

NO.	DATE	DESCRIPTION

COMMERCIAL
SITE DESIGN
www.cherry.com
770.442.7474

Z-55
(2017)

RETAIL DEVELOPMENT
2198 CHURCH ROAD SE
SMYRNA, GEORGIA
REZONING SITE PLAN

C-3
DATE: 07-06-17
SCALE: 1" = 20' PL
DRAWN BY: [Signature]
CHECKED BY: [Signature]

GENERAL NOTES

1. THE APPLICANT SHALL VERIFY THAT THE PROPOSED DEVELOPMENT IS IN ACCORDANCE WITH ALL APPLICABLE ZONING REGULATIONS AND ORDINANCES.
2. THE APPLICANT SHALL OBTAIN ALL NECESSARY PERMITS FROM THE APPLICABLE AGENCIES.
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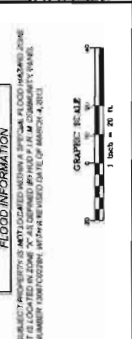
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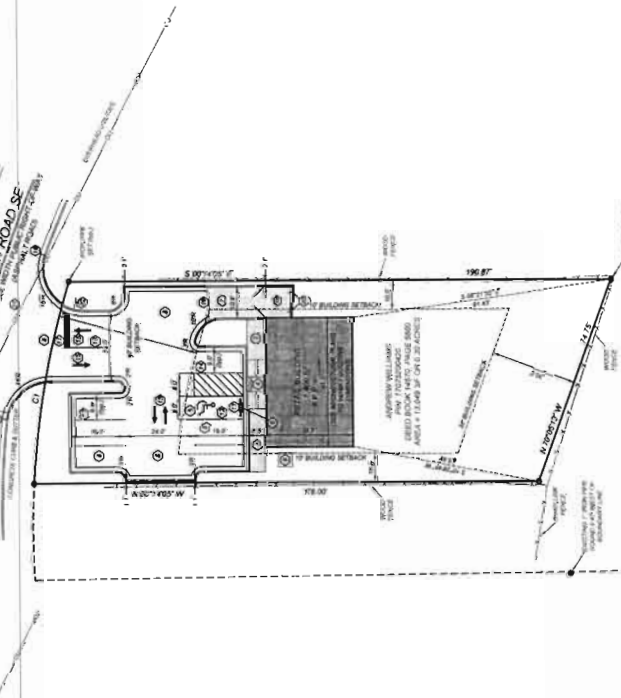
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CURVE TABLE

CURVE	LENGTH	RADIUS	ANGLE	CHORD
1	11.52	207.38	27.28	11.27
2	38.84	647.38	83.72	37.87



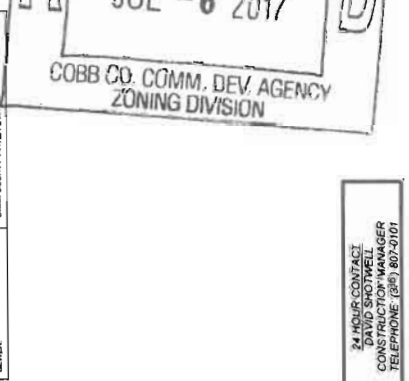
RECEIVED
JUL - 6 2017
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

SITE INFORMATION

SITE ADDRESS	2198 CHURCH ROAD SE
LAND DISTRICT/SECTION	782 / 17H / 2ND
PARCEL NUMBER	17070300
OWNER DEVELOPER	COCKE OUT 11 HAZEL LAKE SUITE 300 NORTH ATLANTA, GA 30308 PHONE: (770) 742-2020 FAX: (770) 742-2020
DESIGNER	COMMERCIAL SITE DESIGN, PLLC 1400 W. NORTH AVENUE, SUITE 100 N. ATLANTA, NORTH CAROLINA 27613 PHONE: (919) 883-3711 FAX: (919) 883-3711
ZONING	ORG - COMMUNITY RETAIL COMMERCIAL DISTRICT
EXISTING USE	VACANT
PROPOSED USE	RETAIL BUILDING
BUILDING SQUARE FEET	50,000
NET SQUARE FEET	50,000
NET GROSS SQUARE FEET	50,000
PARKING REQUIREMENTS	1,400 SF PER 300 SF NET GROSS SQUARE FEET
PARKING PROVIDED	1,400 SF PER 300 SF NET GROSS SQUARE FEET
SITE AREA	12.00 ACRES
LAKES AND STREAMS	NA
WETLANDS	NA
ARCHITECTURAL/ARCHAEOLOGICAL/LANDMARKS	NA
DETERMINATION AREAS	NA
STREAM BUFFERS	NA
BUILDING AREA	1,400 SF
WATER	COBB COUNTY WATER SYSTEM
SEWER	COBB COUNTY WATER SYSTEM

SITE KEYNOTES:

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811
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800-485-3111

24 HOUR CONTACT
DAVID SHOTWELL
COMMUNITY DEVELOPMENT SERVICES
TELEPHONE: (888) 802-0101

COBB COUNTY COMMUNITY DEVELOPMENT SERVICES

APPLICANT: Cook Out Restaurants

PETITION NO: Z-55

PHONE #: _____ **EMAIL:** jreaves@cookout.com

HEARING DATE (PC): 09-07-17

REPRESENTATIVE: John H. Moore

HEARING DATE (BOC): 09-19-17

PHONE #: (770) 429-1499 **EMAIL:** jmoore@mijs.com

PRESENT ZONING: CRC with Stipulations

TITLEHOLDER: Aspen Hills Associates, LLC

PROPOSED ZONING: CRC with Stipulations

PROPERTY LOCATION: South side of Church Road, east of

South Cobb Drive; and on the east side of South Cobb Drive, across from

Highlands Parkway (5121 South Cobb Drive and 2198 Church Road)

PROPOSED USE: Restaurant with drive-thru

on South Cobb Drive; Retail on Church Road

ACCESS TO PROPERTY: Church Road and South Cobb Drive

SIZE OF TRACT: 1.34 ac (Total)

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Convenience store

LAND LOT(S): 752,753

with fuel sales – South Cobb Drive, Vacant – Church Road

PARCEL(S): 42,5

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: North of Church Road Property - Smyrna City Limits/ Oakdale Preserve Subdivision; North of South Cobb Drive Property - TS/ Taco Bell

SOUTH: South of Church Road Property - CRC/ Apartments; South of South Cobb Drive Property - TS/ Retail Strip Center

EAST: East of Church Road Property - CRC/ Apartments; East of South Cobb Drive Property - CRC/ Apartments

WEST: West of Church Road Property - TS/ IHOP; West of South Cobb Drive Property - Smyrna City Limits/ Retail Commercial

Adjacent Future Land Use - Church Road:
Northeast: Medium Density Residential (MDR)
East: Medium Density Residential (MDR)
Southwest: Medium Density Residential (MDR)
West: Medium Density Residential (MDR)

Adjacent Future Land Use - South Cobb Drive:
Northwest: Community Activity Center (CAC)
East: Medium Density Residential (MDR)
Southeast: Community Activity Center (CAC)
Southwest: City of Smyrna

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

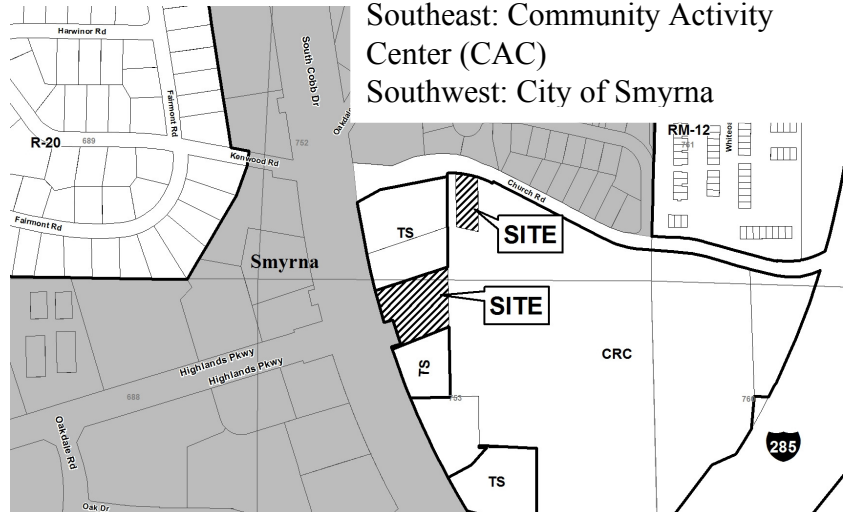
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

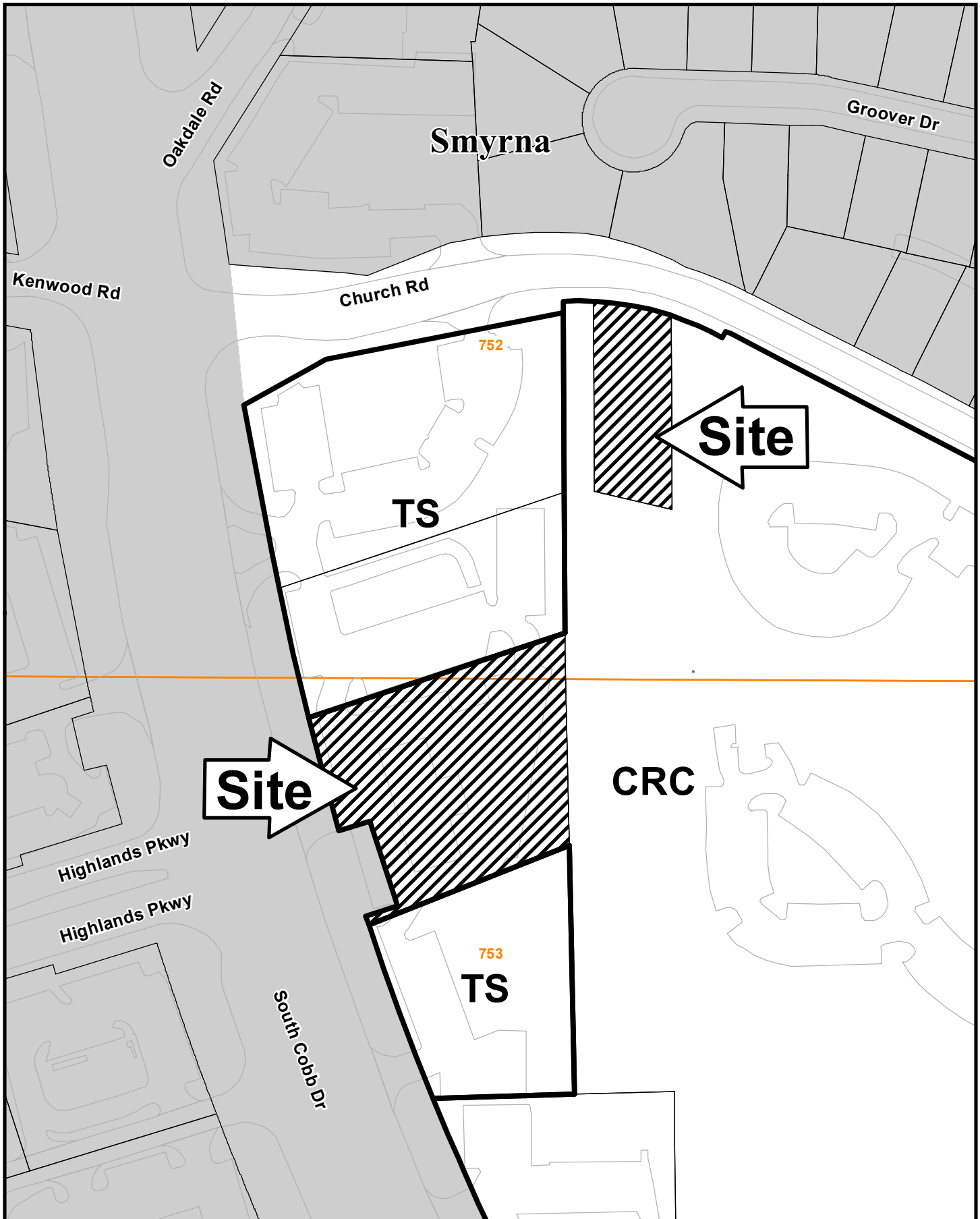
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

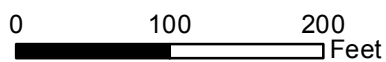
STIPULATIONS:





Z-55 2017-GIS



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Cook Out Restaurants

PETITION NO.: Z-55

PRESENT ZONING: CRC w/Stipulations

PETITION FOR: CRC w/Stipulations

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: CAC (South Cobb Drive) and MDR (Church Road)

Proposed Number of Buildings: 2 **Total Square Footage of Development:** 4,060 sq. ft.

F.A.R.: 0.07 **Square Footage/Acre:** 3,030 sq. ft.

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

The applicant is requesting rezoning of the two subject parcels which are subject to stipulations of former case Z-52 of 2007 including being to a particular site plan. While requesting to keep the CRC district zoning, the applicant's request is necessary as the wider apartment community has not been redeveloped as intended by this former case. Therefore, these two individual parcels cannot be developed as proposed due to this past case.

The applicant wishes to redevelop the convenience store with fuel sales on South Cobb Drive into a Cookout restaurant with drive thru with intended hours of 12p.m. to 12a.m. Monday through Sunday. The restaurant's architecture will consist of masonry, stone, nichiha cementitious siding, metal trim, and awnings. The vacant parcel on Church Road will be built out as a retail establishment. Its hours will be 9a.m. to 7p.m. Monday through Sunday and it will be built of brick, stone, and combinations thereof.

There are two contemporaneous variances for the tract on Church Road.

1. To allow the dumpster enclosure to the side of the building;
2. To waive the minimum lot size from 20,000 square feet to 13,049 square feet.

Cemetery Preservation: No comment.

APPLICANT: Cook Out Restaurants

PETITION NO.: Z-55

PRESENT ZONING: CRC w/Stipulations

PETITION FOR: CRC w/Stipulations

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u> </u>	<u> </u>	<u> </u>
<u>Middle</u>	<u> </u>	<u> </u>	<u> </u>
<u>High</u>	<u> </u>	<u> </u>	<u> </u>

- School attendance zones are subject to revision at any time.

Additional Comments:

Approval of this petition will not have an impact on the enrollment at Cobb County schools.

APPLICANT: Cook Out Restaurants

PETITION NO.: Z-55

PRESENT ZONING: CRC w/Stipulations

PETITION FOR: CRC w/ Stipulations

FIRE COMMENTS:

NO 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: Cook Out Restaurants
PRESENT ZONING: CRC with Stipulations

PETITION NO.: Z-55
PETITION FOR: CRC with Stipulations

PLANNING COMMENTS:

The applicant is requesting a rezoning from CRC with stipulations to CRC with stipulations for the purpose of a restaurant with a drive-thru on South Cobb Drive and retail on Church Road. The combined 1.34 acre sites are located on the south side of Church Road, east of South Cobb Drive, and the east side of South Cobb Drive, across from Highlands Parkway (5121 South Cobb Drive and 2198 Church Road).

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of Smyrna been notified? Yes No / N/A

Comprehensive Plan

The Church Road parcel is within a Medium Density Residential (MDR) future land use category, with CRC with stipulations zoning designation. The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

The South Cobb Drive parcel is within a Community Activity Center (CAC) future land use category, with CRC with stipulations zoning designation. The purpose of the Community Activity Center (CAC) is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use – Church Road:

Northeast: Medium Density Residential (MDR)
East: Medium Density Residential (MDR)
Southwest: Medium Density Residential (MDR)
West: Medium Density Residential (MDR)

Adjacent Future Land Use – South Cobb Drive:

Northwest: Community Activity Center (CAC)
East: Medium Density Residential (MDR)
Southeast: Community Activity Center (CAC)
Southwest: City of Smyrna

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

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.

APPLICANT: Cook Out Restaurants

PETITION NO.: Z-55

PRESENT ZONING: CRC with Stipulations

PETITION FOR: CRC with Stipulations

PLANNING COMMENTS:

CONT.

Design Guidelines

Is the parcels are 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

Are the properties 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.

Are the properties 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.

Are the properties 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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

Special Districts

Are the properties within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Are the properties within the Cumberland Special District #2 (ad valorem tax)?

Yes No

Are the properties within the Six Flags Special Service District?

Yes No

Are the properties within the:

- Dobbins Airfield Safety Zone?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Cook Out Restaurants

PETITION NO. Z-055

PRESENT ZONING CRC w/stips

PETITION FOR CRC 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): 6" DI / E side of South Cobb Dr

Additional Comments: Also 8" DI / S side of Church Road

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(s)

Estimated Waste Generation (in G.P.D.): A D F= 1,064 Peak= 2,660

Treatment Plant: South Cobb

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Dry 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 Sewer service appears to be available via existing private arrangement(s)
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: Cook Out Restaurants

PETITION NO.: Z-55

PRESENT ZONING: CRC w/ stips

PETITION FOR: CRC w/ stips

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River 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 CONDITIONS

- 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 easements 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 any increased volume of runoff generated by the proposed project on receiving systems.

APPLICANT: Cook Out Restaurants

PETITION NO.: Z-55

PRESENT ZONING: CRC w/ stips

PETITION FOR: CRC w/ stips

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.

ADDITIONAL COMMENTS

Restaurant Site

1. The drive-thru restaurant site is located on the east side of South Cobb Drive at its intersection with Highlands Parkway. This site is currently a convenience store with fuel sales. The existing underground storage tanks must be removed and an EPD UST Closure Report provided.
2. Stormwater management for this site will be provided by an underground facility. The discharge must be tied to the existing storm line running along the rear of the site. Allowable discharges may be limited by the existing system capacity.

Retail Site

1. The retail building site is located on the south side of Church Road at the northeast corner of the adjacent Ashbrook Crossing Apartments. The entire site drains to the south into and through the apartment property.
2. Stormwater management must be provided for the site. However, there is no well-defined conveyance to discharge to without obtaining a drainage easement from the apartment complex to the south. This issue will need to be resolved at Plan Review. If no easement agreement can be reached, it may be possible to locate the required stormwater facility underground beneath the proposed parking lot and discharge to the existing storm infrastructure within the Church Road right-of-way.

APPLICANT: Cook Out Restaurants

PETITION NO.: Z-55

PRESENT ZONING: CRC with Stipulations

PETITION FOR: CRC w/ Stipulations

TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
South Cobb Drive	Arterial	45 mph	Georgia DOT	100'
Church Road	Minor Collector	35 mph	Cobb County	60'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
South Cobb Drive	North of Tibarron Parkway	36,900	D
Church Road	West of North Church Lane	6,700	C

Based on 2015AADT counting data taken by GDOT, as published on their website, for South Cobb Drive.

Based on 2007 traffic counting data taken by Cobb County DOT for Church Road.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

COMMENTS AND OBSERVATIONS

South Cobb Drive is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Church Road is classified as a minor collector 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 Church Road, a minimum of 30' from the roadway centerline.

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

Recommend curb, gutter, and sidewalk along the frontage of South Cobb Drive and Church Road.

Recommend a deceleration lane on South Cobb Drive for the entrance.

Recommend applicant verify that minimum intersection sight distance is available for Church Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390'.

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

APPLICANT: Cook Out Restaurants

PETITION NO.: Z-55

PRESENT ZONING: CRC with Stipulations

PETITION FOR: CRC w/ Stipulations

Recommend keeping inter-parcel access with the developments to the north and south.

STAFF RECOMMENDATIONS

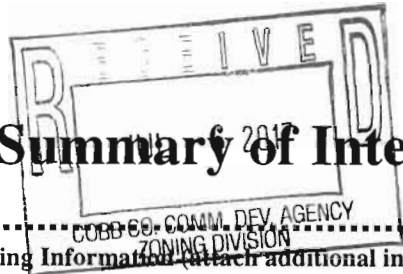
Z-55 COOK OUT RESTAURANTS

- 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 immediate area is an established commercial center along South Cobb Drive while the Church Road parcel is separated from single-family residences being on the opposite side of that road.
- 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. Having previously been rezoned for commercial use, the current proposal seeks to retain that designation while allowing development of the subject parcels separately from that larger plan previously approved.
- 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 entirely in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The parcel at 5121 South Cobb Drive is located within the Community Activity Center Future Land Use Area which is intended to encourage uses patronized by residents and commuters in the wider area. However, the parcel at 2198 Church Road is located within the Medium Density Residential Future Land Use Area which is intended to provide for residential development of a density between 2.5 and 5 dwelling units per acre. Although, this parcel is already approved for commercial retail development as part of former case Z-52 of 2007. It should be noted that the Board of Commissioners, in making land use decisions, use the future land use map as a guide in the decision making process, but there are circumstances when decisions will be made that are contrary to this document based upon a change in market conditions, information unbeknownst to staff/community in the preparation of this document, or some other condition.
- 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 request is to allow commercial development of the two parcels which are already zoned to the CRC district per past case Z-52 of 2007. However, that case was site plan specific and as the large apartment community has not since been redeveloped, that site plan can no longer be followed. Therefore, the current request is to allow for individual redevelopment of these separate parcels by the applicant for a Cookout drive thru restaurant (South Cobb Drive parcel) and a single user retail development (Church Road parcel).

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

1. Site plans received by the Zoning Division on July 6, 2017, with the District Commissioner approving minor modifications;
2. Building architecture to be approved by the District Commissioner;
3. Fire Department comments and recommendations;
4. Water Division comments and recommendations;
5. Stormwater Management Division comments and recommendations;
6. Department of Transportation comments and recommendations; ; and
7. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for the 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-55 (2017)
Hearing Dates: PC: 09/05/2017
BOC: 09/19/2017

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) List all requested variances: Not Applicable

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

- a) Proposed use(s): Restaurant, with drive-thru (5121 South Cobb Drive);
Retail (2198 Church Road)
- b) Proposed building architecture: Masonry, Stone, Nichiha Cementitious Siding, Metal Trim, and
Awnings (5121 South Cobb Drive); Brick, Stone, and combinations thereof (2198 Church Road)
- c) Proposed hours/days of operation: 12:00 a.m. - 12:00 p.m. - Monday-Sunday (5121 South Cobb Drive);
9:00 a.m. - 7:00 p.m. - Monday-Sunday (2198 Church Road)
- 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?

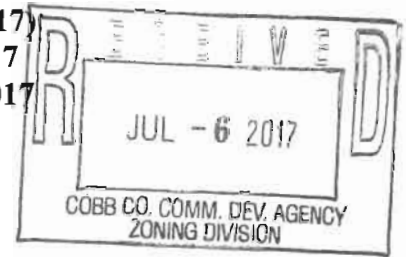
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time.

*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.

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT

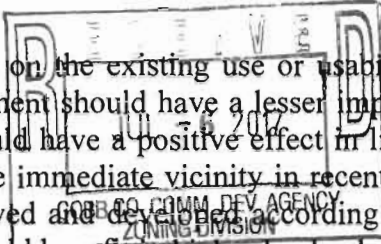
Application No.: Z- 55 (2017)
Hearing Dates: September 7, 2017
September 19, 2017



Applicant: Cook Out Restaurants
Titleholder: Aspen Hills Associates, LLC
a Georgia limited liability company

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

- (a) The property which is the subject of this Application for Rezoning consists of two separate tracts: Tract One being comprised of 1.04 acres, more or less, located on the easterly side of South Cobb Drive, at the terminus of Highlands Parkway, and being known as 5121 South Cobb Drive, Land Lots 752 and 753, 17th District, 2nd Section, Cobb County, Georgia (hereinafter “Tract One”); and Tract Two being comprised of 0.30 acres more or less, located on the southerly side of Church Road, easterly of South Cobb Drive, and being known as 2198 Church Road, Land Lot 752, 17th District, 2nd Section, Cobb County, Georgia (hereinafter “Tract Two”) (Tract One and Tract Two hereinafter collectively the “Property” or “Subject Property”). Applicant is seeking rezoning of the Subject Property from the existing Community Retail Commercial (“CRC”) zoning category to the Community Retail Commercial (“CRC”) zoning category, with stipulations specific as to the Property. Applicant proposes a restaurant facility, which includes a drive-thru area, for Tract One; and retail uses for Tract Two. The Subject Property are out parcels located along the two roadways and were included as part of a larger rezoning request, being Z-52 (2007), approved by the Board of Commissioners on October 16, 2007, to the CRC zoning classification. The Subject Property is bounded on three of its four sides by commercially zoned properties, to the CRC zoning category (as per Z-52 (2007)) or to the Tourist Services (“TS”) zoning category. Any residentially zoned properties are located across South Cobb Drive and Church Road away from the Property. Rezoning the Subject Property to the CRC zoning category, with specific stipulations applicable to the proposed development of the Property, will permit uses which are more suitable in view of the use and development of adjacent and nearby properties. Additionally, Cobb County, as well as the City of Smyrna, has targeted much of the South Cobb Drive corridor for redevelopment and expansion in recent years. Through these redevelopment efforts by Cobb County and the City of Smyrna, many of the commercial properties along this roadway, and in the immediate vicinity of the Subject Property, have been redeveloped and revitalized for new types of uses over the past several years. The location of the Subject Property immediately on such a heavily traveled corridors make it prime tracts of such revitalization by taking the Property from a vacant building and a vacant tract with no use at this time to a viable restaurant and retail uses.



- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed development should have a lesser impact on surrounding properties. The proposed rezoning should have a positive effect in light of changes, usage, and development of properties in the immediate vicinity in recent years and transportation improvements therefor. If approved and developed according to the request, the adjacent and nearby property owners should benefit in higher land values.
- (c) The Subject Property as presently zoned does not have a reasonable economic use. The proposed zoning will allow for a higher and better use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial development has almost no effect on schools, minimal effect on utilities and transportation facilities. The major effect will be on traffic; however, the impact should be minimal due to the nature of the business for which this rezoning is sought. The widened and improved roadways in the area will ease any increased traffic without burdensome effects.
- (e) The zoning proposal as to Tract One is in conformity with the Land Use Map of Cobb County, Georgia, as well as in conformity with the policy and intent of the Land Use Plan as Tract One is located within a Community Activity Center (“CAC”). While Tract Two is not located within the Community Activity Center, it is located immediately adjacent to the CAC land use designation, and is clearly intended to become a part of a commercial land use designation by its current CRC zoning classification.
- (f) This zoning proposal is consistent with the current conditions affecting the development of this Property. As previously stated, the current CRC zoning category clearly intends for the Subject Property to be used for commercial uses. Applicant simply wishes to refine the stipulations applicable to the Property, making stipulations more use specific as to Tract One and Tract Two. Such specifications for the Property will enhance the development of each tract and would allow for more suitable and economic uses without high impact on existing commercial businesses or impact into any neighboring residential areas. Additionally, improvements in roadways and infrastructures within the area in recent years support the proposed commercial usage of the Subject Property.