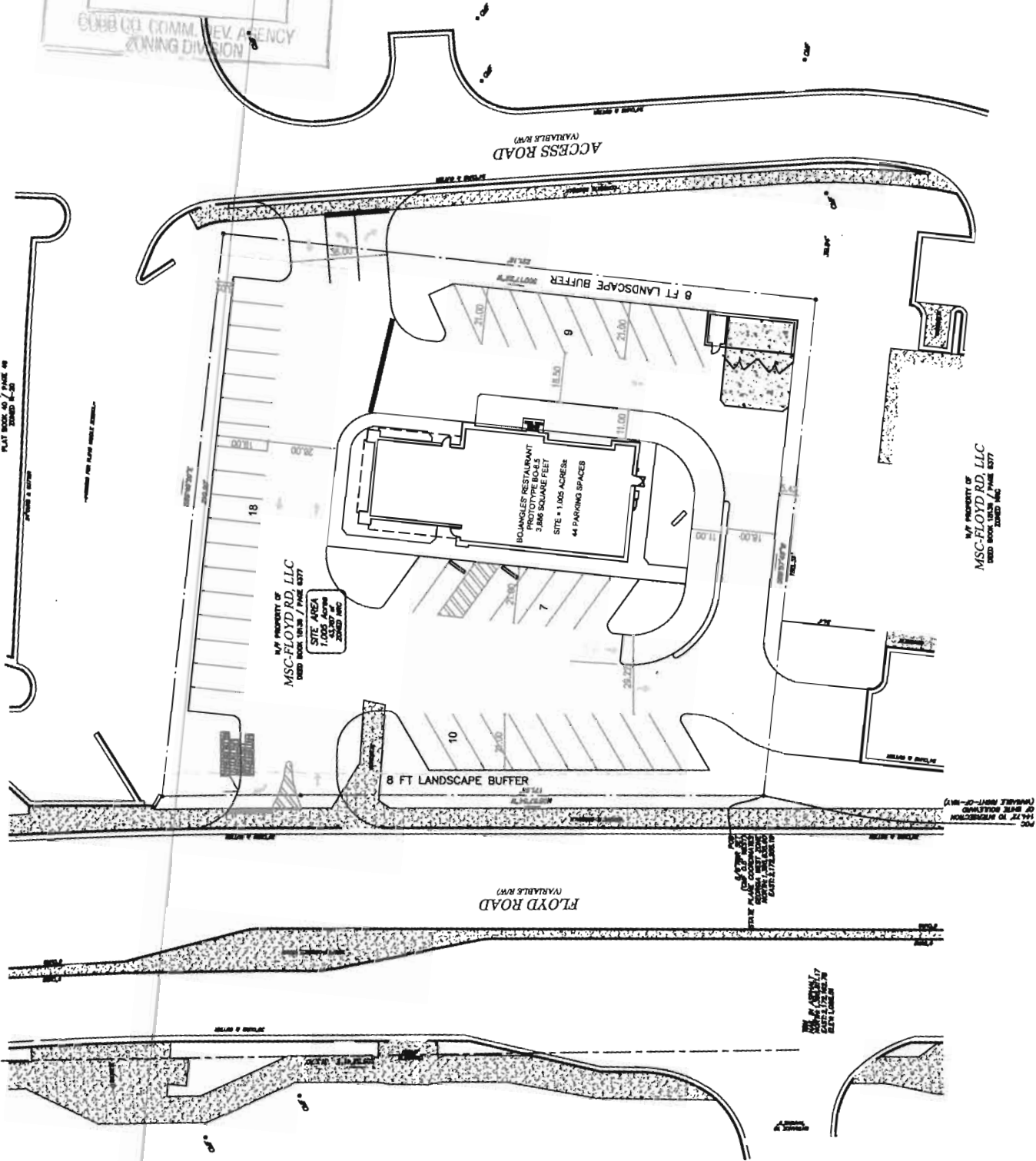


Z-39
(2017)



PROPERTY OF
COBB COUNTY BOARD OF EDUCATION
PER COBB COUNTY TAX ASSESSOR
PLAT BOOK 26 / PAGE 11
PLAT BOOK 26 / PAGE 48
PLAT BOOK 26 / PAGE 30



PROPERTY OF
MSC-FLOYD RD, LLC
SITE AREA
1.105 ACRES
3,886 SQ. FT.
44 PARKING SPACES

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APPLICANT: Palmetto Mableton-Floyd Rd, LLC

PETITION NO: Z-39

PHONE #: (229) 226-1177 **EMAIL:** austin@palmettocapitalgroup.com

HEARING DATE (PC): 07-06-17

REPRESENTATIVE: J. Kevin Moore

HEARING DATE (BOC): 07-18-17

PHONE #: (770) 499-1499 **EMAIL:** jkm@mijs.com

PRESENT ZONING: NRC/with Stipulations

TITLEHOLDER: MSC-Floyd Rd, LLC

PROPOSED ZONING: NRC/with Stipulations

PROPERTY LOCATION: East side of Floyd Road, north of

Nickajack Road

PROPOSED USE: Restaurant with Drive-thru

(4835 Floyd Road)

ACCESS TO PROPERTY: Floyd Road

SIZE OF TRACT: 1.12 acres

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Wooded lot

LAND LOT(S): 31,42

PARCEL(S): 9

TAXES: PAID X **DUE**

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Cobb County Board of Education

Adjacent Future Land Use:

North: Public Institution (PI)

SOUTH: NRC/Multi-Tenant Space

East: Neighborhood Activity Center (NAC)

EAST: O&I & NRC/Undeveloped

South: Neighborhood Activity Center (NAC)

WEST: NRC/Single-family house

West: Neighborhood Activity Center (NAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **VOTE**

BOARD OF COMMISSIONERS DECISION

APPROVED **MOTION BY**

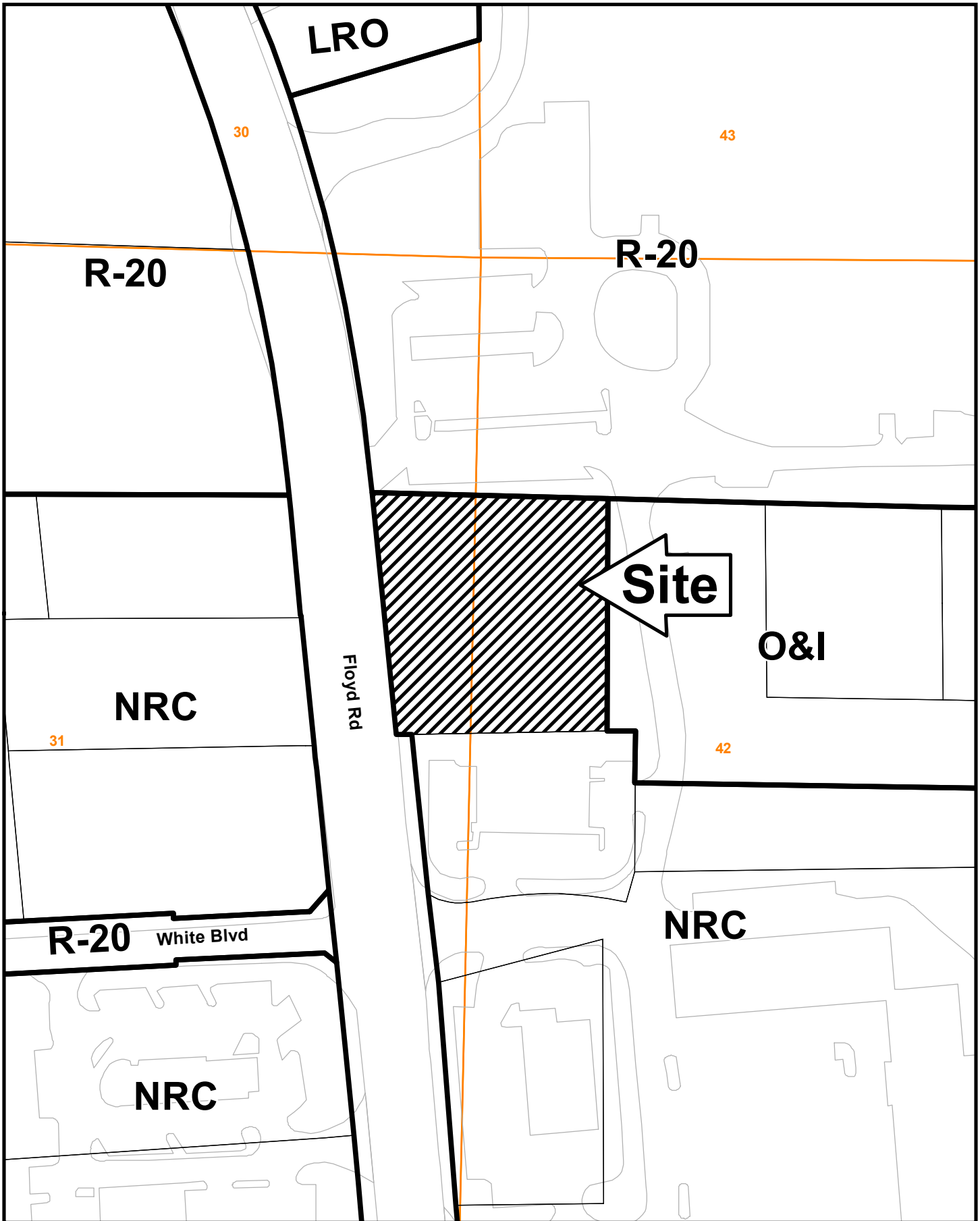
REJECTED **SECONDED**

HELD **VOTE**

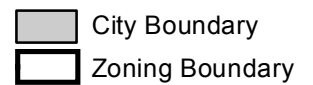
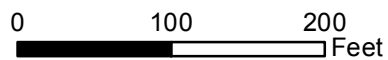
STIPULATIONS:



Z-39 2017-GIS



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



APPLICANT: Palmetto Mableton-Floyd Rd, LLC

PETITION NO.: Z-39

PRESENT ZONING: NRC/with Stipulations

PETITION FOR: NRC/with Stipulations

ZONING COMMENTS:

Staff Member Responsible: Tannesha Bates

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 80,357

F.A.R.: 71,747 **Square Footage/Acre:** _____

Parking Spaces Required: 45 **Parking Spaces Provided:** 45

The applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district to allow the development of a restaurant with drive-thru. In 2005, the property was rezoned to NRC (Z-163) to a site plan for retail. The architecture will be a mixture of brick, stacked stoned, EFIS and stucco. The hours of operation for the restaurant will be 5:30 a.m. to 10:00 p.m., seven days per week.

Cemetery Preservation: No comments.

APPLICANT: Palmetto Mableton-Floyd Rd, LLC

PETITION NO.: Z-39

PRESENT ZONING: NRC with Stipulations

PETITION FOR: NRC with Stipulations

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

- School attendance zones are subject to revision at any time.

Additional Comments: Cobb County School District is opposed to the approval of this petition, as it will cause great concern for the safety of students walking to and from school. Of particular concern are the entrance driveways along the new establishment. The increased traffic flow will present safety concerns for students and drivers alike.

APPLICANT: Palmetto Mableton

PETITION NO.: Z-39

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: Palmetto Mableton-Floyd Rd, LLC
PRESENT ZONING: NRC with Stipulations

PETITION NO.: Z-39
PETITION FOR: NRC with Stipulations

PLANNING COMMENTS:

The applicant is requesting a rezoning from NRC with stipulations to NRC with stipulations for a restaurant with drive-thru. The 1.12 acre site is located on the east side of Floyd Road, north of Nickajack Road (4835 Floyd Road).

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of _____ been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with NRC zoning designation. The purpose of the Neighborhood Activity Center (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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Public Institution (PI)
East: Neighborhood Activity Center (NAC)
South: Neighborhood Activity Center (NAC)
West: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

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.

APPLICANT: Palmetto Mableton-Floyd Road, LLC
PRESENT ZONING: NRC with Stipulations

PETITION NO.: Z-39
PETITION FOR: NRC
with Stipulations

PLANNING COMMENTS:

CONT.

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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

Is this property within the Six Flags Special Service District?

Yes No

Is the property within the:

- Dobbins Airfield Safety Zone?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Palmetto Mableton-Floyd Rd, LLC

PETITION NO. Z-039

PRESENT ZONING NRC w/stips

PETITION FOR NRC w/stips

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): 8" DI / E side of Floyd Rd.

Additional Comments:

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: 550' W in White Blvd

Estimated Waste Generation (in G.P.D.): A D F= 840 Peak= 2,100

Treatment Plant: South Cobb

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Dry 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:

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: Palmetto Mableton-Floyd Rd, LLC

PETITION NO.: Z-39

PRESENT ZONING: NRC w/ stips

PETITION FOR: NRC w/ stips

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Clay Branch 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 CONDITIONS

- 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 easements 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 receiving system.

APPLICANT: Palmetto Mableton-Floyd Rd, LLC

PETITION NO.: Z-39

PRESENT ZONING: NRC w/ stips

PETITION FOR: NRC w/ stips

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.

ADDITIONAL COMMENTS

1. This site is located to the east of Floyd Road just south of Floyd Middle School. The site is currently undeveloped and entirely wooded. The entire site drains to the west into the Floyd Road right-of-way.
2. Stormwater management will be provided with an underground system which must be tied to the existing system located in the Floyd Road right-of-way at the northwest corner of the site.

APPLICANT: Palmetto Mableton-Floyd Rd, LLC

PETITION NO.: Z-39

PRESENT ZONING: NRC with Stipulations

PETITION FOR: NRC w/ Stipulations

TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Floyd Road	Arterial	40 mph	Cobb County	100'
White Boulevard	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Floyd Road	North of White Boulevard	29,000	D
White Boulevard	N/A	N/A	N/A

*Based on 2015AADT counting data taken by GDOT, as published on their website, for Floyd Road.
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

COMMENTS AND OBSERVATIONS

Floyd 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.

White Boulevard is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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 east side of Floyd Road, a minimum of 50' from the roadway centerline.

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

Recommend access on White Boulevard/ Access Road be restricted to left-in/ right-out. Recommend location and design be determined in plan review, subject to Cobb County DOT approval.

STAFF RECOMMENDATIONS

Z-39 PALMETTO MABLETON-FLOYD RD, LLC

- 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. The properties to the west and south are zoned commercial for retail use.
- 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. The proposal is consistent with other commercial uses along this party of Floyd Road.
- 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 or utilities. However, the school system is opposed to the approval of this petition, as it will cause great concern for the safety of students walking to and from school. 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*, which delineates this property to be within a Neighborhood Activity Center.
- 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 subject property is located within a Neighborhood Activity Center. The proposed development is located between a shopping center and a public school.

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

1. Site plan received by the Zoning Division on May 4, 2017, with the District Commissioner approving minor modifications;
2. Water and Sewer Division comments and recommendations;
3. Stormwater Management Division comments and recommendations;
4. Department of Transportation comments and recommendations; and
5. 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.



Application No. z-39 (2017)

Hearing Dates: 07/06/2017 07/18/2017

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 3886 SF
b) Proposed building architecture: BOJANGLES RESTAURANT PROTOTYPE
c) List all requested variances:

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

- a) Proposed use(s): NRC - RESTAURANT w/ DRIVE-THRU
b) Proposed building architecture: BOJANGLES PROTOTYPE ARCHITECTURE
c) Proposed hours/days of operation: 5:30 AM - 10 PM
d) List all requested variances: NONE

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

NONE

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

*Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.