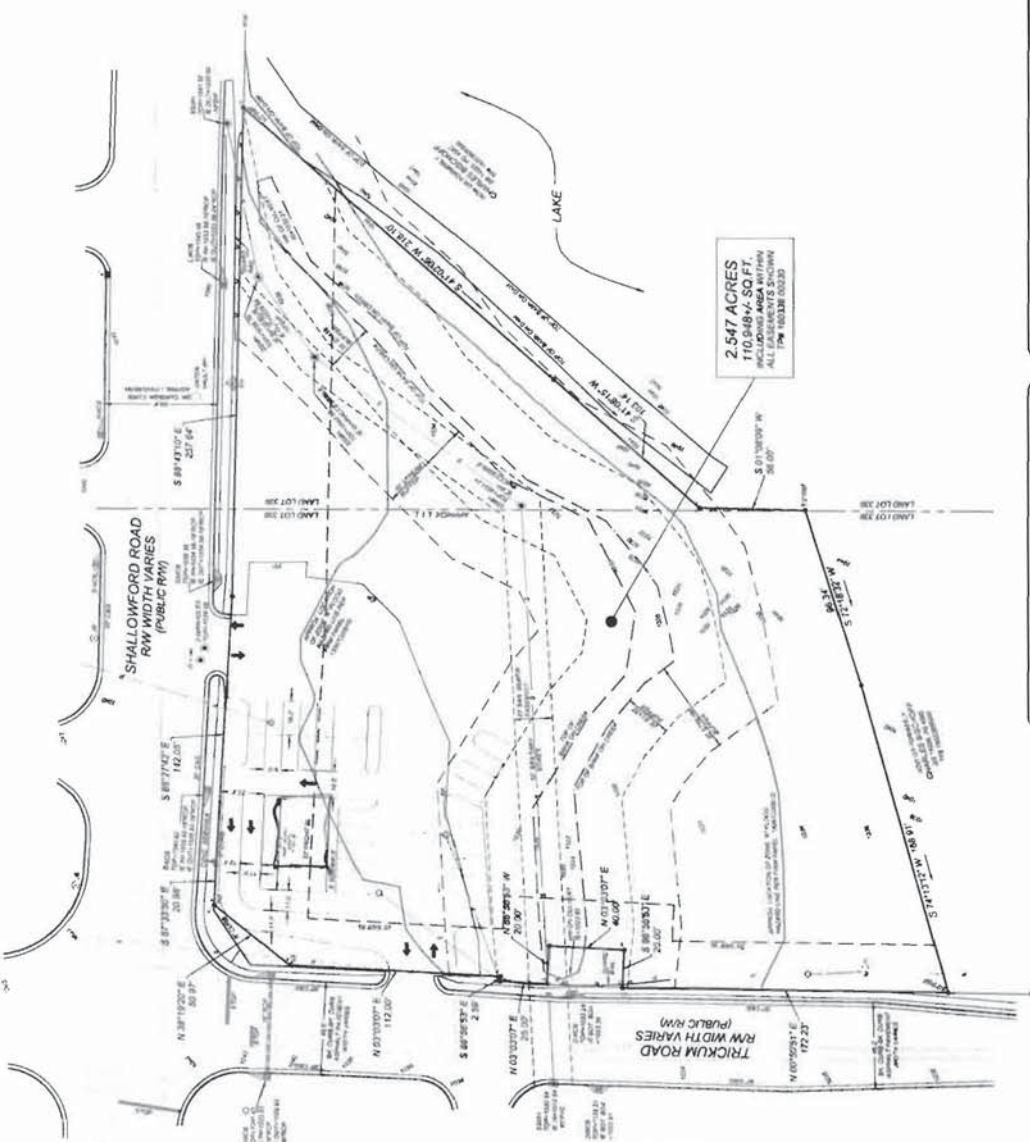


Z-77
(2014)



WOODRUFF & ASSOCIATES
1400 N. GUNN ST., SUITE 1000
DEKALB COUNTY, GEORGIA 30033
PH: 404-525-8218 / FAX: 404-525-8219



2.547 ACRES
110,948 SQ. FT.
INCLUDING AREA WITHIN
ALL ZONING DISTRICTS
TOWNSHIP 180030N 0030E

PRELIMINARY SITE PLAN FOR
WILSON DEVELOPMENT
LAND LOT 288 (8580) 2.54 ACRES 110,948 SQ. FT.
COBB COUNTY, GEORGIA
ADDRESS: 2727 SHALLOWFORD ROAD

NO.	DATE	BY	REVISION

RECEIVED
AUG 13 2014
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Legend of Symbols & Abbreviations

- PUBLIC ROAD
- EXISTING LOT
- EXISTING LOT BOUNDARY
- EXISTING LOT CENTERLINE
- PROPOSED LOT BOUNDARY
- PROPOSED LOT CENTERLINE
- PROPOSED LOT AREA
- PROPOSED LOT PERIMETER
- PROPOSED LOT AREA
- PROPOSED LOT PERIMETER
- PROPOSED LOT AREA
- PROPOSED LOT PERIMETER
- PROPOSED LOT AREA
- PROPOSED LOT PERIMETER
- PROPOSED LOT AREA
- PROPOSED LOT PERIMETER



APPLICANT: Kevin Casebier c/o Shamrock Shell, LLC

PETITION NO: Z-77

PHONE#: (678) 558-0058 **EMAIL:** casebier@me.com

HEARING DATE (PC): 10-07-14

REPRESENTATIVE: Amanda Woodruff

HEARING DATE (BOC): 10-21-14

PHONE#: (404) 285-1124 **EMAIL:** amanda@woodruffai.com

PRESENT ZONING: NS, R-20

TITLEHOLDER: Shamrock Shell, LLC

PROPOSED ZONING: NRC

PROPERTY LOCATION: Southeast intersection of Shallowford

Road and Trickum Road

PROPOSED USE: Restaurant with

(2378 Shallowford Road).

Drive-thru

ACCESS TO PROPERTY: Shallowford Road and Trickum Road

SIZE OF TRACT: 2.547 acres

PHYSICAL CHARACTERISTICS TO SITE: Vacant commercial

DISTRICT: 16

building

LAND LOT(S): 338, 339

PARCEL(S): 23

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NRC, NS and PSC/Convenience Store with Fuel Sales/Retail Center

SOUTH: R-20/Single-family houses

EAST: R-20/Lake

WEST: GC/Convenience Store with Fuel Sales and NS/Wooded

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

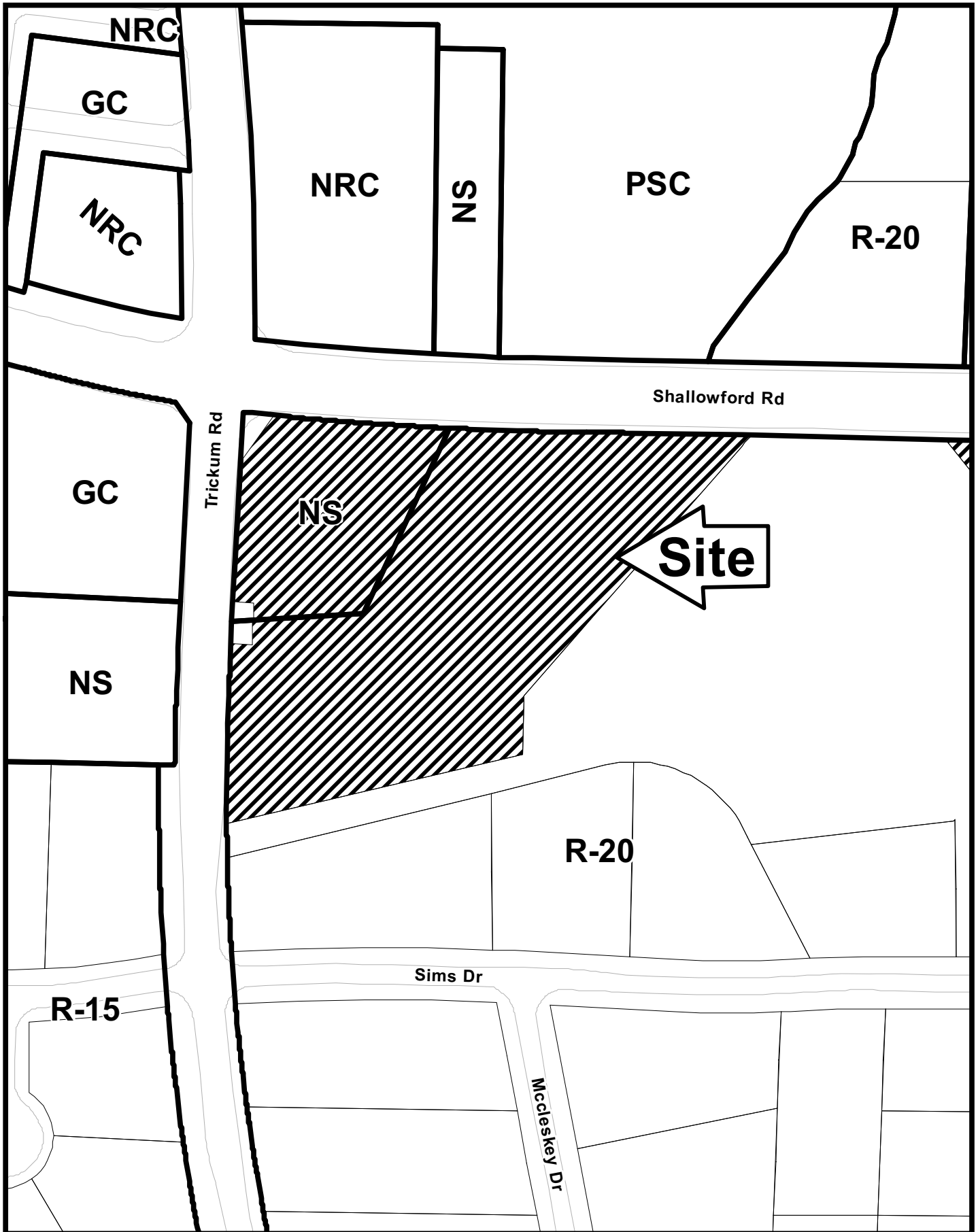
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

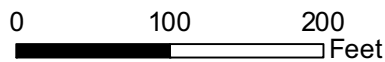
STIPULATIONS:



Z-77



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



City Boundary
Zoning Boundary

APPLICANT: Kevin Casebier c/o Shamrock Shell, LLC

PETITION NO.: Z-77

PRESENT ZONING: NS, R-20

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 1,750

F.A.R.: 0.015 **Square Footage/Acre:** 687.08

Parking Spaces Required: 17 **Parking Spaces Provided:** 22

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning category for the development of a 1,750 square-foot Dunkin Donuts with a drive-thru. The proposed building will be wood frame with stucco and brick. The hours of operation will be Monday through Sunday from 5 a.m. until 11 p.m. A vacant convenience store currently sits on the property. The Zoning Division has received numerous inquiries about using or developing this property for other commercial uses. However, the questions posed to the Zoning Division have been for uses that require a zoning category that is not suitable with the current Neighborhood Activity Center (NAC) land use category. The current applicant is requesting a compatible zoning category and a compatible use.

The applicant is also requesting a simultaneous variance to reduce the front setback from 50 feet to 25 feet in order to stay out of the flood plain limit.

Cemetery Preservation: No comment.

FIRE COMMENTS:

When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT: Kevin Casebier c/o Shamrock Shell, LLC

PETITION NO.: Z-77

PRESENT ZONING: NS, R-20

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from and NS to NRC for restaurant with drive thru. The 2.547 acre site is located on the southeast intersection of Shallowford Road and Trickum Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with NS zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

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?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT Kevin Casebier

PETITION NO. Z-077

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): 16" DI / S side of Shallowford 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: On site

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

Treatment Plant: Noontday

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: Kevin Cosebier c/o Shamrock Shell, LLC

PETITION NO.: Z-77

PRESENT ZONING: NS

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Rubes Creek FLOOD HAZARD INFO: Zone A

- 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: within and adjacent to onsite stream

- 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 receiving stream.

APPLICANT: Kevin Cosebier c/o Shamrock Shell, LLC

PETITION NO.: Z-77

PRESENT ZONING: NS

PETITION FOR: NRC

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. This site is located at the southeast corner of Shallowford and Trickum Roads. The parcel has had several previous commercial uses, but is heavily encumbered by floodplain and stream buffers. The proposed small scale drive-thru restaurant suits this difficult site.
2. This site was previously a gas station and convenience store. Verification of proper removal and closure of the underground fuel storage tanks will be required.
3. This site is adjacent to an upstream pond. The existing dam for this pond is in poor condition. An emergency evacuation plan must be developed and approved by Stormwater Management prior to permitting.

APPLICANT: Kevin Casebier c/o Shamrock Shell, LLC **PETITION NO.:** Z-77

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
Shallowford Road	19,000	Arterial	45 mph	Cobb County	100'
Trickum Road	9100	Major Collector	35 mph	Cobb County	80'

*Based on 2006 traffic counting data taken by Cobb County DOT (Shallowford Road)
Based on 2011 traffic counting data taken by Cobb County DOT (Trickum Road)*

COMMENTS AND OBSERVATIONS

Shallowford 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.

Trickum 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 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 south side of Shallowford Road, a minimum of 50' from the roadway centerline.

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 east side of Trickum Road, a minimum of 40' from the roadway centerline.

Recommend converting the Trickum Road access to a right-in/ right out.

Recommend either restricting the left out of the existing Shallowford Road access or relocating the access 250' from the intersection of Shallowford Road and Trickum Road for a full access driveway.

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

STAFF RECOMMENDATIONS

Z-77 KEVIN CASEBIER C/O SHAMROCK SHELL, LLC

- 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 in the area are similarly zoned with retail 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. Despite the current zoning not being compatible for the current land use category, the property was used many use for a convenience store.
- 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 as being in the Neighborhood Activity Center (NAC) land use category. The proposed NRC zoning category is compatible with the NAC land use category and the proposed restaurant with a drive-thru is allowed in NRC. After several years of inquiries about this property, someone with a compatible proposal has finally made an application for rezoning.
- 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 sat vacant for a number of years with requests to have uses that are not compatible with the current land use category of NAC, or rezoning to categories not compatible with the NAC land use designation. The proposed building is smaller than the typical building for this user.

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

- Site plan received by the Zoning Division on August 13, 2014, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to §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-77

Oct. 2014

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): NA
- b) Proposed building architecture: NA
- c) Proposed selling prices(s): NA
- d) List all requested variances: NA

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

- a) Proposed use(s): Restaurant w/ Drive-Thru
- b) Proposed building architecture: Wood frame w/ stucco & Brick
- c) Proposed hours/days of operation: 5am - 11pm
Mon - Sun
- d) List all requested variances: Front setback reduction
from 50' to 25' to stay
out of front plain limit

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

Vacant Convenience Store

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).

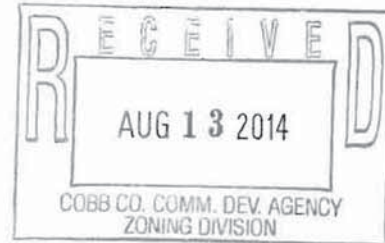
No

WOODRUFF
OCIATES

To: Cobb County Zoning Division
1150 Powder Springs Street
Suite 400
Marietta, GA 30064

Date: 8/10/2014

Re: Rezoning / Variance
2378 Shallowford Road
Marietta, GA 30066
Proposed Dunkin' Donuts



To Whom it May Concern:

We are providing this letter of analysis regarding the impact from rezoning the property located at 2378 Shallowford Road, Marietta, Georgia from NS (a retired zoning) to NRC. The existing site is a 2 acre piece of property with a vacant convenience store.

The proposed zoning will permit a use that fits with the existing development in the area and adjacent to the property. An overall site plan has been provided to show the retail and commercial development in the area and there will be no adverse affect to the adjacent property.

The proposed zoning will have a positive economic impact for the property. The property is currently vacant. With the proposed rezoning, Dunkin' Donuts would be able to open a viable business with a proven economic model.

No excessive burden would be expected from the proposed zoning.

The traffic impact on existing streets would be the same.

No adverse impact on utilities or schools is expected.

The zoning proposed is in conformity with the policy and intent of the land-use plan. The existing site lends itself to redevelopment as proposed with no new utility connections required or major site work proposed. The proposed zoning would allow a vacant site to be redeveloped with viable business that would provide a different restaurant option for the constituents of the area.

If you have any questions or concerns, feel free to call me anytime at 404-285-1124.

Sincerely,



Amanda K, Woodruff, P.E.