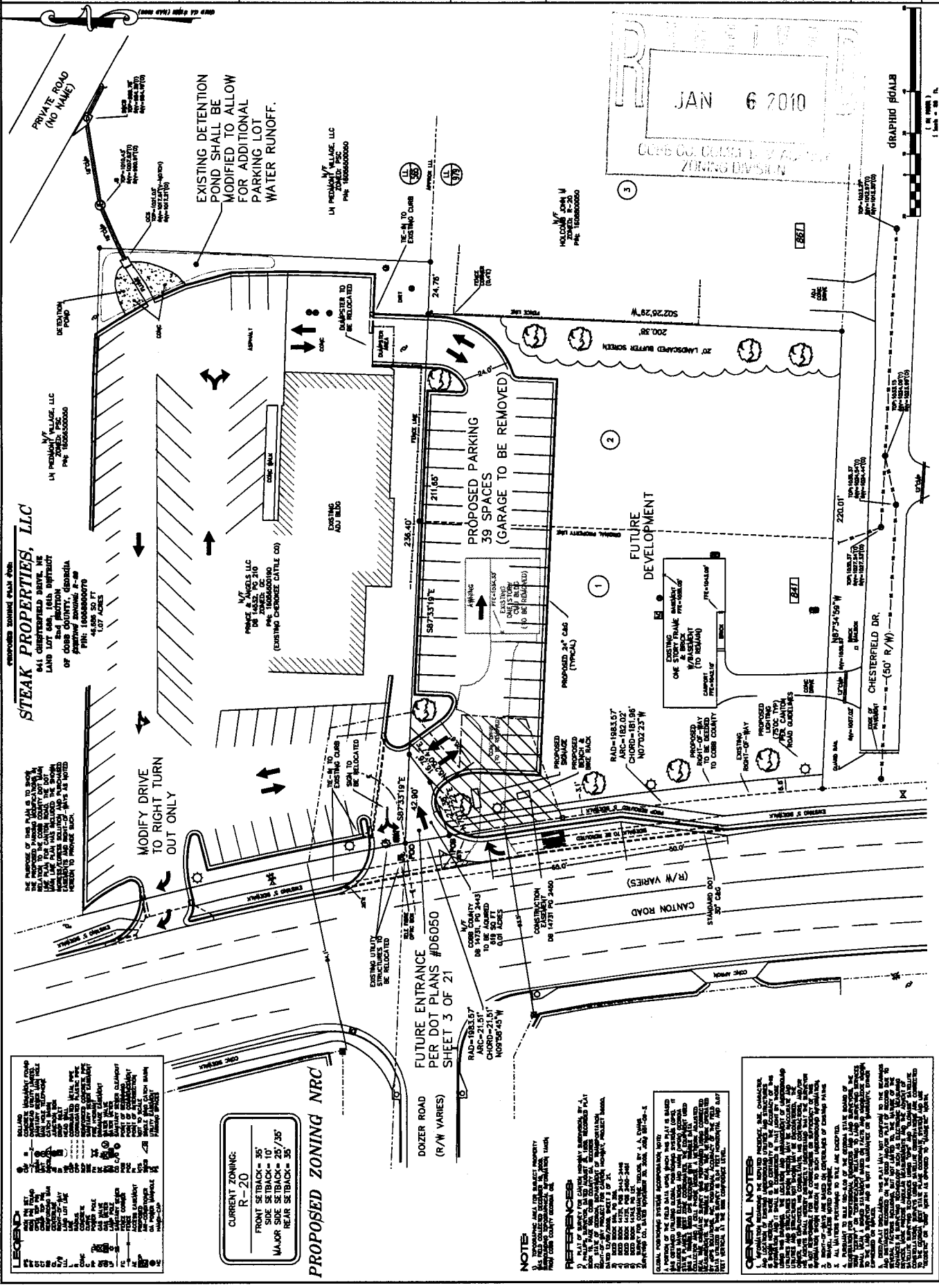




STEAK PROPERTIES, LLC
 15th STREET 2nd FLOOR
 558
 Part of 1, & 2
 CANTON HIGHWAY

Z-8
 (2010)

THE FIELD DATA HEREON WAS OBTAINED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM AWARE OF THE ACCURACY THEREOF. I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, FOR THE INFORMATION CONTAINED HEREON. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, FOR THE INFORMATION CONTAINED HEREON. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, FOR THE INFORMATION CONTAINED HEREON.



APPLICANT: Steak Properties, LLC
404-310-0400

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Steak Properties, LLC

PROPERTY LOCATION: Located at the northeast intersection of
Canton Road and Chesterfield Drive.

ACCESS TO PROPERTY: Canton Road, Chesterfield Drive

PHYSICAL CHARACTERISTICS TO SITE: Existing house

PETITION NO: Z-8

HEARING DATE (PC): 03-02-10

HEARING DATE (BOC): 03-23-10

PRESENT ZONING: R-20

PROPOSED ZONING: NRC

PROPOSED USE: Expansion to Restaurant
Parking Lot

SIZE OF TRACT: 1.07 acres

DISTRICT: 16

LAND LOT(S): 588

PARCEL(S): 7

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/ Cherokee Cattle Company
- SOUTH:** CRC/ undeveloped
- EAST:** R-20/ single-family houses
- WEST:** NS, NRC/ Carpet store, Salon 3-13

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

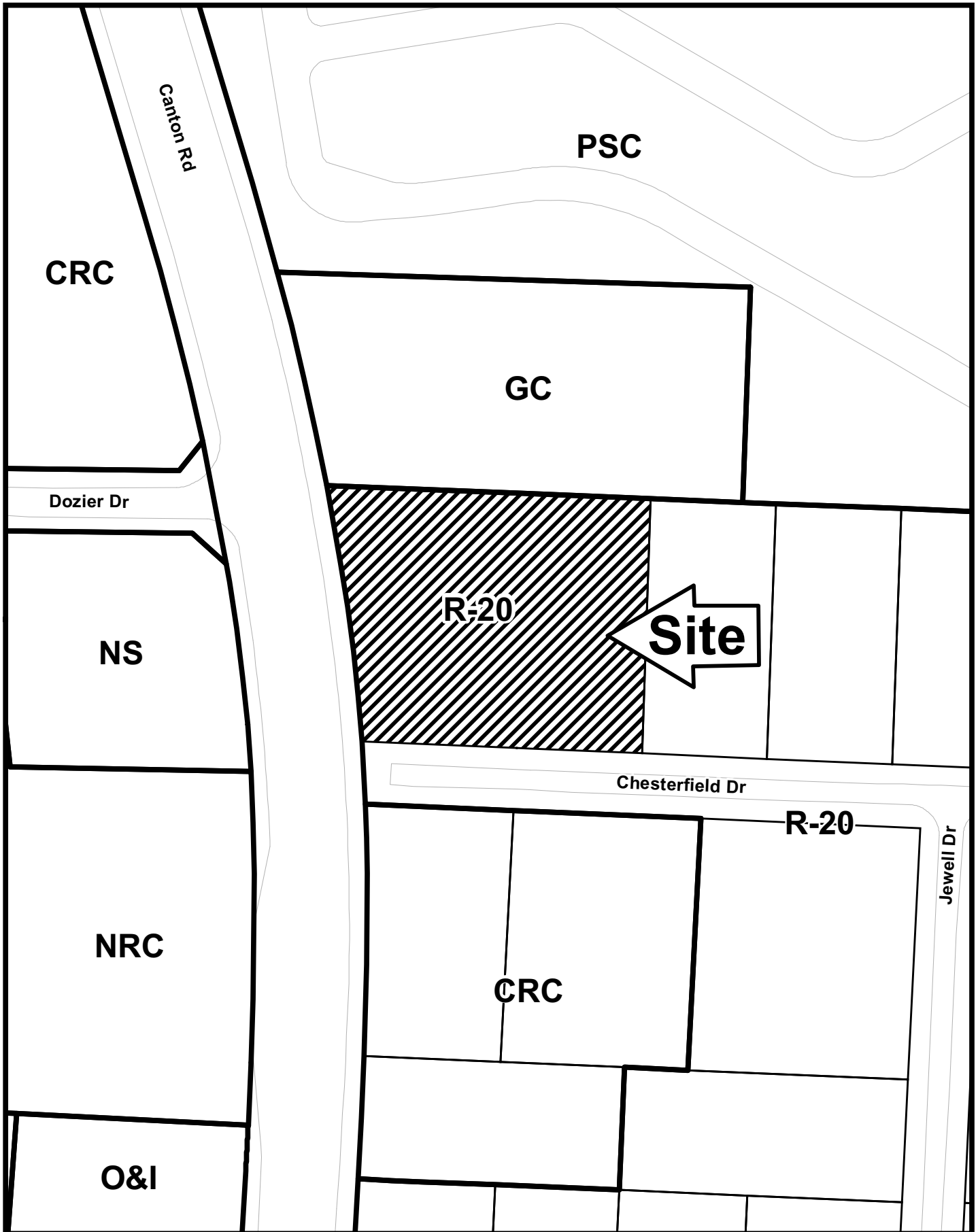
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

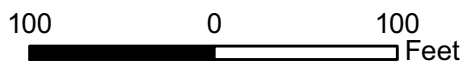
STIPULATIONS:





Z-8



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Steak Properties, LLC

PETITION NO.: Z-8

PRESENT ZONING: R-20

PETITION FOR: NRC

PLANNING COMMENTS: Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 0 Total Square Footage of Development: 0

F.A.R.: 0 Square Footage/Acre: 0

Parking Spaces Required: 88* Parking Spaces Provided: 108**

*based on the 8,726 square-foot restaurant; **based on this parking lot expansion and existing parking lot.

The applicant is requesting rezoning to NRC to develop a parking lot to use in conjunction with the adjacent restaurant. The applicant owns the restaurant, which does not have enough parking spaces. The applicant’s proposal would add 39 parking spaces. The applicant is showing a 20-foot landscape buffer along the eastern property line. The existing house may not be used immediately, or may be redeveloped in the future. The applicant has submitted a Zoning Impact Analysis for review (see Exhibit “A”) and a letter of agreeable stipulations (see Exhibit “B”).

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.

Cemetery Preservation: No comment.

FIRE COMMENTS:

No comments.

APPLICANT: Steak Properties, LLC

PETITION NO.: Z-8

PRESENT ZONING: R-20

PETITION FOR: NRC

PLANNING DIVISION COMMENTS:

Master Plan/Corridor Study

According to the 2005 Canton Road Corridor Study, the following are items for consideration for the subject parcel:

- Retail and office uses should be restricted so that there are no twenty-four (24) hour establishments along the corridor.
- The parcel is outside the area covered by the Main Street Design Principles.
- Due to the proposed development of the lot, all aspects of the Canton Road Design Guidelines, applicable to this site, should be incorporated on the site.
- The site is located in an area that has been identified as redevelopment sites (Map #8).
- Staff requests that a stipulation be included that has the applicant meet the sidewalk, street tree, street light and other applicable standards as detailed in the Canton Road Design Guidelines.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

The Canton Road Design Guidelines cover only non-residential properties fronting Canton Road.

If yes, design guidelines area: Canton Road Design Guidelines

Does the current site plan comply with the design requirements?

Yes No Not applicable

APPLICANT Steak Properties, LLC

PETITION NO. Z-008

PRESENT ZONING R-20

PETITION FOR NRC

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 8" DI / E side Canton Rd

Additional Comments: Records show 2710 Canton Rd connected

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:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: In Chesterfield Dr

Estimated Waste Generation (in G.P.D.): **A D F** ~ 0+ **Peak** ~ 0+

Treatment Plant: Noonday

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- Flow Test Required? Yes No
- Septic Tank Recommended by this Department? Yes No
- Subject to Health Department Approval? 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Records show 2710 Canton Rd connected

Notes FYI:

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 off site easements, dedication of on and/or off site 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: **Steak Properties, LLC**

PETITION NO.: **Z-8**

PRESENT ZONING: **R-20**

PETITION FOR: **NRC**

DRAINAGE 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 existing downstream receiving system.

APPLICANT: Steak Properties, LLC

PETITION NO.: Z-8

PRESENT ZONING: R-20

PETITION FOR: NRC

DRAINAGE 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 plan for the parking lot expansion indicates that the existing detention pond on the current Cherokee Cattle Company site will be modified to accommodate the additional runoff. There does not appear to be sufficient area available in the current pond to accommodate the sufficient expansion needed and additional area will likely be required to provide the adequate storage volume needed. This must be addressed at Plan Review.
2. A small portion of the site drains to the southeast toward Chesterfield Drive. Runoff from this area drains through the adjacent residential neighborhood. The stormwater conveyance system in this older development has limited capacity. Any future development on the subject parcel that discharges to Chesterfield Drive will be required to control design storm discharges not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).

APPLICANT: Steak Properties, LLC

PETITION NO.: Z-8

PRESENT ZONING: R-20

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	32500	Arterial	45 mph	Cobb County	100'
Chesterfield Drive	<10	Local	25 mph	Cobb County	50'

*Based on 2009 traffic counting data taken by Cobb County DOT (Canton Road)
Based on 2010 traffic counting data taken by Cobb County DOT (Chesterfield Drive)*

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.

Chesterfield Drive is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Canton Road is identified in the 2005 SPLOST as a roadway safety and operational improvement project.

As necessitated by this development for egress from Canton Road, a deceleration lane will be required at the proposed access drive.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of 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 east side of Canton Road, a minimum of 50' from the roadway centerline.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along Canton Road.

Recommend deceleration lane along Canton Road.

Recommend no commercial access to Chesterfield Drive.

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

STAFF RECOMMENDATIONS

Z-8 STEAK 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 area contains a mixture of retail, restaurants, institutional uses, residential uses and offices.
- 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 applicant's proposal has the required buffering contiguous to the residentially zoned property to provide for a better transition in zoning intensity. The proposed use is low intensity, and should alleviate parking problems that the current restaurant experiences.
- 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. Staff is concerned about the subdivision adjacent to the proposal and would suggest there be stipulations regarding access, lighting and landscaping to protect it.
- 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 Neighborhood Activity Center.
- 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 to NRC. The proposal is in accordance with the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center. The proposal would be consistent with other commercial zonings along Canton Road. Buffering along the rear should be paramount in protecting the adjacent single-family houses.

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

- Site plan received by the Zoning Division January 6, 2010, with the District Commissioner approving minor modifications;
- No access to Chesterfield Drive;
- 20-foot buffer adjacent to all residentially zoned property, and along Chesterfield Drive;
- No lighting that would glare onto the adjacent residential property;
- Restaurant, retail or office use only;
- No automotive repair;
- No outdoor storage;
- Letter from Mr. Garvis L. Sams, Jr., dated February 8, 2010 (not in conflict with these stipulations);
- Planning Division comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- 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.

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.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF STEAK PROPERTIES, LLC**

JAN 6 2010

COBB COUNTY
ZONING DIVISION

COMES NOW, STEAK PROPERTIES, LLC, and, pursuant to §134-

121(a)(7) the Cobb County Zoning Ordinance, files this its 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 exiting uses or usability of adjacent or nearby properties, the majority of which are commercial.
- C. The subject property to be affected by the zoning proposal has limited economic use as currently zoned.
- 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 consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being within an existing Neighborhood Activity Center (NAC).
- F. There is no substantial relationship between the existing zoning classification of R-20 which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Canton Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 6th day of January, 2010.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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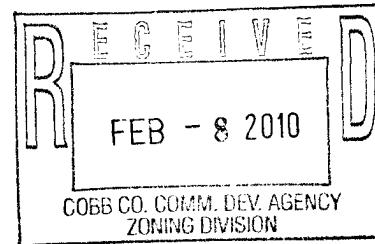
MELISSA P. HAISTEN
JUSTIN H. MEEKS

February 8, 2010

SAMSLARKINHUFF.COM

**VIA E-MAIL and
HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



Re: Application of Steak Properties, LLC to Rezone a 1.07Acre Tract
from R-20 to NRC (No. Z-8)

Dear John:

You will recall that this firm represents Steak Properties, LLC concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on March 2, 2010 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on March 23, 2010.

While this application has been pending, we have established a dialogue with area residents, business owners, the Northeast Cobb Owners Group and Canton Road Neighbors, Inc. With respect to the foregoing and consistent with our discussions with the County's professional staff and the direction received from staff, I am submitting this letter of agreeable stipulations which, if the Application for Rezoning is approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. Rezoning of the subject property shall be from R-20 to Neighborhood Retail Commercial ("NRC") in substantial conformity to that certain zoning site plan prepared for Steak Properties, LLC by Frontline Surveying and Mapping, Inc. which was submitted contemporaneously with the Application for Rezoning.

VIA E-Mail and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
February 8, 2010

3. The total site area of the subject property (1.07 acres) shall be initially developed with the expansion of the parking lot for Cherokee Cattle Company restaurant. Thereafter, there will be future restaurant-related utilization and permitted uses (including offices) allowable under the NRC district.
4. Entrance signage shall be ground-based, monument style with finished materials and colors being in substantial conformity to existing signage and existing architecture.
5. Parking area lighting shall be environmentally sensitive, low level luminaries designed to prevent illumination from penetrating outside the boundaries of the subject property.
6. The construction and erection of street lights along the subject property's frontage consistent with the Canton Road Guidelines.
7. All dumpsters servicing the subject property shall be enclosed with a minimum 6' high enclosure on three (3) sides with an opaque wooden door on the access side which shall remain in a closed position except when the dumpsters are being emptied. All dumpsters shall have rubber lids to minimize noise.
8. Compliance with the following recommendations from the Cobb County Department of Transportation:
 - a. The voluntary donation and conveyance of right-of-way so that the County can achieve 50' from the centerline of Canton Road.
 - b. Coordination with DOT's Canton Road Project (No. D6050).
 - c. No commercial access to Chesterfield Drive.
 - d. The existing point of ingress/egress for the Cherokee Cattle Company shall become a right-out only with the new point of ingress/egress having full turning movements.
 - e. The installation of sidewalk, curb and gutter along the subject property's frontage.

VIA E-Mail and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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February 8, 2010

- f. The installation of a deceleration lane with a taper along the subject property's frontage.
 - g. The installation of a bench and bike rack adjacent to the ground-based monument signage which is to be erected on the subject property.
9. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on site detention and water quality ponds, including the following:
- a. Handling storm water through the existing detention facility on the Cherokee Cattle Company site.
 - b. Exploring potential increased volume which may be available in the existing detention pond and with the expansion of the existing pond in coordination with the adjacent shopping center (LN Piedmont Village, LLC – Zoned PSC).
 - c. An agreement to design and adhere to Best Management Practices and exercising heightened sensitivity with respect to down-stream hydrological conditions particularly concerning adjacent residential areas.
10. The submission of a landscape plan during the Plan Review process, subject to final review and approval by the Community Development Agency, including the following:
- a. Erecting a privacy fence along the subject property's eastern property line subject to review and approval by the Community Development Agency.
 - b. The installation of a 20' landscaped vegetated screening buffer along the subject property's eastern property line.
 - c. The installation of landscaping adjacent to Canton Road.
 - d. Species of vegetation which will be utilized shall be ecologically compatible to the site and appropriate for design circumstances.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-Mail and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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February 8, 2010

- e. All landscaping shall be professionally designed, maintained and irrigated. Additionally, all landscaped areas shall be perpetually maintained and any dead or irrevocably diseased vegetation shall be replaced as necessary.
 - f. All landscaped and buffer areas may be penetrated for purposes of access, utilities, and stormwater management including, but not limited to, detention/retention facilities, drainage facilities and any and all slope and other required engineering features.
11. Compliance with the recommendations of the Cobb County Fire Department as set forth in the Zoning Analysis.
 12. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.
 13. Minor modifications to the site plan, landscape plan and this letter of agreeable stipulations/conditions may be reviewed and approved by the District Commissioner.

As you know, the subject property is situated within the confines of a Neighborhood Activity Center ("NAC") as shown on Cobb County's Future Land Use Map which contemplates the type of use(s) proposed. In that regard, please let me know if you need any additional information or documentation prior to the formulation of your recommendation to the Planning Commission and Board of Commissioners.

With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc

cc: Shown on next page.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-Mail and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 5
February 8, 2010

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery
Mr. Mark A. Danneman, Manager – VIA Hand Delivery
Ms. Jane Stricklin, P.E. – VIA E-Mail
Mr. David Breaden, P.E. – VIA E-Mail
Ms. Karen King, Assistant County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Ms. Carol Brown, President, Canton Road Neighbors – VIA E-Mail
Mr. Norm DeWalt, President, Northeast Cobb Homeowners Group, Inc. – VIA E-Mail
Mr. David Poteet, Northeast Cobb Homeowners Group, Inc. – VIA E-Mail
Ms. Jill Flamm, East Cobb Civic Association – VIA E-Mail
Mr. Tom Peay, P.E. – VIA E-Mail
Mr. Jerry Tillem
Mr. Gus Tselios