

**MARCH 15, 2011 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 3**

**ITEM # 4**

**PURPOSE**

To consider a site plan and stipulation amendment for Henry Hayes regarding rezoning application Z-20 of 1996 (Shallowford Development, Inc.), for property located on the northerly side of Frank Gordy Parkway and on the western side of Sandy Plains Road in Land Lot 334 of the 16<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned in 1996 to NRC for retail development. The applicant is requesting to amend the approved site which showed two buildings with 30,500 square feet to three buildings with 24,015 square feet. One of the three buildings would have a new business concept from the American Automobile Association (AAA) in which the travel office would also have a car care center. The applicant would also like to remove a zoning stipulation which requires an acceleration lane and deceleration lane on Gordy Parkway. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendments.

**ATTACHMENTS**

Zoning Decision (Exhibit A)  
Other Business application (Exhibit B)  
Proposed site plan (Exhibit C)

PAGE 2 OF 2

APPLICATION NO. Z-20

ORIGINAL DATE OF APPLICATION: 2/96

APPLICANTS NAME: SHALLOWFORD DEV. INC.

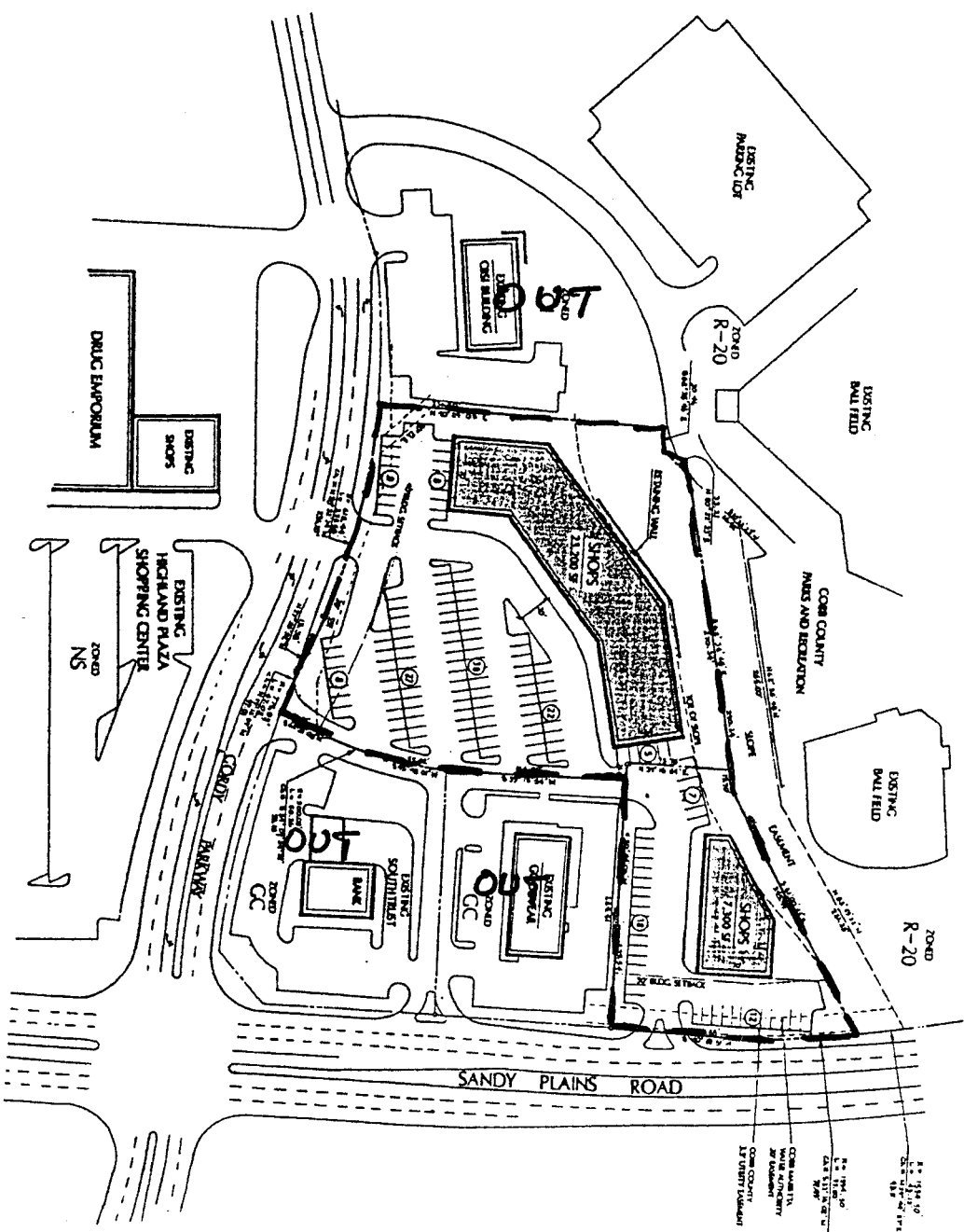
**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS**

BOC DECISION OF 2-20-96 ZONING HEARING: The Board of Commissioners approved application subject to: 1) all previous zoning stipulations of Z-95 of 1990 (Evelyn J. Gordy-Rankin) to remain in effect as it relates to Architectural Review, master landscape plan and any other stipulations from stated previous zoning application which have not been completed; 2) site plan submitted, dated December 5, 1995, reduced copy attached and made a part hereof; 3) owner/developer to control site stormwater discharges so as not to exceed the capacity of downstream storm drainage systems; 4) project subject to the Cobb County Flood Damage Prevention Ordinance requirements; 5) construction of 150 foot deceleration lane for egress from the Arterial, and the construction of 150 foot deceleration and acceleration lanes for ingress/egress from the Major Collector; 6) previous traffic related stipulations of zoning application #Z-95 of 1990 (Evelyn J. Gordy-Rankin) are a part of this rezoning approval; 7) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements. Motion by Byrne, second by Wysong, carried 5-0.

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# Z-20

*2-20 of 1996 (Shallowford Dev. Inc.) - As referenced in Zoning Minutes of 2-20-96.  
 Large site plan located in Zoning file  
 Kershner*



PRELIMINARY SITE PLAN  
 SCALE: 1" = 75'



**SITE ANALYSIS**

TOTAL BLDG. AREA	10,500 SF
PARKING	153 SP
PARKING RATIO	5.0/MSF
SITE AREA	3.3+ AC

NOTE:  
 1. SHALLOWFORD DEVELOPMENT INC. HAS A 50% INTEREST IN THE PROPERTY.  
 2. 10/10/00 PLANNING STAFF.

FOR:  
 SHALLOWFORD  
 DEVELOPMENT INC.  
 PROJECT:  
 PROPOSED SHOP  
 @ CORDY PARKVA  
 CORDY COUNTY, GA

DATE: 12-5-95  
 JOB NUMBER: 35-202  
 SHEET NUMBER: 1A

ROBERTS  
 LOIA  
 ROOF  
 ATLANTA, GEORGIA  
 ARCHITECTS & ENGRS.

Year 2011 Form

# Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 3-15-2011

Applicant: Henry H. Hays Phone #: 404-323-0288  
(applicant's name printed)

Address: 60 Shawnee Trail, Suite 100, Mari. GA. 30067 E-Mail: henry@3hco.com

Henry H. Hays Address: 60 Shawnee Trail, Suite 100, Mari. GA. 30067  
(representative's name, printed)

[Signature] Phone #: 404.323.0288 E-Mail: henry@3hco.com  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: \_\_\_\_\_  
Notary Public My Commission Expires 08/10/2012

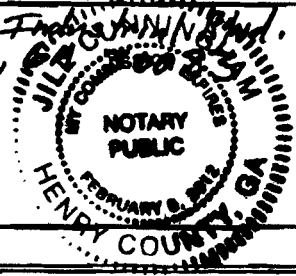
Titleholder(s): MBB INVESTMENTS, LLC Phone #: 404.297.8388  
(property owner's name printed)

Address: Southwest Restoration & Fireproofing Co., Inc. E-Mail: mbehnamiri@serest.com  
4598-A Stonasda Fndis SW NW Blvd.  
Stone Mountain, GA 30083

[Signature] Mahmondo B. Behnamiri, Manager  
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: \_\_\_\_\_  
Notary Public



Commission District: 3 Zoning Case: Z-20 1996

Date of Zoning Decision: 2-20-1996 Original Date of Hearing: 2-20-1996

Location: Northwest Corner of W. Frank Gandy Parkway & Sandy  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 334 District(s): 16th

State specifically the need or reason(s) for Other Business: (see attached)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(List or attach additional information if needed)

Letter from Henry Hayes  
2-7-11

March 15, 2011  
Exhibit "B"  
Other Business Item 04

Application for Other Business, Cobb County, GA – (Continued)

Preface:

This Property will still be subject to Stipulations 1) "all previous zoning stipulations of Z-95 of 1990 (Evelyn J. Gordy-Rankin) to remain in effect as is relates to Architectural Review, master landscape plan and any other stipulations from stated previous zoning application which have not been completed" i.e. each new users will have to submit their building elevations, landscape plan, and building and monument signage to the Architectural Control Committee (ACC) for their review before submitting their plans to Cobb County.

Specific Needs or Reasons for Other Business

As to stipulation No. 2) "site plan submitted"

The Property was rezoned for 30,500 SF of retail shops in 1996 in two (2) separate structures (7,300 SF facing Sandy Plains Road and 23,500 SF facing Gordy Parkway). Market conditions have changed, and the size and amount of retail shops are no longer viable. The planned two (2) separate structures will be replaced by three (3) separate free-standing buildings that will be located on their own separate parcels, which will then be leased or sold to individual businesses. The new aggregate SF of the three buildings will be substantially less than the current 30,500 SF.

**Request...that the original stipulation No. 2) be deleted in its entirety and replaced with the following:**  
***"The property may be subdivided into three (3) separate individual parcels per the attached preliminary site plan; provided, each parcel meets Cobb County subdivision requirements. The District Commissioner must approve the final site plan and has the authority to approve minor modifications to the site plans".***

As to stipulation No.5) "construction of deceleration and acceleration lanes"

All road work and curb cuts have been installed on W. Frank Gordy Parkway. The curb cut on Sandy Plains Road has not been installed.

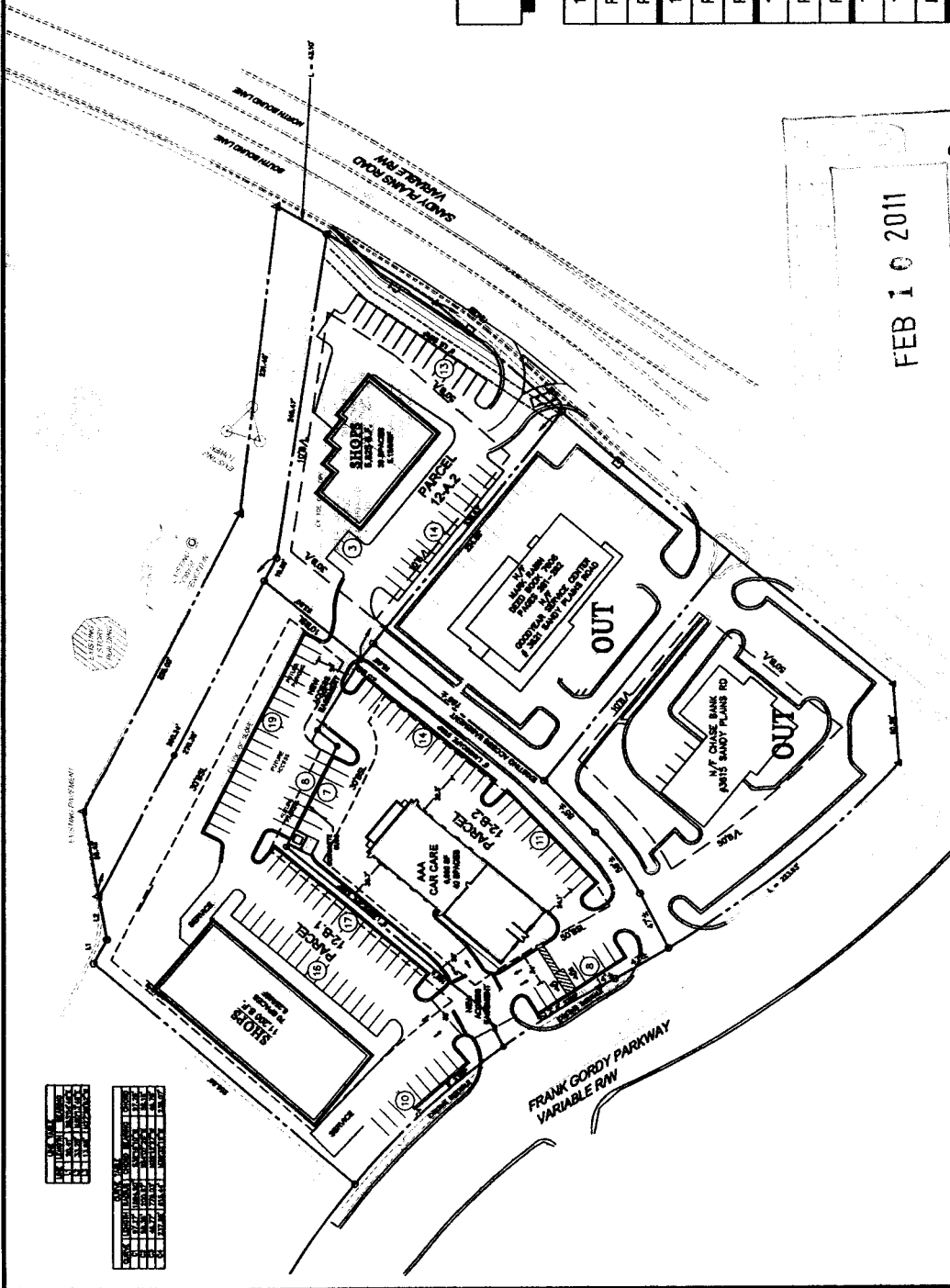
**Request...that the original stipulation No. 5) be deleted in its entirety and replaced with the following:**  
***"All curb cuts have been installed on Gordy Parkway. No other curb cuts will be allowed on Gordy Parkway. Minor modifications of the existing curb cuts on Gordy Parkway may be approved by Cobb DOT. The curb cut for the Property on Sandy Plains Road must meet Cobb DOT approval which will require a deceleration lane".***



VICINITY MAP

SITE ANALYSIS

12-B.1 SHOPS	11,200 S.F.
PARKING	70 SPACES
PARKING RATIO	6.25 SPACE/M.S.F.
12-B.2 AAA AUTO CLUB	6,990 S.F.
PARKING	40 SPACES
PARKING RATIO	5.72 SPACE/M.S.F.
12-A.2 SHOPS	5,825 S.F.
PARKING	30 SPACES
PARKING RATIO	5.15 SPACE/M.S.F.
TOTAL BLDG. AREA	24,015 S.F.
TOTAL PARKING	140 SPACES
PARKING RATIO	5.83 SPACE/M.S.F.
12-B.1 SHOPS SITE AREA	1.45± ACRES
12-B.2 AAA SITE AREA	1.00± ACRES
12-A.2 SHOPS SITE AREA	0.86± ACRES



*[Handwritten signature]*

PRELIMINARY SITE PLAN

SCALE: 1" = 40'  
 0 20 40 60 80 100 120 FEET