

APPLICANT: DDR Southeast Sandy Plains, L.L.C.

(877) 225-5337

REPRESENTATIVE: J. Kevin Moore (770) 429-1499

Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: DDR Southeast Sandy Plains, L.L.C. f/k/a

Inland Southeast Sandy Plains, L.L.C.

PROPERTY LOCATION: On the southwesterly side of Highway 92,
on the south side of Sandy Plains Road, and on the west side of Mabry
Road.

ACCESS TO PROPERTY: Sandy Plains Road, Highway 92 and
Mabry Road

PHYSICAL CHARACTERISTICS TO SITE: Existing Sandy
Plains Village Shopping Center

PETITION NO: Z-7

HEARING DATE (PC): 02-07-12

HEARING DATE (BOC): 02-21-12

PRESENT ZONING: NS

PROPOSED ZONING: NRC

PROPOSED USE: Retail

SIZE OF TRACT: 15.95 acres

DISTRICT: 16

LAND LOT(S): 107,108,109, 110

PARCEL(S): 1,30, 1,23

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: LRO, O&I, PSC, NS, R-20/Existing commercial and Brighton Woods Subdivision

SOUTH: R-15/Chatsworth Subdivision

EAST: NRC and LRO/QuikTrip and Existing houses zoned LRO

WEST: R-15/Chatsworth Subdivision; NRC and GC/Existing commercial uses

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

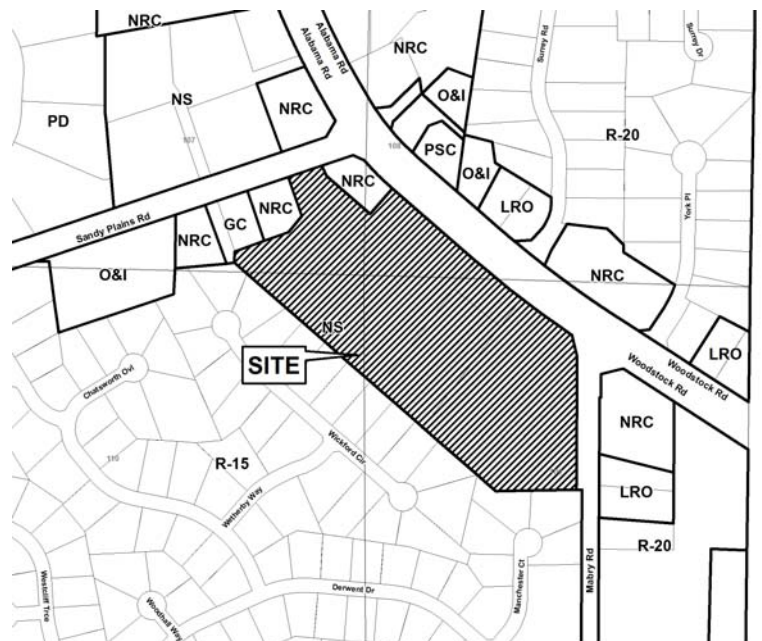
BOARD OF COMMISSIONERS DECISION

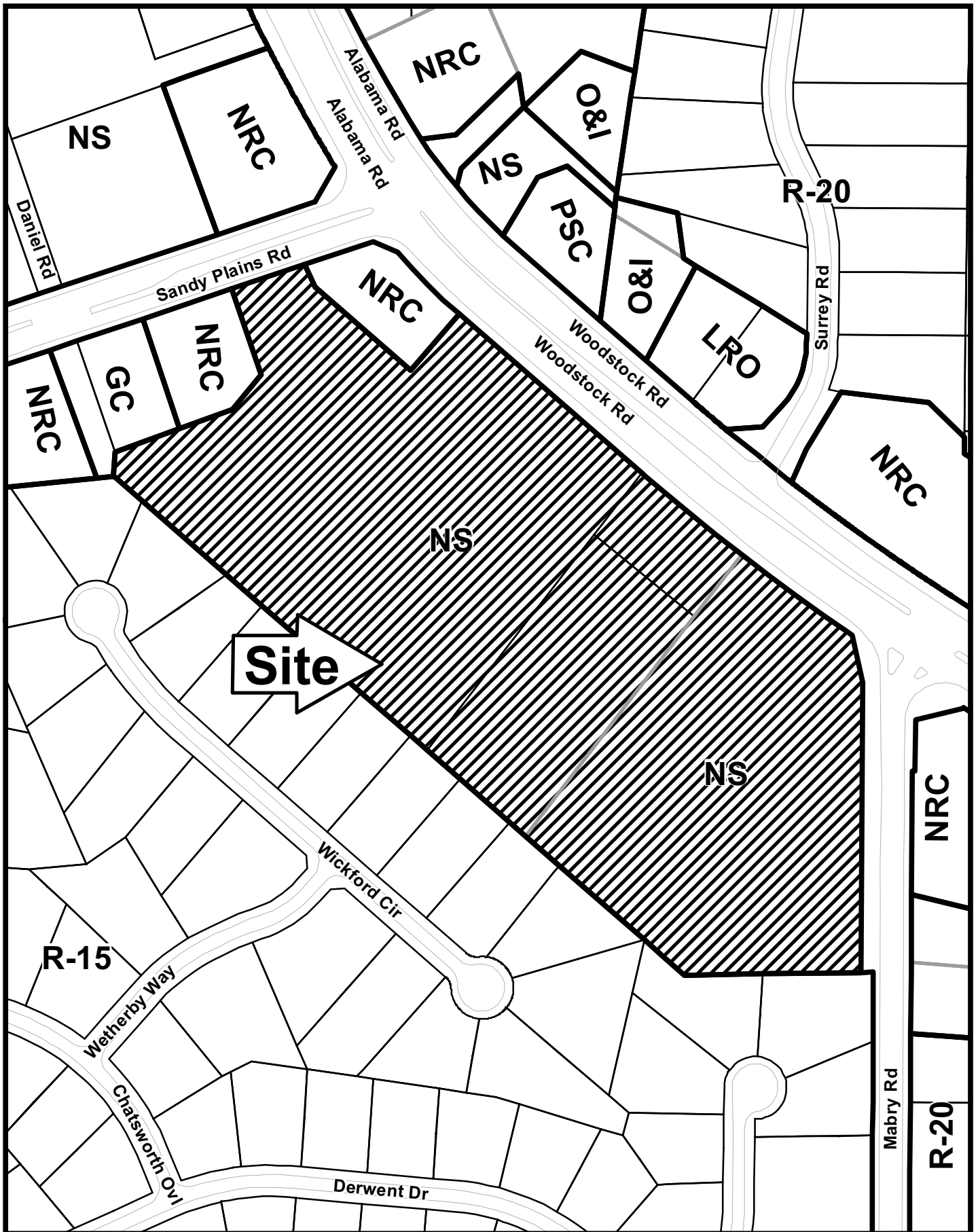
APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

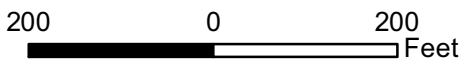
HELD _____ **CARRIED** _____

STIPULATIONS:





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



- City Boundary
- Zoning Boundary

APPLICANT: DDR Southeast Sandy Plains, L.L.C.

PETITION NO.: Z-7

PRESENT ZONING: NS

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1(Renovation) **Total Square Footage of Development:** 50,150

F.A.R.: .072 **Square Footage/Acre:** 3,144

Parking Spaces Required: 712 **Parking Spaces Provided:** 712

Applicant is requesting the NRC zoning category in order to renovate the existing Sandy Plains Village Shopping Center for a new tenant, Movie Tavern. The renovation will take place on an existing portion of the shopping center. The renovation will be traditional in styling. The proposed renovation work is not allowed under the current Neighborhood Shopping (NS) zoning category. In order to develop NS, the property must be in a Community Activity Center (CAC) or a Regional Activity Center (RAC). The subject property is located in a Neighborhood Activity Center (NAC), thus the need for the rezoning. Applicant hopes that the improvements and the addition of the new tenant will attract other long-term tenants.

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: 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:

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 DDR Southeast Sandy Plains, L.L.C.

PETITION NO. Z-007

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 / S side Sandy Plains*

Additional Comments: Existing water customer

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: *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 Current sewer customer
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: DDR Southeast Sandy Plains, LLC

PETITION NO.: Z-7

PRESENT ZONING: NS

PETITION FOR: NRC

DRAINAGE COMMENTS

No comments.

APPLICANT: DDR Southeast Sandy Plains, L.L.C. **PETITION NO.: Z-7**

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
Woodstock Road	44200	Arterial	45 mph	Georgia DOT	100'
Sandy Plains Road	23300	Arterial	45 mph	Cobb County	100'
Mabry Road	8000	Major Collector	35 mph	Cobb County	80'

*Based on 2010 traffic counting data taken by Georgia DOT (Woodstock Road)
Based on 2011 traffic counting data taken by Cobb DOT (Sandy Plains Road)
Based on 2009 traffic counting data taken by Cobb DOT (Mabry 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.

Sandy Plains 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.

Mabry Road is classified as a major collector 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 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 east side of Sandy Plains Road, a minimum of 50' from the roadway centerline.

Recommend no access changes on Sandy Plains Road.

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

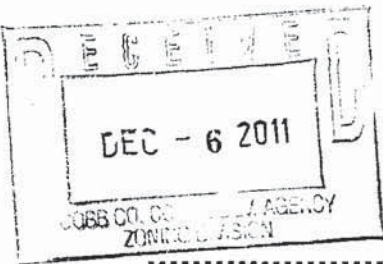
Z-7 DDR SOUTHEAST SANDY PLAINS, L.L.C.

- 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. Nearby properties are similarly zoned with commercial, retail and office uses. The subject property is currently developed as a shopping center and it is hoped that the proposed renovation and tenant addition will attract long-term tenants to the center and improve the appearance of the property.
- 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 property is currently developed as a shopping center and the need for rezoning is necessitated by the existing zoning category of NS not being allowed to further develop under the Neighborhood Activity Center land use category. The property will continue to be utilized as a shopping center and should not impose an adverse impact on the usability of adjacent or nearby properties.
- 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 (NAC) land use category. The requested NRC zoning category is compatible with the NAC land use category. NS cannot be developed in a NAC. Rezoning the property to the NRC category will allow renovations to take place that will encourage business in the shopping center. Over the past several years, portions of the shopping center have gone vacant and the proposed improvement and new tenant should have a positive impact on attracting long-term tenants for the shopping center. The applicant has this type of success in other parts of the Atlanta area.
- 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. Improvements to the property are not allowed under the current zoning category and land use category. Allowing the rezoning to NRC will bring the property into compliance with the *Cobb County Comprehensive Plan* and allow redevelopment that will be an improvement to the shopping center.

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

- Site plan and redevelopment plan attached as an exhibit to this analysis, 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-7
(2012)

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Not Applicable.
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

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

- a) Proposed use(s): Retail Center
- b) Proposed building architecture: Traditional
- c) Proposed hours/days of operation: Typical
- d) List all requested variances: Please refer to submitted Site Plan for list of requested variances necessary to address existing as-built conditions.

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

The Subject Property has experienced "dark," vacant retail space. New, quality tenants are proposed which necessitate rehabilitation of the center. The grandfathered NS category is no longer applicable; therefore necessitating rezoning of the center.

.....
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.

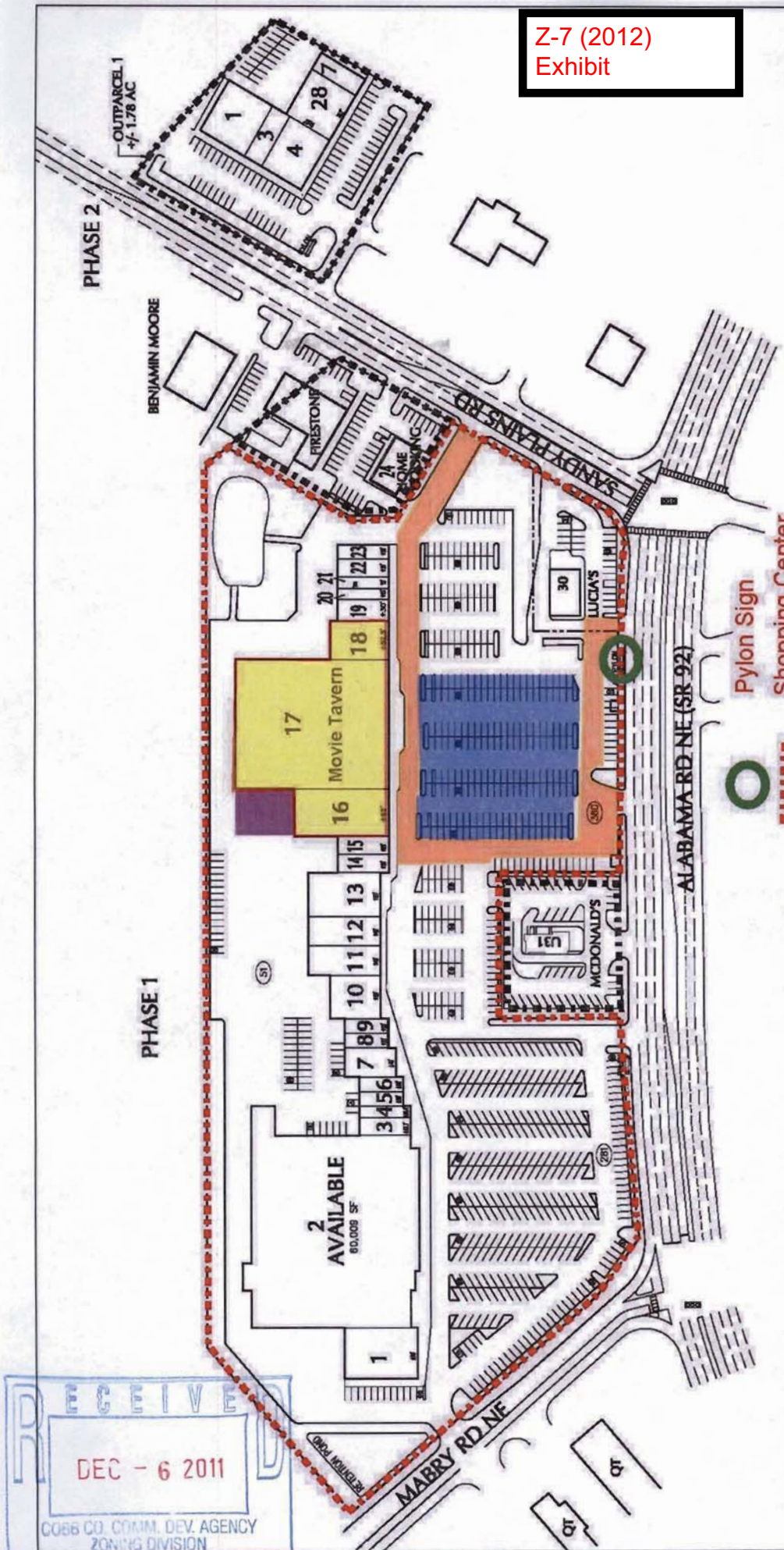
***Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.**

Z-7 (2012)
Exhibit

THIS PLAN AND THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION.



2800 Briarcliff Parkway, Roswell, Georgia 30075
Phone 410.728.2800 Fax 410.728.1000



- Pylon Sign
- Shopping Center
- Customer Parking Area/ No Kiosk Area
- Customer Access Drives
- Premises
- Staging Area
- Not Part of the Shopping Center

SANDY PLAINS VILLAGE
Alabama Rd NE (SR92) & Sandy Plains Rd
Roswell, Georgia 30075

Latitude: 34.0623, Longitude: -84.4216

REVISION
09.08.10

TENANT INDEX

PHASE 1	PHASE 2	REVISION
1 AVAILABLE	1 HARRY NORMAN (dent)	6,175 SF
2 AVAILABLE	2 STATE FARM INSURANCE	1,000 SF
3 EQUIRE CLEANERS	3 AVAILABLE	4,660 SF
4 NAILS TODAY	4 CARE KLEEN	1,470 SF
5 AVAILABLE	7 BOOKMISER	4,690 SF
6 AVAILABLE		
7 AVAILABLE		
8 AVAILABLE		
9 UPS STORE		
10 AVAILABLE		
11 AVAILABLE		
12 AVAILABLE		
13 SPUDZ TAVERN		
14 SUBWAY		
15 JAZZERCOE		
16 AVAILABLE		
17 AVAILABLE		
18 BL INIETE MEXICAN RESTAURANT		
19 CHOI KWANG MARTIAL ARTS		
20 KING WOK		
21 AVAILABLE		
22 AVAILABLE		
23 AVAILABLE		
24 HOME COOKING		
U30 LUCIA'S RESTAURANT		
U31 MCDONALD'S		

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DEC - 6 2011
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION