

Z-13
(2014)



4461 WOODSTOCK ROAD
ATLANTA, GA 30375
PC #

ROGER LAYMAN
ARCHITECTURE

652 SOUTH MAIN ST
SUITE 200
DAVIDSON, NC
PH: 704.439.2933
R Architecture



REGISTERED ARCHITECT
STATE OF GEORGIA
NO. 14127

NO.	DATE	DESCRIPTION

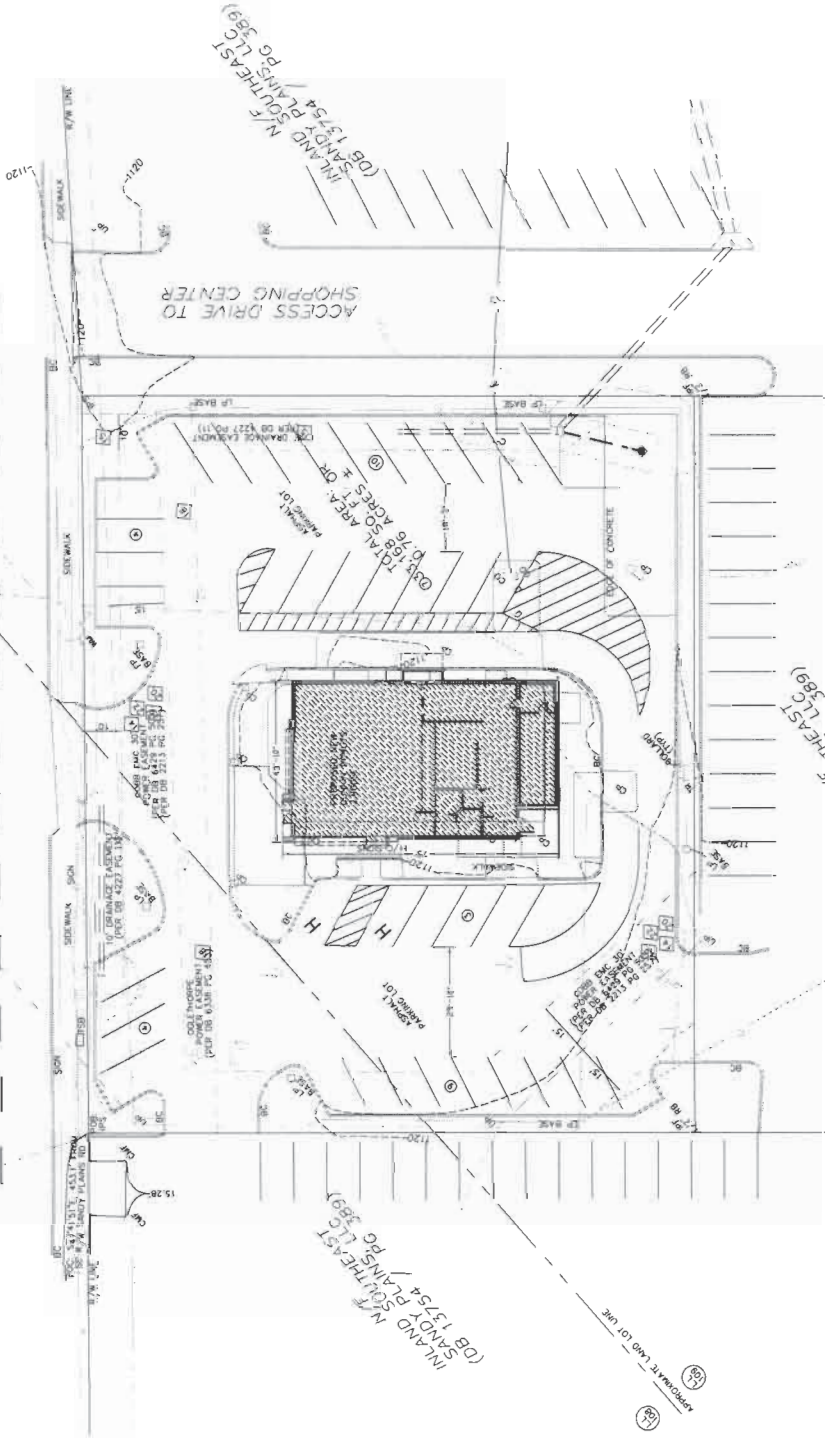


COBB COUNTY GEORGIA
FILED IN OFFICE
2014 FEB -6 AM 10:03
COBB COUNTY ZONING DIVISION

APPROXIMATE LAND LOT LINE

GA STATE ROUTE #92 ~ WOODSTOCK ROAD
(VARIABLE WIDTH R/W) (PUBLIC ROAD)

GRASS MEDIAN



1 SITE PLAN
1/28/14

N/NE PLANS, LIG
(JOB 13754 / PG 389)

N/NE PLANS, LIG
(JOB 13754 / PG 389)

APPROXIMATE LAND LOT LINE

APPLICANT: James Laskaris

(772) 260-7055

REPRESENTATIVE: Amanda Woodruff

(404) 285-1124

TITLEHOLDER: DDR Southeast SP Outlot 1, LLC

PROPERTY LOCATION: Southwest side of Woodstock Road,
northwest of Mabry Road, southeast of Sandy Plains Road
(4661 Woodstock Road).

ACCESS TO PROPERTY: Woodstock Road

PHYSICAL CHARACTERISTICS TO SITE: Former McDonald's
site

PETITION NO: Z-13

HEARING DATE (PC): 04-01-14

HEARING DATE (BOC): 04-15-14

PRESENT ZONING: NS

PROPOSED ZONING: NRC

PROPOSED USE: Restaurant with
Drive-Thru

SIZE OF TRACT: 0.76 acre

DISTRICT: 16

LAND LOT(S): 108, 109

PARCEL(S): 22

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: LRO/ Veterinary Office

SOUTH: NRC/ Movie Tavern and Walmart Neighborhood Market

EAST: NRC/ Movie Tavern and Walmart Neighborhood Market

WEST: NRC/ Movie Tavern and Walmart Neighborhood Market

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

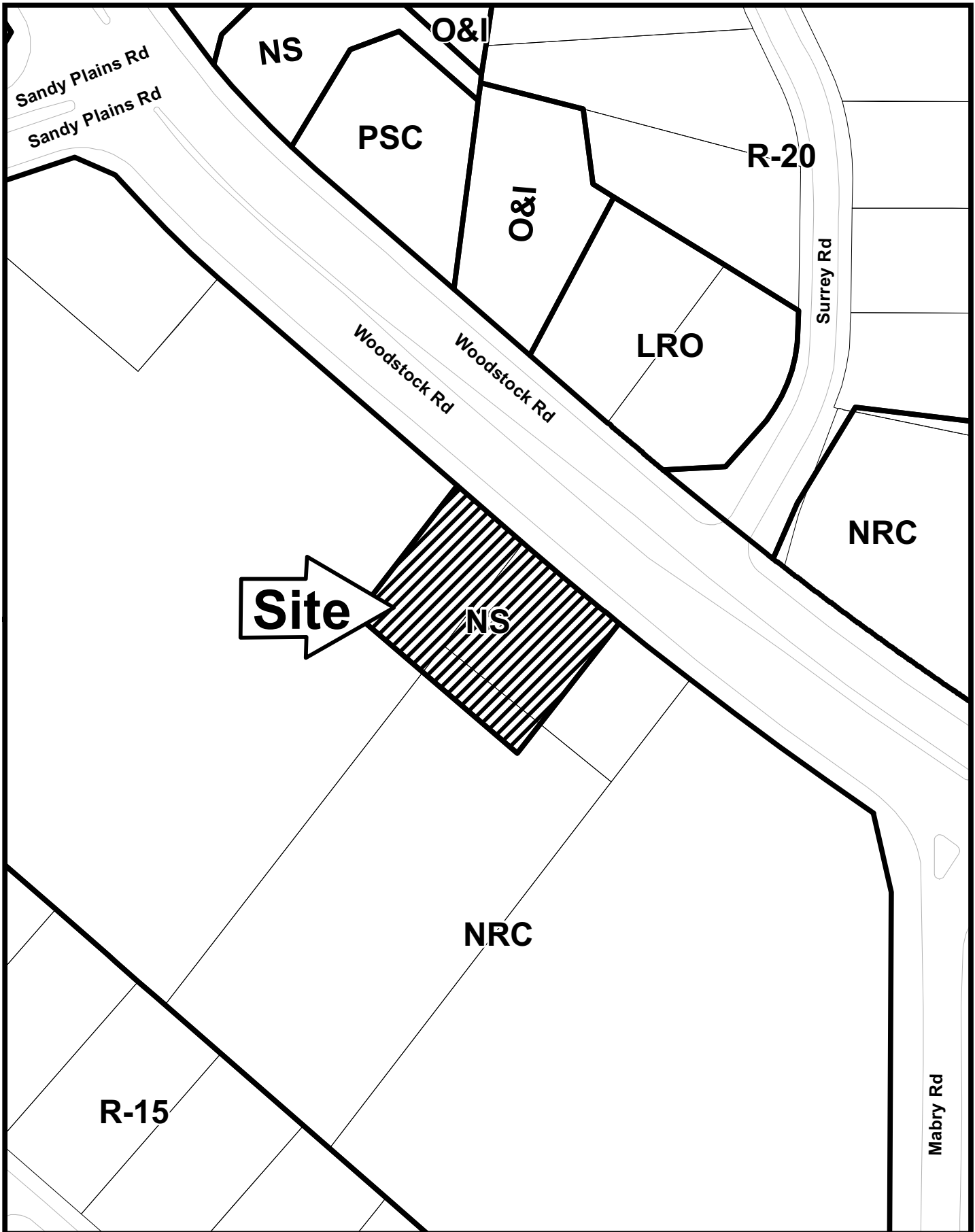
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

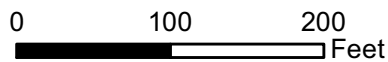
STIPULATIONS:





Z-13



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



-  City Boundary
-  Zoning Boundary

APPLICANT: James Laskaris

PETITION NO.: Z-13

PRESENT ZONING: NS

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 2,900 sq. ft.

F.A.R.: 0.09 **Square Footage/Acre:** 3,815.79 sq. ft.

Parking Spaces Required: 29 **Parking Spaces Provided:** 39

The applicant is requesting a rezoning of the property from the current NS neighborhood shopping district designation to NRC neighborhood retail commercial district in order to construct a Dunkin Donuts restaurant on the site that was once a McDonald’s restaurant. Necessitated by the property’s “grandfathered” status being located within a NAC neighborhood activity center future land use category, the existing pad and parking will be reutilized for the new restaurant. In fact, little to no site work will be necessary as the new Dunkin Donuts will be built in a way that takes advantage of these existing elements even working within the existing drive-through lane. Being built of wood frame with stucco and brick, the new Dunkin Donuts will operate daily 5 a.m. to 11 p.m.

Applicant will require a simultaneous variance to waive the allowed maximum impervious coverage from 70% to 85.5% for properties in the NAC land use designation. The existing impervious coverage is actually being decreased from 88.2% to 85.5%. The square footage of the proposed Dunkin Donuts will be smaller than the McDonald’s that was previously on this site.

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:

NO 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: James Laskaris

PETITION NO.: Z-13

PRESENT ZONING: NS

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from NS to NRC for purpose of restaurant with drive-thru. The 0.76 acre site is located on the southwest side of Woodstock Road, northwest of Mabry Road, southeast of Sandy Plains 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

Not applicable.

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 _____

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT James Laskaris

PETITION NO. Z-013

PRESENT ZONING NS

PETITION FOR NRC

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): 12" DI / N side of Woodstock Road

Additional Comments: Existing customer connected to private water of shopping center

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: Private sewer on site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: Big Creek

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: Redevelopment. Existing sewer customer connected to private sewer of shopping center

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: James Laskaris

PETITION NO.: Z-13

PRESENT ZONING: NS

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Willeo 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 increased volume of runoff generated by the proposed project on _____.

APPLICANT: James Laskaris

PETITION NO.: Z-13

PRESENT ZONING: NS

PETITION FOR: NRC

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 site was previously developed as a fast food restaurant. The proposed redevelopment will disturb less than 5000 sq ft. Since there is an existing master stormwater facility serving this outparcel no additional stormwater management will be required.

APPLICANT: James Laskaris

PETITION NO.: Z-13

PRESENT ZONING: NS

PETITION FOR: NRC

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
SR 92/Woodstock Road	53,400	Arterial	45 mph	Georgia DOT	100'

Based on 2006 traffic counting data taken by Georgia DOT (Woodstock Road)

COMMENTS AND OBSERVATIONS

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

RECOMMENDATIONS

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-13 JAMES LASKARIS

- 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 within the NAC future land use area and along an established commercial area along Woodstock Road, the request proposes reuse of the site for a new drive through restaurant that will be in keeping with the new commercial developments in the adjacent shopping center.
- 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. Located in front of the existing shopping center recently upgraded to the Movie Tavern and Walmart Neighborhood Market, the request will allow reuse of the existing pad and parking for a new fast food restaurant.
- 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*. Located within an area delineated as NAC neighborhood activity center on the future land use map, the proposed use will serve the *Plan's* intent of uses servicing neighborhood residents and businesses.
- 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. The requested rezoning will allow a currently "grandfathered" property to be reutilized. The existing building pad, parking, and drive-through lane from the former McDonald's will be reused for the proposed Dunkin Donuts restaurant. If approved, the property will be rebuilt and become an enhancement to the property as has been seen within the adjacent shopping center.

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

- Site plan received by the Zoning Division February 6, 2014, with District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation 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.

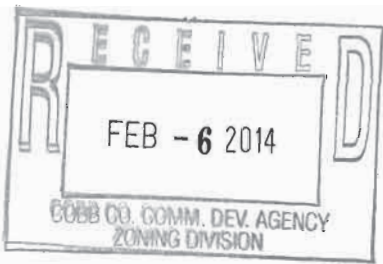
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Application #: 7-13
PC Hearing Date: 4-1-14
BOC Hearing Date: 4-15-14

Summary of Intent for Rezoning

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Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): NA
- b) Proposed building architecture: NA
- c) Proposed selling prices(s): NA
- d) List all requested variances: NA

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Restaurant w/ Drive-Thru
- b) Proposed building architecture: Wood frame w/ Stucco & Brick
- c) Proposed hours/days of operation: 5am - 11pm
- d) List all requested variances: NONE

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

Old McDonald's Site w/ Drive-Thru
Building removed to Pad Only

.....
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). NONE

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: Amanda Woodruff Date: 2/6/14
Applicant name (printed): Amanda Kathleen Woodruff



WOODRUFF
& ASSOCIATES

Z-13 (2014)
Impact Analysis

To: Cobb County Zoning Division
1150 Powder Springs Street
Suite 400
Marietta, GA 30064

Date: 2/6/2014

Re: Application for Rezoning - NS to NRC
Analysis of Impact
4661 Woodstock Road
Roswell, GA 30075



To Whom it May Concern:

We are providing this letter of analysis regarding the impact from rezoning the property located at 4661 Woodstock Road, Roswell, Georgia from NS to NRC. The existing site is developed for a drive-thru restaurant with an existing building pad. It was previously utilized as a McDonalds Restaurant, which was demolished in the Summer of 2013.

The proposed zoning will permit a use that fits with the existing development in the area and adjacent to the property. An overall site plan has been provided to show the retail and commercial development in the area and there will be no adverse affect to the adjacent property.

The proposed zoning will have a positive economic impact for the property. The property is currently vacant. With the proposed rezoning, Dunkin' Donuts would be able to open a viable business with a proven economic model.

No excessive burden would be expected from the proposed zoning. The traffic impact on existing streets would be the same, if not less, than when the McDonalds was occupied. No adverse impact on utilities or schools is expected.



WOODRUFF
& ASSOCIATES

The zoning proposed is in conformity with the policy and intent of the land-use plan. The existing site lends itself to redevelopment as proposed with no new utility connections required or major site work proposed. The proposed zoning would allow a vacant building pad to be developed with viable business that would provide a different restaurant option for the constituents of the area.

If you have any questions or concerns, feel free to call me anytime at 404-285-1124.

Sincerely,

Amanda K, Woodruff, P.E.

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