

APPLICANT: Waffle House, Inc.
(770) 729-5700

REPRESENTATIVE: Rick Hattaway
(770) 729-5915

TITLEHOLDER: Waffle House, Inc.

PROPERTY LOCATION: Northeast side of Cobb Parkway;
southwest side of Old 41 Highway, north of North Roberts Road
(2165 Cobb Parkway).

ACCESS TO PROPERTY: Cobb Parkway and Old 41 Highway

PHYSICAL CHARACTERISTICS TO SITE: One story brick
building

PETITION NO: Z-32

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: GC

PROPOSED ZONING: CRC

PROPOSED USE: Restaurant

SIZE OF TRACT: 0.512 acre

DISTRICT: 20

LAND LOT(S): 175

PARCEL(S): 30,33

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/ Automotive Repair/ Retail
- SOUTH:** TS/ Gas Station
- EAST:** City of Kennesaw/ Retail Strip Center
- WEST:** GC/ Auto Body Repair and Car Rental Facility

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

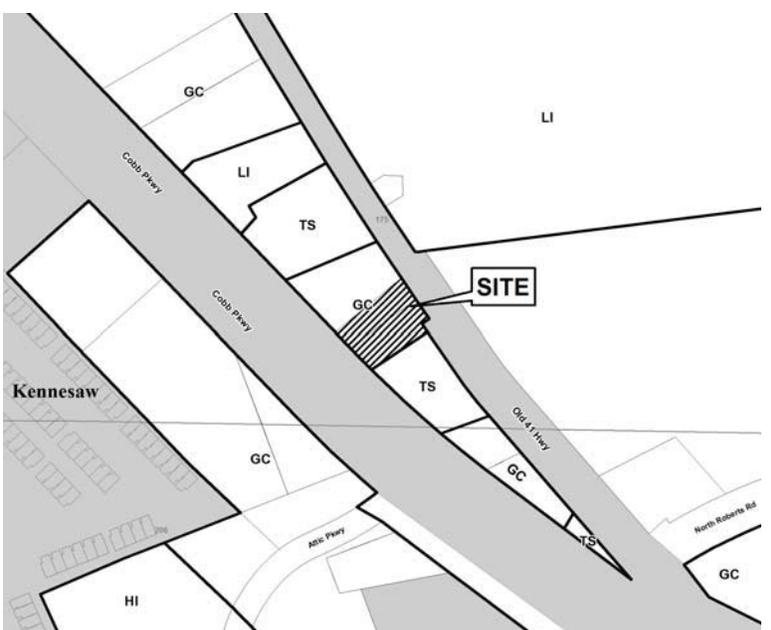
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

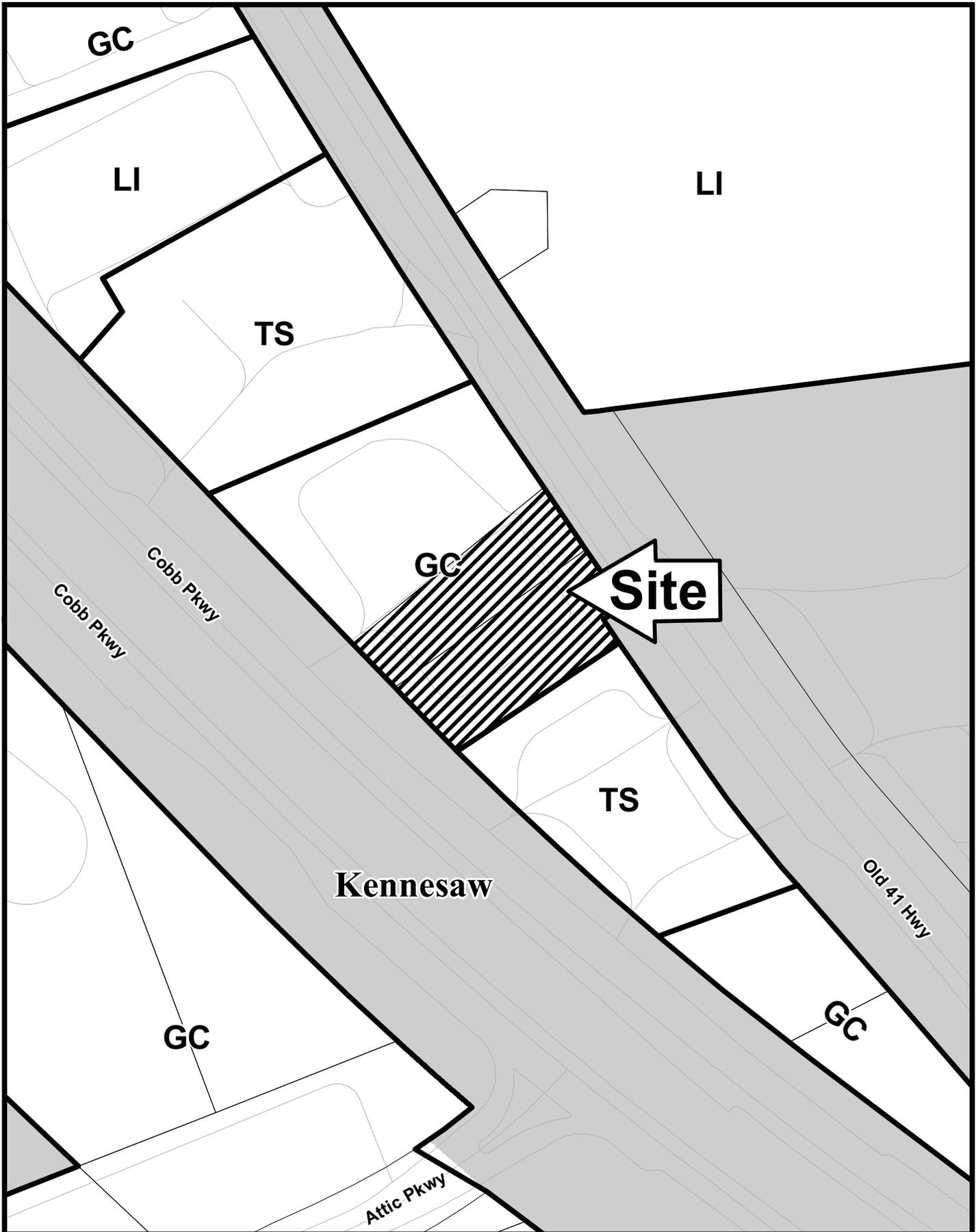
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

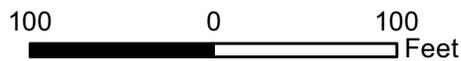
STIPULATIONS:



Z-32



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Waffle House, Inc.

PETITION NO.: Z-32

PRESENT ZONING: GC

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Industrial

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 1,875 sq. ft.

F.A.R.: 0.08 **Square Footage/Acre:** 3,662 sq. ft.

Parking Spaces Required: 19 **Parking Spaces Provided:** 34

The applicant is requesting a rezoning of the subject parcel from the GC general commercial district to the CRC community retail commercial district in order to redevelop the site for a new Waffle House restaurant. Currently, the parcel is site to a divided building housing both a Waffle House and laundry cleaners. However, zoned GC and located within an Industrial future land use category, the property is considered "grandfathered" and must be rezoned to accomplish the redevelopment to a new, single Waffle House restaurant. The proposed restaurant will be 1,875 sq. ft. in size, one story, "superbrick" and operate 24 hours a day seven (7) days a week. The applicant is requesting that existing freestanding signs on the property be allowed to be reutilized.

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.

COBB COUNTY MARIETTA WATER AUTHORITY COMMENTS:

CCMWA has a 54-inch PCCP Transmission Water Line and a 20-foot permanent easement on this property; therefore we must review the plans for this project to determine actual impact to our facilities.

APPLICANT: Waffle House, Inc.
PRESENT ZONING: GC

PETITION NO.: Z-32
PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to CRC for purpose of Waffle House restaurant. The 0.512 acre site is located on the northeast side of Cobb Parkway, southwest side of Old 41 Highway, north of North Roberts Road.

Comprehensive Plan

The parcel is within a Priority Industrial Area (PIA) future land use category, with GC zoning designations. The purpose of the Priority Industrial Area (PIA) category is to provide for industrial areas that can support future job growth for industrial, manufacturing, office/warehouse, technology, biomedical, and distribution uses. Typical uses are determined by the PIA and its subcategories.

Master Plan/Corridor Study

Not applicable.

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?

APPLICANT Waffle House, Inc

PETITION NO. Z-032

PRESENT ZONING GC

PETITION FOR CRC

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 / SW side of Old Highway 41**

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** TBD **Peak=** TBD

Treatment Plant: **Noonday**

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 Existing sewer customer. Additional sewer flow/SDF to be determined at Plan Review
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: Waffle House, Inc.

PETITION NO.: Z-32

PRESENT ZONING: GC

PETITION FOR: CRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday 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 receiving system.

APPLICANT: Waffle House , Inc.

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PRESENT ZONING: GC

PETITION FOR: CRC

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.

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. The existing detention pond does not appear to meet current stormwater management requirements. This issue will need to be addressed at Plan Review.

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
Cobb Parkway	35,280	Arterial	45 mph	Georgia DOT	100'
Old 41 Highway	17,900	Arterial	45 mph	Cobb County	100'

*Based on 2009 traffic counting data taken by Cobb DOT (Cobb Parkway)
Based on 2003 traffic counting data taken by Cobb DOT (Old 41 Highway)*

COMMENTS AND OBSERVATIONS

Cobb Parkway 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 41 Highway 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 41 Highway, a minimum of 50' from the roadway centerline.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend curb, gutter, and sidewalk for the Cobb Parkway frontage.

Recommend curb, gutter, and sidewalk for the Old 41 Highway frontage.

Recommend no detention ponds on the right-of-way.

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

STAFF RECOMMENDATIONS

Z-32 WAFFLE HOUSE, INC.

- 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. Currently used as a Waffle House restaurant and laundry cleaners, the request will allow redevelopment of the site to a new, single Waffle House operation.
- 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. Surrounding properties include gas stations, auto repair and the like. The proposed use, one that has existed on the property, should not bring any negative effects.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan* but more closely mirrors the past and continuing development of the immediate area as one that supports both commuters and local residents with service/retail establishments. Located nearby the intersection of Cobb Parkway and Old 41 Highway, the site is positioned to serve the many commuters that pass everyday with a use that better fits the parcels shape and size.
- 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. Currently grandfathered because of its GC zoning and IND future land use designation, the rezoning will allow the property to be redeveloped into a new, upgraded Waffle House restaurant. This restaurant use has existed on the parcel for several years and should not be expected to bring any negative effects to adjacent properties.

Based on the above analysis, Staff recommends **DELETING** the request to Tourist Services (TS) subject to the following conditions:

- Site plan received by Zoning Division on May 1, 2013 with District Commissioner approving minor modifications;
- Existing signs to be reused for “face change” only with any new signs to meet County Code;
- Cobb County Marietta Water Authority comments and recommendations;
- Fire Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Department of Transportation 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.

July 2013

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): _____
 - 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): Waffle House Restaurant
 - b) Proposed building architecture: 1635 sq. ft., superbrick, one story
 - Proposed hours/days of operation: 24 hours, 7 days/week
 - List all requested variances: _____
- _____
- _____

COBB COUNTY GEORGIA
 CLERK'S OFFICE
 2013 MAY 1 PM 1:08
 COBB COUNTY ZONING DIVISION

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

Freestanding signs to be grandfathered

.....
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

COBB COUNTY GEORGIA
REZONING APPLICATION – WAFFLE HOUSE, INC. FILED IN OFFICE

2165 North Cobb Parkway, Kennesaw, GA 30152 2013 MAY -1 PM 1:06

COBB COUNTY ZONING DIVISION

Section 9

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

Yes, the property is being rezoned from GC to a similar zone to comply with the current Cobb County Zoning Code. The use will not change and is compatible with adjacent and nearby property.

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

The proposal will not significantly alter the property's zoning and allowed use and therefore will not adversely affect the existing use or usability of adjacent or nearby property.

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

The property has a reasonable economic use as currently zoned and is only being rezoned to comply with the current Cobb County Zoning Code.

d.) 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 zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools because the zoning proposal will not materially change the zoning and allowed uses.

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

The zoning proposal is in conformity with the policy and intent of the land use plan because the current zoning classification, GC, has been discontinued which requires the property be rezoned to comply with the policy.

f.) 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.

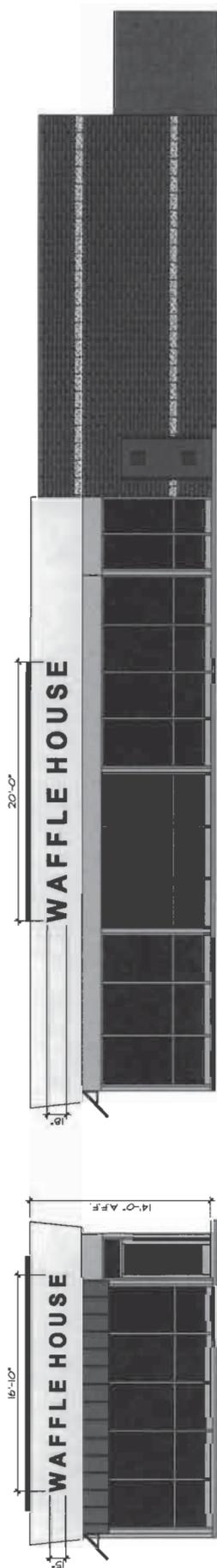
There are conditions which give grounds for approval of the zoning proposal: (i) the zoning is not materially altered from the current zoning classification and is mandated by the County; (ii) the property has been operated as a Waffle House since 1987 (26 years) and as a Dry Cleaner for

over 20 years; (ii) the intent is to continue to operate as a Waffle House; (iv) the adjacent property to the south is a gas station/convenience store which is a compatible use; (v) there is a Hooter's restaurant within 550 feet, a McDonald's within 1,500 feet, a Martin's restaurant within 1,800 feet, and Dairy Queen, Diamond Daves, Huddle House, KFC, Arby's, IHOP and Taco Bell restaurants all within less than 1 mile of this property.

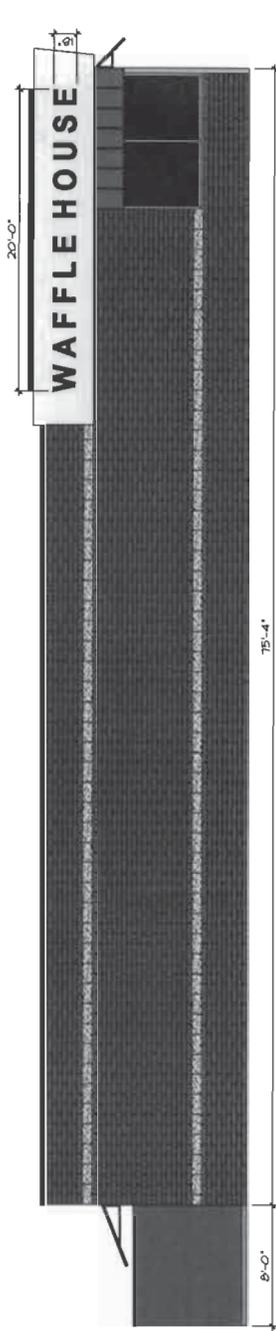
COBB COUNTY GEORGIA
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2013 MAY -1 PM 1:06

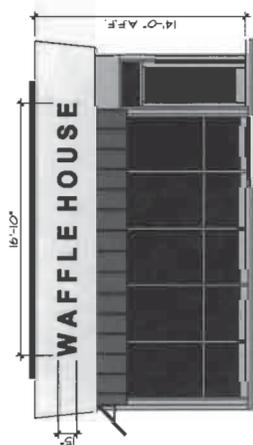
COBB COUNTY ZONING DIVISION



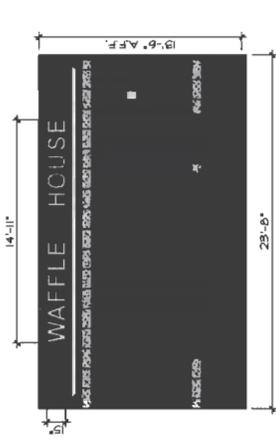
LONG GLASS WALL



LONG BLOCK WALL



STRETCH END



REAR

PROPOSED WAFFLE HOUSE
2165 COBB PKWY
KENNESAW, GA
LEFT HAND, REVERSE SLOPE FASCIA BUILDING
RED STANDING SEAM METAL AWNING
RICHFIELD BLEND QUIKBRIK
W/ GRAY SPLIT-FACE BLOCK ACCENT BANDS
SCALE: 1/8"=1"