

REVISED

COBB COUNTY GEORGIA  
FILED IN OFFICE

2013 FEB -8 AM 10:44

COBB COUNTY ZONING DIVISION



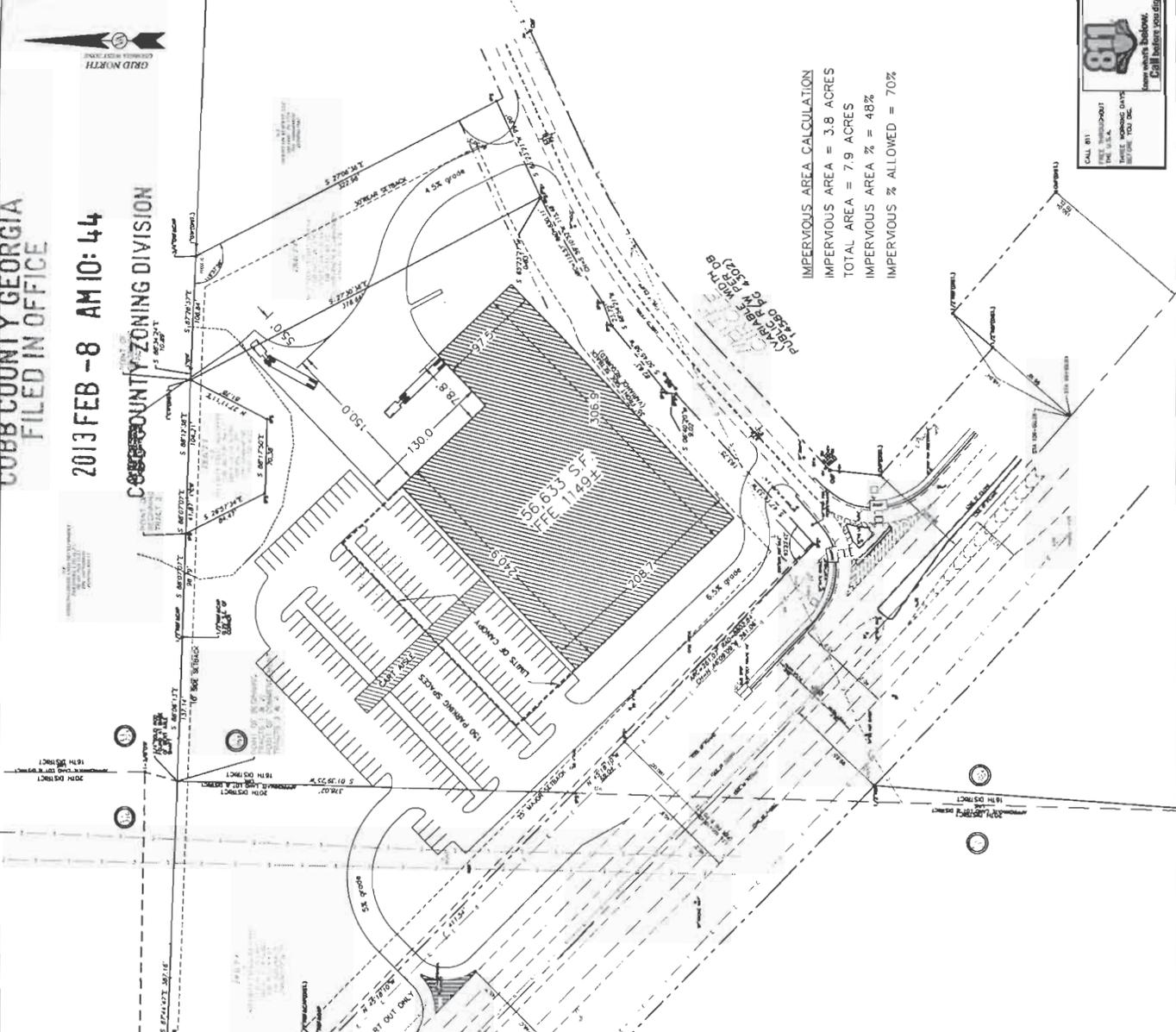
VICINITY MAP  
1/4" = 100'

**GENERAL NOTES**

1. REFER TO THE GENERAL NOTES FOR THE ZONING DIVISION.
2. THE ZONING DIVISION IS NOT RESPONSIBLE FOR THE ACCURACY OF THE SURVEY DATA.
3. THE ZONING DIVISION IS NOT RESPONSIBLE FOR THE ACCURACY OF THE LEGAL DESCRIPTION.
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**LEGEND**

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**IMPERVIOUS AREA CALCULATION**  
IMPERVIOUS AREA = 3.8 ACRES  
TOTAL AREA = 7.9 ACRES  
IMPERVIOUS AREA % = 48%  
IMPERVIOUS % ALLOWED = 70%



**HERBERT A. ASSOCIATES**  
1875 OLD BRIDGE ROAD, SUITE 200  
ALPHARETTA, GEORGIA 30201  
PHONE: 404.487.1100  
WWW.HERBERTA.COM

LANDSCAPE ARCHITECTURE  
SITE PLANNING  
CIVIL ENGINEERING

FILE PROPERTY  
TITLE DOCUMENT  
210 & 864  
DISTRICTS  
NTY, GEORGIA

Z-8  
(2013)

**ZONING EXHIBIT**

SCALE:	1" = 40'
DATE:	01/02/13
DRAWN BY:	
PROJECT MANAGER:	
QA/QC CHECK:	

PROJECT NO.  
PEB-125  
C1.0

**APPLICANT:** JRD Real Estate V, LLC  
404-975-5200 ext. 23

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

**TITLEHOLDER:** Decatur Properties II, Inc.

**PROPERTY LOCATION:** Northeasterly intersection of White Circle  
and Cobb Parkway  
(1600 N. Cobb Parkway, 1601 White Circle).

**ACCESS TO PROPERTY:** White Circle

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped acreage

**PETITION NO:** Z-8

**HEARING DATE (PC):** 03-05-13

**HEARING DATE (BOC):** 03-19-13

**PRESENT ZONING:** GC. TS

**PROPOSED ZONING:** LI

**PROPOSED USE:** New Wholesale  
Restaurant Equipment and Food Supplier

**SIZE OF TRACT:** 7.906 acres

**DISTRICT:** 16, 20

**LAND LOT(S):** 864, 210

**PARCEL(S):** 4, 29, 12

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** RM-12/Undeveloped
- SOUTH:** GC/Progressive Insurance
- EAST:** O&I/Undeveloped
- WEST:** RM-12/Sterling Parkside Apartments

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

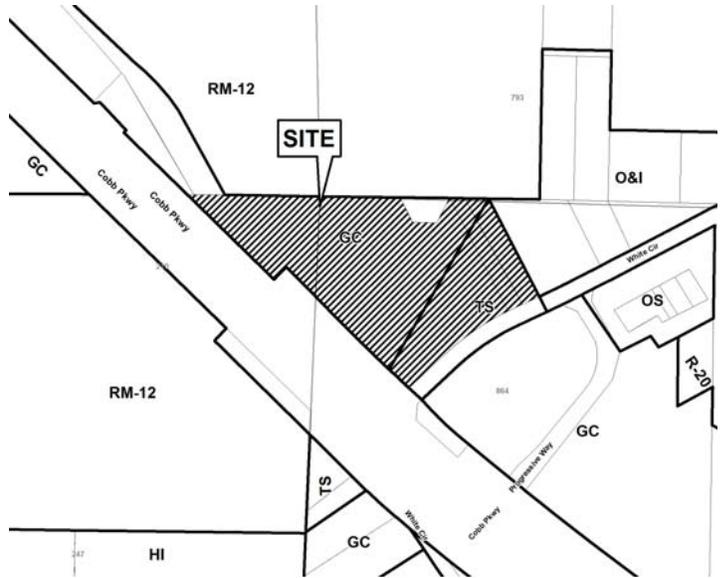
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

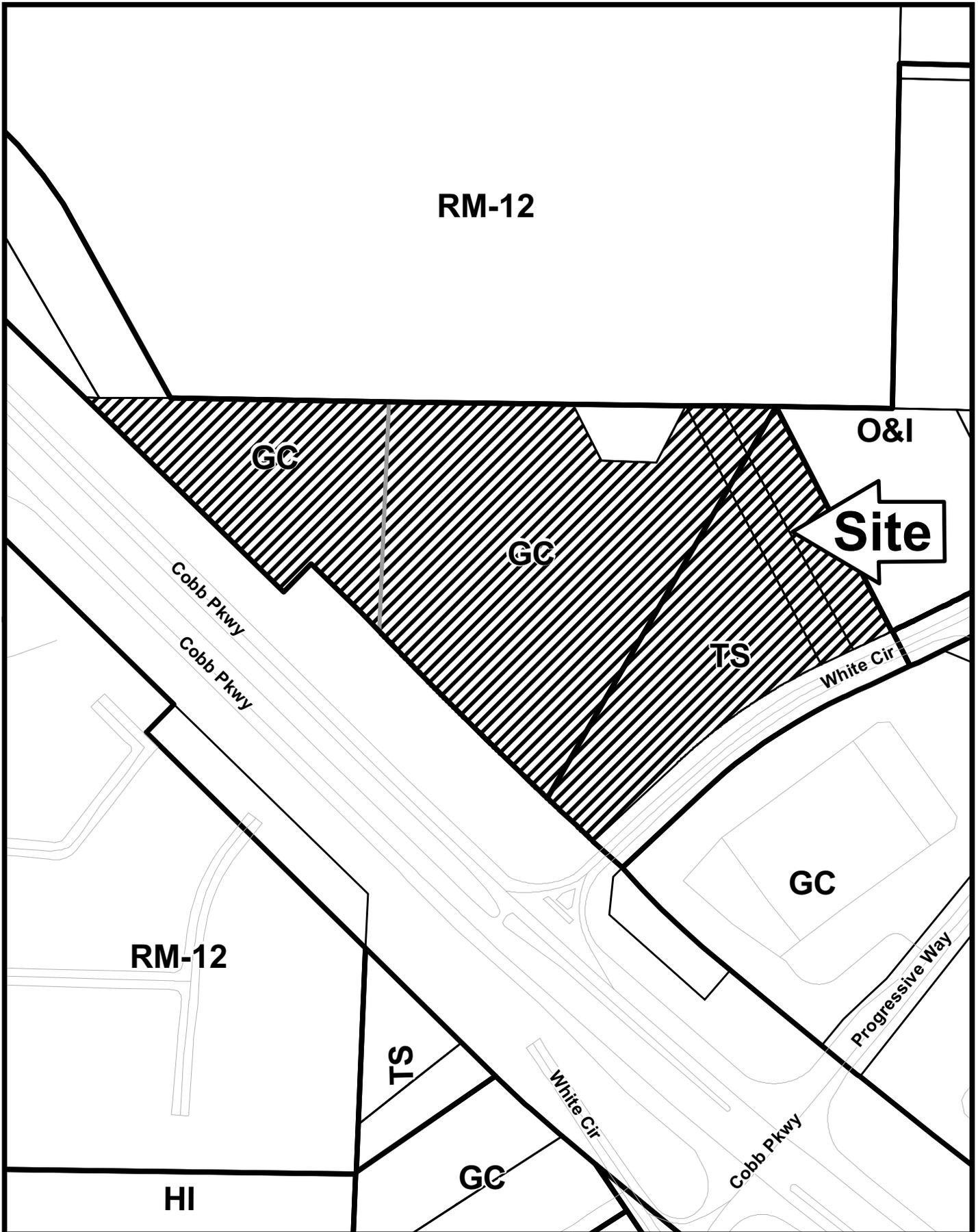
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

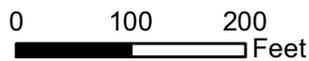
**STIPULATIONS:**



# 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:** JRD Real Estate V, LLC

**PETITION NO.:** Z-8

**PRESENT ZONING:** GC, TS

**PETITION FOR:** LI

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Community Activity Center (CAC)

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 56,633

**F.A.R.:** 0.165      **Square Footage/Acre:** 7,205

**Parking Spaces Required:** 189      **Parking Spaces Provided:** 150

Applicant is requesting the Light Industrial category in order to develop the property for a restaurant and equipment food supply wholesaler business that is open only to members of the trade. The hours of operation will be Monday through Friday from 7 a.m. until 6 p.m.; Saturday from 7 a.m. until 4 p.m.; and Sunday from 9 a.m. until 3 p.m. The proposed building will consist of architectural tilt wall, similar to the rendering attached to this analysis. The proposed user is a national wholesale distributor of restaurant equipment and food supply products and has approximately 100 locations nationwide and two other locations in the metro Atlanta area.

Applicant is requesting the following simultaneous variances, as reflected on the revised site plan:

1. Waive the front setback along White Circle to 35' from the required 50';
2. Waive the required 50-foot landscape buffer abutting the undeveloped RM-12 property to the north; and
3. Waive the required number of parking spaces from 189 to 150.

**Historic Preservation:**

**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:**

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: JRD Real Estate V, LLC

PETITION NO.: Z-8

PRESENT ZONING: GC, TS

PETITION FOR: LI

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC and TS to LI for purposes of wholesale restaurant equipment and food sale supplier use. The 7.9 acre site is located on the northeasterly intersection of White Circle and Cobb Parkway.

**Comprehensive Plan**

The parcel is within a Community Activity Center (CAC) future land use category, with GC and TS zoning designations. The purpose of the CAC category is for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

**Master Plan/Corridor Study**

Not applicable.

**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, it is determined that the project area is in the immediate vicinity of documented Civil War trenches.

A cultural resource study for the project area was requested by staff during a previous site plan review. A study dated April 9, 2007 was submitted to staff on June 22, 2007. Civil War features (as defined and identified by the cultural resource study) do exist immediately to the north of the project area, near the north property line. Staff recommends that the applicant retain an undisturbed 100-foot buffer, requested during previous site plan reviews, surrounding these features and erect permanent fencing (either iron or wood) at the buffer boundaries. A buffer is required to protect these significant and intact Civil War earthworks during development of the project area. The area around the buffer also needs to be stabilized.

**Design Guidelines**

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

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

APPLICANT JRD Real Estate V, LLC

PETITION NO. Z-008

PRESENT ZONING GC, TS

PETITION FOR LI

\*\*\*\*\*

**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" AC / S side of White Circle**

Additional Comments:

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: **240' E in White Circle ROW**

Estimated Waste Generation (in G.P.D.): **ADF 2272 Peak= 5680**

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:

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: JRD Real Estate V, LLC

PETITION NO.: Z-8

PRESENT ZONING: GC, TS

PETITION FOR: LI

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek Trib #4 (S), Trib #6(N) 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 downstream receiving systems.

APPLICANT: JRD Real Estate V, LLC

PETITION NO.: Z-8

PRESENT ZONING: GC, TS

PETITION FOR: LI

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**STORMWATER MANAGEMENT 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. Primary stormwater management facility will likely be located near southwest corner of site. Discharge from the facility must be tied directly into the existing system located in the adjacent R/W. Any bypass site discharge to the northeast into the White Circle R/W ditch must be limited to the capacity of the existing channel or improvements made to accommodate the design flow. Site discharge to the north must be limited due to the existing steep slopes exiting the site.

\*\*\*\*\*

**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
Cobb Parkway	42,600	Arterial	55 mph	Georgia DOT	100'
White Circle	400	Minor Collector	30 mph	Cobb County	60'

*Based on 2008 traffic counting data taken by Cobb DOT (Cobb Parkway)  
Based on 2009 traffic counting data taken by Cobb DOT (White Circle)*

**COMMENTS AND OBSERVATIONS**

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

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

**RECOMMENDATIONS**

Recommend curb, gutter, and sidewalk for all road frontages.

Recommend a deceleration lane on Cobb Parkway for the entrance.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

## STAFF RECOMMENDATIONS

### **Z-8 JRD REAL ESTATE V, 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. Other properties in the area are developed with commercial, office/warehouse and multi-family 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 proposed development is not a business that will be open to the general public. Instead, it will be open to members of the food service industry for the wholesale of food supply products and equipment.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be with the Community Activity Center (CAC) land use category. The requested zoning category of Light Industrial (LI) is not compatible with the CAC land use category, but the proposed use is allowed in LI. Given the limitations of the proposed use, staff believes the use will be similar to other commercial retail uses that are allowed under commercial categories such as Community Retail Commercial (CRC) or General Commercial (GC).
- 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 deleting the applicant's rezoning proposal to General Commercial (GC), adding this proposed use as an *additional use* in the GC zoning category. Customers of the proposed use will be limited to members of the food service trade industry, and as a result, will be similar to uses that would be allowed in commercial retail zoning categories. The Zoning Ordinance lists wholesale trade offices with showrooms as permitted uses in LI. Staff believes deleting the request to the GC zoning category is consistent with the other commercial uses on this side of Cobb Parkway.

Based on the above analysis, Staff recommends DELETING the request to GC with stipulations subject to the following conditions:

- This use only, office/showroom/warehouse, with other uses to come back to the Board of Commissioners as an Other Business Item for approval;
- Revised site plan received by the Zoning Division on February 8, 2013, with the District Commissioner approving minor modifications;
- Historic Preservation comments and recommendations;
- Attached rendering of the proposed building;
- Water and Sewer comments and recommendations;
- Stormwater Management 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.**

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COBB COUNTY ZONING DIVISION

COBB COUNTY GEORGIA  
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1-3-13  
2012 DEC 34 AM 11:42  
COBB COUNTY ZONING DIVISION

Application No. 2-8

March  
2013

# 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): Restaurant and equipment food supply wholesaler  
that is open only to the trade
  - b) Proposed building architecture: Architectural tilt wall
  - c) Proposed hours/days of operation: M-F, 7 A.M.-6 P.M.; Sat 7 A.M. -  
4 P.M.; Sun 9 A.M. - 3 P.M.
  - d) List all requested variances: none
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

.....  
**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).**

no

\_\_\_\_\_

\_\_\_\_\_

Cobb County Georgia  
Community Development Agency  
Zoning Division  
P.O. Box 649  
Marietta, GA 30061

COBB COUNTY GEORGIA  
FILED IN OFFICE  
1-3-13  
2013 DEC 31 AM 11:43  
COBB COUNTY ZONING DIVISION

Re: Proposed Rezoning of a Portion of Land Districts 20-210 and 16-864, specifically Cobb County Tax Parcels 20021000120, 16086400040, 16086400290, 16086400210, and 16086400030, Located in Marietta, Georgia

Zoning Impact Statement for the Rezoning Application of JRD Real Estate V, LLC, for the above referenced parcels, hereafter referred to as the "Property" or "Properties":

In accordance with "Cobb County's Requirements for Completing Application for Rezoning," listed below is the documented analysis of impact of the proposed Property rezoning.

- a) *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;*

This Application for Rezoning requests the rezoning of the above referenced Property from the existing General Commercial and Tourist Services zoning categories to the Light Industrial zoning category. The requested category of Light Industrial will permit a use that is comparable with uses and development of adjacent and nearby property.

The Applicant seeks rezoning of the Property to the Light Industrial Category for a new Restaurant Depot store. Restaurant Depot is a national wholesale distributor of restaurant equipment and food supply products that is only open to members of the trade. Currently Restaurant Depot has approximately 100 locations nationwide and two other locations in the metro Atlanta area.

The directly adjacent properties are zoned Residential Multifamily (to the north and west), Office and Institutional (to the east but currently undeveloped), and General Commercial (to the south). Approximately 600 feet south of the Property is a significant area of both heavy and light industrial zoned property.

- b) *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;*

The zoning proposal will have no adverse affect or impact upon the existing uses or usability of adjacent or nearby properties. If approved and developed according to the request, the adjacent and nearby property owners should

benefit not only from higher land values but also the increased aesthetics and security of a developed site.

- c) *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;*

The Property currently has a mixed zoning. Approximately two-thirds is zoned general commercial and approximately one-third is zoned tourist services. The limits of the two zonings are not aligned on the platted parcel boundaries. A prospective user of the Property would be limited to a proposed use allowed under both of the current zonings. Given the limited and restrictive uses allowed under the zoning classifications, a future rezoning of some nature would be anticipated. By rezoning the Property to Light Industrial, its economic use would increase due to an increase of allowable uses. See the attached Exhibit A for a comparison of uses allowed under the current zoning with those allowed under the proposed zoning.

- d) *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;*

The zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools. Commercial developments have little to no impact on schools and minimal impact on utilities. The current roadways are designed to manage the anticipated increased traffic without burdensome effects.

- e) *Whether the proposed zoning is in conformity with the policy and intent of the land use plan; and*

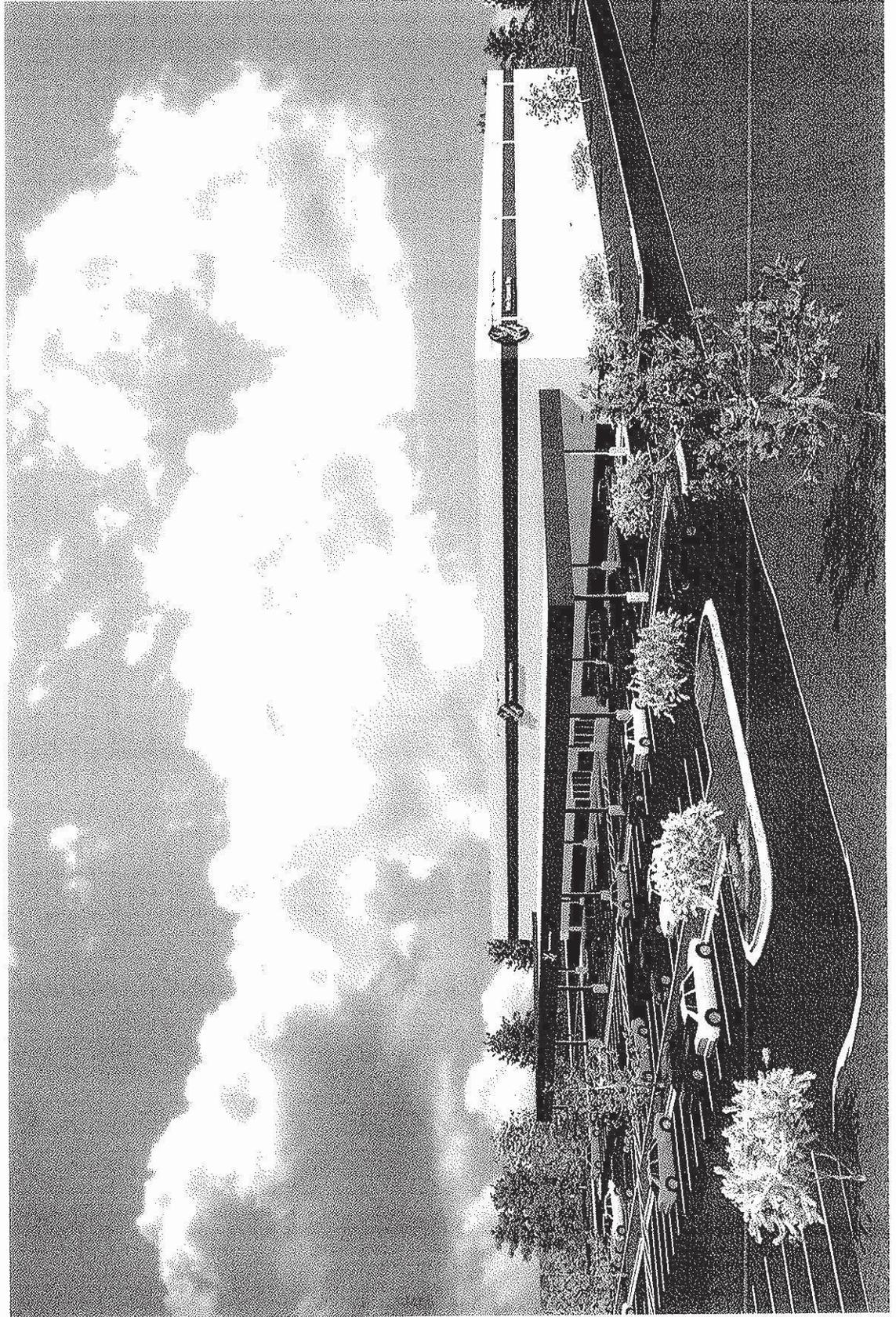
The currently adopted Land Use Plan designates the Property as a Community Activity Center. The purpose of this classification is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Zoning classifications allowed under this land use include residential, retail commercial, and office. However, several of the nearby sites that are zoned for industrial use are located in a Community Activity Center as well.

Restaurant Depot's operations are more closely associated with that of a retail or commercial business than a traditional industrial use. No products or goods are manufactured on site. The company derives its revenue from the resale of food product and equipment to restaurant owners, caterers, and other members of the commercial food service industry. The only reason Restaurant Depot's use of this Property requires the Light Industrial zoning category is that it limits its customers to members of the trade. Otherwise, its use is allowable under the current zoning and current land use.

- f) *Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.*

The zoning proposal is consistent with the current conditions affecting the development of the Property. The current state of the roadways supports the proposed use. The current zoning is burdensome in that it bisects the Property into two different classifications and strictly limits the allowed uses under the combination of those classifications. The rezoning would allow for a more suitable and economic use without severely impacting the surrounding area.

If approved and developed according to the request, the Applicant would spend approximately \$7,500,000 in Project related improvements thus increasing the County's tax base. The applicant would also add seventy new jobs.



2013 FEB -8 AM 10:43

CHIPS COUNTY, GEORGIA  
PLANNING DEPARTMENT  
ZONING DIVISION