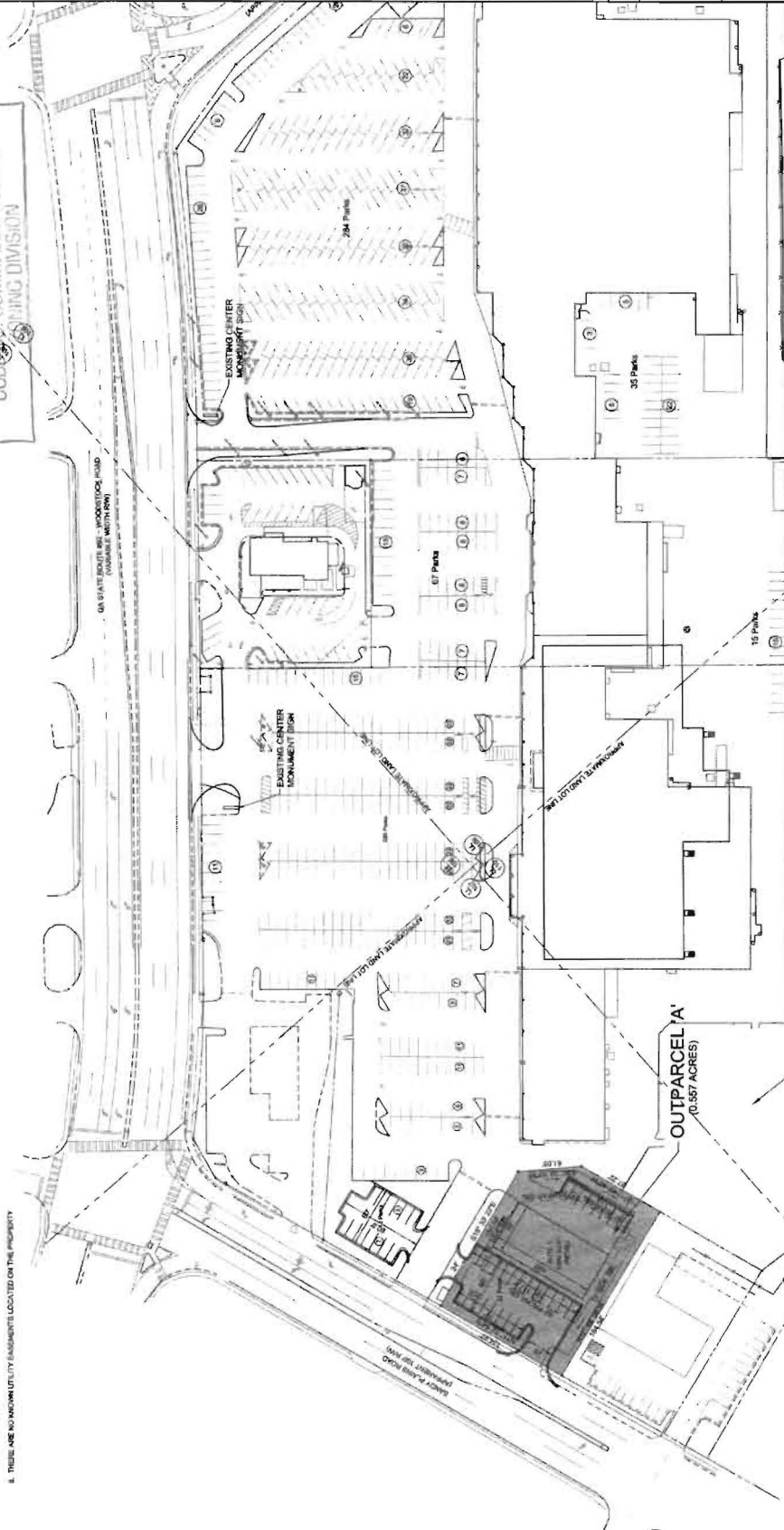




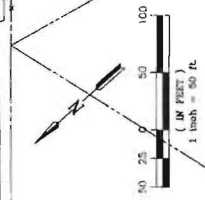
RECEIVED  
DEC - 4 2014  
CUBA COMM. DEV. AGENCY  
TRAINING DIVISION

EXISTING DATA		PROPOSED DATA	
BUILDING AREA:	3,060 SQ. FT.	BUILDING AREA	5,000 SQ. FT.
PARCEL AREA:	24,252.3 SQ. FT. (0.557 AC.)	PARCEL AREA:	24,252.3 SQ. FT. (0.557 AC.)
PARKING SPACES:	35 SPACES	PARKING SPACES:	30 SPACES

1. THE EXISTENCE OF THIS PROPERTY LIES IN CONVICTION DEFINITE IS.
2. THERE ARE NO LAWS OR STATUTES LOCATED ON THIS PROPERTY.
3. NO BUFFER AREAS OR STRIPED AREAS ARE LOCATED ON THE PROPERTY.
4. NO PORTION OF THIS PROPERTY IS LOCATED WITHIN THE 100 YEAR FLOOD PLAIN.
5. THERE ARE NO KNOW CONDITIONS LOCATED ON THE PROPERTY.
6. THERE ARE NO LAWS OR LOCATED ON THE PROPERTY.
7. THERE ARE NO KNOWN ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS LOCATED ON THE PROPERTY.
8. BUILDING DETACH LINES ARE AS FOLLOWS:  
1. 10' SIDE SETBACK  
2. 10' FRONT SETBACK  
3. 10' REAR SETBACK
9. THERE ARE NO KNOWN UTILITY EASEMENTS LOCATED ON THE PROPERTY.



DETENTION AREA FOR  
SANDY PLAINS VILLAGE  
(INCLUDES OUTPARCEL 'A')



DATE	SHEET NO.	DRAWING DATE	ZONING	PROJECT NO.	DATE PREPARED
				1000033915_C-1.0	XXXX
			<b>ATKINS</b>	14375 Westborough Parkway Suite 200 Atlanta, GA 30338  Tel: (770) 255-5599 Fax: (770) 255-5599 <a href="http://www.atkins-usa.com">www.atkins-usa.com</a>	
				Copyright © Atkins Limited (2015)	
CITY	STATE	FED. ROAD DISTRICT	DDR SOUTHEAST SP OUTLOT 1, L.L.C. c/o DDR Corp. 3300 ENTERPRISE PARKWAY BEACHWOOD, OHIO 44122  SANDY PLAINS VILLAGE 48501 SANDY PLOWS ROAD (GA HWY 92) DRIVEWAY IMPROVEMENTS		
DRAWN BY:			REZONING SITE PLAN		
SCALE	DATE	BY	APPROVED	DATE	BY
			ARCH D		
Drawing Title			Drawing No.		

**PETITION NO:** Z- 21

**PHONE#:** 216-755-5500 **EMAIL:** tgarvey@ddr.com

**REPRESENTATIVE:** Kevin Moore

---

**PHONE#:** 770-429-1499 **EMAIL:** [jkm@mijs.com](mailto:jkm@mijs.com)

**TITLEHOLDER:** DDR Southeast SP Outlet 1, LLC

**PROPERTY LOCATION:** East side of Sandy Plains Road, south of

## State Route 92

(4674 Sandy Plains Road).

### ACCESS TO PROPERTY: Sandy Plains Road

**PHYSICAL CHARACTERISTICS TO SITE:** Existing building

**PETITION NO:** Z- 21

**HEARING DATE (PC):** 02-03-15

**HEARING DATE (BOC):** 02-17-15

**PRESENT ZONING:**\_\_\_\_\_ NRC with

### Stipulations

**PROPOSED ZONING:** NRC with

### Stipulations

**PROPOSED USE:** Neighborhood Retail

**SIZE OF TRACT:** 0.557 acre

DISTRICT: 16

**LAND LOT(S):** 107

**PARCEL(S):** 46

**TAXES: PAID**   X   **DUE** \_\_\_\_\_

**COMMISSION DISTRICT: 3**

## CONTIGUOUS ZONING/DEVELOPMENT

**NORTH:** NS/ Fifth Third Bank

**SOUTH:** NRC/ Movie Tavern, Walmart Marketplace

**EAST:** NRC/ Lucias Italian Restuarant

**WEST:** GC/ Firestone

**OPPOSITION: NO. OPPOSED\_\_\_\_\_ PETITION NO:\_\_\_\_\_ SPOKESMAN \_\_\_\_\_**

## PLANNING COMMISSION RECOMMENDATION

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

REJECTED                      SECONDED

**HELD**\_\_\_\_\_ **CARRIED**\_\_\_\_\_

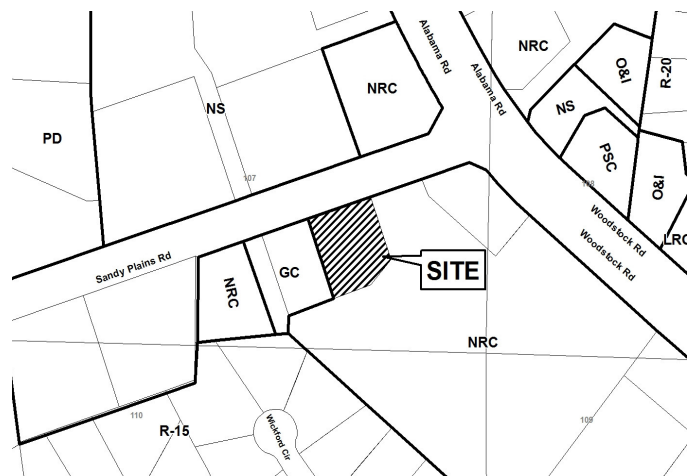
## BOARD OF COMMISSIONERS DECISION

**APPROVED**\_\_\_\_\_ **MOTION BY**\_\_\_\_\_

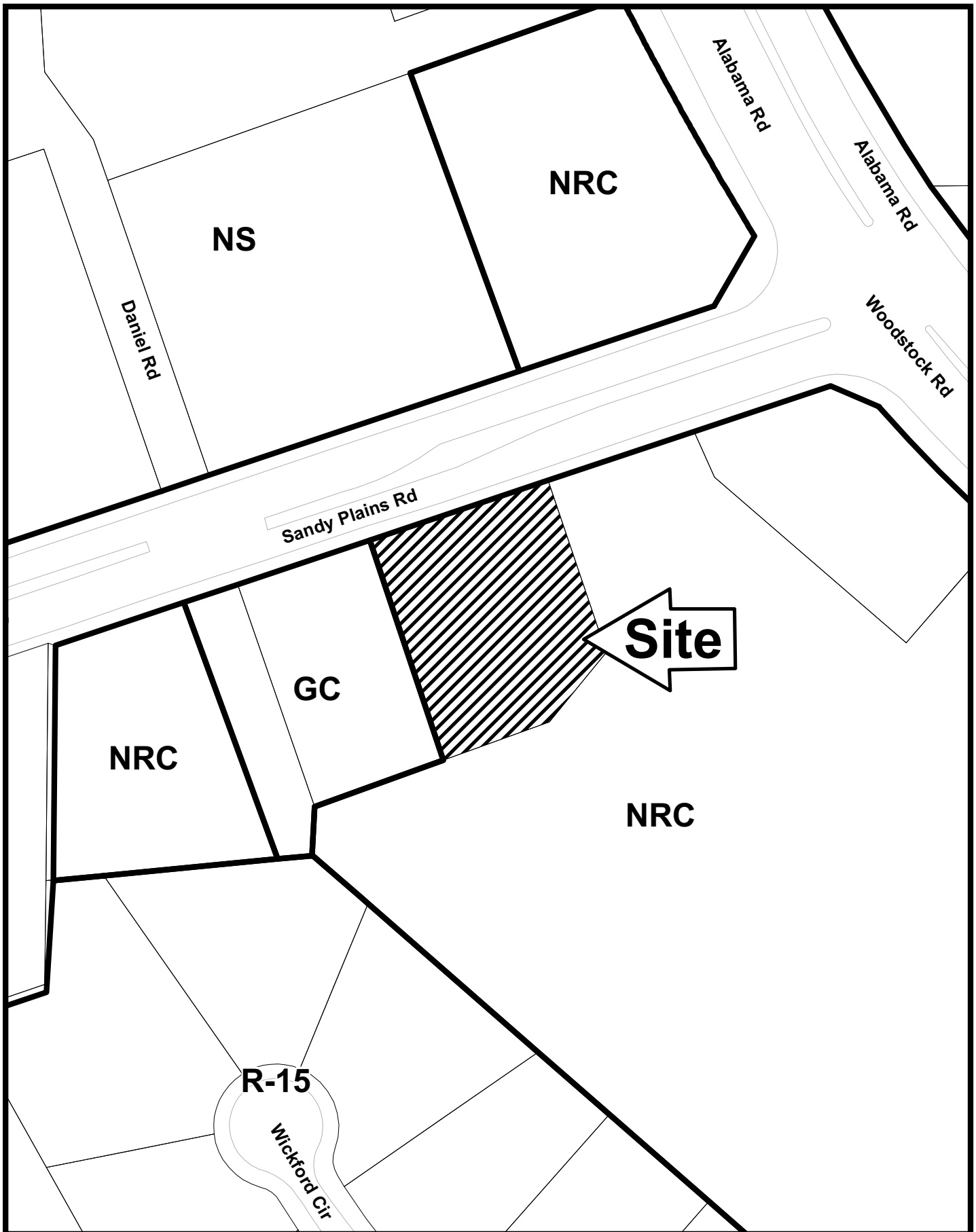
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

**STIPULATIONS:**



# Z-21



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

0 100 200 Feet



City Boundary  
Zoning Boundary

**APPLICANT:** DDR Corporation

**PETITION NO.:** Z-21

**PRESENT ZONING:** NRC/S

**PETITION FOR:** NRC/S

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** John P. Pederson

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 5,000

**F.A.R.:** 0.20      **Square Footage/Acre:** 8,976

**Parking Spaces Required:** 25      **Parking Spaces Provided:** 30

The applicant is requesting the NRC zoning district in order to redevelop this property. It is currently a restaurant building (former Pizza Hut) that was rezoned in 2005 for a restaurant only. The applicant seeks to rezone the property in order to tear down the old building and develop a new one story retail building. The new building will be used for retail, office or restaurants. The proposed building will match the existing shopping to the south, which was recently redeveloped by the applicant with a stone, brick and stucco exterior.

**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 Corporation

PETITION NO.: Z-21

PRESENT ZONING: NRC/S

PETITION FOR: NRC/S

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from NRC with stipulations to NRC with stipulations for purpose of neighborhood retail. The 0.557 acre site is located on the east side of Sandy Plains Road, south of State Route 92.

**Comprehensive Plan**

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with NRC 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.

APPLICANT: DDR Corporation

PETITION NO.: Z-21

PRESENT ZONING: NRC/S

PETITION FOR: NRC/S

\*\*\*\*\*

**PLANNING COMMENTS:** (Continued)

***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

Is this property within the Six Flags Special Service District?

☐ Yes      ☒ No

APPLICANT DDR Corporation

PETITION NO. Z-021

PRESENT ZONING NRC w/stips

PETITION FOR NRC w/stips

\*\*\*\*\*

**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 of Sandy Plains 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: Big Creek

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw 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:** DDR Corporation

**PETITION NO.:** Z-21

**PRESENT ZONING:** NRC/S

**PETITION FOR:** NRC/S

\*\*\*\*\*

<b>STORMWATER MANAGEMENT COMMENTS</b>
---------------------------------------

The site is served by an existing stormwater detention facility. Proposed site plan must comply with approved master hydrology study for shopping center.



**APPLICANT: DDR Corp.**

**PETITION NO.: Z-21**

**PRESENT ZONING: NRC w/ Stipulations**

**PETITION FOR: NRC w/Stipulations**

\*\*\*\*\*

**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
Sandy Plains Road	26	Arterial	45	Cobb	100'

*Based on [2013] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Sandy Plains 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.

**RECOMMENDATIONS**

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

Per Section 402.08, recommend maintaining over 100' of uninterrupted ingress/egress from Sandy Plains Road access driveway.

## **STAFF RECOMMENDATIONS**

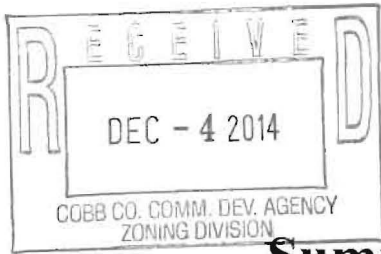
### **Z-21 DDR CORPORATION**

- 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 applicant's proposal is located near the very center of this commercial node, which is typified by retail, restaurants, and offices.
- 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 applicant's proposal would be consistent with other properties in the area.
- 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.
- 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 applicant's proposal is consistent with the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center. The applicant's proposal would be consistent with other commercial uses in the area.

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

- Site plan received by the Zoning Division December 4, 2014, with the District Commissioner approving minor modifications;
- District Commissioner approve the building architecture;
- Water and Sewer comments and recommendations;
- Stormwater Management comments; 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 #: Z-21 (2015)  
PC Hearing Date: 02/03/2015  
BOC Hearing Date: 02/17/2015

## 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: Not Applicable.  
c) Proposed selling prices(s): Not Applicable.  
d) List all requested variances: Not Applicable.

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

- a) Proposed use(s): Neighborhood Retail  
b) Proposed building architecture: Renovations to be consistent with architecture of newly renovated shopping center.  
c) Proposed hours/days of operation: Standard typical retail hours of business.  
d) List all requested variances: None known at this time.

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

### 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 known at this time.

### Part 5. Is this application a result of a Code Enforcement action? No ☒ Yes (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature BY: J. Kevin Moore Date: December 4, 2014

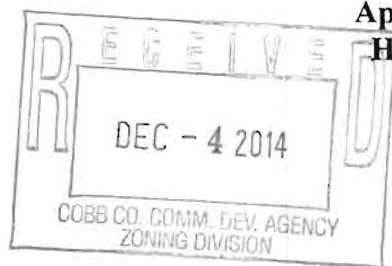
Applicant name (printed): J. Kevin Moore; Georgia Bar No. 519728  
Attorneys for Applicant and Property Owner

\*Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

Revised August 21, 2013

**ATTACHMENT TO APPLICATION FOR REZONING**

**IMPACT ANALYSIS STATEMENT**



**Application No.:**

Z- 21 (2015)

**Hearing Dates:**

February 3, 2015

February 17, 2015

**Applicant:**

**DDR Corp.**

**Titleholder:**

**DDR Southeast SP Outlot 1, L.L.C.**

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The Application for Rezoning requests rezoning of an outparcel adjacent to the recently renovated Sandy Plains Village Shopping Center. The outparcel is approximately 0.557 acres and is located along the southerly side of Sandy Plains road, westerly of State Route 92 (being known as 4674 Sandy Plains Road) (hereinafter the "Property" or "Subject Property"). The Property is presently zoned to the Neighborhood Retail Commercial zoning classification; however, certain stipulations were imposed at the approval of the rezoning which limit redevelopment of the Property. Applicant seeks amendment of the stipulations to allow for redevelopment for a use which is more complementary to and compatible with the recently renovated shopping center.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The uses allowable under the proposed NRC zoning classification should have a minimal, if any, impact on surrounding properties. The rezoning should have a positive effect to allow for uses which would enhance the Property; as well as the services offered within the shopping center. If approved and used according to the request, the adjacent and nearby property owners should benefit in higher land values. The county will benefit in increased revenue.
- (c) The property as zoned does not have a reasonable economic use. Approval of the requested rezoning will allow for a more reasonable, economic use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as well as the policy and intent of the Land Use Plan as evidenced by the existing zoning category of Neighborhood Retail Commercial.

- (f) The Subject Property was rezoned to the NRC zoning classification in 2005 in Application No. Z-14 (2005) and developed with the existing structure. The entire area has changed dramatically since the initial rezoning of the Subject Property. Additionally, the adjacent retail center has been totally renovated in order to attract quality, long-term tenants. In order to allow for the Property to be, likewise, upgraded and renovated to blend with the adjacent retail center, and to better serve the surrounding community, the requested rezoning is necessary to modify stipulations and conditions imposed on the original rezoning. These conditions make the zoning proposal consistent with current conditions affecting the Subject Property.