

**LOCATION MAP**

## OVERALL SITE ANALYSIS

WALMART	48,036 S.F.
FITNESS CENTER	22,473 S.F.
EXISTING SHOPS	31,397 S.F.
TOTAL BUILDING AREA	101,906 S.F.
TOTAL PARKING PROVIDED	440 SPACES
RATIO PROVIDED	4.32/1000 S.F.
TOTAL SITE AREA	13.19 ± AC.
TOTAL PARKING REQUIRED*	419 SPACES

**FLOOR AREA RATIO**

TOTAL BUILDING AREA- 101,905 S.F.- 2.34 AC.  
TOTAL PROPERTY- 13.19 ACRES  
FLOOR AREA RATIO -  $\frac{2.34}{13.19} = 0.177$

\*PER COBB COUNTY CODE BASED ON USE, 80% OF BUILDING AREA IS 'RETAIL' USE, 20% OF BUILDING AREA IS 'STORAGE' USE.

## SITE PLAN NOTES

- ALL INTERESTS AND EASES ARE TO THE EDGE OF ADJACENT UNLESS OTHERWISE NOTED.**
- LOT 10** IS A 1.76 ACRES OF SUBJECT PROPERTY IS LOCATED IN LAND LOT 98, T1N, R1E, S1W, SECTION 10, TOWNSHIP 1 NORTH, RANGE 1 EAST, COUNTY OF GARFIELD, STATE OF MONTANA. IT IS OWNED BY THE COMPANY, AN AFFILIATE OF THE COMPANY, INC., A CORPORATION OF THE STATE OF MONTANA. THE COMPANY, INC. HAS BEEN ASSIGNED ALL RIGHTS AND INTERESTS IN THIS PROPERTY FROM A PURCHASER BY ASSIGNMENT AND ASSOCIATES, INC. DATED 07/27/2001.
- LOT 11** IS A 1.76 ACRES OF SUBJECT PROPERTY IS LOCATED WITHIN FLOOD INSURANCE RATE MAPS OF COBURN COUNTY, MONTANA. AS SHOWN ON MAP NUMBER LHM-160-172c REVISED AND EFFECTIVE DATE OF DECEMBER 16, 2000.
- THE CURRENT ZONING OF ALL PROPERTY SHOWN FOR KELLUMHILL IS "PUC". PLANNED SHOPPING CENTER DISTRICT AND "NON-INDUSTRIAL RETAIL COMMERCIAL."**

**EXISTING ZONING: NRC & PSC  
PROPOSED ZONING: NRC**

**LEGEND FOR  
PROPOSED IMPROVEMENTS**

- PROPOSED BUILDING  
PROPOSED PARKING SPACES  
PROPOSED CAPT. CORRAL

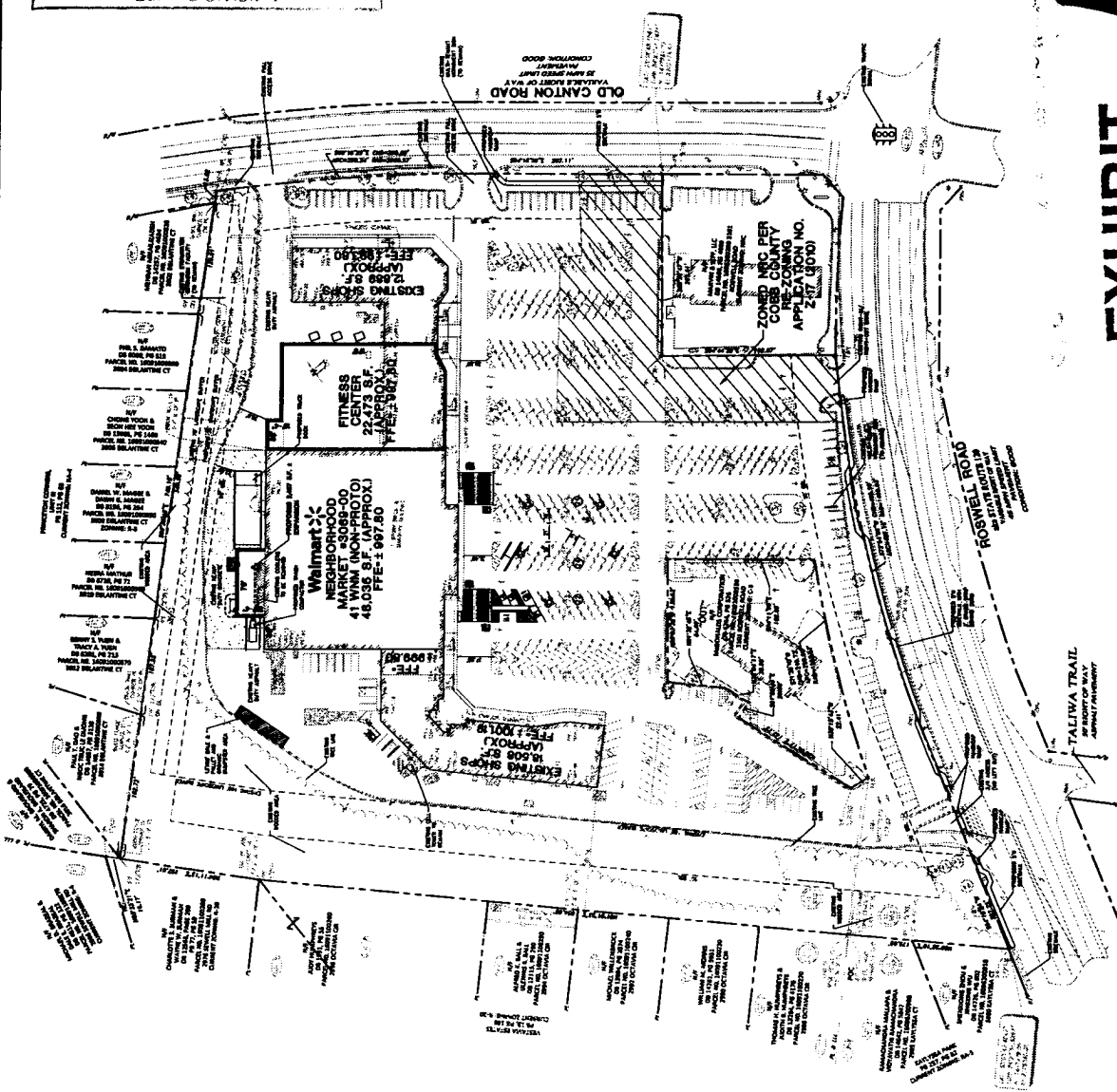
## SITE PLAN

### GRAPHIC SCALE



SEP - 1 2011

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



# EXHIBIT



**APPLICANT:** David C. Kirk, attorney for Wal-Mart

(404) 885-3415

**REPRESENTATIVE:** David C. Kirk, Esq.

(404) 885-3415

**TITLEHOLDER:** BT Marietta, LLC

**PROPERTY LOCATION:** On the northwest sides of Roswell

Road and Old Canton Road

**ACCESS TO PROPERTY:** Roswell Road and Old Canton Road

**PHYSICAL CHARACTERISTICS TO SITE:** Existing Shopping

Center

#### **CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** RA-4/Princeton Corners Subdivision

**SOUTH:** NS, PSC, O&I, LRO & R-20/Existing retail, offices and Mohina Woods Subdivision

**EAST:** O&I/Developed office/institutional uses

**WEST:** R-20 Landscape Buffer/R-20 Vestavia Estates Subdivision/RA-5 Kaylyssa Park Subdivision

**PETITION NO:** Z-40

**HEARING DATE (PC):** 11-01-2011

**HEARING DATE (BOC):** 11-15-2011

**PRESENT ZONING:** PSC, NRC, R-20

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Neighborhood Market

**SIZE OF TRACT:** 13.184 acres

**DISTRICT:** 16

**LAND LOT(S):** 910, 963

**PARCEL(S):** 7

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

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

#### **PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

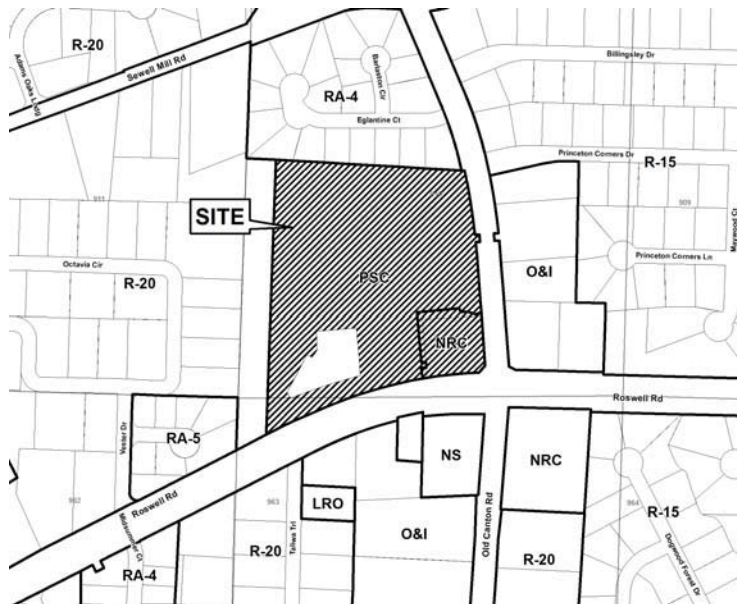
#### **BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

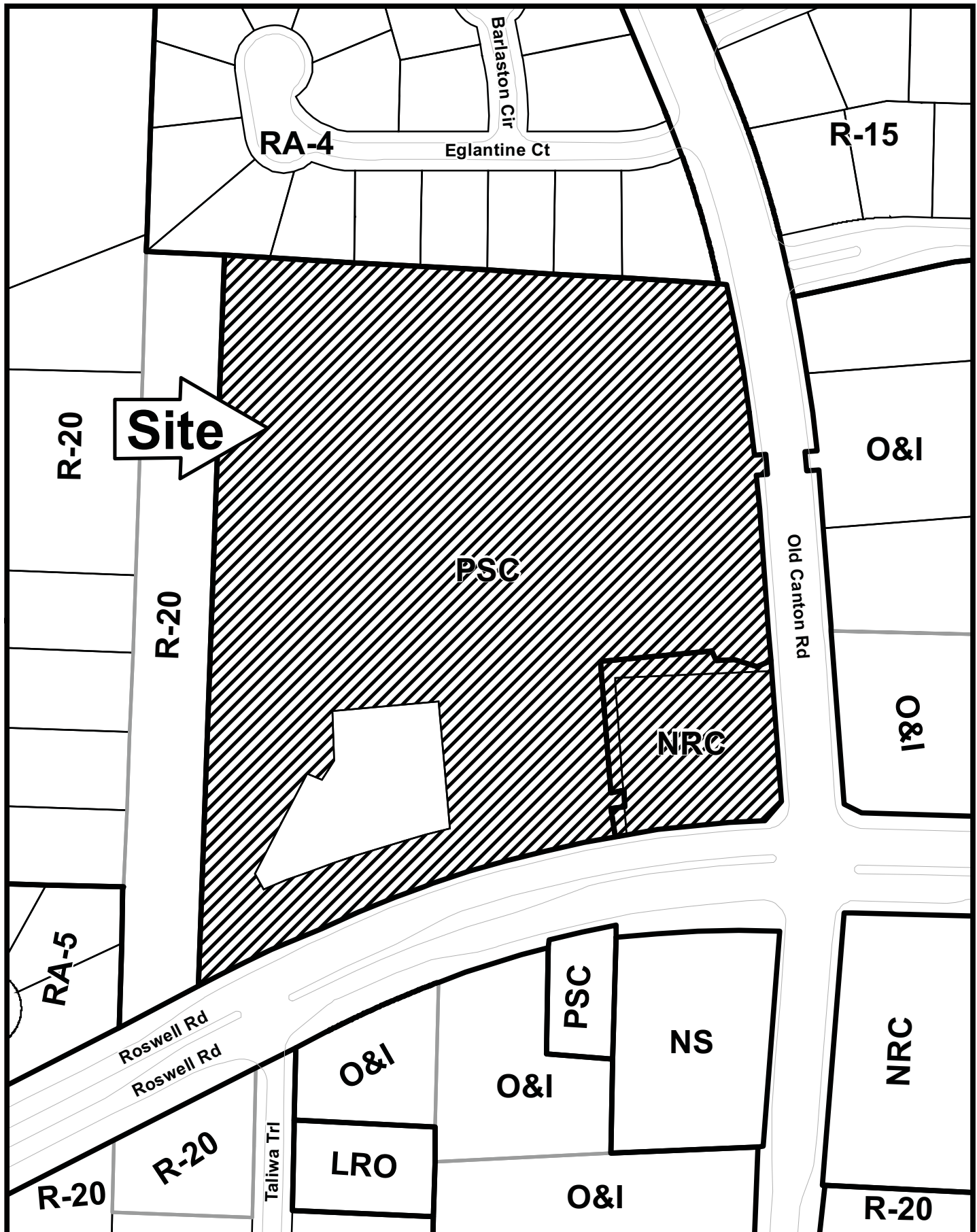
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

#### **STIPULATIONS:**



# Z-40



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

100 0 100 Feet



City Boundary  
Zoning Boundary

**APPLICANT:** David C. Kirk, attorney for Wal-Mart

**PETITION NO.:** Z-40

**PRESENT ZONING:** PSC, NRC & R-20

**PETITION FOR:** NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 1 Existing

**Total Square Footage of Development:** 48,035

**F.A.R.:** 0.83

**Square Footage/Acre:** 3,642

**Parking Spaces Required:** 419

**Parking Spaces Provided:** 440

Applicant is requesting the NRC zoning category in order to allow redevelopment on a portion of the existing shopping center. The Wal-Mart Neighborhood Market will be located in what was previously a Winn-Dixie grocery store. The larger portion of the property containing the main shopping center is zoned PSC and as such cannot be redeveloped under its current land use category of Neighborhood Activity Center (NAC). The fitness center on the property is moving to a different space in the center that will be expanded and if this application is approved the minor improvements for the Wal-Mart Neighborhood Market will be allowed, as well as the athletic and fitness club being allowed as a special exception. Applicant has submitted architectural renderings along with a letter of intent (impact analysis) and these items are attached for your review. The minutes for the previous rezoning from 1983 (Z-193) are also attached.

**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.

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**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 David Clark, attorney for Wal-Mart

PETITION NO. Z-040

PRESENT ZONING PSC & NRC

PETITION FOR NRC

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**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): ***10" DI / N side Roswell Road***

Additional Comments: Also 20" DI / W side Old Canton Road

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: ***Records show site as already connected***

Estimated Waste Generation (in G.P.D.): **A D F= nominal Peak= nominal**

Treatment Plant: **Sutton**

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

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

Drw 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 Records show shopping center to be connected and active  
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: David C. Kirk, attorney for Wal-Mart

PETITION NO.: Z-40

PRESENT ZONING: PSC & NRC

PETITION FOR: NRC

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**DRAINAGE COMMENTS**

FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sope 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 downstream \_\_\_\_\_.

APPLICANT: David C. Kirk, attorney for Wal-Mart

PETITION NO.: Z-40

PRESENT ZONING: PSC & NRC

PETITION FOR: NRC

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DRAINAGE COMMENTS CONTINUED
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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. This development is served by an existing stormwater management facility. All proposed building expansion will be located over existing paving, however, since the existing detention pond was installed prior to implementation of water quality design requirements, water quality treatment must be provided for the new, reformed impervious coverage.
2. Any necessary maintenance issues within the existing detention pond must be addressed.

**APPLICANT: David C. Kirk, attorney for Wal-Mart**

**PETITION NO.: Z-40**

**PRESENT ZONING: PSC & NRC**

**PETITION FOR: NRC**

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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
Roswell Road	40500	Arterial	45 mph	Georgia DOT	110'
Old Canton Road	16800	Arterial	35 mph	Cobb County	100'

*Based on 2010 traffic counting data taken by Georgia DOT (Roswell Road)*

*Based on 2010 traffic counting data taken by Georgia DOT (Old Canton Road)*

**COMMENTS AND OBSERVATIONS**

Roswell 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.

Old Canton 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.

**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 west side of Old Canton Road, a minimum of 50' from the roadway centerline.

Recommend no additional access to Roswell Road or Old Canton Road.

Recommend installing sidewalk along the Roswell Road frontage.

Recommend installing sidewalk along the Old Canton Road frontage.

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 project improvements.



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## **STAFF RECOMMENDATIONS**

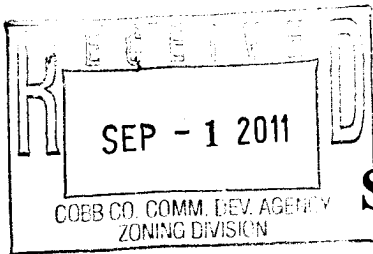
### **Z-40 DAVID C. KIRK, ATTORNEY FOR WAL-MART**

- 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. Other properties at this intersection are zoned and developed for retail and office/institutional uses.
- 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 subject property is an existing shopping center that previously had a chain grocery store as a tenant. The applicant's proposal contains improvements to the existing shopping center that will improve the overall appearance and contribution to the area.
- 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 indicates this property is within a Neighborhood Activity Center. Under the current PSC zoning category, no new redevelopment of the shopping center can be done under the current land use category of Neighborhood Activity Center. If the NRC zoning is approved, redevelopment will be allowed and the fitness center will be allowed as a special exception.
- 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 shopping center had a grocery store in the past and the current proposal will allow the space to be occupied by the new Wal-Mart Neighborhood Market store.

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

- Site plan received by the Zoning Division on September 1, 2011, with the District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- 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-40

Nov.  
2011

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): N/A
- b) Proposed building architecture: N/A
- c) Proposed selling prices(s): N/A
- d) List all requested variances: N/A
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

- a) Proposed use(s): Walmart Neighborhood Market and relocation of fitness center.
- b) Proposed building architecture: See Exhibit "C" attached hereto
- c) Proposed hours/days of operation: To be determined.
- d) List all requested variances: None at this time.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

See attached Letter of Intent and exhibits.

\_\_\_\_\_

\_\_\_\_\_

.....  
**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).

No.

\_\_\_\_\_

\_\_\_\_\_

SEP - 1 2011

**LETTER OF INTENT & JUSTIFICATION  
REZONING APPLICATION****COBB COUNTY, GEORGIA**

Through its attorney and as authorized by the property owner, Walmart Real Estate Business Trust (the "Applicant") respectfully submits this Letter of Intent & Justification to the Cobb County Planning Commission and Board of Commissioners in support of a Rezoning Application to allow for the redevelopment of the subject property to include a Walmart Neighborhood Market and the relocation of the Fitness Center currently operating on the property.

**THE PROPERTY**

The subject property consists of 13.186 acres located at 3101 Roswell Road - at the northwest quadrant of the intersection of Roswell and Old Canton roads. There is an existing partially vacant shopping center known as the Olde Mill Shopping Center on the property. Walmart intends to lease a portion of the existing shopping center that previously housed a Winn-Dixie grocery store, and slightly expand the rear section of the building to allow for more efficient loading and store operations. The approximately 48,100 square foot Walmart Neighborhood Market will be located in the space currently partially occupied by the Fitness Center, which will relocate to an adjacent space, which will be partially demolished and rebuilt as an approximately 22,500 square foot facility. A Site Plan prepared by Wolverton & Associates, dated August 9, 2011 (Exhibit "A"); a Survey prepared by Wolverton & Associates, dated July 27, 2011 (Exhibit "B"); and Elevation Drawings prepared by Scott & Goble

Architects, PC, dated August 29, 2011 (Exhibit "C") are included with this application and provide additional information on the subject property and proposed development.

A 0.95 acre portion of the subject property previously was rezoned to NRC pursuant to Application Z-17 (2010) subject to, among other things, development in accordance with a site plan providing for the development of a CVS Pharmacy. As evidenced by the letter attached as Exhibit "D" the parties were unable to reach an agreement on the lease of the property to CVS. Accordingly, the property owner has authorized this application to incorporate the 0.95 acre portion of the shopping center property previously rezoned to NRC (Neighborhood Retail Commercial District) by Z-17 (2010). This area is depicted on the attached Site Plan.

### **REQUEST FOR REZONING**

The Applicant respectfully requests approval of the rezoning of the subject property from NRC (Neighborhood Shopping Center) and PSC (Planned Shopping Center District) to NRC (Neighborhood Shopping Center District) to allow for the proposed redevelopment. Under Section 134-225(1) of the Cobb County Zoning Ordinance (the "Ordinance"), "any existing, developed PSC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use." Because the building proposed to be redeveloped as the Walmart Neighborhood Market was previously a Winn-Dixie grocery store, its proposed use as a Walmart Neighborhood Market would be considered a continuation of that nonconforming use and be permitted if no expansion to the Winn-Dixie building shell or other buildings on the subject property occurred. However, to accommodate the relocation of the Fitness Center to a newly expanded space, and to allow for minor improvements to the former Winn-Dixie shell, the property must be rezoned. The NRC zoning classification

appears to be the most suitable for the proposed development. Athletic and health clubs are allowed by Special Exception Use under Section 134-213(11) of the Ordinance. Accordingly, the Applicant respectfully requests that approval of this rezoning application include approval of a Special Exception Use to allow for the relocation and continued operation of the Fitness Center.

The Neighborhood Market is a grocery store concept Walmart has successfully operated in other states for many years and has now introduced in Georgia. Walmart Neighborhood Markets provide a convenient destination for customers to purchase groceries and other everyday basics. Among other items, the store will feature fresh meat, dairy, and produce; a deli; groceries; consumables; health and wellness supplies; and an in-store pharmacy. The Elevation Drawings attached hereto provide the proposed architectural renderings for the building, which will be consistent with the design of the existing shopping center. The Applicant, working in cooperation with the property owner and County staff, believe that this redevelopment will significantly improve the subject property, while also providing the surrounding community with a convenient place to purchase groceries and everyday basics.

#### **STANDARDS TO CONSIDER IN REZONING ACTIONS**

As required by Section 134-124 of the Ordinance, the Cobb County Board of Commissioners shall consider the following criteria when deciding a rezoning application:

- 1) **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The requested rezoning will allow for the continued commercial use of the property, which is suitable in view of the location of the subject property, the current zoning of the

property under the Ordinance, and the development of adjacent and nearby properties in the surrounding area. The property is adjacent to a major intersection around which substantial commercial development already has occurred, and continues to occur consistent with the County's adopted land use and zoning policies. The proposed redevelopment of a portion of the existing shopping center is entirely consistent with such uses, County policy, and the existing development pattern in the surrounding area.

**2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent and nearby property.**

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The current zoning classification of the subject property allows for commercial uses, including the existing shopping center located on the property. The proposed rezoning will simply allow for the redevelopment of a portion of the existing shopping center, which will include the proposed Walmart Neighborhood Market and the relocated Fitness Center. The majority of adjacent properties are both zoned and used for compatible commercial purposes. While there are residentially zoned properties to the north and west of the subject property, sufficient buffers already exist or are proposed to be enhanced to prevent adverse affects to these properties.

**3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

While the subject property has a reasonable economic use under its current zoning classification, the current zoning prohibits any substantial redevelopment of the property, and thus substantially limits the long-term economic viability of the existing shopping center. Section 134-225(1) of the Ordinance provides that "any existing, developed PSC zoning/use

located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use.” Because the property is a grandfathered, nonconforming use, it may not be expanded or reconfigured to accommodate the requirements of new tenants absent the proposed rezoning. Accordingly, in order to redevelop a portion of the existing shopping center the subject property must be rezoned to a different commercial zoning classification.

**4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

The subject property is currently zoned to allow for commercial uses, the scope and intensity of which will not be significantly changed by the proposed rezoning to a different commercial zoning classification. Instead, the rezoning will allow for the proposed Walmart Neighborhood Market and relocation of the Fitness Center, which would not be possible under the current zoning classification. Such redevelopment of a portion of the existing shopping center will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

**5) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.**

Cobb County’s 2030 Comprehensive Plan provides that the Future Land Use of the subject property is “Neighborhood Activity Center,” which is intended to provide for areas that serve neighborhood residents, such as low intensity retail uses. The Applicant respectfully submits that the proposed rezoning and use of the subject property for a Walmart Neighborhood Market, a Fitness Center, and other commercial uses is consistent with the subject property’s land use designation and the policy guidance provided in the Comprehensive Plan.



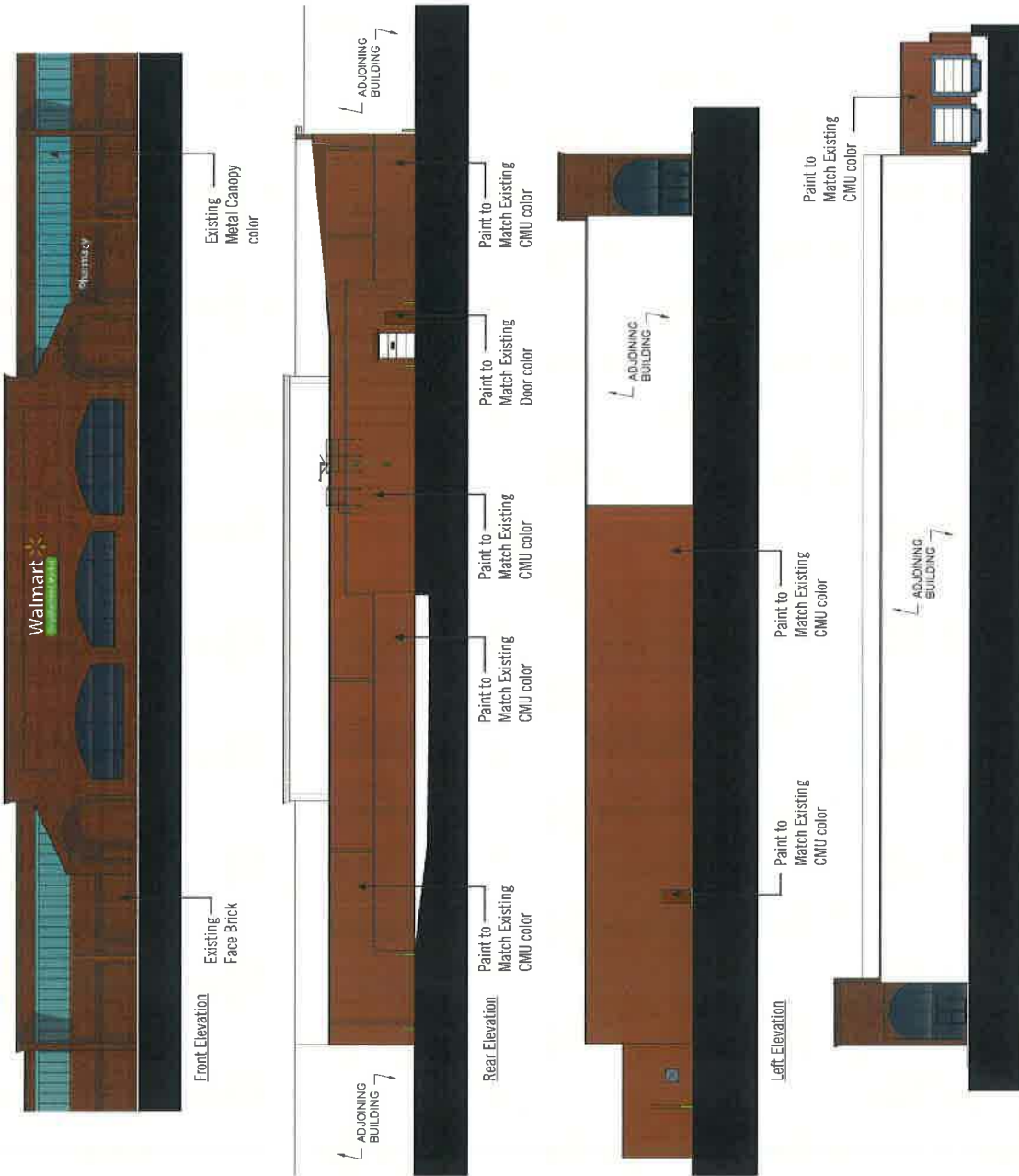
6) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

Over time, the redevelopment of the subject property has been severely hindered by its status as a legal non-conforming use. Approval of the proposed rezoning will allow for the redevelopment of a portion of the existing shopping center to allow for the location of the proposed Walmart Neighborhood Market and relocation of the Fitness Center, which supports the Land Use Plan and is consistent with the existing development pattern in the surrounding area. The Applicant respectfully suggests these changing conditions support the approval of the requested rezoning.

#### **SUMMARY AND CONCLUSION**

For the reasons stated more fully above, the Applicant respectfully requests the Cobb County Board of Commissioners approve the requested rezoning of the subject property from NRC and PSC to NRC to allow for the construction and operation of the proposed Walmart Neighborhood Market, the relocation of the existing Fitness Center as a Special Exception Use, and the overall improvement of the existing shopping center.

The Applicant, including its attorneys, architects, and engineers, stands ready to provide any additional information County officials may find helpful or useful during the review of this application or to assist in any manner during the required public review period.



Sign	Qty.	Color	Height	Area (S.F.)	Total S.F.
Walmart Market	1	White	3'-6"	189.84	188.24
Pharmacy	1	White	2'-0"	32.60	32.60

Identity and Directional Signage Total Sq. Ft.

Building Elevations and Sign Details

Marietta (Old Canton), GA # 3069 - Takeover

Formerly - Just Fitness

August 31, 2011

**Walmart**  Right Elevation

 August 31, 2011

DESIGN FOR CONSTRUCTION ONLY. NOT FOR CONSTRUCTION. PRELIMINARY - NOT FOR CONSTRUCTION.

**EXHIBIT**

**C**

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES  
COBB COUNTY PLANNING COMMISSION

Date of Application April 22, 1983 Date of Hearing June 14, 1983  
Titleholder\* Amilee Sewell Signature Austeen T. Anderson  
Austeen T. Anderson, Attorney - in-  
Address 1220 Old Canton Road Phone 971-8885 Fact  
Applicant Columbia Properties, Inc. and Signature [Signature]  
O'Neill Developments, Inc.  
Columbia Properties,  
Address 1343 Terrell Mill Road Day Phone 953-6262  
To Zone From PSC and R-20 To R-20, RA-4, O&I, PSC, & GC Land Use  
For the Purpose of Single Family, Cluster Housing, Offices, Shopping, and Commercial  
Land Lot(s) 909, 910, & 963 District 16 Section 2nd, Cobb County  
Containing Approx. 81 acres  
Located NWC, NEC, & SEC of Old Canton Road and Upper Roswell Road  
This property being more particularly described as follows:

See Exhibit A - Total Tracts

See Exhibit B - Individual Tracts

\* Titleholder E. B. Anderson Signature E.B. Anderson  
\* Titleholder J. C. McDuffie Signature J.C. McDuffie

RECOMMENDATION OF PLANNING COMMISSION 6/14/83 - Planning Commission recommended  
application be approved subject to deleting southeast corner on site plan  
to NS, and northwest corner to GC. Motion by Howard, seconded by  
Wayman, carried 5-1, Vansant opposed.

Frank Wyatt, Chairman

FINAL DECISION OF BOARD OF COMMISSIONERS 6/14/83 - Board of Commissioners  
approved application as follows: 24 ft. buffer strip along Sewell Mill Rd.,  
develop RA-4 first before developing the commercial property. On the site  
that adjoins his existing PSC zoning, that site is called "C" on original  
cont. on Page 2

Ernesta Barrett, Chairman

## COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

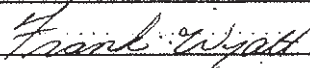
## COBB COUNTY PLANNING COMMISSION

Date of Application April 22, 1983 Date of Hearing June 14, 1983

Applicant's Name Columbia Properties Inc. &amp; O'Neill Developments, Inc.

Address 1343 Terrell Mill Road, Marietta, GA

Recommendation of Planning Commission (Cont'd from page 1):

 , Chairman

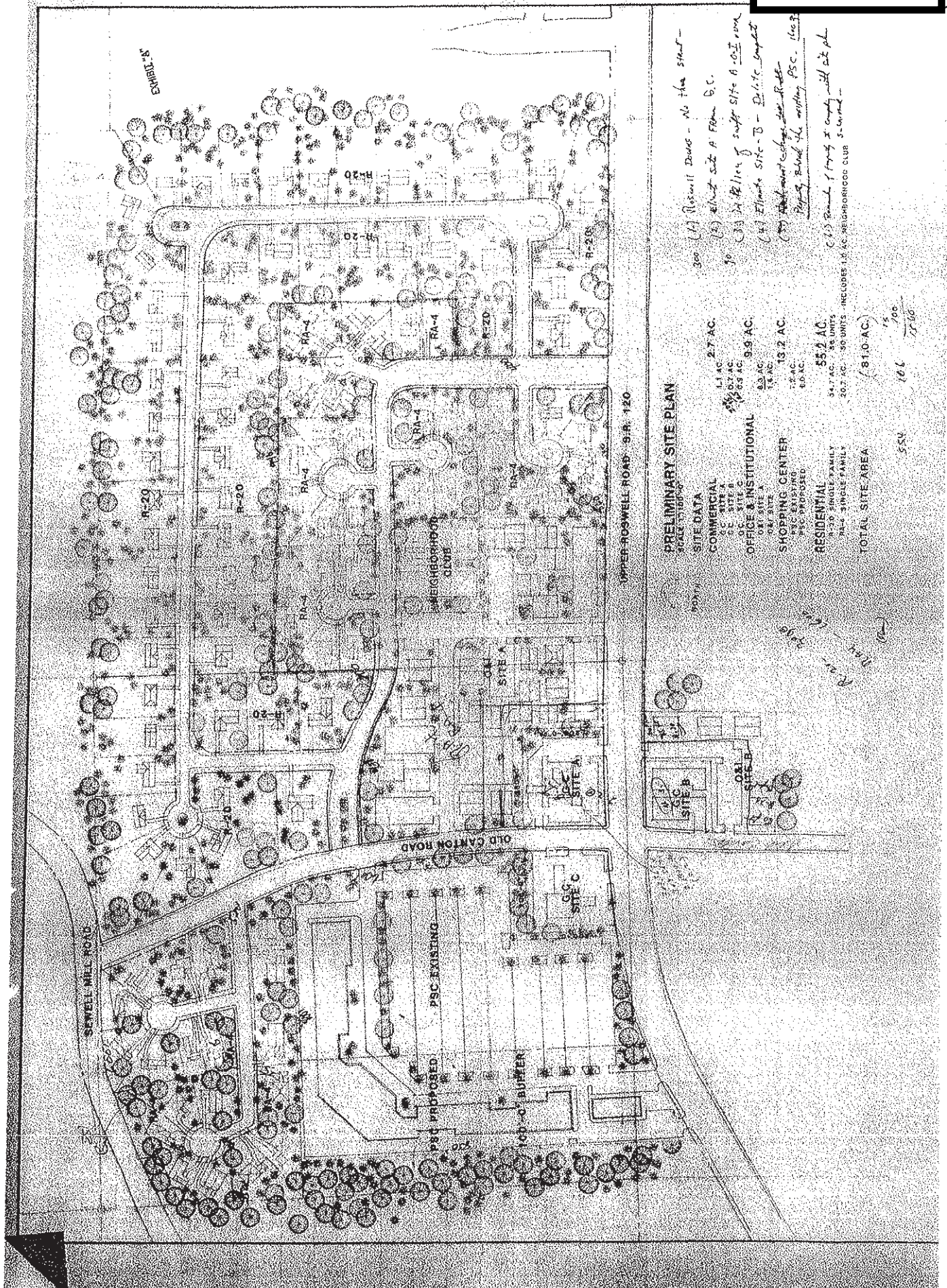
Final Decision of Board of Commissioners (Cont'd from page 1):

6/14/83 - plan, we want that to be General Commercial (GC) and the site

immediately across on Old Canton Rd., on the first site was called A; instead of GC, we want to move his OI over and allow him 2.2 acres and the portion of OI behind that will not be included will be RA-4 and across the street, across Roswell Rd. adjacent to Misty Forest, it will be NS with a 75 ft. buffer strip left R-20 in its natural state on the side that adjoins Roswell Rd. and on the side that adjoins Old Canton Rd in the back of the property 50 ft. strip, R-20 natural buffer. See revised plan marked Exhibit A on file. All conditions in the agreement signed by the homeowners, as to widening of Old Canton Rd., in addition if the developer does not accept this, then my motion would be to reject totally. Motion by Lankford, seconded by Williams; carried 5-0.

 , Chairman







June 10, 1983

Board of Commissioners  
COBB COUNTY  
Cobb County, Georgia

Re: PROPERTY LOCATED AT  
UPPER ROSWELL ROAD AND OLD CANTON ROAD

Dear Commissioners:

You have previously received petitions from the various under-  
signed homeowners associations expressing opposition to the  
subject rezoning.

We, the officers of these various homeowners associations, have  
subsequently met with Columbia Properties and O'Neill Developments  
to express our concern regarding their development at Old Canton  
Road and Upper Roswell Road. While we are not in favor of further  
commercial and higher density residential development in the imme-  
diate vicinity, we have agreed not to oppose the subject rezoning  
on the basis of the conditions set forth in the attached document,  
and provided that the preliminary site plan, as submitted, is  
generally followed.

Our collective organizations remain opposed to the helter-skelter  
rezonings which do not take into account the interest of affected  
property owners and service capabilities within the county. We,  
however, recognize that the 81 acre parcel in question, because  
of existing PSC zoning, would ultimately be developed into some-  
thing other than low density residential.

It is solely because of this recognition and the cooperation we  
have been able to obtain from the developers as well as their  
comprehensive plans that we are withdrawing our opposition.

Sincerely,

ROSWELL DOWNS HOMEOWNERS ASSOCIATION

By: H. W. Fouts

H. W. Fouts, President

MITSY FOREST HOMEOWNERS ASSOCIATION, INC.

By: R. U. Brock

R. U. Brock, President

By: F. R. Gurr

F. R. Gurr, Vice President

Board of Commissioners  
June 10, 1983  
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CANTON HILLS HOMEOWNERS ASSOCIATION, INC.

By: Timothy E. Culbreth  
Timothy Culbreth, Vice President

BROOKCLIFF HOMEOWNERS ASSOCIATION

By: Charles K. Reber  
Charles Reber, President

SYLVAN HEIGHTS HOMEOWNERS ASSOCIATION

By: John L. Powers  
John Powers, President

CONDITIONS OF AGREEMENT

SEWELL PROPERTY ZONING

1. The development will not have any road access to existing roadways in Roswell Downs Subdivision.
2. In the R-20 zoning, the minimum building size shall be 2,100 square feet.
3. In the RA-4 zonings, the minimum building size shall be 1,700 square feet in detached units.
4. All properties within the development shall have architectural controls to be governed by the developers so that the design of each section is complementary with the other sections.
5. In the O-I zoning, the buildings shall be limited to Williamsburg design brick buildings with a maximum of 15,000 square feet per acre. The buildings shall be limited to two stories and may contain daylight basements.
6. At the southeast corner of Old Canton Road and Upper Roswell Road, the O-I zoning shall be eliminated, and the GC zoning shall be expanded to encompass the entire tract. There shall be a 75-foot natural buffer on the east side of the property and a 50-foot natural buffer on the south side of the property. Any development on this property shall be similar in design to the rest of the development on the north side of Upper Roswell Road. Pylon signage shall be of a monument design.
7. The GC sites "A" and "C" shall be changed to a NS zoning.
8. In the RA-4 zoning on Sewell Mill Road, there shall be a 25-foot green belt along the southern right-of-way line of Sewell Mill Road.

*Barry L. Nail*  
*J. L. Nail*

*John Paul*  
*M. Buck*  
*R. W.*  
*E. E. C.*  
*John Paul*  
*11/11/11*