

APPLICANT: Shallowford, Ltd.
404-256-0268

REPRESENTATIVE: Larry J. Baugh
404-256-0268

TITLEHOLDER: Shallowford, Ltd.

PROPERTY LOCATION: Located at the northwesterly intersection of Shallowford Road and Trickum Road.

ACCESS TO PROPERTY: Shallowford Road, Trickum Road

PHYSICAL CHARACTERISTICS TO SITE: Existing shopping center

PETITION NO: Z-23

HEARING DATE (PC): 08-04-09

HEARING DATE (BOC): 08-18-09

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Shopping Center

SIZE OF TRACT: 2.397 acres

DISTRICT: 16

LAND LOT(S): 310

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Trickum Heights subdivision
- SOUTH:** GC/ La Petite Acedemy, Citgo, Texaco
- EAST:** GC/ Shallowford Crossing shopping center
- WEST:** GC/ shopping center

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

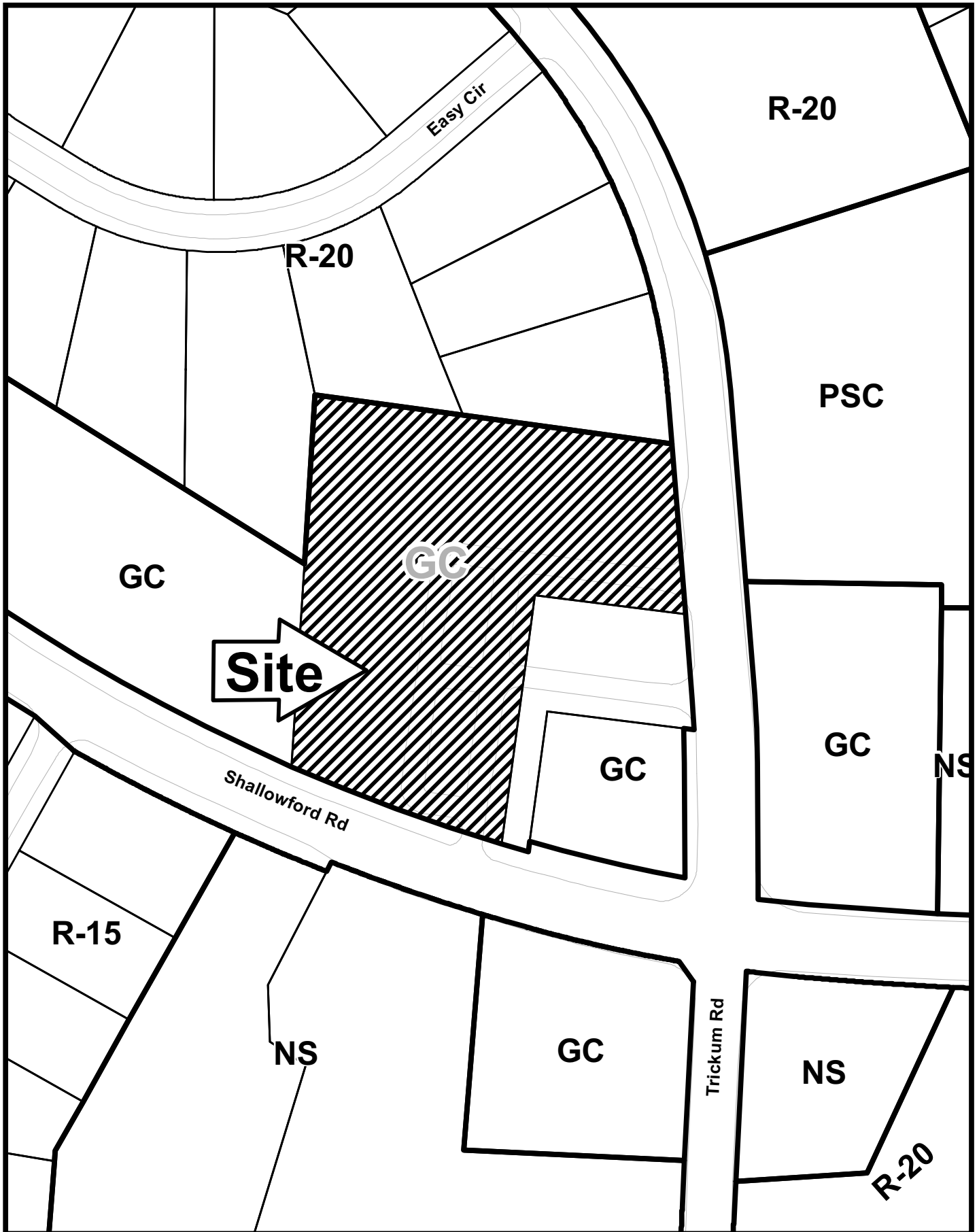
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

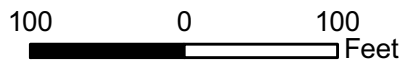
STIPULATIONS:





Z-23



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Shallowford, Ltd.

PETITION NO.: Z-23

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING DIVISION COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Neighborhood Activity Center

Existing Number of Buildings: 1 **Total Square Footage of Development:** 20,797

F.A.R.: 0.19 **Square Footage/Acre:** 8,676

Parking Spaces Required: 103 **Parking Spaces Provided:** 109

The applicant is requesting rezoning to the NRC zoning district to bring this shopping center into compliance with the *Cobb County Zoning Code* and *Cobb County Comprehensive Plan*. The building was built in 1984 and is one-story in height with a brick and siding exterior; the roof is pitched with asphalt shingles. The shopping center is occupied by smaller restaurant, retail and office uses. This rezoning was participated because the applicant wanted to lease an unused snow-cone kiosk to a fruit/vegetable stand, but could not since the property was grandfathered as GC.

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.

Cemetery Preservation: No comment.

FIRE COMMENTS:

No comments.

COBB COUNTY-MARIETTA WATER AUTHORITY COMMENTS (CCMWA):

Z-23 could possibly impact CCMWA's 36" DIP Transmission Water Line on Shallowford Rd and 36" PCCP Transmission Water Line on Trickum Rd. CCMWA requests to review the plans for this project as soon as they are available in order to determine the extent of impact upon our facilities. The owner/developer will be financially responsible for any impacts to CCMWA facilities from the project. Contact Chuck Byrge at (770) 426-8788 to coordinate plan review.

STORMWATER MANAGEMENT COMMENTS:

No site improvements are proposed at this time. If redevelopment or modification of the site is proposed at a later date the site must meet the current stormwater management requirements.

APPLICANT Shallowford, Ltd

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PRESENT ZONING GC

PETITION FOR NRC

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No
Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 8" DI / W side Trickum Rd

Additional Comments: Shopping center has existing connection

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:

In Drainage Basin? Yes No
At Development? Yes No

Approximate Distance to Nearest Sewer:

Estimated Waste Generation (in G.P.D.): **A D F** 0 incr **Peak** 0 incr

Treatment Plant: Noonday

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

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

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

Flow Test Required? Yes No

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Shopping center has existing connection

Notes FYI:

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 off site easements, dedication of on and/or off site 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.

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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
Shallowford Rd	19000	Arterial	45 mph	Cobb County	100'
Trickum Road	12400	Major Collector	35 mph	Cobb County	80'

*Based on 2006 traffic counting data taken by Cobb County DOT (Shallowford Rd).
Based on 2009 traffic counting data taken by Cobb County DOT (Trickum Rd)*

COMMENTS AND OBSERVATIONS

Shallowford 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.

Trickum Road is classified as a Major Collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Install sidewalk along Trickum Road frontage.

As necessitated by this development for egress from Trickum Road a left turn lane will be required as determined at plan review at time of redevelopment.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of 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 Shallowford Road, a minimum of 50' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of 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 west side of Trickum Road, a minimum of 40' from the roadway centerline.

Recommend installing sidewalk along the Trickum Road frontage.

Recommend a left turn lane on Trickum Road as determined at plan review when site is redeveloped.

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

STAFF RECOMMENDATIONS

Z-23 SHALLOWFORD LTD.

- 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. Adjacent commercial uses include shopping center, convenience store with fuel sales, daycare, and auto repair. The applicant's proposal is located in area that contains a smaller commercial node.
- 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 applicant's shopping center has been here for approximately 25 years. The applicant will have the same type of small, low-intensity uses as they have had in the past.
- 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*, 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 applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*. The applicant has, and will continue to use this property for smaller commercial uses. The applicant's proposal is consistent with, and compatible to adjacent commercial uses at this commercial node. The applicant is not proposing any new construction at this point in time; staff would be amenable to delaying the implementation of department comments until new construction or redevelopment.

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

- Site plan received by the Zoning Division June 4, 2009, with the District Commissioner approving minor modifications;
- The former snow-cone kiosk be used for fruit and vegetable sales (no sale of pinestraw, firewood, landscaping materials, or other merchandise that requires outdoor storage);
- All county department comments be done at redevelopment or new construction;
- Cobb County- Marietta Water Authority comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments;
- DOT comments and recommendations;
- 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.