

**OCTOBER 15, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 3

PURPOSE

To consider a site plan amendment for Ian B. Jones regarding rezoning application Z-20 of 1996 (Shallowford Development, Inc.), for property located on the northeast side of Frank Gordy Parkway, north of Sandy Plains Road Land Lot 334 of the 16th District.

BACKGROUND

The subject property was rezoned in 1996 to NRC for retail development, and the site plan was last amended through Other Business March 15, 2011. The applicant is requesting to amend the approved site plan for tract 12-B-1 which showed a building with 11,200 square feet. The applicant is requesting the plan be amended to allow an 8,220 square foot building. The proposed building would be one story in height with a brick and stucco exterior. If approved, all other 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, proposed site plan and zoning minutes.

Application for "Other Business" Cobb County, Georgia

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

COBB COUNTY GEORGIA
FILED IN OFFICE

3

BOC Hearing Date Requested: 2013 SEP 10 AM 9:05/5/2013

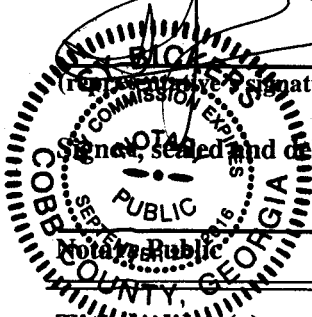
Applicant: IAN B. JONES
(applicant's name printed)

COBB COUNTY ZONING DIVISION
Phone #: 770.331.5610

Address: 101 HOLIDAY ST. NE MARIETTA, GA 30060 E-Mail: sundial03@yahoo.com

SAME AS ABOVE Address: SAME AS ABOVE
(representative's name, printed)

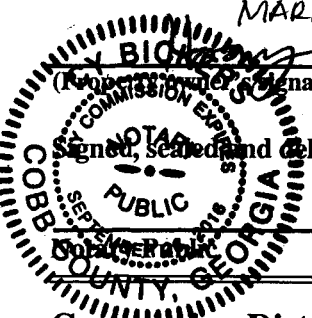
Phone #: SAME AS ABOVE E-Mail: SAME AS ABOVE
(representative's signature)



Signed, sealed and delivered in presence of: [Signature]
My commission expires: 09-2016

Titleholder(s): KHIN HONG Phone #: 678.908.1567
(property owner's name printed)

Address: 3311 PERRINGTON POINTS E-Mail: khperformance@yahoo.com
MARIETTA, GA 30060



(Property owner's signature)
Signed, sealed and delivered in presence of: [Signature]
My commission expires: 09-2016

Commission District: 3 Zoning Case: 7-20

Date of Zoning Decision: 3-15-11 Original Date of Hearing: 3-15-11

Location: 3345 GORDY PKWY NE
(street address, if applicable; nearest intersection, etc.)

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

State specifically the need or reason(s) for Other Business: WE SEEK TO SHRINK THE FOOTPRINT DUE TO CURRENT MARKET CONDITIONS AND THE NEED TO EMPHASIZE THE RESTAURANT PORTION OF THE DEVELOPMENT ON THE CURRENT SITE.

(List or attach additional information if needed)

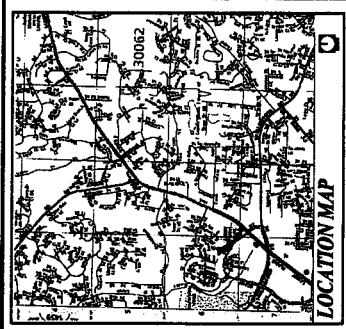
COBB COUNTY GEORGIA
FILED IN OFFICE

2013 SEP 10 AM 9:55

COBB COUNTY ZONING DIVISION

N/F
COMMUNICATIONS BUSINESS
SERVICES, INC.
D.B.8115 PG. 410
ZONED: O81

N/F
COBB COUNTY, GEORGIA
SANDY PLAINS PARK
D.B.8431 PG. 39
ZONED: R-20



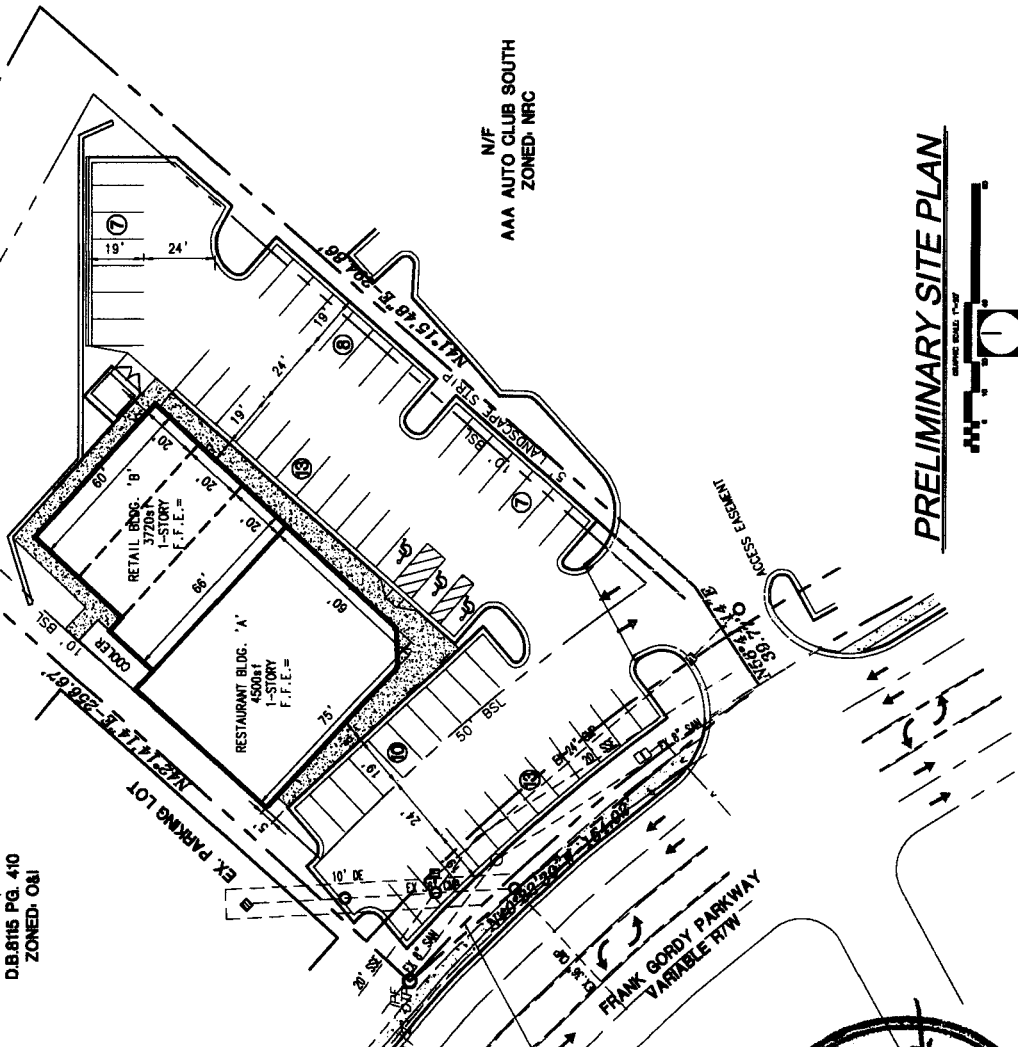
GENERAL NOTES

- OWNER/DEVELOPER
- ENGINEER
- SITE LOCATION
- PROPOSED USE
- ZONING
- PROJECT AREA

PARCEL 12-B.1 NOTES

CURRENT ZONING: NSC
FRONT SETBACK: 50ft
SIDE SETBACK: 10ft
REAR SETBACK: 30ft
SITE ACREAGE: 1.10 ACRES
PROPOSED USE: RESTAURANT/RETAIL
TOTAL BUILDING: 8,220 SF.

PROPOSED



PRELIMINARY SITE PLAN



CURVE - CA
RADIUS = 217.15'
ANGLE = 113.45°
CHORD = 115.45'
CHORD BEARING = S28.03°E107'

SITE ANALYSIS- 12-B.1	
RESTAURANT	4,500 SF.
SEATING AREA (70%)	3,150 SF.
REQUIRED PARKING @ 1 SP/100 SF.	32 SPACES
RETAIL SHOPS	3,720 SF.
REQUIRED PARKING @ 1 SP/200 SF	19 SPACES
TOTAL REQUIRED PARKING	51 SPACES
ACTUAL PARKING PROVIDED	58 SPACES

PRELIMINARY
SITE PLAN

RETAIL AND RESTAURANT BUILDING
9346 W.FRANK GORDY PKWY NE
COBB COUNTY, GEORGIA
LS34, DISTRICT 18
RESTAURANT CONSULTANTS GROUP

DATE: 9/9/13
SCALE: 1"=20'
JOB: 13041.DD
DRAWING NUMBER: 1
SHEET: Z-1



ORIGINAL DATE OF APPLICATION: 2/96

APPLICANTS NAME: SHALLOWFORD DEV. INC.

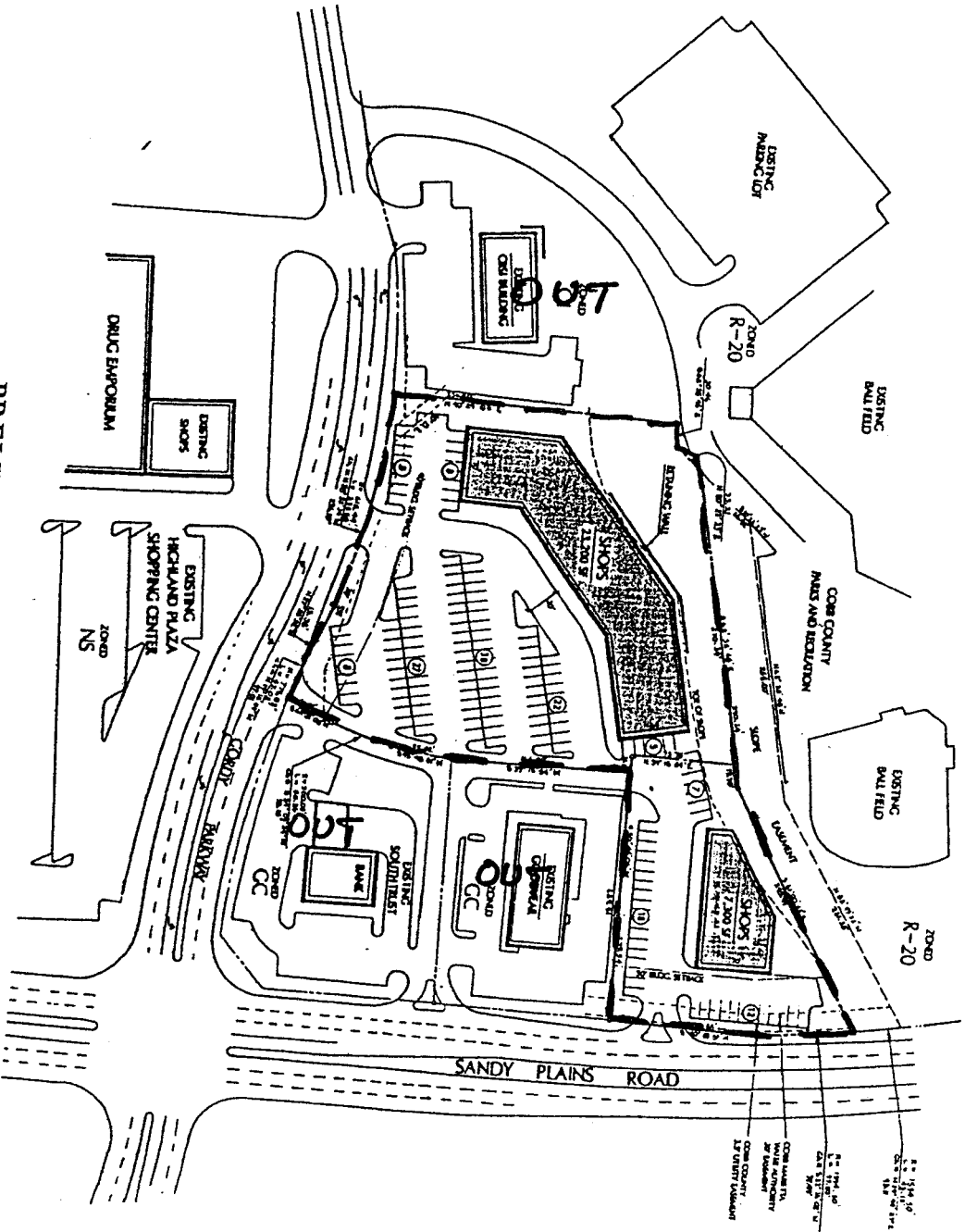
THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

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.

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 SEP 10 AM 9:55
COBB COUNTY ZONING DIVISION

Z-20

Z-20 of 1996 (Shallowford Dev. Inc.) - As referenced in Zoning Minutes of 2-20-96.
See floor



PRELIMINARY SITE PLAN

SCALE: 1" = 20'



SITE ANALYSIS

TOTAL BLDG. AREA	10,500 SF
PARKING	153 SP
PARKING RATIO	5.0/MSF
SITE AREA	3.34 AC

NOTE:
 1. SHOWN FOR INFORMATION PURPOSES ONLY.
 2. NOT TO BE USED FOR CONSTRUCTION.

UNADJUSTED
 WITH DISTRICT
 AND SECTION
 CORN. COUNTY

FOR:
 SHALLOWFORD
 DEVELOPMENT INC.
 PROJECT
 PROPOSED SHOP
 @ CORDOY PARKWAY
 CORN. COUNTY, GA.

DATE: 12-5-95
 JOB NUMBER: 35-207
 SHEET NUMBER: 1A

ROBERTS
 LOLA
 ROOF
 ATLANTA, GEORGIA
 ARCHITECTS & ENCL.

REVISIONS

ORIGINAL DATE OF APPLICATION: 02-20-96APPLICANTS NAME: SHALLOWFORD DEVELOPMENT, INC.

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

BOC DECISION OF 03-15-11 ZONING HEARING:

OTHER BUSINESS ITEM #4 – TO CONSIDER A SITE PLAN AND STIPULATION AMENDMENT HENRY HAYES REGARDING REZONING APPLICATION Z-20 OF 1996 (SHALLOWFORD DEVELOPMENT, INC.)

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 16th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding site plan and stipulation amendments. The public hearing was opened and there was no public comment. Following presentations and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to **approve** Other Business Item No. 4 for site plan and stipulation amendments 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 16th District, **subject to:**

- **site plan received by the Zoning Division February 10, 2011 (attached and made a part of these minutes)**
- **stipulation amendments as contained in Applicant's letter received by the Zoning Division February 7, 2011 (attached and made a part of these minutes)**
- **all other previously approved conditions/stipulations, not otherwise in conflict, to remain in effect**

VOTE: **ADOPTED** unanimously

Clerk's Note: Mr. Hayes confirmed to the Board that there shall be no outside storage and no cars parked outside overnight (overnight parking will be inside the building).

ORDER COMMENTS	01-18-11
ORDER COMMENTS	01-31-11
ORDER COMMENTS	02-01-11
ORDER COMMENTS	02-04-11
ORDER COMMENTS	02-16-11

PRELIMINARY
SITE
PLAN

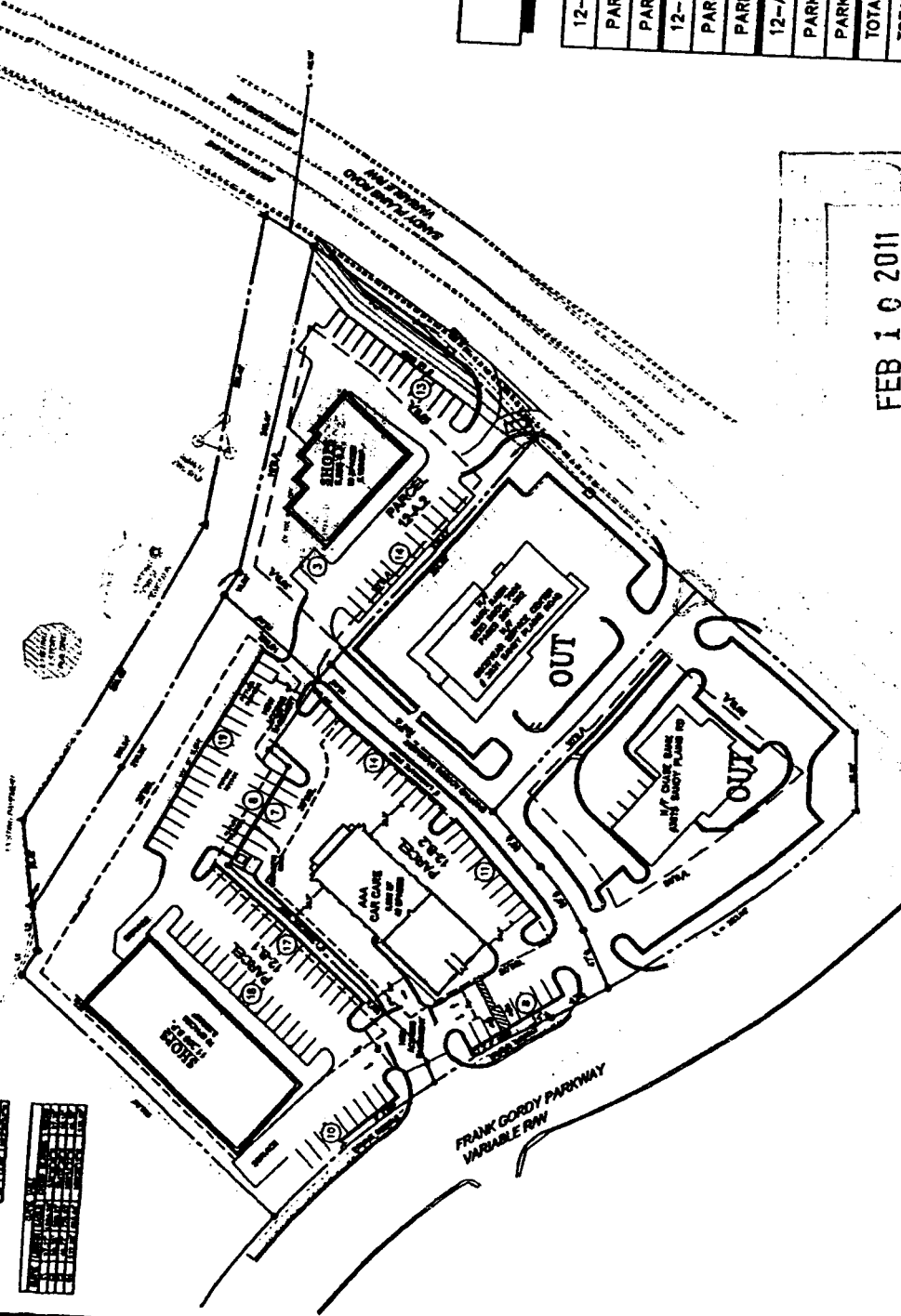
01-06-10
11-103
CPS-19A



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	0.66± ACRES



[Handwritten signature]
FEB 10 2011

PRELIMINARY SITE PLAN

SCALE: 1" = 40'
10' 20' 30' 40' 50' 60' 70' 80' 90' 100'

Letter from Henry Hayes
2-7-11

Min. Blk. 62 Petition No. OB
Doc. Type letter
Meeting Date 3/15/11

PAGE 7 OF

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".