

APPLICANT: Edens & Avant Financing II Limited Partnership
(803) 779-4420

PETITION NO: Z-23

REPRESENTATIVE: John H. Moore (770) 429-1499
Moore Ingram Johnson & Steele, LLP

HEARING DATE (PC): 07-07-2011

HEARING DATE (BOC): 07-19-2011

TITLEHOLDER: Edens & Avant Financing II Limited
Partnership

PRESENT ZONING: NS

PROPOSED ZONING: CRC

PROPERTY LOCATION: Southwest side of Shallowford Road
and the west side of Sandy Plains Road; east of Gordy Parkway.

PROPOSED USE: Retail, Fueling Center,
and Restaurant With Drive-Thru

ACCESS TO PROPERTY: Shallowford Road and Sandy Plains
Road

SIZE OF TRACT: 15.73 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Existing retail
Center

LAND LOT(S): 385, 386, 407

PARCEL(S): 8

TAXES: PAID **DUE**

FUTURE LAND USE MAP: Community Activity Center

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/Existing retail center and individual retail stores
- SOUTH:** O&I/Cobb Parks & Recreation Facility
- EAST:** R-20/GC Existing retail and R-20 Cobb Board of Education Property
- WEST:** GC/Existing Restaurant and PRD/Northampton Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

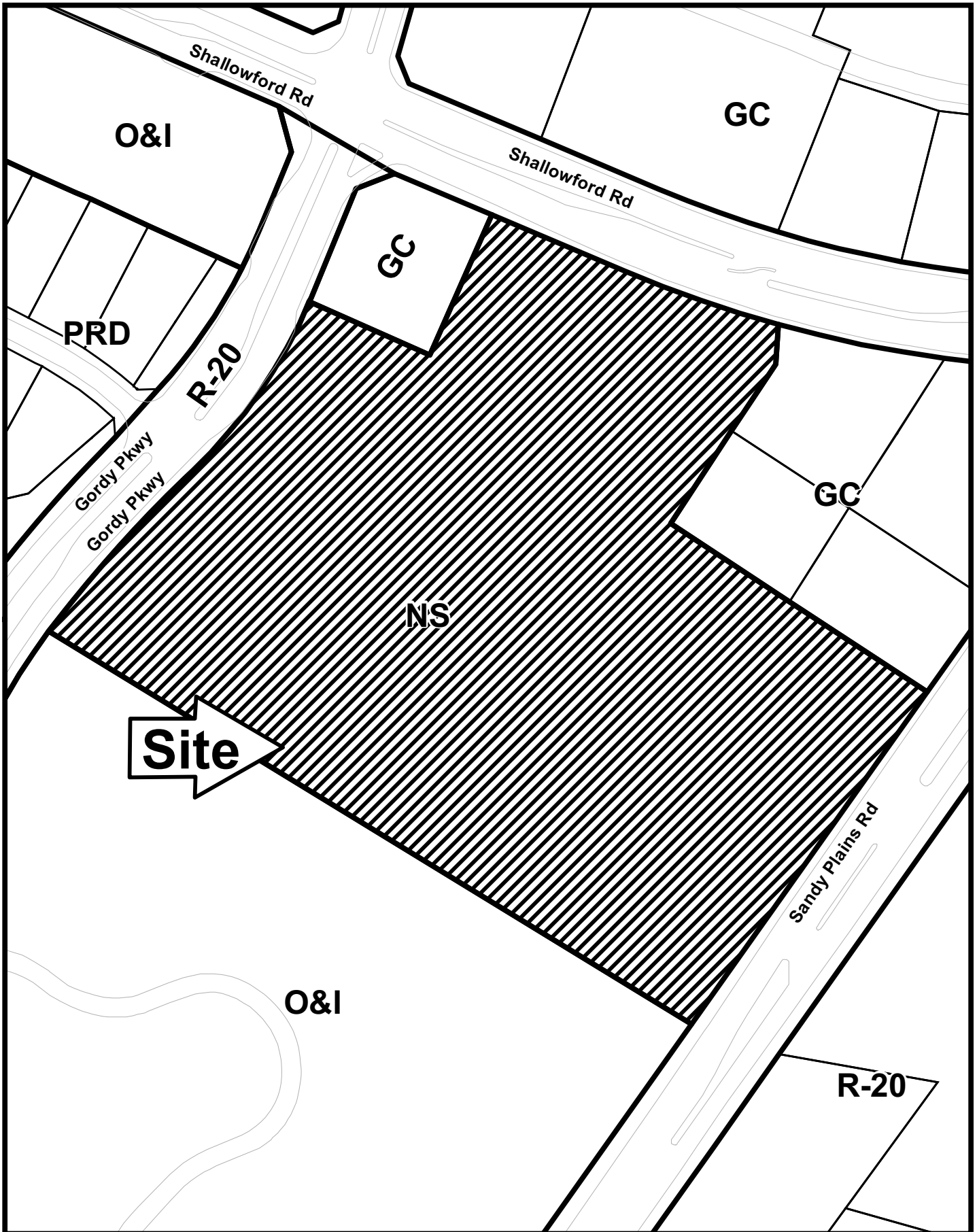
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

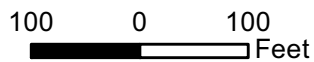
STIPULATIONS:





Z-23



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Edens & Avant Financing II
Limited Partnership

PETITION No.: Z-23

PRESENT ZONING: NS

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 2 (New)

Total Square Footage of Development: 125,962

F.A.R.: .183

Square Footage/Acre: 8,007

Parking Spaces Required: 588

Parking Spaces Provided: 656

Applicant is requesting the CRC category in order to add a fueling center and restaurant in front of the existing shopping center. The property was rezoned to NS as part of what has been referred to for many years as the “Gordy property”. As part of zoning case Z-223 of 1988, the property was zoned with numerous stipulations and conditions, one of which included a site plan. Applicant’s proposal includes, in addition to the existing shopping center, a restaurant with a drive-thru and a fueling facility along the property’s frontage on Shallowford Road. New plans for the proposed buildings will include brick columns, raised roof lines and recessed lighting. The hours of operation will be Sunday – Saturday, 8 a.m. to 11 p.m. Applicant has submitted the attached Impact Analysis and Summary of Intent for your review.

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: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT Edens & Avant Financing II L.P

PETITION NO. Z-023

PRESENT ZONING NS

PETITION FOR CRC

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 8" DI / S side of Shallowford Rd

Additional Comments: Service by existing master meter unless outparceled

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: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: At site in Gordy Parkway

Estimated Waste Generation (in G.P.D.): **A D F** 30/seat **Peak=** 75/seat

Treatment Plant: **Noonday**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: 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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments: Pre-installed exterior grease traps required for restaurants; architectural plans submittal/approval required

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 offsite easements, dedication of on and/or offsite 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: Edens & Avant Financing II Ltd Partnership

PETITION NO.: Z-23

PRESENT ZONING: NS

PETITION FOR: CRC

DRAINAGE COMMENTS

FLOOD HAZARD: [] YES [X] NO [] POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rubes Creek FLOOD HAZARD INFO: Zone X

- [] FEMA Designated 100 year Floodplain Flood.
[] Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
[X] 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 [X] 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 [X] 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).
[X] 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.
[X] 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.
[X] Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream Master Detention Facility.

APPLICANT: Edens & Avant Financing II Ltd Partnership

PETITION NO.: Z-23

PRESENT ZONING: NS

PETITION FOR: CRC

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 site/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 at Plan Review.
- 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 drive-thru restaurant and fueling facility will be constructed within an area of the existing shopping center parking lot that is currently almost completely impervious. Because detention is already provided for this area, and it appears that the total impervious area will actually be reduced as a result of the site improvements, no additional detention volume will likely be required.
2. The restaurant site will be required to provide an oil/grit separator vault and drain field for dumpster drainage. The dumpster drain cannot tie to the storm drainage system. The dumpster drain may be connected to the restaurant grease trap to avoid providing a separate vault, but the dumpster enclosure must be covered.
3. Since fueling stations are considered a water quality “hotspot” for non-point source pollution due to the potential for spills a proprietary water quality device will be required to provide oil/water separation capacity for the fueling pad and underground storage tank filling area.

APPLICANT: Edens & Avant Financing II Limited Partnership PETITION NO.: Z-23

PRESENT ZONING: NS

PETITION FOR: CRC

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
Shallowford Road	19000	Arterial	45 mph	Cobb County	100'
Sandy Plains Road	29000	Arterial	45 mph	Cobb County	100'
Gordy Parkway	5200	Major Collector	35 mph	Cobb County	80'

*Based on 2009 traffic counting data taken by Georgia DOT (Shallowford Road)
Based on 2009 traffic counting data taken by Cobb County DOT (Sandy Plains Road)
Based on 2011 traffic counting data taken by Cobb County DOT (Gordy Parkway)*

COMMENTS AND OBSERVATIONS

Shallowford Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Sandy Plains Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Gordy Parkway is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend installing sidewalk along the Gordy Parkway frontage.

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

STAFF RECOMMENDATIONS

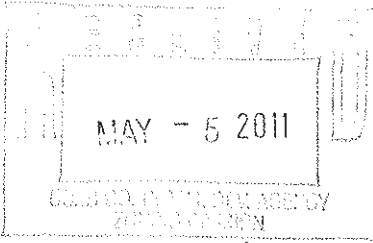
Z-23 EDENS & AVANT FINANCING II LIMITED PARTNERSHIP

- 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. Properties in the vicinity are developed as commercial/retail uses and the proposed development is similar to the surrounding uses.
- 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 existing shopping center was rezoned in 1988 and the proposed rezoning is to include the existing shopping center with the addition of the two new proposed uses, a restaurant with a drive-thru and a fueling center. The proposal is for the new development to consist of brick columns, raised roof lines and recessed lighting.
- 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.
- 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 as being in the Community Activity Center land use category. The requested CRC zoning category and the proposed uses are compatible with the *Cobb County Comprehensive Plan*.
- 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. The requested zoning category of CRC is compatible with the *Cobb County Comprehensive Plan*, which delineates this property to be within the Community Activity Center category. The area contains a mixture of retail, office/institutional and residential developments and the proposed additions to the existing shopping center are compatible with other commercial developments in the area. The existing shopping center has been developed for many years and the proposal indicates two additional uses on the site.

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

- Site plan received by the Zoning Division on June 16, 2011, with the District Commissioner approving minor modifications;
- District Commissioner to approve building architecture for the fueling canopy and future restaurant;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- DOT comments and recommendations.

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.



ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT

Application No.: Z- 23 (2011)
Hearing Dates: July 7, 2011 and
July 19, 2011

Applicant/Titleholder: Edens & Avant Financing II Limited Partnership

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The Application for Rezoning requests rezoning of an existing retail center (known as Sandy Plains Shopping Center) from the current Neighborhood Shopping ("NS") zoning classification to the Community Retail Commercial ("CRC") zoning classification. The retail center is comprised of 15.73 acres and is located on the westerly side of Sandy Plains Road, southerly side of Shallowford Road, and the easterly side of Gordy Parkway (hereinafter the "Subject Property"). Applicant desires to place the existing center into a conforming zoning category, and to add a fueling center and a restaurant, with drive-thru. The rezoning to the CRC zoning classification will permit the additional uses and allow the continuation of the businesses and restaurants which are operating within the retail center, allowing the Subject Property to become more economically viable.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed additional uses should have a minimal, if any, impact on surrounding properties. The rezoning should have a positive effect to allow for uses which would enhance the services offered within the center. If approved and used according to the request, the adjacent and nearby property owners should benefit in higher land values. The county will benefit in increased revenue.
- (c) The property as zoned does have a reasonable economic use. Approval of the requested rezoning will allow for higher, more economical uses for the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as well as the policy and intent of the Land Use Plan as evidenced by the existing zoning category of Neighborhood Shopping.

- (f) The Subject Property was rezoned to the NS zoning classification in 1996, and subsequently developed into the existing retail center. Following development of the retail center, the remaining three quadrants of the Shallowford/Sandy Plains Road intersection were developed for retail uses. Additionally, the roadways were widened to four-lanes (two lanes in each direction) and a center turn lane. The entire area has changed dramatically since the initial rezoning of the Subject Property. In order to allow for upgrades, refurbishing, and expansion of the retail center, and to better serve the surrounding community, the requested rezoning is necessary. These conditions, in addition to the economic climate, make the zoning proposal consistent with current conditions affecting the Subject Property.

MAY - 5 2011

Application No. z-23
(2011)

Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
b) Proposed building architecture: _____
c) Proposed selling prices(s): _____
d) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Retail Shopping Center, including the addition of a fueling center and restaurant with drive-thru
b) Proposed building architecture: New construction will be complementary to existing
c) Proposed hours/days of operation: Sunday-Saturday; 8:00 a.m.-11:00 p.m.
d) List all requested variances: None known at this time

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

None known at this time

-
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None to the best of our knowledge,
information, and belief.

*Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.