NOVEMBER 20, 2012 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 3

ITEM # 10

PURPOSE

To consider a site plan amendment for the Retail Planning Corporation regarding rezoning application Z-124 of 1999 (Spectrum Realty Advisors, Inc.), for property located at the southeast intersection of Johnson Ferry Road and Shallowford Road in Land Lots 467, 468, 469 and 470 of the 16th District.

BACKGROUND

The subject property was rezoned to PSC in 1999 to the site plan to allow this shopping center to be redeveloped with a Kroger. This request involves the eastern most driveway on Shallowford Road that is located at the existing traffic signal. The applicant would like to reconfigure this driveway to make it easier for customers to enter and exit the shopping center with a smoother traffic flow. No other changes are being proposed and the number of required parking stalls is still being met. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Year 2012 Form
Application for "Other Business"
Cobb County, Georgia
(Cobb County Zoning Division – 770-528-2035) BOC Hearing Date Requested Control 11/20/20/2012
Applicant: Retail Planning Corporation Phone #: (770) 956-8383 (applicant's name printed)
Address: <u>35 Johnson Ferry Road</u> , Marietta, GA 30068 E-Mail:
Moore Ingram Johnson & Steele, LLPEmerson Overlook, 326 Roswell StreetJohn H. MooreAddress:Marietta, GA 30060
(representatives name, printed)
BY: Phone #: (770) 429-1499 E-Mail: jmoore@mijs.com, POLYN (representative's signature) Georgia Bar No. 519800 w7@mijs.com
Signed, sealed and delivered in presence of: Caroline E. Cook My commission expires: January 10, 305 BLIC MARKED
Carolize E. Cook My commission expires: January 10, 3013 BLIC MARKED STREET
Sun Life Assurance Company of Canada Phone #:
(property owner's name printed) Address: E-Mail:
See Attached Exhibit "A" for Titleholder's Signature and Contact Information
(Property owner's signature)
Signed, sealed and delivered in presence of:
My commission expires:
Notary Public
Commission District: <u>3 (Birrell</u>) Zoning Case: <u>Z-124 (1999)</u>
Date of Zoning Decision: 10/28/1999 Original Date of Hearing: 09/21/1999
Location: Southeasterly intersection of Johnson Ferry Road and Shallowford Road (3162 Johnson Ferry Road, a/k/a Shallowford Falls Shopping Center)
(street address, if applicable; nearest intersection, etc.)
Land Lot(s): 467, 468, 469, 470 District(s): 16th
State <u>specifically</u> the need or reason(s) for Other Business:
See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS (SITE PLAN AMENDMENT)

Sun Life Assurance Company of Canada

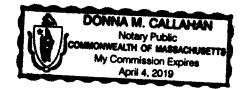
Thomas V. Pedulla Sr. Managing Director, Head of Global Property Investments

Address: One Sun Life Executive Park, SC1307 Wellesley Hills, MA 02481

Signed, sealed and deliver in the presence of:

Donna M. Callahan Callaha Notary Public

Commission Expires: April 4, 2019



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By:

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS (SITE PLAN AMENDMENT)

Application No.: Original Hearing Date: Date of Zoning Decision: Current Hearing Date:

Z-124 (1999) September 21, 1999 OCT 1 6 2012 October 28, 1999 November 20, 2012

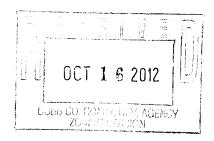
BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Retail Planning Corporation Titleholder: Sun Life Assurance Company of Canada

Applicant seeks to amend and replace the previously approved site plan for the development now known as Shallowford Falls Shopping Center located at the intersection of Johnson Ferry Road and Shallowford Road. The purpose of amending the site plan to the proposed Site Plan submitted with this Application for "Other Business" is to re-configure the entrance area located at the traffic signal to improve traffic flow, both into and out of the center. The approval of the proposed Site Plan shall be "site plan specific" as to that certain "Proposed Site Plan," last revised September 10, 2012, prepared for Applicant and Property Owner by Hill Foley Rossi & Associates.

The balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on October 28, 1999, in Application No. Z-124 (1999), are unaltered and unchanged by this request for site plan amendment.

The proposed amendment presented herein in no way adversely impacts or affects the quality of the overall development approved in the original rezoning of the Subject Property. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the proposed development.



FINAL, OFFICIAL MINUTES OF BOARD OF COMMISSIONERS Z ONING HEARING PURSUANT TO Z-124 (1999) – SEPTEMBER 21, 1999

Application for Rezoning Cobb County

Application No. 2-124 PC Hearing: 09-07-99 BOC Hearing: 09-22-99

Applicant	Spectrum Realty A Jon Barry Katherine James		e(<u>404)252-22</u>	<u>8</u> 8Home Phone <u>N/A</u>	
Jon Barry	/ Katherine James	Address5871 Gle	nridge Dr.S	uite 400, Atlanta,	,
(representative	e's name, printed)	GA 3032	8		
FRANCING	re famo	Business Phone	(404) 2	52-2288	
(representative	s's signature)	WINNFER D. ALAMIN			
Signed, sealed	and delivered in presence	NOTAAL	4 - -		
Jennifer	e's signature) and delivered in presence of ALMAN	Puping is	y commission expi	res: July, 2001	,
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Zoning Re	equest From	R-20 and P	to		
T (1) T				(proposed zoning)	
For the P	urpose of <u>Renovat</u> :			e of Tract <u>14.06</u>	Acre(s)
Location		i, restaurant, warehouse, :		1 (1) 1	
Location _	3162 Johnson Ferry	address, if applicable; ne			
Land Lot	(s) <u>467, 468, 469</u>	and 470	aiest miersection,	District16th	
	investigated the site		ance of aroby		hitootarul
ianumai KS.	. I hereby certify that	u mere <u>areiare no</u>	such assets.	I any, mey are as it	JHOWS:

(applicant's signature)

(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any, they are as follows:

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Rev: Augus: 14, 1997 L: VDATA/ZONING/APPLICATIONS/ZONING APP

PAGE <u>2</u> OF <u>2</u>

APPLICATION NO. <u>Z-124</u>

ORIGINAL DATE OF APPLICATION: ____09-21-99____

APPLICANTS NAME: _____ SPECTRUM REALTY ADVISORS, INC.

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

BOC DECISION OF 09-21-99 ZONING HEARING:

SPECTRUM REALTY ADVISORS, INC. for Rezoning from R-20 and PSC to PSC for the purpose of Renovation of a Shopping Center in Land Lots 467, 468, 469 and 470 of the 16th District. Located at the southeast intersection of Johnson Ferry Road and Shallowford Road. (Held by the Planning Commission; therefore was not considered by the Board of Commissioners)

PAGE <u>3</u> OF <u>6</u>

APPLICATION NO. Z-124

ORIGINAL DATE OF APPLICATION: 09-21-99

APPLICANTS NAME: SPECTRUM REALTY ADVISORS, INC.

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

BOC DECISION OF 10-28-99 ZONING HEARING:

SPECTRUM REALTY ADVISORS, INC. for Rezoning from R-20 and PSC to PSC for the purpose of Renovation of Shopping Center in Land Lots 467, 468, 469 and 470 of the 16th District. Located at the southeast intersection of Johnson Ferry Road and Shallowford Road. Mr. Carl Westmoreland stated agreeable conditions. Following this presentation, the Board of Commissioners approved rezoning of a portion of the R-20 buffer area to the PSC zoning district subject to: 1) conditions contained in letter dated September 3, 1999 and as shown on site plan submitted (letter and reduced copy of site plan attached and made a part hereof); 2) landscape plan within the 25 foot buffer area to be approved by Staff; 3) Stormwater Management Division comments and recommendations; 4) REVISED Cobb DOT comments and recommendations (as contained in the Zoning Analysis); 5) 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. Motion by Olens, carried 5-0. Clerk's Note: Commissioner Olens asked DOT to investigate alternative means to control speeding along Shallowford Road.

PAGE 4 NE 47



EAST COBB CIVIC ASSOCIATION INC. P.O. Box 72151 Marietta, Georgia 30007-2151 242-4555

September 3, 1999

Petition No. Min. Bk. Doc. Type Stipulatod 10/28/99 Meeting Date

The East Cobb Civic Association would not be opposed to Z-124, 1999 application for rezoning of the former Winn Dixie shopping center at the intersection of Johnson Ferry and Shallowford Roads, if the applicant would agree to the following:

1. It is important to the homeowners on the eastern side and the surrounding subdivisions that the strip behind the store remain an R20 or R30. We suggest that the application be amended so that the shopping center be reconed to NRC but the strip remain an R20. Zoning Administrator sets Not Support NRC for thus Dit.

2. A landscape buffer should be provided along the eastern side for of the parcel with a six foot tall cypress fence. The landscape plan fing should provide a mix of evergreen and hardwood trees and vegetation. The owners or its management company will be responsible for maintenance.

3. Light poles in the parking area and rear of the building should not exceed 40' and should be an attractive shoe box style.

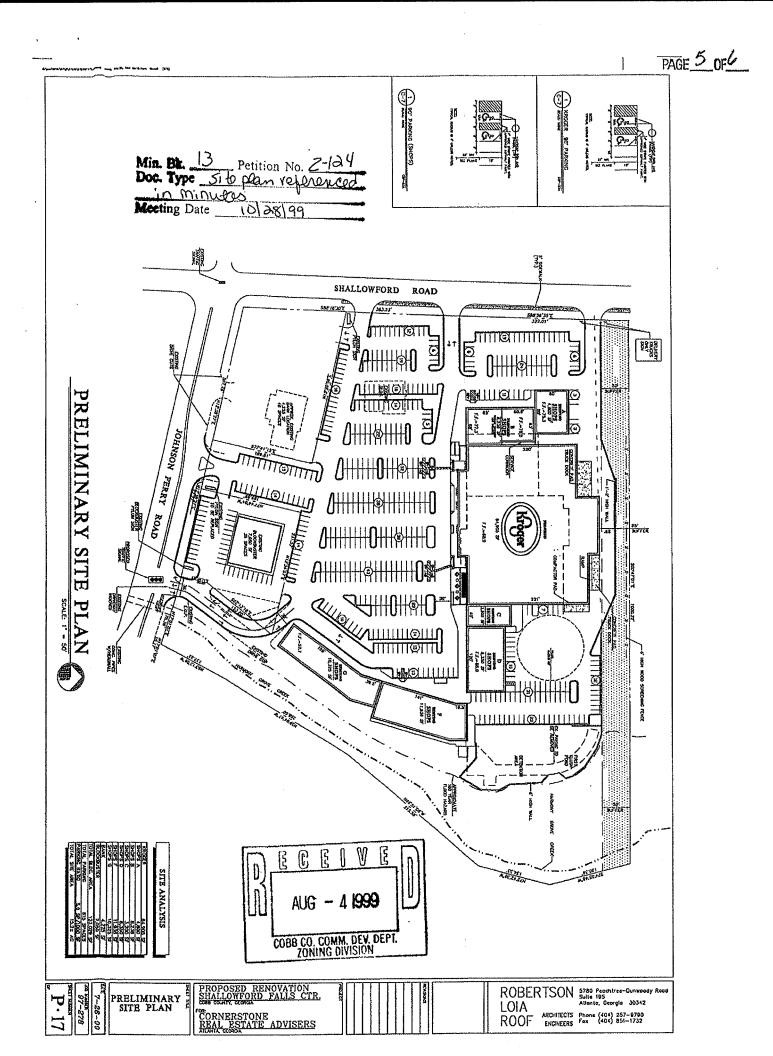
4. Truck deliveries and trash pickup should conform with the County regulations so that deliveries be from 7 a.m. to 10 p.m.

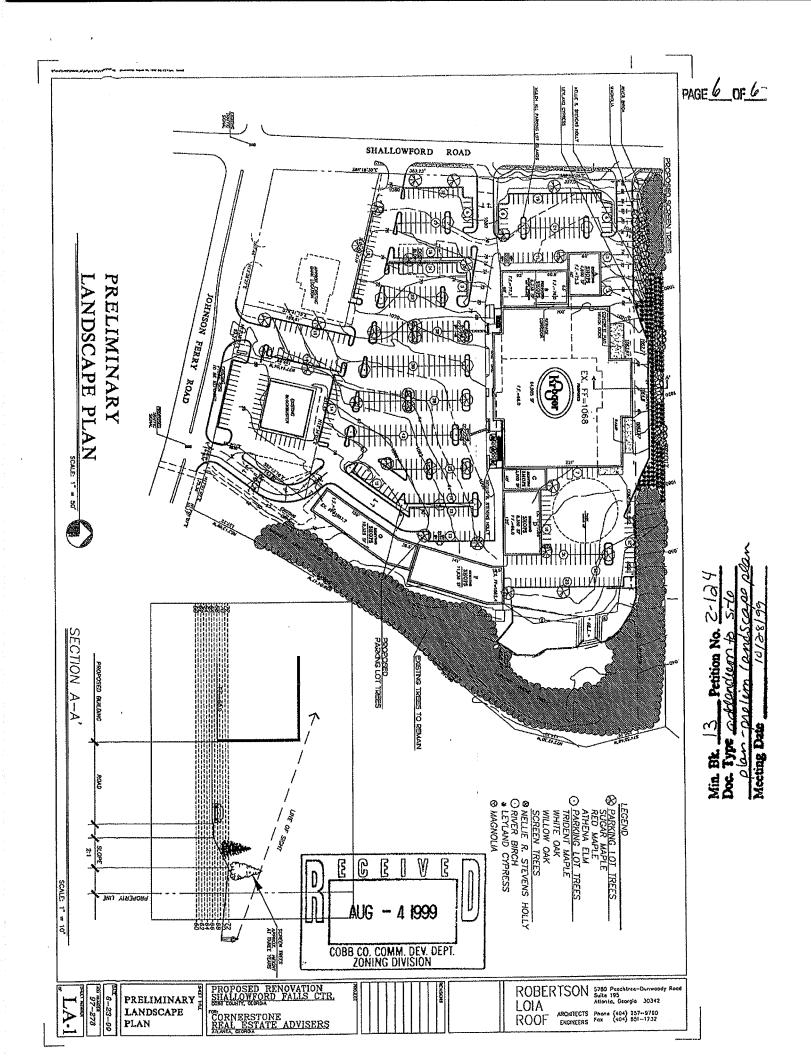
5. The site plan will conform with the new County tree ordinance by providing for trees throughout the parking lot and around the perimeter of the parcel.

We support our member subdivisions in this request for these stipulations. Thank your for your consideration.

Vicki Plunkett President

cc: Edwin Thomas, Principal Planner





APPLICANT:	Spectrum Realty Advisors, Inc.	PETITION NO.:	Z-124
PRESENT ZONING:	R-20, PSC	PETITION FOR:	PSC

DRAINAGE COMMENTS

FLOOD HAZARD: XYES INO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: <u>Harmony Grove Cr.</u> FLOOD HAZARD INFO: <u>undefined @ creek</u> FEMA Designated 100 year Floodplain Flood

I Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD

I 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: X YES INO POSSIBLY, NOT VERIFIED

Location: within flood hazard

IThe Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: X YES INO 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 (<u>25'</u> 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

DOWNSTREAM CONDITION

- I 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.
- IN 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 downstream <u>culvert @ Mountain Creek Drive.</u>

APPLICANT: Spectrum Realty Advisors, Inc.

PETITION NO.: Z 124

PRESENT ZONING: <u>R 20</u>

PETITION FOR: <u>PSC</u>

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- IX Provide comprehensive hydrology/stormwater controls to include development of outparcels.
- Submit all proposed site improvements to Plan Review
- Any spring activity uncovered must be addressed by a qualified geotechnical engineer (PE)
- Structural fill in flood hazard must be placed under the direction of a qualified geotechnical engineer (PE)
- □ Existing facility
- IN 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.
- I Calculate and provide % impervious of project site
- Revisit design, reduce pavement area to reduce runoff and pollution

INSUFFICIENT INFORMATION

- No Stormwater controls shown <u>Required @ Plan Review</u>
- 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/SUGGESTIONS

• Current shopping center was constructed years ago with underground detention. Due to Clean Water Act mandates this form of stormwater controls must be revisited and WQ-BMP provided in new design.

• The southern part of this project is immediately downstream from a large lake/dam. Proposed design must accommodate requirements of Flood Damage Prevention Ordinance.

APPLICANT: Spectrum Realty Advisors, Inc.	PETITION NO.: <u>Z-124</u>
PRESENT ZONING: <u>R-20 & PSC</u>	PETITION FOR: PSC
*********	* * * * * * * * * * * * * * * * * * * *
TRANSPORTATION COMMENTS	

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Johnson Ferry Road	31,650	Arterial	100'
Shallowford Road	14,380	Arterial	100'

Johnson Ferry Road and Shallowford Road are both classified as Arterials. According to the available information, the existing rights-of-way do not meet the minimum requirements for this classification.

DOT recommends that the owner/developer/applicant provide a warrant analysis at the easternmost access location on Johnson Ferry Road. If a traffic signal is warranted, recommend that the owner/developer/applicant be 100% responsible for all costs associated with the installation of the traffic signal.

To provide a continuous pedestrian network, DOT recommends the installation of sidewalk along the entire Shallowford Road property frontage.

To minimize operational, safety and sight distance concerns, DOT recommends that the northernmost driveway location on Shallowford Road be closed. Additionally, recommend a maximum of two driveways on Johnson Ferry road.

The applicant will have to verify that minimum intersection sight distance is available at each access location. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirements of 475' for each proposed access at its intersection with the Arterial.

RECOMMENDATIONS:

Recommend applicant consider entering into a development agreement pursuant to 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 north side of Johnson Ferry Road, a minimum of 50' from the roadway centerline; b) donation of right-of-way on the east side of Shallowford Road, a minimum of 50' from the roadway centerline; c) provide a warrant analysis and be 100% responsible for all costs associated with the installation of the traffic signal, if warranted.

Recommend the installation of sidewalk along the entire Shallowford Road property frontage.

Recommend that the northernmost driveway location on Shallowford Road be closed. Additionally, recommend a maximum of two driveways on Johnson Ferry Road.

APPLICANT: Spectrum Realty Advisors, Inc.	PETITION NO.: Z-124
PRESENT ZONING: R-20 & PSC	PETITION FOR: PSC
*****	* * * * * * * * * * * * * * * * * * * *
TRANSPORTATION COMMENTS Cont'd	

Applicant verify that minimum intersection sight distance is available at each access location and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirements of 475'.

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

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COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

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COBB COUNTY PLANNING COMMISSION

Date of Application December 30, 1978 Date of Hearing, Wed. February 1, 1978:00 W. K. Peek as Administrator of the M. K. Peek as Administrator of the M. K.
Addrage 251 Crower Character and Land
ApplicantHal W Lamb (Lamb C Association T
Address 3109 Maple Drive, Suite 408 Atlanta, Ga. 30305 Phone 231-0579 To Zone From $\frac{R-20}{R-30}$ To N-S IAND USE •
FOR THE PURPOSE OF Neighborhood Shopping Center .
Land Lot (s) <u>467,468,469,470</u> , District <u>16</u> , Sec.,Cobb County, Ga.
CONTAINING 16.547 acres
LOCATED At the intersection of Shallowford & Johnson Ferry Road'S.E. Quadrant
All that tract or parcel of land lying and being in Land Lot 467, 468, 469, & 470 of the 16th District of Obb County, Georgia. Beginning at a point at the Southeast intersection of the right of way of Johnson Ferry Road & Shallowford Road thence S 84 degrees 37'15" E a distance of 600.0' to an iron pin thence S 84 degrees 37'15" E a distance of 122.6' to an iron pin thence S 03 degrees 12'45" W a distance of 1015.6' to an iron pin then S 78 degrees 49'30" W 150.5' to a manhole thence N 71 degrees 31' 00" N 134.5' ito a manhole thence N 45 degreed 55'00" N 313.6' to a manhole thence N 55 degrees 06' 00" W 268.8' to a manhole thence N 55 degrees 38' 00" W 152.9' to an iron pin on the easterly right-of-way of Johnson Ferry Road then along said right-of-way N 18 degrees 06'45" E 147.5' to an iron pin thence N 16 degrees 27'00' E 489.8' to the point of beginning said parcel containing 16.547 acres.
Recommendation of Planning Commission: 2/1/78 Planning commission recom-
mended application be rejected for the following reasons: spot zoning
nde roads are inadequate to handle the increased traffic flow. Motion by
Nixon/seconded by Fowler; carried 7-0.
Chairman, Chairman
Final Decision of Board of Commissioners: 2/1/78 Board of Commissioners
rejected application for the following reason as stated above. Motion
by Lankford, seconded by Jones; carried 5-0. 7-10-79 Per court order see
attached sheet
Chairt Basset , Chairman

Exhibit Z-124

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NO. 20

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COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

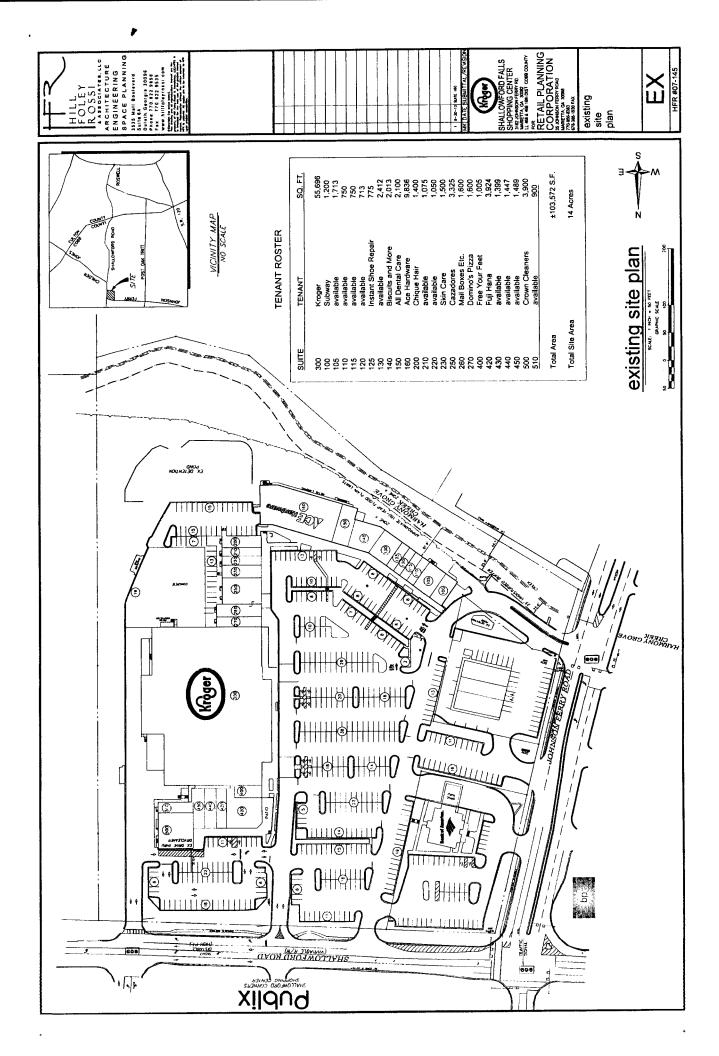
COBB COUNTY FLANNING COMMISSION

are or appricat	tion December 20, 1978 Date of	Hearing	February 1,	1978
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ldress	3109 Maple Drive Suite 408			
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commendation o	of Planning Commission (Cont'd from pa	ge 1):		
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EXISTING SITE PLAN FOR SHALLOWFORD FALLS SHOPPING CENTER

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SITE PLAN PROPOSED FOR APPROVAL PURSUANT TO APPLICATION FOR "OTHER BUSINESS" (SITE PLAN SPECIFIC)

