than 8’ tall in order to maintain an orderly appearance on the site.

The LI zoning district is compatible with the parcel’s future land use of IW (Industrial Warehousing).

Prepared by: _____

Approved by: _____



DATA APPENDIX

COBB COUNTY - WATER

Is a water line adjacent to the property?	Yes, in Canton Road
If not, how far is the closest water line?	---
Size of the water line?	8" cast iron
Capacity of the water line?	
Approximate water usage by proposed use?	0 additional

COBB COUNTY - SEWER

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	30 foot
Size of the sewer line?	10" beside property, 8" behind
Capacity of the sewer line?	Property not currently billed for sewer
Estimated waste generated by proposed development:	A.D.F Peak
Treatment Plant Name:	Noonday
Treatment Plant Capacity:	20 MGD
Future Plan Availability:	1-5 years



DATA APPENDIX CONTINUED

Drainage and Environmental Concerns

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Noonday (3) Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

Transportation

What is the road affected by the proposed change?	Canton Road
What is the classification of the road?	Arterial
What is the traffic count for the road?	9630 AADT 2-way
Estimated number of cars generated by the proposed development? **	Insufficient data provided
Estimated number of trips generated by the proposed development? **	Insufficient data provided
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---



- If grading / land disturbance or building construction is proposed in the future, site plans will be required for construction. At that time, site plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other on each lot), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal, if necessary. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.

EMERGENCY SERVICES

Nearest city or county fire station from the development?

Distance of the nearest station?

Most likely station for 1st response?

Service burdens at the nearest city fire station (under, at, or above capacity)?

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes _____ No X _____

If not, can this site be served? Yes _____ No X _____

What special conditions would be involved in serving this site?

Additional comments: