



**APPLICANT:** Waffle House, Inc.  
770-729-5897

**REPRESENTATIVE:** Brad Dannenbaum  
770-729-5897

**TITLEHOLDER:** David B. Mizelle and Dana Mizelle

**PROPERTY LOCATION:** West side of Canton Road, south of  
Jamerson Road and north of Old Noonday School House Road  
(4797 Canton Road).

**ACCESS TO PROPERTY:** Canton Road

**PHYSICAL CHARACTERISTICS TO SITE:** Vacant commercial  
building

**PETITION NO:** Z-53

**HEARING DATE (PC):** 09-09-13

**HEARING DATE (BOC):** 09-17-13

**PRESENT ZONING:** NS

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Restaurant

**SIZE OF TRACT:** 0.69 acre

**DISTRICT:** 16

**LAND LOT(S):** 85

**PARCEL(S):** 12

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** NRC/ Commercial Retail Center
- SOUTH:** GC/ Office Building
- EAST:** GC/ O'Reilly's Auto
- WEST:** GC/ Self-storage Facility

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

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

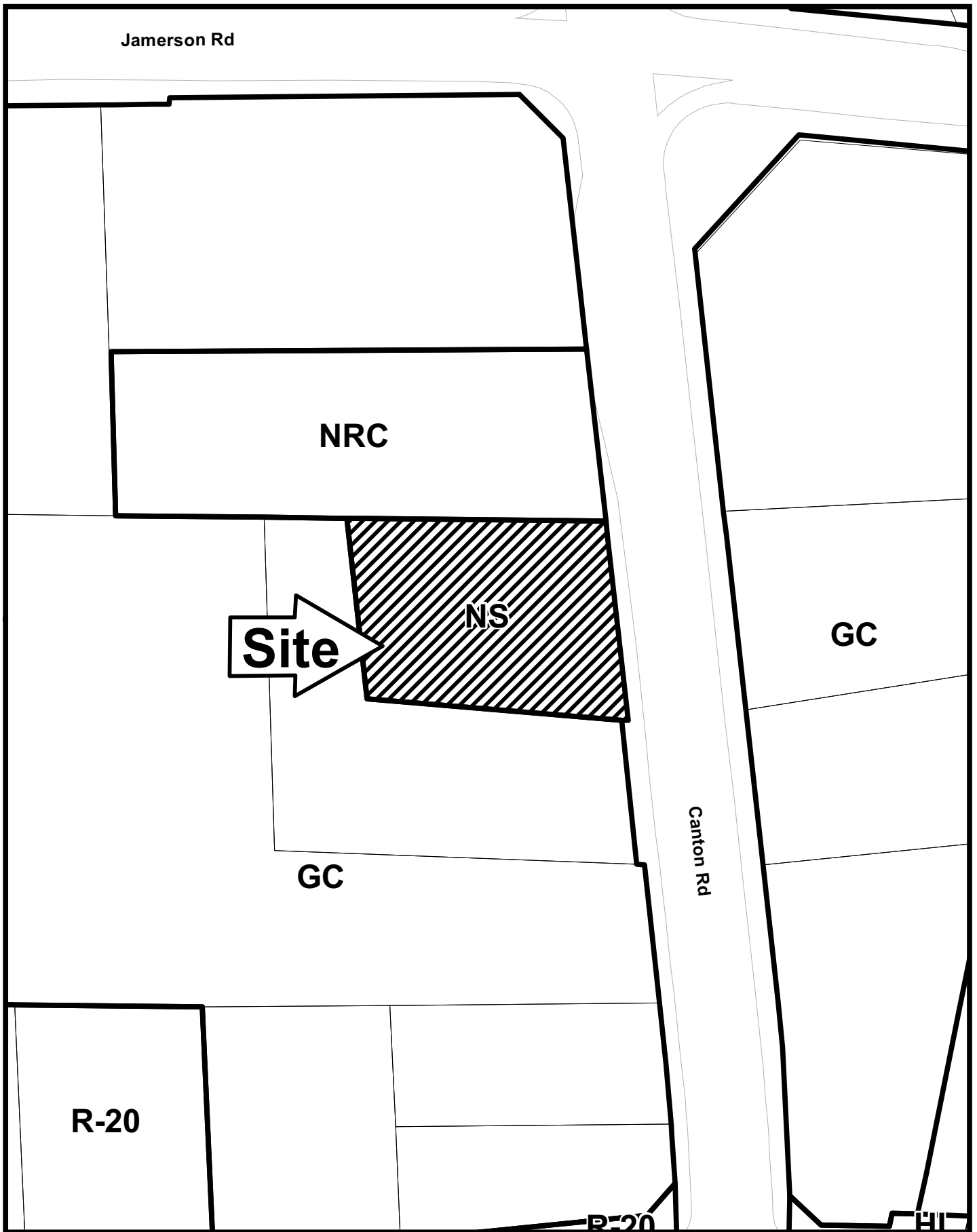
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

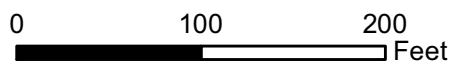
**STIPULATIONS:**





# Z-53



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Waffle House, Inc.

PETITION NO.: Z-53

PRESENT ZONING: NS

PETITION FOR: NRC

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**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 1 **Total Square Footage of Development:** 1,875 sq. ft.

**F.A.R.:** 0.06 **Square Footage/Acre:** 2,717 sq. ft.

**Parking Spaces Required:** 19 **Parking Spaces Provided:** 30

The applicant is requesting a rezoning of the subject parcel from the NS neighborhood shopping district to the NRC neighborhood retail commercial district in order to redevelop the site for a new Waffle House restaurant. Currently, the parcel is site to a vacant commercial building that was last used as a bar/restaurant according to the applicant. Because the property is zoned NS and located within a Neighborhood Activity Center future land use area, the property would have been considered “grandfathered” and must be rezoned to allow redevelopment to a new Waffle House restaurant. The applicant indicates that the restaurant will operate 24 hours a day, seven (7) days a week and employ a total of 75 employees. While no architectural elevations have been submitted at this time, the applicant states that the proposed 1,875 square feet will “include all the architectural elements required by Cobb County along the Canton Rd. corridor that will provide for a beautifully landscaped site and an attractive brick building with glass storefront.”

**Cemetery Preservation:** No comment.

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**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: Waffle House, Inc.

PETITION NO.: Z-53

PRESENT ZONING: NS

PETITION FOR: NRC

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from NS to NRC for purpose of restaurant. The 0.69 acre site is located on the West side of Canton Road, south of Jamerson Road and north of Old Noonday School House Road.

**Comprehensive Plan**

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with NS zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

**Master Plan/Corridor Study**

Please meet requirements of the Canton Corridor Streetscape and Architectural Guidelines.

**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.

**Design Guidelines**

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

If yes, design guidelines area Canton Corridor Streetscape and Architectural Guidelines

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings  
 Yes     No     Not applicable
- Streetscape elements  
 Yes     No     Not applicable
- Building Frontage  
 Yes     No     Not applicable
- Parking Standard  
 Yes     No     Not applicable
- Architecture standard  
 Yes     No     Not applicable

APPLICANT Waffle House, Inc.

PETITION NO. Z-053

PRESENT ZONING NS

PETITION FOR NRC

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**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): **16" DI / W side of Canton Road**

Additional Comments: Existing water customer

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.

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**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: **On site**

Estimated Waste Generation (in G.P.D.): **A D F** TBD **Peak=** TBD

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: Existing sewer customer. Estimated additional flow will be determined at Plan Review

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.

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PETITION FOR: NRC

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek 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 any increased volume of runoff generated by the proposed project on downstream receiving system.

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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. The existing site has no onsite stormwater management facility. The site drains to the northwest into an existing well-defined storm drainage channel.
2. The proposed site improvements appear less than the threshold to require retrofitting stormwater management for the site. However, it is recommended that the existing drainage channel at the rear of the site be improved and converted to an enhanced swale to provide some water quality improvement for the site.
3. Stormwater management must be provided upon redevelopment of the site.



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**PETITION FOR: NRC**

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**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
Canton Road	24,500	Arterial	45 mph	Cobb County	100'

*Based on 2007 traffic counting data taken by Cobb DOT (Canton Road)*

**COMMENTS AND OBSERVATIONS**

Canton Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant of 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 west side of Canton Road, a minimum of 50' from the roadway centerline.

Recommend sidewalk along the Canton Road frontage.

Recommend a taper and wide radius for the Canton Road access point.

Recommend one driveway access on Canton Road.

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

## STAFF RECOMMENDATIONS

### **Z-53 WAFFLE HOUSE, INC.**

- 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. Located on Canton Road, the property is surrounded by other similar retail commercial uses. The rezoning will allow renewed investment in the property in a way that will provide a neighborhood dining option in keeping with the area.
- 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. As the applicant states, the currently "poorly lit, unmaintained vacant lot, with a crumbling building" will be brought back into commerce. A new, vibrant use can only positively impact adjacent properties.
- 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*. The property is located within a Neighborhood Activity Center (NAC). The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses such as this Waffle House restaurant.
- 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. Currently, the property is in disrepair, having lost its "grandfathered" status as a function of its zoning under the NS neighborhood shopping district. This request will allow Waffle House to redevelop the site into a brand new restaurant with the intention of meeting all Canton Road Corridor requirements as well as providing transportation improvements.

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

- Site plan received by Zoning Division on July 2, 2013 with District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Planning Division comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- 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.

**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.**

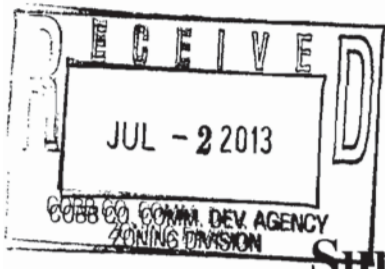
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Application No. Z-53

Sept. 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
  - b) Proposed building architecture: Mix of Brick, Architectural CMU (bonding), Glass Storefront, Yellow Aluminate Fascia.
  - c) Proposed hours/days of operation: 24/7
  - d) List all requested variances: No variances required if rezoned to NRC.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

\_\_\_\_\_

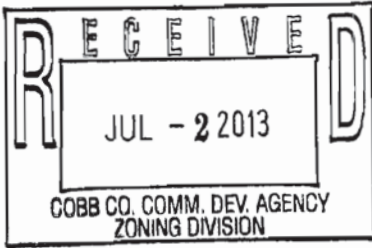
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Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). N/A

\_\_\_\_\_

\_\_\_\_\_



July 2, 2013

Cobb County Planning & Zoning  
1150 Powder Springs St.  
Suite 400  
Marietta, GA 30064

RE: Waffle House Rezoning Application: Impact of Proposed Zoning Analysis.

The proposed rezoning from NS to NRC for the purpose of a Waffle House restaurant is a win-win for both the adjacent property owners and the local community. As-is, the property currently has an overall negative impact on the surrounding neighborhood. A poorly lit, unmaintained vacant lot, with a crumbling building is an eyesore, a safety hazard, and an open invitation for criminal activity. The proposed Waffle House will have four critical impacts that will affect the local community in a positive way. First, the newly constructed Waffle House will include all the architectural elements required by Cobb County along the Canton Rd. corridor that will provide for a beautifully landscaped site and an attractive brick building with glass storefront. Second, the site will be well lit and fully equipped with surveillance cameras both inside and out, that will deter crime and promote a safe, family environment. Third, new construction is a value-add for the entire community, no one's property, whether commercial or residential is benefiting from the current use or lack thereof. Lastly, Waffle House will create 75 new jobs in the local community that will operate the restaurant with the same family-oriented culture and values that are entrenched throughout the organization.

There are several factors that make the proposed rezoning both necessary and practical. For starters, the proposed restaurant use is perfectly suitable and fits in well with all the adjacent zoning and current uses. In the immediate area, all uses are commercial in nature and include a variety of businesses in different industries, such as food service, auto parts and repairs, various office, trucking, drug store and grocery, manufacturing, and convenient stores. The proposed Waffle House will not have any adverse effects on any adjacent or nearby property and will actually serve to benefit adjacent business by creating synergy with other restaurants that differ in price point & menu. Waffle House will also be constructing a deceleration lane for traffic heading south on Canton Rd and will propose cross-access with the shopping center to the north to help with circulation between the two parcels.

The impetus for the requested zone change stems from an outdated commercial zoning classification (NS) that is no longer recognized and is being phased out by Cobb County. There is a reasonable economic use under the current zoning which would allow the intended use; the zoning proposed is merely a zoning formality and would be required of any new business interested in this property. The proposed use under the new zoning will not have an excessive or burdensome use on existing streets, transportation facilities, utilities, or schools. Waffle House's peak trips are 22 cars per hour, which by most accounts would be a nominal almost insignificant impact on traffic. Nevertheless, Waffle House will be doing road improvements by adding a deceleration lane that will give traffic enough time to slow down and safely access the site. The previous use for the site consisted of a bar & restaurant with a building that was roughly the same size and shape, with the same utility and parking needs as Waffle House. Therefore, the impact of a new Waffle House on traffic, utilities, and schools will be negligible and an overall improvement in the sense that no alcohol has ever or will ever be served at a Waffle House.

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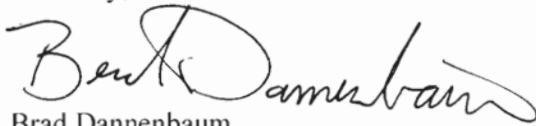
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Furthermore, the subject property of the proposed rezoning was already earmarked by Cobb County and the Office of Economic Development for rezoning and redevelopment under the 2030 Future Land Use Plan for a use consistent with a Waffle House restaurant. Taking into account all of the above, it should be clear that Waffle House has a multitude of factors that support a case for approving the requested rezoning on the basis of positive economic impacts, aesthetic impacts, use consistency, and local community benefits.

Sincerely,



Brad Dannenbaum  
Real Estate Representative  
Waffle House, Inc.  
770-729-5897 Office  
BradD@wafflehouse.com