

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)

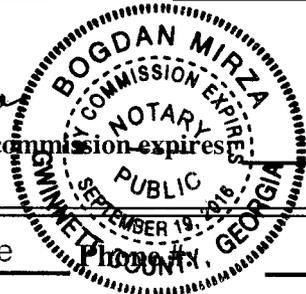
Address: 8253 Douglas Avenue, STE 945, Dallas, TX 75206 **E-Mail:** smith@foremark.com

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:

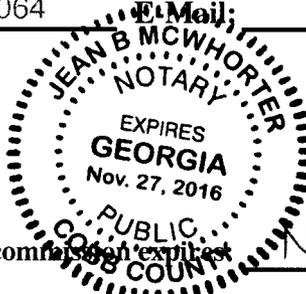
W. Barry Dunlop Bogdan Mirza **Notary Public** 9/19/2016
My commission expires 9-12-13



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** Nov 27, 2016
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)



Paradigm
Engineering Services, Inc.
Atlanta, GA 30308
(770) 455-8030
www.Paradigm.net

Project No. 1215
Design By: WBO
Drawn By: WBO
Checked By: WBO
Date: 10-15-12

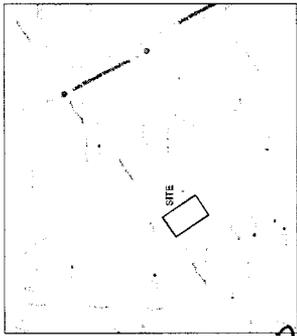
No.	Revisions	Date
1	ISSUED FOR COUNTY COMMENTS	10/19/12

CHUY'S
Foremark
835 Douglas Avenue
Suite 818
Doraville, GA 30095
Office: (770) 541-4855

SITE PLAN
CHUY'S RESTAURANT KENNESAW
LAND LOT 650 & 719, 16TH DISTRICT
605 ERNEST BARRETT PARKWAY
KENNESAW, GEORGIA, COBB COUNTY

DRAWING NO. **C2**

LOCATION MAP



THIS SITE IS LOCATED WITHIN THE 1600-FOOT ELEVATION PER FINAL MAP, KENNESAW, DATED DECEMBER 14, 2004.

SIGNAL NOTE

All signal plans must be submitted to and approved by the Cobb County Traffic Signal Engineer. Plans which are performed in accordance with current Cobb County traffic signal specifications by an approved traffic signal contractor. All traffic signal equipment considered as a part of this project shall be approved by the Cobb County Traffic Signal Engineer. Damaged loops shall be replaced/upgraded with video detection. Developer/contractor is required to install video detection without interruption. Approved video detection shall be used for preemption detection and approved power equipment may be required to support these detection devices. Contact the Cobb Traffic Signal Engineer at (770) 428-3884 for any traffic signal questions. The Cobb County Traffic Signal Engineer will determine if a 450' or less of a signalized intersection.

NOTES

- The Cobb County Authority of Landscape Architects must approve the site plan and landscape plan. The site plan must be approved by the County Authority of Landscape Architects. The site plan must be approved by the County Authority of Landscape Architects. The site plan must be approved by the County Authority of Landscape Architects.
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SITE DATA

LOT ADDRESS: 605 ERNEST BARRETT PARKWAY
ZONING: C-2
PROPOSED USE: RESTAURANT
EXTERIOR COVERED SPACE: 1,487 SF
TOTAL SQUARE FEET: 1,487 SF
FRONT SETBACK: 50'
SIDE YARD: 10'
REAR YARD: 30'
PARKING SUMMARY: EATING & DRINKING: 150 SPACES, 150 SPACES
REGULAR SPACES: 28 SPACES, 28 SPACES
HANDICAP SPACES: 4 SPACES, 4 SPACES
TOTAL SPACES: 56 SPACES, 56 SPACES



24 HOUR CONTACT: RICK BERGER (214) 929-6632

Zoning Received 11-12-13
Proposed Site Plan For OB#7 (12-17-13)

ERNEST BARRETT PARKWAY
120' RIGHT-OF-WAY

TRACT 2
361.1 sf (0.008 ac)

N 55°36'20" E 81.09' 18.14'
N 55°36'20" E 114.70' 18.70'
S 55°03'09" W 18.82'

10' COBB CO. RIGHT OF WAY EASEMENT

CONCRETE RETAINING WALL
CONCRETE PAVING
EXISTING SIGN TO REMAIN
DUMPSTER ENCLOSURE
CONCRETE DRIVEWAY
HANDICAP SPACE (10' x 14')

CONCRETE RETAINING WALL
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HANDICAP SPACE (10' x 14')

COSTCO WHOLESALE CORPORATION
DEED BOOK 9591 / PAGE 306

TRACT 1
74208.6 sf (1.705 ac)

N 34°11'28" E 147.29'

S 33°28'50" E 168.15'

N 55°36'20" E 114.70'

S 55°03'09" W 18.82'

N 55°36'20" E 81.09'

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- 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)

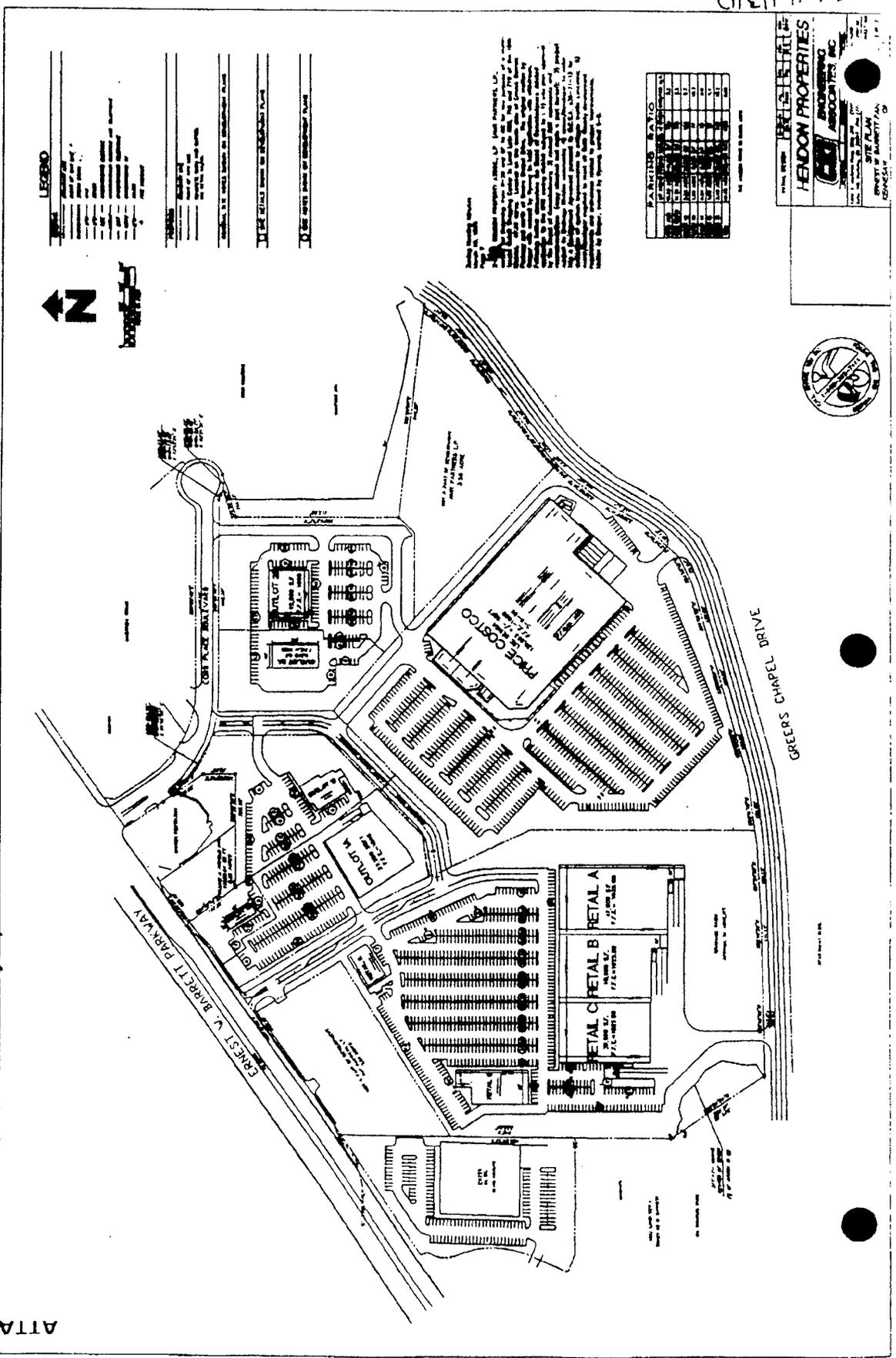
To consider Site Plan Approval for Town Center Commons regarding application Z-42 (Hendon Property) of March 19, 1996, located on the south side of Ernest Barrett Parkway, west of I-75 in Land Lots 650, 718 and 719 of the 16th District. (Dr. McCoy Rose property).

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 Z.6c).

ATTACHMENT B



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:

