Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)



,	Zer and Division
Applicant: 1	Retail Planning Corporation Phone #: (770) 956-8383
A 7 7	(applicant's name printed)
	Johnson Ferry Road, Marietta, GA 30068 E-Mail:
John H. Moore	Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street Address: Marietta, GA 30060
(representative's n	phone #: (770) 429-1499 E-Mail: jmoore@mijs.com.phuning.com.phunin
BY: JUM	gnature) Georgia Bar No. 519800 E-Mail: jmoore@mijs.com
(representative s si	The state of the s
	d delivered in presence of:
Carolix	w E. Cook My commission expires: January 10, BLIC
Notary Public	
Titleholder(s)	Sun Life Assurance Company of Phone #:
	(property owner's name printed)
Address:	E-Mail:
	Exhibit "A" for Titleholder's d Contact Information
(Property owner's	signature)
Signed, sealed an	d delivered in presence of:
	My commission expires:
Notary Public	
Commission 1	District: 3 (Birrell) Zoning Case: Z-124 (1999)
Date of Zonin	g Decision: 10/28/1999 Original Date of Hearing: 09/21/1999
Location:	Southeasterly intersection of Johnson Ferry Road and Shallowford Road (3162 Johnson Ferry Road, a/k/a Shallowford Falls Shopping Center)
	(street address, if applicable; nearest intersection, etc.)
Land Lot(s):_	467, 468, 469, 470 District(s): 16th
State specifica	ally the need or reason(s) for Other Business:
See Exhibit	"B" attached hereto and incorporated herein by reference.

<u>EXHIBIT "A"</u> - <u>ATTACHMENT TO APPLICATION FOR OTHER BUSINESS</u> (SITE PLAN AMENDMENT)

OCT 1 & 2012

Sun Life Assurance Company of Canada

By:

Thomas V. Pedulla

Sr. Managing Director, Head of Global Property Investments

Address:

One Sun Life Executive Park, SC1307

Wellesley Hills, MA 02481

Signed, sealed and deliver in the presence of:

Donna M. Callahan

Notary Public

Commission Expires: April 4, 2019

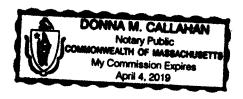


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

(SITE PLAN AMENDMENT)

Application No.:

Z-124 (1999)

Original Hearing Date:

September 21, 1999 0CT 1 6 2012

Date of Zoning Decision:

October 28, 1999

Current Hearing Date:

November 20, 2012

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

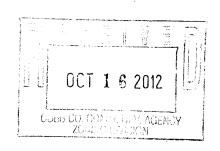
Applicant: Retail Planning Corporation

Titleholder: Sun Life Assurance Company of Canada

Applicant seeks to amend and replace the previously approved site plan for the development now known as Shallowford Falls Shopping Center located at the intersection of Johnson Ferry Road and Shallowford Road. The purpose of amending the site plan to the proposed Site Plan submitted with this Application for "Other Business" is to re-configure the entrance area located at the traffic signal to improve traffic flow, both into and out of the center. The approval of the proposed Site Plan shall be "site plan specific" as to that certain "Proposed Site Plan," last revised September 10, 2012, prepared for Applicant and Property Owner by Hill Foley Rossi & Associates.

The balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on October 28, 1999, in Application No. Z-124 (1999), are unaltered and unchanged by this request for site plan amendment.

The proposed amendment presented herein in no way adversely impacts or affects the quality of the overall development approved in the original rezoning of the Subject Property. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the proposed development.



FINAL, OFFICIAL MINUTES OF BOARD OF COMMISSIONERS Z ONING HEARING PURSUANT TO Z-124 (1999) – SEPTEMBER 21, 1999

Application for Rezoning Cobb County

Application No. <u>Z-124</u>
PC Hearing: <u>09-07-99</u>
BOC Hearing: <u>09-22-99</u>

Spectrum Realty Advisors, Inc. Applicant Jon Barry Business Phone 404) 252-2288Home Phone N/A
Rachel The bunds
Jon Barry / Katherine Tames Address5871 Glenridge Dr. Suite 400, Atlanta,
(representative's name, printed) GA 30328 Business Phone (404) 252-2288
(representative's signature) Business Phone (404) 252–2288
Signed, sealed and delivered in presence
1 NOTARY TO TARY
(amaniforation of the second
Notary Public PUBLIC SUBJECT COmmission expires: July 2001
Titleholder Massachusetts Mutile Construction Phone 404) 303-808 Home Phone N/A Life Insurance Company
Gi Litte Insurance Company
Signature \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \
(attach additional signatures, if needed) Atlanta, GA 30342
Signed, sealed and delivered in presence of NOTAGE
San the Humand My commission expires: (414, 200)
Mpiary Pripric ()
R-20 cand PSC
Zoning Request From Courty Grant to PSC (proposed zoning)
For the Purpose of Renovation of Shopping Center Size of Tract 14.06 Acre(s)
(subdivision, restaurant, warehouse, apt., etc.)
Location 3162 Johnson Ferry Road: Johnson Ferry/Shallowford Roads
(street address, if applicable; nearest intersection, etc.)
Land Lot(s) 467, 468, 469 and 470 District 16th
We have investigated the site as to the existence of archeological and/or architectural
landmarks. I hereby certify that there <u>are/are no</u> such assets. If any, they are as follows:
60 Welly
(applicant's signature)
We have investigated the site as to the existence of any cemetery located on the above property.
I hereby certify that there is/is not such a cemetery. If any, they are as follows:

PAGE 2 OF 26	APPLICATION NO. Z-124
ORIGINAL DATE OF APPLICATION:	09-21-99
APPLICANTS NAME: SPECTRUM	I REALTY ADVISORS, INC.
THE EALLOWING DEDDESENTS	THE EINAL DECICIONS OF THE

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 09-21-99 ZONING HEARING:

SPECTRUM REALTY ADVISORS, INC. for Rezoning from R-20 and PSC to PSC for the purpose of Renovation of a Shopping Center in Land Lots 467, 468, 469 and 470 of the 16th District. Located at the southeast intersection of Johnson Ferry Road and Shallowford Road. (Held by the Planning Commission; therefore was not considered by the Board of Commissioners)

PAGE <u>3</u> OF <u>6</u>	APPLICATION NO. Z-124
ORIGINAL DATE OF APPLICATION:	09-21-99
APPLICANTS NAME: SPECTRUI	M REALTY ADVISORS, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 10-28-99 ZONING HEARING:

SPECTRUM REALTY ADVISORS, INC. for Rezoning from R-20 and PSC to PSC for the purpose of Renovation of Shopping Center in Land Lots 467, 468, 469 and 470 of the 16th District. Located at the southeast intersection of Johnson Ferry Road and Shallowford Road. Mr. Carl Westmoreland stated agreeable conditions. Following this presentation, the Board of Commissioners approved rezoning of a portion of the R-20 buffer area to the PSC zoning district subject to: 1) conditions contained in letter dated September 3, 1999 and as shown on site plan submitted (letter and reduced copy of site plan attached and made a part hereof); 2) landscape plan within the 25 foot buffer area to be approved by Staff; 3) Stormwater Management Division comments and recommendations; 4) REVISED Cobb DOT comments and recommendations (as contained in the Zoning Analysis); 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. Motion by Olens, carried 5-0. Clerk's Note: Commissioner Olens asked DOT to investigate alternative means to control speeding along Shallowford Road.



EAST COBB CIVIC ASSOCIATION INC.

P.O. Box 72151 Marietta, Georgia 30007-2151 242-4555

September 3, 1999

Min. Bk. 3 Petitics No. 2-/24

Doc. Type Stipulated letter

Meeting Date 1938/99

The East Cobb Civic Association would not be opposed to Z-124, 1999 application for rezoning of the former Winn Dixie shopping center at the intersection of Johnson Ferry and Shallowford Roads, if the applicant would agree to the following:

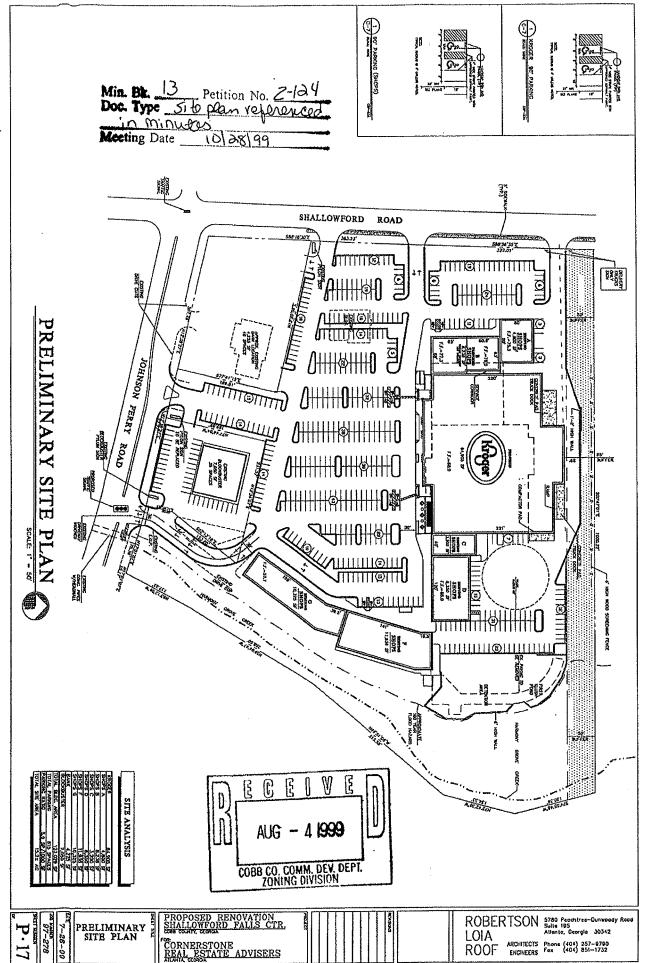
- 1. It is important to the homeowners on the eastern side and the surrounding subdivisions that the strip behind the store remain an R20 or R30. We suggest that the application be amended so that the shopping center be rezoned to NRC but the strip remain an R20.

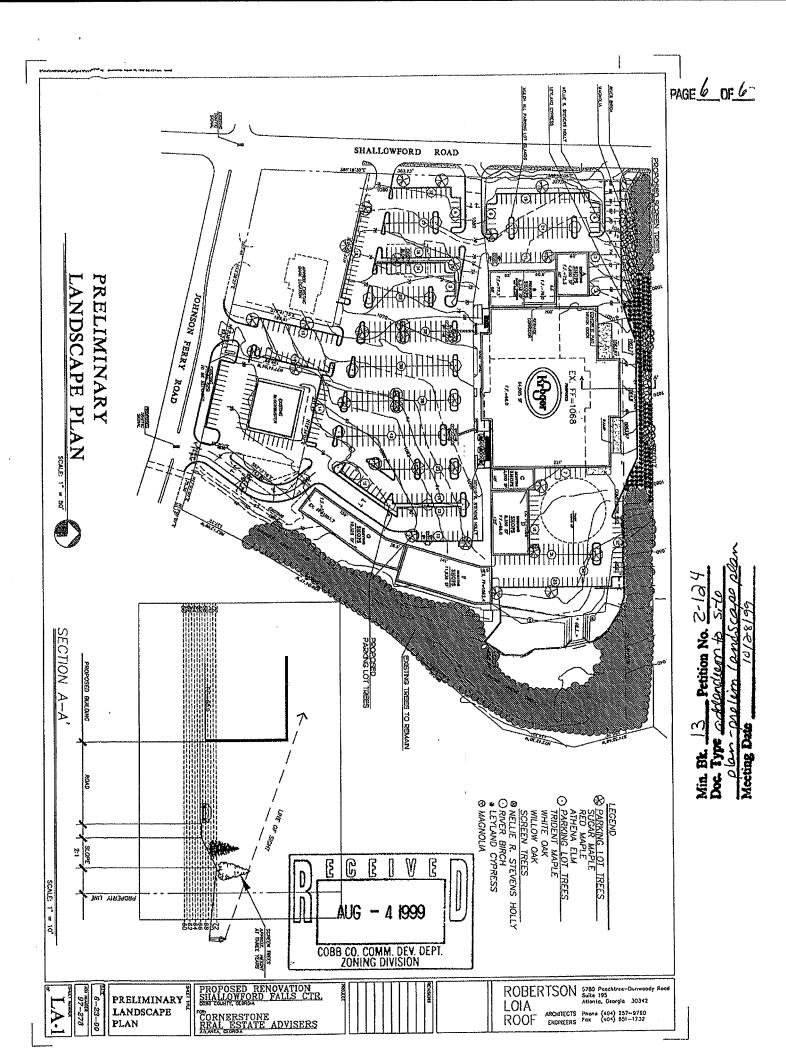
 Zoning Administrator ares Not support NRC for the cold.
- 2. A landscape buffer should be provided along the eastern side low of the parcel with a six foot tall cypress fence. The landscape plan king should provide a mix of evergreen and hardwood trees and vegetation. The owners or its management company will be responsible for maintenance.
- 3. Light poles in the parking area and rear of the building should not exceed 40' and should be an attractive shoe box style.
- 4. Truck deliveries and trash pickup should conform with the County regulations so that deliveries be from 7 a.m. to 10 p.m.
- 5. The site plan will conform with the new County tree ordinance by providing for trees throughout the parking lot and around the perimeter of the parcel.

We support our member subdivisions in this request for these stipulations. Thank your for your consideration.

Vicki Plunkett President

cc: Edwin Thomas, Principal Planner





APPLICANT:	Spectrum Realty Advisors, Inc.	PETITION NO.:	Z-124
PRESENT ZONING:	R-20, PSC	PETITION FOR:	PSC
* * * * * * * * * * * * * *	******	******	* * * * * *
DRAINAGE COM	AMENTS		
		1	
FLOOD HAZARD:	☑ YES ☐ NO ☐ POSSIBLY, NO	T VERIFIED	
DRAINAGE BASIN: H	Iarmony Grove Cr. FLOOD HAZAR	D INFO: undefined @ creek	
	00 year Floodplain Flood		
	ntion Ordinance DESIGNATED FLO	OD HAZARD	
	Cobb County Flood Damage Preventi		
	m (<u>upstream</u>) (onsite) lake - need to k		f hazard
WETLANDS: ☑ YES	□ NO □ POSSIBLY, NOT VE	ERIFIED	
Location: within flood h	<u>azard</u>		
The Owner/Develope The Owner/Develope	er is responsible for obtaining any re	equired wetland permits from	the U.S. Army
Corps of Enginee		•	
STREAMBANK BUFF	ER ZONE: ⊠ YES □ NO □ P	OSSIBLY, NOT VERIFIED	
Motropoliton Divor	rotection Area (within 2000' of Chatt	shoochee River) ARC (review	35' undisturbed
buffer each side		anoonice River) Title (16 view	JJ unablarde
	Corridor Tributary Area - County rev	jew (25' undicturbed huffer e	ach side)
Chattanoocnee River	Corridor Tributary Alea - County lev	nee County Peview/State Re	view
Georgia Erosion-Seu	iment Control Law and County Ordina	t atroomhank buffers	VICW
☐ Georgia DNR Variar	ace may be required to work in 25 foot	streambank butters	
DOWNSTREAM CON	DITION		
☑ Potential or Known of	Irainage problems exist for developme	nts downstream from this site.	
Stormwater discharg drainage system.	es must be controlled not to exceed t	he capacity available in the do	wnstream storn
	public roads		
	of concentrated stormwater discharges	onto adjacent properties.	
Developer must secu	re any R.O.W required to receive con-	centrated discharges where nor	e exist naturally
☐ Existing Lake Down		0	•
Additional BMP	s for erosion sediment controls will be	e required	
	document sediment levels	•	
	es through an established residential ne	eighborhood downstream	
Project engineer mi	ist evaluate the impact of increased	volume of runoff generated	by the propose
	stream culvert @ Mountain Creek Dri		
ZJ - +	The state of the s		

ΑĽ	PLICANT: Spectrum Realty Advisors, Inc.	PETITION NO.:	Z 124
PR	RESENT ZONING: R 20	PETITION FOR:	PSC
* *	***************	*********	*****
	DRAINAGE COMMENTS CONTINUED		
<u>SF</u>	PECIAL SITE CONDITIONS		
X	Provide comprehensive hydrology/stormwater contr	rols to include developme	ent of outparcels.
X	Submit all proposed site improvements to Plan Revi	iew	
	Any spring activity uncovered must be addressed by	y a qualified geotechnical	l engineer (PE)
X	Structural fill in flood hazard must be placed under	the direction of a qualif	ied geotechnical engineer (PE)
П	Existing facility		
X	Project must comply with the Water Quality requir	rements of the CWA-NF	PDES-NPS Permit and County
	Water Quality Ordinance		
	Water Quality/Quantity contributions of the exist	ing lake/pond on site n	nust be continued as baseline
	conditions into proposed project.		
X	Calculate and provide % impervious of project site		
$ \mathbf{X} $	Revisit design, reduce pavement area to reduce runc	off and pollution	
TN	ISUFFICIENT INFORMATION		
***	<u>, , , , , , , , , , , , , , , , , , , </u>		
X	No Stormwater controls shown Required @ Plan	<u>Review</u>	
	Copy of survey is not current - Additional commen	ts may be forthcoming w	when current site conditions are
	exposed.		
	No site improvements showing on exhibit		

ADDITIONAL COMMENTS/SUGGESTIONS

- Current shopping center was constructed years ago with underground detention. Due to Clean Water Act mandates this form of stormwater controls must be revisited and WQ-BMP provided in new design.
- The southern part of this project is immediately downstream from a large lake/dam. Proposed design must accommodate requirements of Flood Damage Prevention Ordinance.

APPLICANT: Spectrum Realty Advisors, Inc.	:	PETITION NO.: Z-124
PRESENT ZONING: R-20 & PSC	î.	PETITION FOR: PSC
*******	* * * *	******
TRANSPORTATION COMMENTS		

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Johnson Ferry Road	31,650	Arterial	100'
Shallowford Road	14,380	Arterial	100'

Johnson Ferry Road and Shallowford Road are both classified as Arterials. According to the available information, the existing rights-of-way do not meet the minimum requirements for this classification.

DOT recommends that the owner/developer/applicant provide a warrant analysis at the easternmost access location on Johnson Ferry Road. If a traffic signal is warranted, recommend that the owner/developer/applicant be 100% responsible for all costs associated with the installation of the traffic signal.

To provide a continuous pedestrian network, DOT recommends the installation of sidewalk along the entire Shallowford Road property frontage.

To minimize operational, safety and sight distance concerns, DOT recommends that the northernmost driveway location on Shallowford Road be closed. Additionally, recommend a maximum of two driveways on Johnson Ferry road.

The applicant will have to verify that minimum intersection sight distance is available at each access location. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirements of 475' for each proposed access at its intersection with the Arterial.

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 north side of Johnson Ferry Road, a minimum of 50' from the roadway centerline; b) donation of right-of-way on the east side of Shallowford Road, a minimum of 50' from the roadway centerline; c) provide a warrant analysis and be 100% responsible for all costs associated with the installation of the traffic signal, if warranted.

Recommend the installation of sidewalk along the entire Shallowford Road property frontage.

Recommend that the northernmost driveway location on Shallowford Road be closed. Additionally, recommend a maximum of two driveways on Johnson Ferry Road.

APPLICANT: Spectrum Realty Advisors, Inc.	PETITION NO.: Z-124
PRESENT ZONING: R-20 & PSC	PETITION FOR: PSC
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TRANSPORTATION COMMENTS Cont'd

Applicant verify that minimum intersection sight distance is available at each access location and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirements of 475'.

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

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

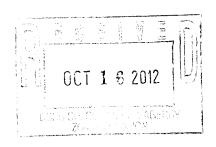
Date of Applicati	on December 30, 19	78 Date of	Hearing, Wed.	February 1, 1978:
litleholder Esta	te of L. C. Peek Es	tate	151 W. K.	Deel P.
Address 251 Grov	<u>er Street, Mariett</u>	a, Georgia		Phone 428-6409
ApplicantHal W. L.	amb'Lamb & Associat	es, Inc.	151 date	Jak
Address 3109 Map	<u>le Drive, Suite 408</u>	Atlanta	. Ga. 30305	Phone 231-0579
To Zone From Agric	CULTURAL TO N-S		ND USE ·	
FOR THE PURPOSE O	F Neighborhood Sh	opping Center		
Land Lot (s) 467,4		istrict_16	,Sec.,	Cobb County, Ga.
CONTAINING 16.547	<u>acres</u>			
LOCATED At the ir	ntersection of Shall	lowford & Joh	unson Ferry Ro	ad'S.E. Quadrant
Beginning way of Jo 37'15" E 37'15" E 12'45" W 49'30" W to a manh N 55 degr 00" W 152 Ferry Roa to an iro	tract or parcel of & 470 of the 16th at a point at the hinson Ferry Road & a distance of 600.0 a distance of 1015. 150.5 to a manhole ole thence N 45 deg ees 06 00 W 268.8 .9 to an iron pind then along said rapin thence N 16 d said parcel contain	District of Southeast in Shallowford ' to an iron 6' to an iron 6' to an iron thence N 71 reed 55'00"; ' to a manho on the easter ight-of-way; egrees 27'00	Cobb County, (tersection of Road thence S pin thence S pin thence S n pin then S degrees 31' (N 313.6' to a le thence N 55 rly right-of- N 18 degrees C E 489.8' to	Seorgia. the right of 84 degrees 84 degrees 03 degrees 78 degrees 00" N 134.5' manhole thence 78 degrees 38' 78 of Johnson
	para barcer collean	ning 16.547 8	acres.	
•				
		• • •		•
Recommendation of				
	ion be rejected for			
	dequate to handle		l traffic flow	. Motion by
Nixon/seconded	by Fowler; carried	7-0.		
Many fan	ho , Chairm	an		
Final Decision of F	oard of Commission	ers: 2/1/78	Board of Com	missioners
	tion for the follow			
	onded by Jones; car		7-10-79 Per co	
attached	sheet			
Donat w 18	arret , Chair	man		

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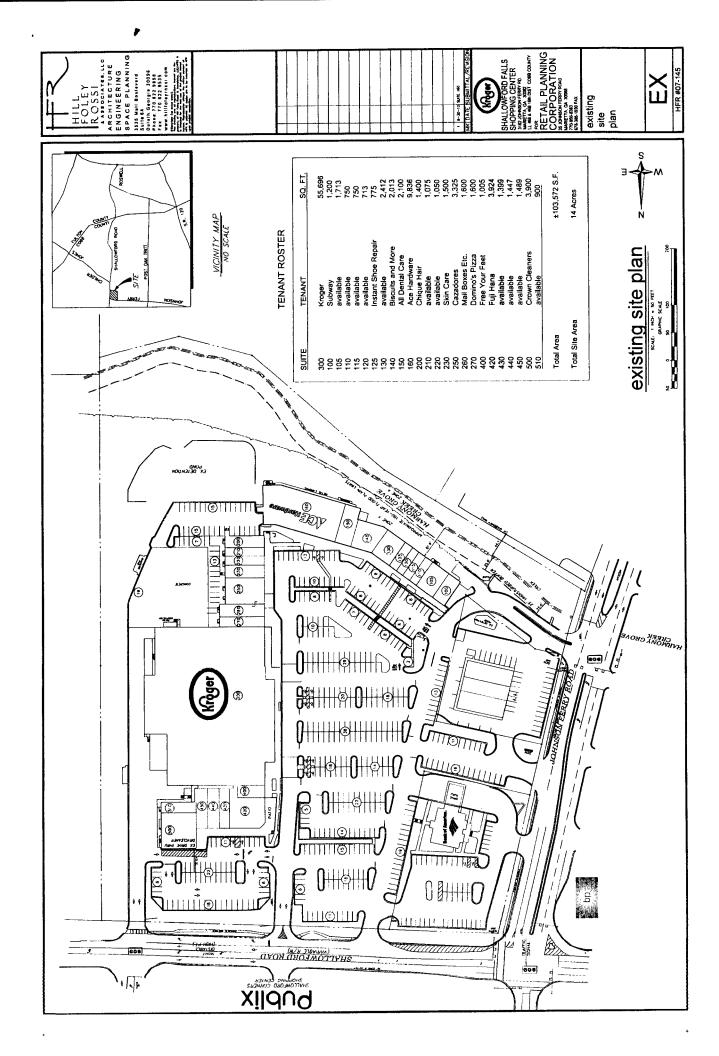
NO.	20
	2.0

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

Applicant's Name Hal W. Lamb & Assoc. Inc.
Address 3109 Maple Drive Suite 408
•••
Recommendation of Planning Commission (Cont'd from page 1):
Bill Attans Chairman
Final Decision of Board of Commissioners (Cont'd from page 1): 7-10-79, On a motion by Carson, seconded by Lankford, the commission approved.
application for PSC with the following stipulations: a. a 50" natural undisturbed
buffer along the east property line, be zoned R-20. b. two out parcels only.
fronting on Johnson Ferry Road. c. a 50' setback is allowed on the Johnson
fronting on Johnson Ferry Road. c. a 50' setback is allowed on the Johnson Ferry Road frontage. as shown on site plan marked exhibit A on file in zoning
Ferry Road frontage. as shown on site plan marked exhibit A on file in zoning office, vote 5-0.
Ferry Road frontage. as shown on site plan marked exhibit A on file in zoning
Ferry Road frontage. as shown on site plan marked exhibit A on file in zoning
Ferry Road frontage. as shown on site plan marked exhibit A on file in zoning
Ferry Road frontage. as shown on site plan marked exhibit A on file in zoning
Ferry Road frontage. as shown on site plan marked exhibit A on file in zoning office. vote 5-0.
Ferry Road frontage. as shown on site plan marked exhibit A on file in zoning office. vote 5-0.
Ferry Road frontage. as shown on site plan marked exhibit A on file in zoning office. vote 5-0.



EXISTING SITE PLAN FOR SHALLOWFORD FALLS SHOPPING CENTER



SITE PLAN PROPOSED FOR APPROVAL PURSUANT TO APPLICATION FOR "OTHER BUSINESS" (SITE PLAN SPECIFIC)

