

Canton Road Neighbors, Inc.

Planning Commissioner Judy Williams  
Honorable Members Cobb County Planning Commission  
100 Cherokee St  
Marietta, GA 30090

February 19, 2019

Re: Z-17 Application of H & I Real Estate Inc, Inc., to rezone from NS to NRC with a Special Events Center, 3920 Canton Road.

Dear Ms. Williams,

The applicant H & I Real Estate Inc., is requesting to rezone from NS to NRC, which is appropriate to the NAC land use and generally for retail malls in suburban areas. However, the specific request to be approved for an Event Hall, (which has been an ongoing business at this location) is not a permitted use in NRC, even as a Special Exception. The customary designation for Event facilities is Assembly Hall, which is a permitted use in CRC and OS, but not NRC. There are practical reasons for this.

Subject property is bordered by a church to the north (433') which includes a Pre-K school, a day care facility is contiguous (270') to the south, there is a youth sports park contiguous (31') to the east, across Canton Hwy (400') is a Montessori School and the Canterbury Glen neighborhood on Kensington Drive.

In addition to the NAC land use, the contiguous family friendly uses justify the requested rezoning to NRC. However, this Event or Assembly Hall is much more likely to be a facility rented to adults for weddings and other celebrations. This is apparent from the website of the East Cobb Center [www.eastcobbcenter.com](http://www.eastcobbcenter.com)

The close proximity of subject property to the day care, church and school may limit the options and viability of the Event Hall. Additionally, there have been complaints from the Canterbury Glen residents about noise from the Event facility, with hours of operation lasting later than 1:00 am, A 911 Incident Report for 3920 Canton the past 12 months is submitted with this letter. To date, this has not been a neighborhood friendly business.

The youth sports park, zoned LRC (Z 77- 2006) included in the motion: “use of sound system be limited to announcements only up to 9: 00 pm with no sound system thereafter”. An application for a children's event facility at 775 Hawkins Store (CRC 2009,OB 3 April 2012), was approved and included in the motion: “hours of operation to end by 9: 00 p.m. Sunday through Thursday, and by 10: 00 p.m. on Friday and Saturday”.

While this location is not appropriate for an Event or Assembly Hall, the NRC zoning code allows many uses more appropriate to the land use, area and surrounding family-friendly establishments. Permitted Uses include:

- Eating and drinking establishments are permitted. At this location, the best option would be family-friendly. A restaurant could have a room reserved for birthday parties or meetings.
- Commercial Indoor Recreation

- Catering, Bakery, Delicatessen, Coffee Shop, Ice Cream shop
- Pet Grooming, Pet supplies, Animal Hospitals (SE)
- Dance studio, martial arts, pilates, yoga and the like studio, gym and fitness center, Athletic Clubs (SE)
- Barber or beauty salon, manicurist
- Banks or financial institutions
- Professional Offices : law, doctor, optician, audiologist, accounting, tax preparation, real estate, stockbroker, architect, engineer, manufacturer representative, professional counselor, dentist.

Clearly, the NRC code permits many viable options for the applicant.

We would support rezoning to NRC subject to the following:

1. No Event or Assembly Hall, which is not a permitted use in NRC.
2. All uses listed above, which **are** permitted in NRC
3. Hours of operation for restaurant, coffee house or deli: 7:00 am to 9:00 pm Sunday – Thursday, 7:00 am to 10:00 pm Friday and Saturday,
4. Any music, live or recorded must be contained to the building and not audible from the parking lot. Noise attenuation measures may be required.
5. Security lighting shall be contained to subject property
6. No pawn or title pawn, no check cashing establishments, no taxidermy shop.
7. No Convenience food stores with self-service fuel sales.
8. All special exception uses allowed within the NRC district must be contained completely within an enclosed building. No uses are to be conducted outside, except for those allowing outdoor display of merchandise.
9. No uses that emit noxious odors, fumes or sounds are permitted.
10. No adult entertainment or adult bookstores,
11. No outside storage
12. All refuse and designated recycling collection location facilities must be contained within completely enclosed facilities.
13. No overnight parking of commercial vehicles is permitted, except for mini-vans or cars.

We ask for your favorable consideration,

Respectfully submitted,

Carol Brown M.R.P. Canton Road Neighbors, Inc.

cc: Honorable Members, Cobb Planning Commission

Commissioner JoAnn Birrell

Mr. John Pederson, AICP

Ms. Debra Blair, Esq.

Mr. Kevin Moore Esq.

Canton Road Neighbors Board and Advisory Committee

Mr. and Mrs Ronald Brown, Canterbury Glen

Attachment: 911 Incident Report January 2018 – February 2019 3920 Canton