

**JULY 20, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 1

PURPOSE

To consider a site plan amendment for Trilogy Development Group, Inc. regarding International House of Pancakes. This request concerns application Z-80 (Home Depot USA, Inc.) of July 15, 1997, for property located on the north side of Dallas Highway, east of Barrett Parkway in Land Lot 329 of the 20th District.

BACKGROUND

The subject property is zoned CRC, which was rezoned with many stipulations. One of the stipulations calls for the applicant to submit plans to the Board of Commissioners for review of the building exterior, landscaping, lighting, setbacks, buffering and access. The Board of Commissioners’ decision is attached (see Exhibit A) and the proposed site plan is attached (see Exhibit B). The proposed building architecture plan is attached (see exhibit C). The proposed use would be a restaurant. P.L.A.N. has reviewed and approved the plans. The property was previously approved for a South Trust Bank and el Polo Loco, which have closed. The site plan has been submitted to Staff for comments, which do not have any comments.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the proposed site plan amendment.

ATTACHMENTS

Zoning stipulations (Exhibit A)
Proposed Site Plan (Exhibit B)
Proposed Building Architecture (Exhibit C)
Other Business Application (Exhibit D)

PAGE _____ OF _____

APPLICATION NO. _____ Z-

ORIGINAL DATE OF APPLICATION: _____ 07-15-97 _____

APPLICANTS NAME: _____ HOME DEPOT USA, INC. _____

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 05-15-07 ZONING HEARING:

**OTHER BUSINESS ITEM #5 – TO CONSIDER A SITE PLAN AMENDMENT
FOR EL POLLO LOCO REGARDING APPLICATION Z-80 (HOME DEPOT
USA, INC.) OF JULY 16, 1997**

To consider a site plan amendment for El Pollo Loco regarding application Z-80 (Home Depot USA, Inc.) of July 15, 1997, for property located on the north side of Dallas Highway, east of Barrett Parkway in Land Lot 329 of the 20th District.

Mr. John Pederson, Planner III, provided information regarding request for site plan amendment. The public hearing was opened and Mr. Doug Brown addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Olens, to approve Other Business Item #5 regarding site plan amendment for redevelopment of site by El Pollo Loco regarding application Z-80 (Home Depot USA, Inc.) of July 15, 1997, for property located on the north side of Dallas Highway, east of Barrett Parkway in Land Lot 329 of the 20th District, subject to:

- **site plan received by the Zoning Division April 23, 2007 (copy attached and made a part of these minutes)**
- **drawing of proposed building architecture (Exhibit C - copy attached and made a part of these minutes)**
- **departmental comments (Exhibit E - copy attached and made a part of these minutes)**
- **all other previous zoning stipulations and conditions to remain in effect**

VOTE: **ADOPTED** unanimously

SPR-2010-00089

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APPLICATION NO.: Z-80

ORIGINAL DATE OF APPLICATION: 07/97

APPLICANT'S NAME: HOME DEPOT

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 08-19-97 ZONING HEARING:

HOME DEPOT USA, INC. (P.B. and D.D. Averill, G. L. Turner and Edith Hopkins, owners) for Rezoning from PSC, OI, and R-20 to CRC for the purpose of Retail Development in Land Lot 329 of the 20th District. 32.44 acres. Located on the north side of Dallas Highway, east of Ridgeway Road. The Board of Commissioners approved rezoning of property to the CRC and LRO zoning districts subject to: 1) portion of property rezoned to the LRO zoning district is approximately located as shown on the reduced site plan attached and made a part hereof; 2) letter of agreeable conditions (including reduced size exhibits - landscaping plans, elevation drawings, etc.) are attached and made a part hereof, with clarification of and addition to those stipulations of a) amendment of item #8 to read: Any "muted" orange color used for signage shall be selected by P.L.A.N., from at least 5 samples presented by the Applicant, which must be made within thirty (30) days of presentation, otherwise Applicant may proceed with its choice. Any color used for building accents shall be a color selected by P.L.A.N., from at least 5 samples presented by the Applicant, which must be made within thirty (30) days of presentation, otherwise Applicant may proceed with its choice; b) amendment of item #18 to read: Applicant may access the subject property, if obtainable, from Ridgeway Road (Barrett Parkway) in the approximate location as shown on the referenced site plan and identified as "Barrett Parkway Access." Applicant agrees to direct (by notification letters to vendors and signage - on Dallas Highway and the access easement - if granted permission to post such signage on the easement) its delivery trucks to use the Dallas Highway entrance. However, no access shall be provided to the subject development north of Egleston or north of Pike Nursery locations; c) addition of a new stipulation to read: Applicant is required to construct the proposed retaining wall(s) of key-stone block stone, unless the applicant's engineer certifies that such construction material is not safe or correct

INTERPLAN
LANDSCAPE ARCHITECTURE
PROJECT MANAGEMENT

1794 Levee Road
Atlanta, GA 30329
Phone: 404.525.1234
Fax: 404.525.1235

LANDSCAPE NOTES

1. ALL PLANT MATERIALS SHALL BE SUPPLIED BY THE CONTRACTOR AND SHALL BE INSTALLED BY THE CONTRACTOR.
2. PLANTING SHALL BE ACCORDING TO THE LAYOUT AND SPECIFICATIONS SHOWN ON THESE PLANS.
3. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL LANDSCAPE ARCHITECTURE ASSOCIATION (NLA) PRACTICE MANUAL AND THE NATIONAL PLANTING BOARD (NPB) PRACTICE MANUAL.
4. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL LANDSCAPE ARCHITECTURE ASSOCIATION (NLA) PRACTICE MANUAL AND THE NATIONAL PLANTING BOARD (NPB) PRACTICE MANUAL.
5. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL LANDSCAPE ARCHITECTURE ASSOCIATION (NLA) PRACTICE MANUAL AND THE NATIONAL PLANTING BOARD (NPB) PRACTICE MANUAL.
6. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL LANDSCAPE ARCHITECTURE ASSOCIATION (NLA) PRACTICE MANUAL AND THE NATIONAL PLANTING BOARD (NPB) PRACTICE MANUAL.
7. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL LANDSCAPE ARCHITECTURE ASSOCIATION (NLA) PRACTICE MANUAL AND THE NATIONAL PLANTING BOARD (NPB) PRACTICE MANUAL.
8. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL LANDSCAPE ARCHITECTURE ASSOCIATION (NLA) PRACTICE MANUAL AND THE NATIONAL PLANTING BOARD (NPB) PRACTICE MANUAL.
9. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL LANDSCAPE ARCHITECTURE ASSOCIATION (NLA) PRACTICE MANUAL AND THE NATIONAL PLANTING BOARD (NPB) PRACTICE MANUAL.
10. ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL LANDSCAPE ARCHITECTURE ASSOCIATION (NLA) PRACTICE MANUAL AND THE NATIONAL PLANTING BOARD (NPB) PRACTICE MANUAL.

PLANT LIST

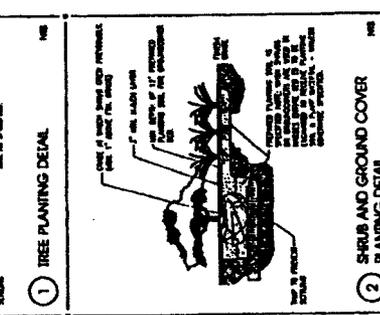
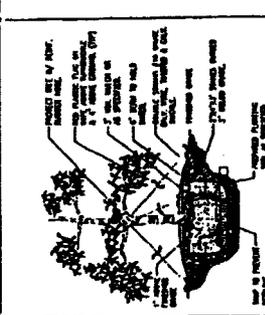
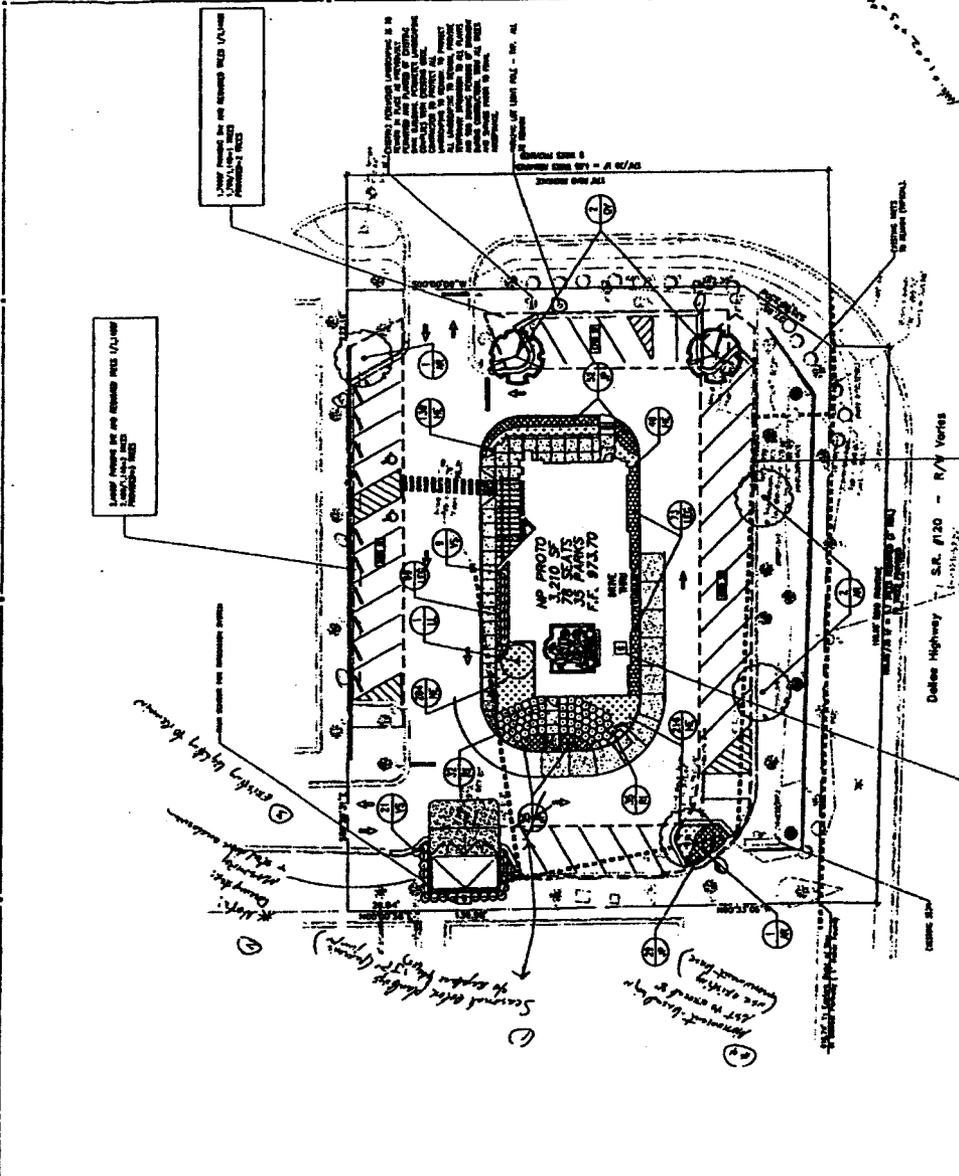
NO.	PLANT NAME	QUANTITY	NOTES
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COUNTY NOTES

THE COUNTY ENGINEER HAS REVIEWED THIS PLAN AND HAS ISSUED THIS PERMIT UNDER THE PROVISIONS OF THE GEORGIA PERMITTING ACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTIONS.

IRRIGATION NOTE

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE LOCAL JURISDICTIONS.



SITE DATA

NO.	DESCRIPTION	QUANTITY	NOTES
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LANDSCAPE PLAN

APPLICANT: El Pollo Loco

PETITION NO.: OB 5

Other Business #1
Exhibit A

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
Dallas Highway	NA	Arterial	45 mph	GDOT	100'

COMMENTS AND OBSERVATIONS

Dallas Highway is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

DRAINAGE COMMENTS

Min. Bk. 49 Z-80 of 1997
Petition No. OB#5
Doc. Type Departmental
Comments
Meeting Date May 15, 2007

The proposed project will replace the existing Southtrust Bank facility. Adequate detention and water quality volume capacity to accommodate this proposed development within the adjacent master detention facility must be verified during Plan Review.

Recommend applicant/developer be required to meet all other Ordinances, Rules, and Cobb County Development Standards related to project improvements.

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 7-20-10

Applicant: Trilogy Development Group, Inc. Phone #: 770-955-0404
(applicant's name printed)

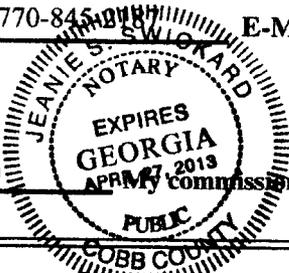
Address: 6400 Powers Ferry Rd NW #100, Atlanta, GA 30339 E-Mail: dshanahan@trilogygroup.net

David K. Shanahan Address: 6400 Powers Ferry Rd NW #100, Atlanta, GA 30339
(representative's name, printed)

[Signature] Phone #: 770-845-0887 E-Mail: dshanahan@trilogygroup.net
(representative's signature)

Signed, sealed and delivered in presence of:

Jeanie S. Swickard
Notary Public



My commission expires: 4/27/13

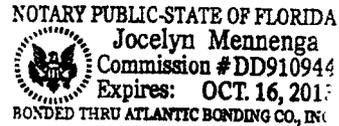
Titleholder(s): GE Capital Franchise Finance Corporation Phone #: 480-563-6328
(property owner's name printed)

Address: 8377 East Hartford Drive, Suite 200, Scottsdale, AZ 85255-5402 E-Mail: debbiel.mitchell@ge.com

[Signature]
(Property owner's signature) Kenneth R. Hamlich, Authorized Signatory

Signed, sealed and delivered in presence of:

Jocelyn Mennenga
Notary Public



My commission expires: 10/16/13

Commission District: 1 Zoning Case: Z-80 (Home Depot)

Date of Zoning Decision: 8-19-97 Original Date of Hearing: _____

Location: 2390 Dallas Highway, Marietta, GA 30064
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 329 District(s): 20th

State specifically the need or reason(s) for Other Business: Submittal and approval of building elevations, site plan and signage by P.L.A.N. Neighborhood Association.

(List or attach additional information if needed)