

APPLICANT: Waffle House, Inc.
770-729-5793

REPRESENTATIVE: Bryan Russen
770-729-5793

TITLEHOLDER: Waffle House, Inc.

PROPERTY LOCATION: South side of Windy Hill Road, west of
Circle 75 Parkway, east of Corporate Plaza
(2642 Windy Hill Road).

ACCESS TO PROPERTY: Windy Hill Road

PHYSICAL CHARACTERISTICS TO SITE: Existing Waffle
House Restaurant

PETITION NO: Z-52

HEARING DATE (PC): 09-09-13

HEARING DATE (BOC): 09-17-13

PRESENT ZONING: O&I, GC

PROPOSED ZONING: GC

PROPOSED USE: Restaurant

SIZE OF TRACT: 0.467 acre

DISTRICT: 17

LAND LOT(S): 851

PARCEL(S): 6, 11

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/Restaurant and Bank and TS/Hotel
- SOUTH:** GC/Hotel
- EAST:** GC/Wendy's Restaurant
- WEST:** City of Marietta/Retail Shops

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

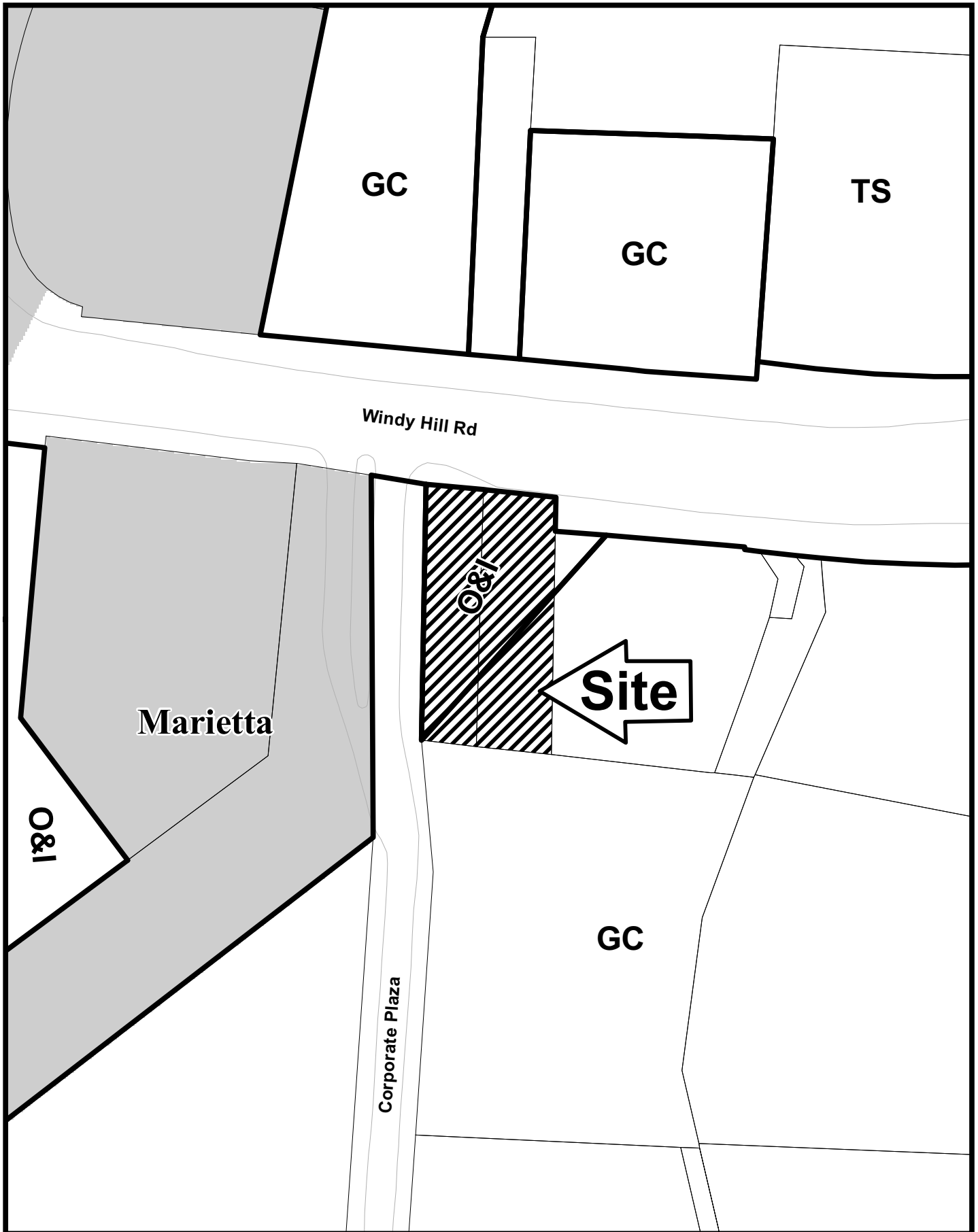
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

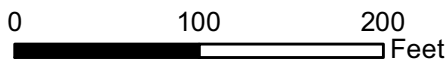
STIPULATIONS:



Z-52



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-52

PRESENT ZONING: O&I and GC

PETITION FOR: GC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 1875

F.A.R.: .092 **Square Footage/Acre:** 4,014

Parking Spaces Required: 18 **Parking Spaces Provided:** 32

Applicant is requesting the General Commercial (GC) zoning category for the purpose of constructing a new Waffle House restaurant. The current Waffle House building on the subject property was built in 1972 and is currently grandfathered under its current zoning. The requested zoning category of GC is compatible with the abutting zonings and other properties along this section of Windy Hill Road are also zoned GC. The gross square footage of the building will be 1,875 square feet and the building will resemble the attached elevations. The hours of operation are 24 hours a day, seven days per week.

The applicant is also requesting the following contemporaneous variances:

1. Waive the major side setback along the western property line from 25 feet to five feet;
2. Waive the front setback from the required 50 feet to 40 feet; and
3. Allow the freestanding signs to be grandfathered.

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: Waffle House, Inc.

PETITION NO.: Z-52

PRESENT ZONING: O&I and GC

PETITION FOR: GC

PLANNING COMMENTS:

The applicant is requesting a rezoning from O&I and GC to GC for purpose of restaurant. The 0.467 acre site is located at the south side of Windy Hill Road west of Circle 75 Parkway, east of Corporate Plaza.

Comprehensive Plan

The parcel is within a Regional Activity Center (RAC) future land use category, with O& I and GC zoning designations. The purpose of the Regional Activity Center (RAC) category is to provide for areas that can support a high intensity of development which serves a regional market. Typical uses include high-rise office buildings, malls and varying densities of residential development.

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-052

PRESENT ZONING O&I, GC

PETITION FOR GC

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): *20" DI / S side of Windy Hill Road*

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: *In ROW of Windy Hill Road*

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

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

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
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-52

PRESENT ZONING: O&I, GC

PETITION FOR: GC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Poplar 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 _____.

APPLICANT: Waffle House, Inc.

PETITION NO.: Z-52

PRESENT ZONING: O&I, GC

PETITION FOR: GC

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 site has no onsite stormwater management facility. The site drains to the southeast into the adjacent Comfort Inn & Suites property through an existing stormdrain system.
2. The proposed site improvements appear less than the threshold to require retrofitting stormwater management for the site. The actual impervious coverage will be reduced based on the proposed site plan. However, stormwater management must be provided upon redevelopment of the site.

APPLICANT: Waffle House

PETITION NO.: Z-52

PRESENT ZONING: O&I, GC

PETITION FOR: GC

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
Windy Hill Road	32,420	Arterial	35 mph	Cobb County	100'
Corporate Plaza	N/A	Local	25 mph	Cobb County	60'

Based on 2012 traffic counting data taken by Georgia DOT (Windy Hill Road)

COMMENTS AND OBSERVATIONS

Windy Hill 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.

Corporate Plaza is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend sidewalk along the Corporate Plaza frontage.

Recommend the applicant coordinate with Cobb DOT prior to development plan approval to ensure compatibility with the Windy Hill Road SPLOST project.

Recommend Windy Hill access be right-in/ right-out.

Recommend the applicant modify the median on Corporate Plaza to accommodate the proposed access.

Recommend the applicant consider interparcel access with the adjacent property owner.

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

STAFF RECOMMENDATIONS

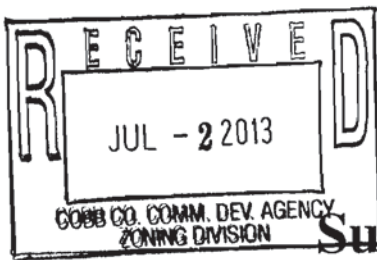
Z-52 WAFFLE HOUSE, INC.

- 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. The property has been used as a Waffle House restaurant since 1972. No change in use is proposed.
- 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 existing use will continue in a new building.
- 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 the Regional Activity Center (RAC) land use category. GC is a compatible use in the RAC land use category. Nearby and abutting properties are also zoned GC. The property is currently grandfathered under its current O&I and GC zoning categories and needs to be rezoned in order to allow the construction of a new building. It is Staff's opinion that the property was grandfathered December 26, 1972.
- 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 property has been utilized as a Waffle House restaurant for over 40 years. The applicant plans to construct a new Waffle House as shown on the attached site plan.

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

- Site Plan received by the Zoning Division on July 2, 2013, with the District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

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-52
Sept. 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: _____
- _____
- _____
- _____

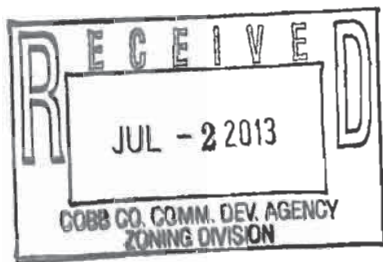
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Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): RESTAURANT
 - b) Proposed building architecture: 1875 SF, SUPERBUCK, ONE STORY
 - c) Proposed hours/days of operation: 24 HRS, 7 DAYS PER WEEK
 - d) List all requested variances: REDUCTION IN 25' BUILDING SETBACK (WEST PROPERTY LINE) TO 5', DUE TO LIMITED WIDTH OF THE PROPERTY.
- _____
- _____

.....
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



REZONING APPLICATION – WAFFLE HOUSE, INC.

2642 WINDY HILL ROAD, MARIETTA, GA

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 currently partially zoned GC and OI and Waffle House is requesting the property be zoned entirely GC, which complies with the current Cobb County Zoning Code. The use will not change and is compatible with the adjacent and nearby properties, which are fast food restaurants.

- 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 in order to make the whole of the property a consistent zoning from a mix of GC/OI to all GC.

- 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 casue excessive or burdensome use of existing streets, transportation facilities, utiltities, or schools because the proposal will not change the existing use of the property as a Waffle House restaurant.



"GOOD FOOD FAST"®

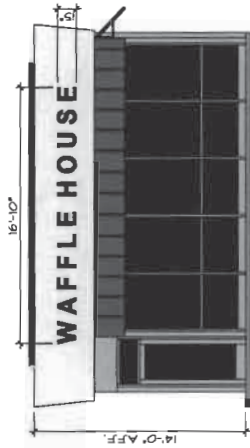
5986 Financial Drive • Norcross, Georgia 30071

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

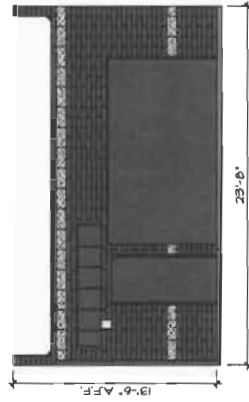
The zoning proposal is in conformity with the policy and intent of the land use plan because it requesting a change in zoning from a mix of GC/OI to the entire property being GC.

- 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.

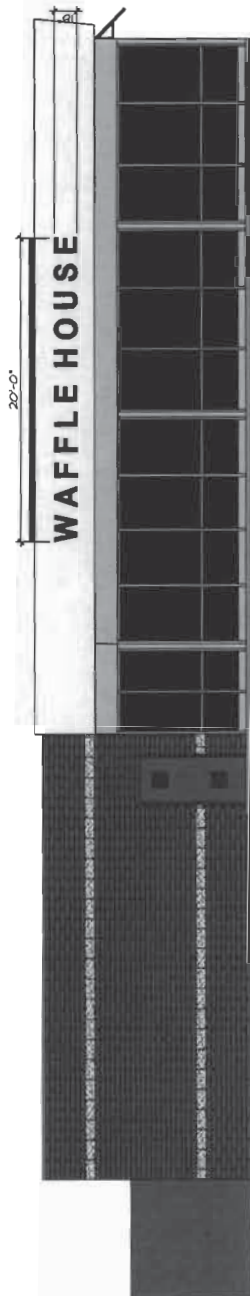
There are conditions which give grounds for approval of the zoning proposal: (i) the zoning is not substantially altered from the current zoning classification; (ii) the property has been operated as a Waffle House since 1972 (41 years); (iii) the intent is to continue to operate as a Waffle House; (iv) the adjacent properties are fast food and sit-down restaurants which are compatible uses.



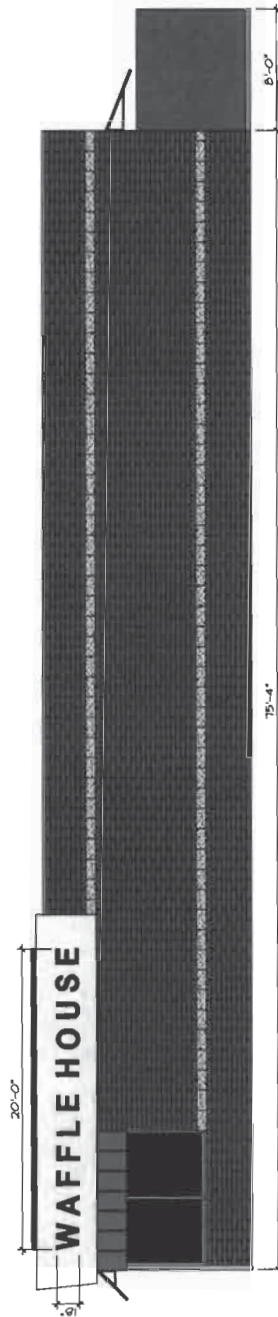
STRETCH END



REAR



LONG GLASS WALL



LONG BLOCK WALL

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

