

**DECEMBER 17, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 7

PURPOSE

To consider a site plan amendment for Chuy’s restaurant regarding rezoning application Z-42 of 1996 (Hendon Property Associates), for property located on the southerly side of Barrett Parkway, west of Cobb Place Boulevard in Land Lots 650 and 719 of the 16th District.

BACKGROUND

The subject property is zoned CRC and was approved subject to the site plan in 1996, with a site plan amendment on November 20, 2012 for a Chuy’s restaurant. The Chuy’s restaurant site is under development and needs to make several minor changes to accommodate the development which include 1) Moving the detention pond slightly, 2) revising the parking lot layout slightly to gain two more parking spaces, 3) revising the shape of the outdoor dining area, 4) adding sidewalks to access certain parts of the building, and 5) adding two small sections of retaining wall near the northeastern portion of the property. 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 zoning stipulations.

7

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 12/17/13

Applicant: Chuy's / Foremark - Adam Smith **Phone #:** (214) 561-6509
(applicant's name printed)

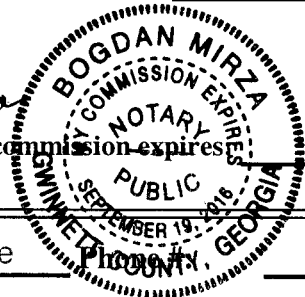
Address: 8253 Douglas Avenue, STE 945, Dallas, TX 75206 **E-Mail:** smith@foremark.com

W. Barry Dunlop **Address:** 7 Dunwoody Park, STE 115, Atlanta, GA 30338
(representative's name, printed)

W. Barry Dunlop **Phone #:** (770) 605-6030 **E-Mail:** bdunlop@paradigmeng.net
(representative's signature)

Signed, sealed and delivered in presence of:

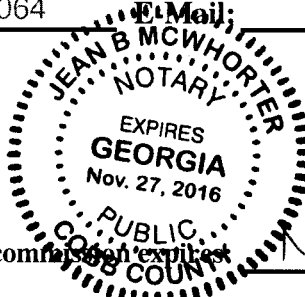
W. Barry Dunlop Bogdan Mirza **Notary Public** **My commission expires:** 9/19/2016
K-12-13



Titleholder(s): AMR - Holding Inc. - Tommy Rose **Phone #:** (404) 316-3728
(property owner's name printed)

Address: 201 Whitlock Avenue, Marietta, GA 30064 **E-Mail:** skiboat2@aol.com

Tommy Rose
(Property owner's signature)



Signed, sealed and delivered in presence of:

Jean B McWhorter **Notary Public** **My commission expires:** Nov 27, 2016

Commission District: 1 **Zoning Case:** Z-42 of 1996

Date of Zoning Decision: 3/19/96 **Original Date of Hearing:** 3/19/96

Location: 585 Ernest Barrett Parkway, Kennesaw, GA 30144
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 650 & 719 **District(s):** 16th

State specifically the need or reason(s) for Other Business: _____

Chuy's is filing for an Other Business approval again for the same project due to Zoning requesting this as part of the Site Plan approval process. Chuy's site plan has minor modifications that are barely noticeable, however, we request that the Board approve this minor adjustments.

(List or attach additional information if needed)

- Z-42 HENDON PROPERTY ASSOC., L.P. (AMR Partners, L.P., owner) for Rezoning from R-20 and CF to GC for the purpose of a Multi-tenant Retail Shopping Center in Land Lots 650, 718 and 719 of the 16th District. 47.16 acres. Located on the south side of Ernest Barrett Parkway and north of Greers Chapel Drive. The original motion by Cooper with second by Wysong to hold application with withdrawn. Following further discussions the Board of Commissioners deleted application to the CRC zoning district subject to: 1) site plan approval by the Board of Commissioners; 2) revised DOT comments and recommendations (copy attached and made a part hereof); 3) project subject to Drainage Division comments; 4) 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; 5) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements. Motion by Cooper, second by Wysong, carried 5-0.

Land Use Permits

- LUP-11 SCOTT SWANSON for a Land Use Permit for the purpose of a Travel Agency in Land Lot 374 of the 16th District. 0.58 acre. Located on the north side of Autumn Ridge Drive. The Board of Commissioners rejected application with business to be removed from site on or before September 1, 1996. Motion by Wysong, second by Thompson, carried 4-0, Cooper absent at time of vote.

Special Land Use Permits

- SLUP-3 CECELIA W. ALLEN for a Special Land Use Permit for the purpose of a Grinding Station/Reduction Center in Land Lots 1002, 1001, 1015 and 1016 of the 16th District. 6.21 acres. Located on the east side of Cherokee Street, south of Cobb Parkway. Following discussions regarding the proposed development relative to use impact, buffering, fencing, traffic controls, building location, etc., the Board of Commissioners held application until the April 16, 1996 Zoning Hearing with direction for the applicant/developer to submit a revised site plan addressing issues discussed at the public hearing. Motion by Byrne, second by Wysong, carried 4-0, Cooper absent at time of vote.

City 1770
 "Revised" DOT comments
 as referenced in zoning
 minutes of 3-19-96.
Kan Khan

TRANSPORTATION

PETITION NO. Z-42

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
Ernest Barrett Parkway (S.R. 5 Connector)	34,000	Arterial	100'
Greers Chapel Drive	N/A	Local (Proposed)	70'
Cobb Place Blvd	N/A	Local	70'
Home Center Drive	N/A	Minor Collector (Proposed)	60'

Ernest Barrett Parkway (S.R. 5 Connector) is classified as an Arterial, Greers Chapel Drive is classified as a Minor Collector, Home Center Drive and Cobb Place Blvd are both classified as Local Roads. According to the available information, the existing right-of-way on Greers Chapel Drive does not meet the minimum requirements for this classification.

DOT is agreeable to two access locations on Barrett Parkway.

DOT is agreeable to 60' of right-of-way on Greers Chapel Drive provided there is 36' of pavement from back of curb to back of curb. Recommend upgrading road to commercial standards with curb and gutter along the entire property frontage.

Due to topographical impacts on the development, DOT is agreeable to two driveways for truck access only and a maximum of three driveways for automobiles to accommodate out parcel #2 and the retail centers. All access locations will be subject to review and approval through the plan review process.

As necessitated by this development for ingress/egress to the Arterial a minimum 150' deceleration/acceleration lanes will be required.

The applicant will have to verify that minimum intersection sight distance is available at all access locations. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirements.

RECOMMENDATIONS:

2-4-28/1996
continued

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 Greers Chapel Drive a minimum of 30' from the roadway centerline and provide 36' of pavement from back of curb to back of curb; b) upgrade Greers Chapel Drive to commercial standards with curb and gutter along the entire property frontage.

Recommend a maximum of two access locations on Barrett Parkway.

Recommend a maximum of five driveways on Greers Chapel Drive; two driveways for truck access only and three driveways to serve outparcel #2 and the retail centers. Furthermore, recommend locations be subject to review and approval through the plan review process.

Recommend 150' deceleration/acceleration lanes for ingress/egress from the Arterial.

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

GDOT permits will be required for all work encroaching upon state right-of-way.

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

LUP-42 LOIS D. HOLBROOK for a Land Use Permit for the purpose of a Caretaker in Land Lot 59 of the 17th District. 0.4 acre. Located at the southeast intersection of Austell Road and Brackett Road. **WITHDRAWN WITHOUT PREJUDICE**

Special Land Use Permits

SLUP-18 AIRTOUCH CELLULAR OF GA (S&B Properties, owner) for a Special Land Use Permit for the purpose of a Communications Tower and Equipment Building in Land Lot 596 of the 18th District. 2.53 acres. Located on the north side of Lee Industrial Boulevard, east of Six Flags Drive. **WITHDRAWN WITHOUT PREJUDICE (SEE ETP#2 OF 1996)**

OTHER BUSINESS AGENDA

ITEM #1

Z-42 OF MARCH 19, 1996 (HENDON PROPERTY)

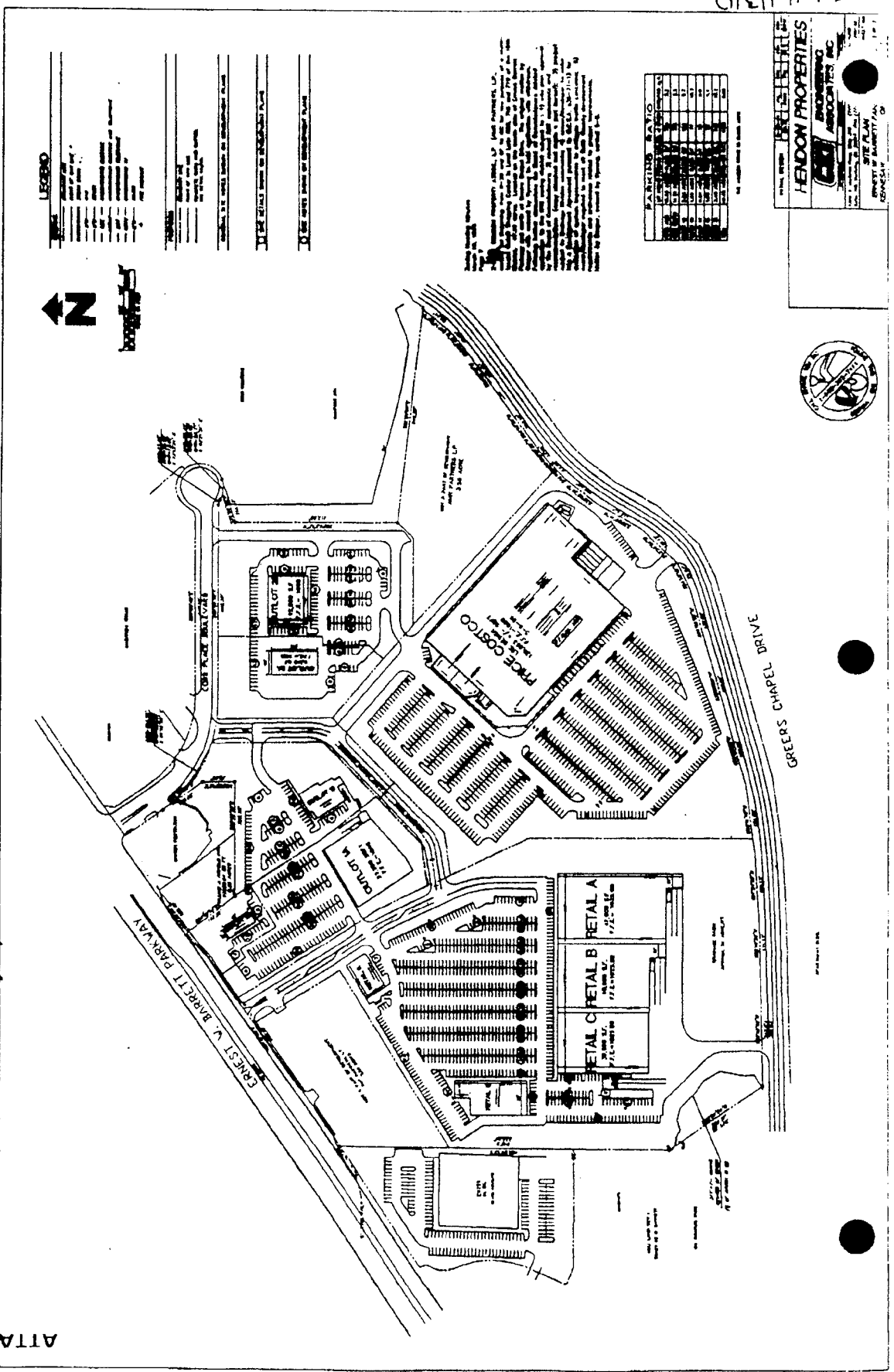
To consider Site Plan Approval for Town Center Commons regarding application Z-42 (Hendon Property) of March 19, 1996, located on the south side of Ernest Barrett Parkway, west of I-75 in Land Lots 650, 718 and 719 of the 16th District. (Dr. McCoy Rose property).

Mr. Danneman reviewed the site plan submitted by Hendon Property which represents 40.63 acres of the originally zoned 47.16 acres. Mr. Danneman stated that all the uses were not shown on the plan submitted, and the Board of Commissioners responded that their approval of the remaining users/uses of the property was not required. Following this presentation and discussions the Board of Commissioners **approved** request for Site Plan Approval for Town Center Commons (reference zoning application Z-42 of March 19, 1996 -- Hendon Property), located on the south side of Ernest Barrett Parkway, west of I-75 in Land Lots 650, 718 and 719 of the 16th District **subject to:** 1) site plan submitted dated July 5, 1996 (reduced copy attached and made a part hereof); 2) other previously approved conditions/stipulations to remain in effect. Motion by Wysong, second by Poole, carried 4-0.

Z-42 of 1996 - Site plans as referenced in Zoning
Minutes of 7-16-96. (Other Business
Item #1). Kan-Hack

(Large plan located in Zoning 3.6).

ATTACHMENT B



Job # 1310
 DWG Name: 1310-45

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 20, 2012
PAGE 7

OTHER BUSINESS

ITEM NO. 1

To consider a site plan amendment for Chuy's restaurant regarding rezoning application Z-42 of 1996 (Hendon Property Associates), for property located on the southerly side of Barrett Parkway, west of Cobb Place Boulevard in Land Lots 650 and 719 of the 16th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding a site plan amendment to build a one story restaurant. The public hearing was opened and there being no speakers, the public hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Ott, to **approve** Other Business Item No. 1 for site plan amendment regarding application Z-42 of 1996 (Hendon Property Associates), for property located on the southerly side of Barrett Parkway, west of Cobb Place Boulevard in Land Lots 650 and 719 of the 16th District **subject to:**

- **Site plan dated October 15, 2012 (attached and made a part of these minutes)**
- **Stormwater Management Division comments and recommendations: *meet Stormwater Management requirements***
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously

ITEM NO. 2

To consider a site plan amendment for the Devereux Foundation regarding Special Land Use Permit application SLUP-1 of 2002 (Devereux Foundation, Inc), for property located on the southerly side of Stanley Road, and on the north side of Barrett Parkway in Land Lots 242 and 243 of the 20th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding a site plan amendment for addition of amphitheatre and classroom building. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:

