



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-37  
Public Hearing Dates:  
PC: 7- 7-20  
BOC: 7-21-20

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**SITE BACKGROUND**

Applicant: SITE Centers Corp.

Phone: 404-504-6752

Email: tzinsmaster@sitecenters.com

Representative Contact: Garvis L. Sams, Jr.

Phone: 770-422-7016

Email: gsams@samslarkinbuff.com

Titleholder: DDR Southeast Sandy Plains, LLC

Property location and address: Located on the southwest side of Woodstock Road, south of Sandy Plains Road, and west of Mabry Road (4651, 4661, and 4705 Woodstock Road)

Access to Property: Sandy Plains Road, Woodstock Road, and Mabry Road

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**QUICK FACTS**

Commission District: 2- Ott

Current Zoning: NRC (Neighborhood retail commercial)

Current use of property: Retail shopping center, Theater, and Eating establishments

Proposed zoning: PVC (Planned village community)

Proposed use: Townhouse dwelling units, Retail

Future Land Use Designation: NAC (Neighborhood Activity Center)

Site Acreage: 15.95

District: 16

Land Lot: 107, 108, 109, and 110

Parcel #: 16010900010, 16010900230, 16010700300, 16010700010, and 16010900220

Taxes Paid: Yes

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**FINAL ZONING STAFF RECOMMENDATION:**  
(Zoning staff member: Jeannie Peyton )

Based on the analysis of this case, Staff recommends **DENIAL**.

### GENERAL NOTES

- APPLICANT: BOHLER //
- PROJECT: SANDY PLAINS, LLC
- PROJECT ADDRESS: 11000 WOODSTOCK ROAD, SANDY PLAINS, GA 30076
- PROJECT CONTACT: BOHLER //
- PROJECT PHONE: 770-422-1234
- PROJECT FAX: 770-422-1234
- PROJECT EMAIL: info@bohler.com
- PROJECT WEBSITE: www.bohler.com
- PROJECT ADDRESS: 11000 WOODSTOCK ROAD, SANDY PLAINS, GA 30076
- PROJECT CONTACT: BOHLER //
- PROJECT PHONE: 770-422-1234
- PROJECT FAX: 770-422-1234
- PROJECT EMAIL: info@bohler.com
- PROJECT WEBSITE: www.bohler.com

### LEGAL DESCRIPTION

THE LEGAL DESCRIPTION OF THE PROPERTY IS AS SHOWN ON THE ATTACHED PLANS AND IS SUBJECT TO ALL EASEMENTS, ENCUMBRANCES, AND RESTRICTIONS OF RECORD.

### BULK REQUIREMENTS (EXISTING ZONING):

REQUIREMENT	EXISTING ZONING	PROPOSED ZONING
MIN LOT AREA	20,000 SQ FT	20,000 SQ FT
MIN LOT WIDTH	50 FT	50 FT
MIN FRONT YARD SETBACK	30 FT	30 FT
MIN SIDE YARD SETBACK	10 FT	10 FT
MIN REAR YARD SETBACK	10 FT	10 FT
MIN FRONT SETBACK	10 FT	10 FT
MIN SIDE SETBACK	10 FT	10 FT
MIN REAR SETBACK	10 FT	10 FT
MIN LOT COVERAGE	10%	10%
MIN FRONT YARD SETBACK (ADJACENT TO HIGHWAY)	30 FT	30 FT

### BULK REQUIREMENTS (PROPOSED ZONING):

REQUIREMENT	PROPOSED ZONING
MIN LOT AREA	20,000 SQ FT
MIN LOT WIDTH	50 FT
MIN FRONT YARD SETBACK	30 FT
MIN SIDE YARD SETBACK	10 FT
MIN REAR YARD SETBACK	10 FT
MIN FRONT SETBACK	10 FT
MIN SIDE SETBACK	10 FT
MIN REAR SETBACK	10 FT
MIN LOT COVERAGE	10%
MIN FRONT YARD SETBACK (ADJACENT TO HIGHWAY)	30 FT

### AS-BUILT CONCURRENT VARIANCE REQUESTS (PREVIOUSLY GRANTED):

None.

### ADDITIONAL CONCURRENT VARIANCE REQUESTS:

None.

### REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		

### RECEIVED

MAY 06 2020

COBB COUNTY DEVELOPMENT AGENCY  
ZONING DIVISION

### NOT APPROVED FOR CONSTRUCTION

DATE: 5/11/2020

BY: [Signature]

PROJECT: SANDY PLAINS, LLC

ADDRESS: 11000 WOODSTOCK ROAD, SANDY PLAINS, GA 30076

### ZONING BITE PLAN

PROPOSED DEVELOPMENT: SANDY PLAINS, LLC

ADDRESS: 11000 WOODSTOCK ROAD, SANDY PLAINS, GA 30076

CITY OF ALBANY, GA

### BOHLER //

770-422-1234

11000 WOODSTOCK ROAD, SANDY PLAINS, GA 30076

### Z-37-2020 Site Plan

DATE: 5/11/2020

SCALE: 1" = 100'

### LEGEND

SYMBOL	DESCRIPTION
[Symbol]	Proposed Building Footprint
[Symbol]	Proposed Parking Area
[Symbol]	Proposed Driveway
[Symbol]	Proposed Access Road
[Symbol]	Proposed Stormwater Management Facility
[Symbol]	Proposed Landscaping Area
[Symbol]	Proposed Utility Lines
[Symbol]	Proposed Fencing
[Symbol]	Proposed Signage
[Symbol]	Proposed Erosion Control Measures
[Symbol]	Proposed Tree Retention
[Symbol]	Proposed Tree Removal
[Symbol]	Proposed Tree Planting
[Symbol]	Proposed Tree Preservation
[Symbol]	Proposed Tree Pruning
[Symbol]	Proposed Tree Removal/Planting
[Symbol]	Proposed Tree Preservation/Pruning





# Z-37 Aerial Map



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



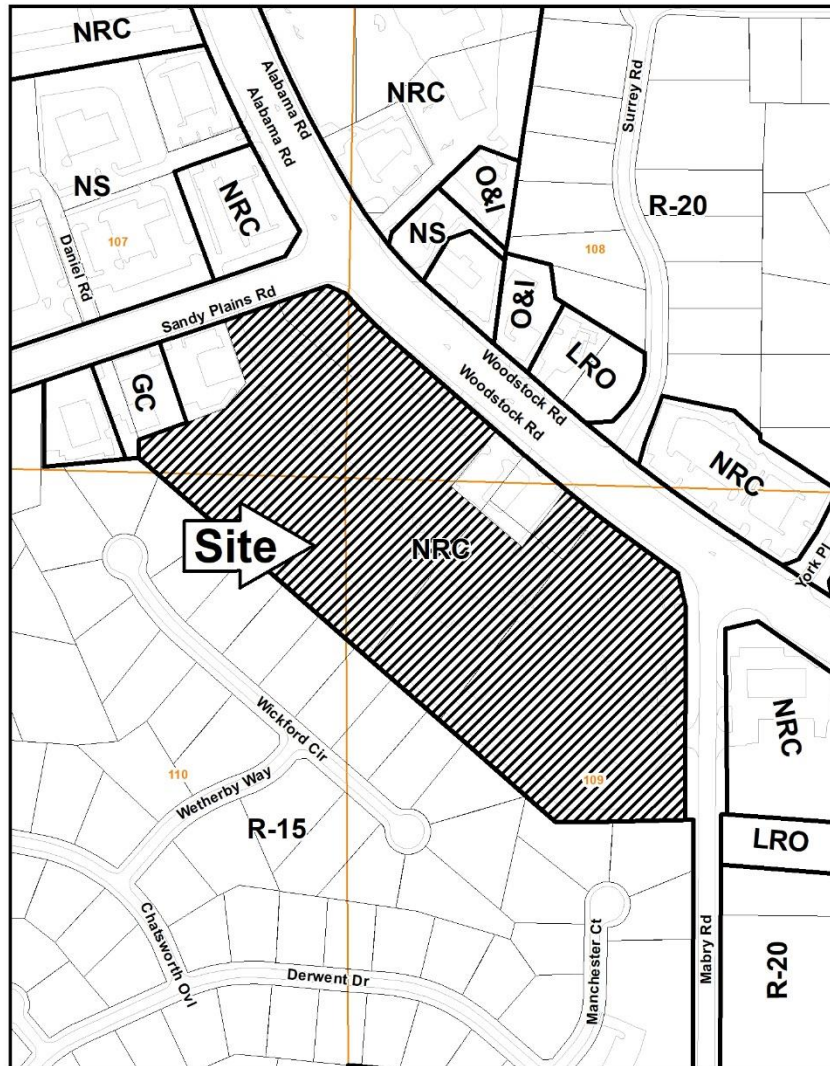
-  Zoning Boundary
-  City Boundary

North

**Zoning:** NRC, NS, OI, LRO, R-20 / Retail, Office, Residential subdivision entrance

**Future Land Use:** NAC

**Z-37 GIS**



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

0 100 200 Feet

— Zoning Boundary  
— City Boundary

WEST

**Zoning:** NRC, NS, GC / Restaurants, Bank, Auto service, retail

**Future Land Use:** NAC

EAST

**Zoning:** NRC, LRO / Convenience Store w/fuel sales, Professional Office

**Future Land Use:** NAC

SOUTH

**Zoning:** R-15 / Residential subdivision

**Future Land Use:** LDR



## **DEPARTMENT COMMENTS- Zoning Division**

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### **Current zoning district for the property**

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

### **Requested zoning district for the property**

The PVC district is established to provide locations and encourage flexible site plans and building arrangements under a unified plan of development rather than lot-by-lot regulation for retail commercial and service uses which are designed and oriented to be self-sufficient neighborhoods making up a community. The developer benefits from better land utilization and economy in the provision of roads and utilities and overall site design. Projects developed within a PVC district should be designed to compact unified retail centers within the center of the community. Projects developed within a PVC district should occupy a quadrant of an intersection and only have ingress and egress from a major or collector street or state highway which is delineated within any land use category other than industrial or industrial compatible as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Additionally, the desired quadrant location will provide for planned developments and one-destination shopping and service locations to serve the community, and will minimize traffic congestion.

### **Summary of the applicant's proposal**

The applicant is requesting to rezone the site to PVC, Planned Village Community, to construct a mixed-use development that includes attached townhomes and retail commercial on the site of an existing, mostly vacant shopping center development. The 41-unit attached townhome community, located to the rear of the parcel nearest to Mabry Road, will be traditional, two story structures between 1,800 to 2,200 square feet in size. The mixed retail commercial, restaurant is proposed to be approximately 15,000 square feet and located at the corner of Mabry and Woodstock Roads.

## **DEPARTMENT COMMENTS- Zoning Division (continued)**

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### **Residential criteria**

Allowable units as zoned: 0  
Proposed # of units: 41  
Net density: 2.57 (excluding commercial development)  
Increase of units: 41  
Acres of floodplain/wetlands: 0  
Impervious surface shown: 554,132 SF; 79%

### **Non-residential criteria**

Proposed # of buildings: 1  
Proposed # of stories: 1  
Total sq. footage of commercial development: 98,347 total (15,000 new)  
Floor area ratio: 0.14  
Square footage per acre: 6,166 (excluding townhomes)  
Required parking spaces: 394  
Proposed parking spaces: 511  
Acres in floodplain or wetlands: 0  
Impervious surface shown: 554,132 SF; 79%

### **Are there any zoning variances?**

Yes;

1. Allow a PVC district on less than 25 acres;
2. Decrease the required common space from 22,550 SF to 19,855;
3. Increase the maximum allowable impervious surface from 70% to 79%;
4. Decrease the required landscape buffer requirement from 40' to 26';
5. Decrease the required parking space dimension from 8.5' X 19' to 9' X 18'; and
6. Increase the maximum net floor area /100 dwelling units from 70,000 SF to 78,678 SF.

## **DEPARTMENT COMMENTS- Fire Department**

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.8.2.1)

### **Guest Parking**

Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- Guest parking spaces must be evenly distributed throughout the project. (Cobb County Development Standards 401.8.2)

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

### **Fire Hydrants**

The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road. (Cobb County Development Standards 410.5.2)

## **DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

Landscape buffers must be fully vegetated across their entire widths, and be maintained as such in perpetuity. Structures which are built directly contiguous to a buffer are subject to maintenance, security, and life safety issues. A 10' minimum setback is recommended between buffers and structures.

## **DEPARTMENT COMMENTS- 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 the adjacent land lot.

## **DEPARTMENT COMMENTS- School System**

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Approval of this case may have an impact on a school already over capacity and will cause concerns.

<b>School</b>	<b>Student Capacity</b>	<b>Student Enrollment</b>	<b>Capacity Status</b>
<b>Garrison Mill ES</b>	687	713	26 over capacity
<b>Mabry MS</b>	1137	962	175 under capacity
<b>Lassiter HS</b>	2137	2060	77 under capacity

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard zone: No
2. Drainage Basin: Willeo Creek
3. Wetlands: No
4. Streambank buffer zone: No
5. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
6. Stormwater discharges through an established residential neighborhood downstream.
7. This site is served by an existing stormwater management facility. Any existing maintenance issues associated with the existing facility will need to be addressed. Any additional water quality volume or best managements practices needed to meet current water quality requirements must be provided.



## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Neighborhood Commercial Center (NRC) future land use category. 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.

**Comprehensive Plan Designation:**  Consistent  Inconsistent

### House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary?  Yes  No

Was the city notified?  Yes  No  N/A

**Specific Area Policy Guidelines:**  Yes  No

**NAC-P18** In order to better implement and promote the nodal concept of development and eliminate any potential for expanding the NAC, the Board of Commissioners has slightly expanded the NAC at Sandy Plains Road and SR-92. This expansion was done with carefully negotiated, highly restrictive zoning stipulations designed to protect the adjacent residential areas and eliminate any potential for further expansion through the life of this plan. Among the more important stipulations that will accomplish this task include an unprecedented 175-ft. R-15 buffer totaling 6.61 acres (zoning stipulation and 20-year covenant), square footage maximums, use limitations and the formation of an architectural review committee. (Map 4.17)

**Masterplan/ Corridor Study:**  Yes  No

**Design guidelines area?**  Yes  No

Does the proposal plan comply with the design requirements?  Yes  No  N/A

**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 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 investment)*

(Planning comments continued on the next page)

## DEPARTMENT COMMENTS- Planning Division (continued)

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### Is the property eligible for the Façade Improvement Program?

Yes  No

*(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)*

### 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)*

**Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at [www.cobbcounty.org/econdev](http://www.cobbcounty.org/econdev).**

### Special District

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

### Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

Is the property within the Clear Zone (CZ)?

Yes  No

Is the property within the Accident Potential Zone (APZ I)?

Yes  No

Is the property within the Accident Potential Zone II (APZ II)?

Yes  No

Is the property within the Noise Zone?

Yes  No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

Yes  No

### 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.

## DEPARTMENT COMMENTS- Water and Sewer

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### Water comments:

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 20" in Mabry Road

Additional water comments: Metering will be determined at Plan Review based upon proposed property line configuration

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

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### Sewer comments:

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: on site

Estimated wastewater generation (in G.P.D.): Average daily flow = +4,000 GPD

Peak flow = +10,000 GPD

Treatment plant: Big Creek WRF (Fulton Co)

Plant capacity:  Yes  NO

Line capacity:  YES  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Dry sewers required:  YES  NO

Off-site easement required:  YES\*  NO

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 comments:

\*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

## DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Woodstock Road (SR 92)	Arterial	45	GDOT	100'
Sandy Plains Road	Arterial	45	Cobb County	100'
Mabry Road	Major Collector	35	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Woodstock Road (SR 92)	South of Sandy Plains Road	55,400	F
Sandy Plains Road	At Georgia Mountain Road	29,500	D
Mabry Road	South of Gilhams Road	8,350	C

*Based on 2018 AADT count data taken by GDOT, as published on their website, for Woodstock Road (SR 92)*

*Based on 2018 traffic data taken for Cobb County for Sandy Plains Road*

*Based on 2017 traffic data taken for Cobb County for Mabry 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 state highways, arterials or major collector roads from this data source.*

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

### Roadway comments and observations

Woodstock Road (SR 92) is classified as an arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification. The existing site access points on Woodstock Road are limited to right-in right-out operation by the existing concrete median.

Sandy Plains Road is classified as an arterial roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification. The existing site access on Sandy Plains Road is limited to right-in right-out operation by the existing concrete median.

Mabry Road is classified as a major collector road and according to the available information the existing right-of-way does meet the minimum requirements for this classification. Mabry Road also has an existing restriction on through truck traffic.

### Site Plan comments and observations

The proposed development will be primarily serviced by the access point on Mabry Road. Connections can also be made through the interparcel access with the portion of the site not under redevelopment.

The locations of the adjacent QuikTrip driveways on the east Mabry Road are shown incorrectly on the site plan submitted May 6, 2020. The QuikTrip driveway placements were modified as part of the recent renovation of the QuikTrip site. The full-movement QuikTrip driveway is located further to the south (away from the signal) on Mabry Road. However, the site plan also shows the proposed development retaining the existing driveway location on the west side of Mabry Road. This situation will exacerbate the overlap condition in the two-way left-turn lane between left-turning vehicles entering QuikTrip from southbound Mabry Road and left-turning vehicles entering the proposed development from northbound Mabry Road.



## **DEPARTMENT COMMENTS- Transportation (continued)**

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The proximity of the SR 92 signal to the development driveway is of additional concern for full-movement access. Although it appears that it does meet the minimum 250' tangent distance to the signal the queue for the left turning traffic from northbound Mabry Road to westbound SR 92 WB has historically extended south of the driveway into this development.

The uninterrupted access distance within the site to Mabry Road is approximately 20', which is insufficient based on Cobb County Development Standards.

### **Recommendations**

1. 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 south side of Sandy Plains Road, a minimum of 50' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. As necessitated by this development, recommend Mabry Road access include deceleration lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
4. Recommend shifting the Mabry Road development access to the south to line up with the existing full-movement QuikTrip driveway on the east side of Mabry Road.
5. If the Mabry Road access is relocated as recommended, also recommend restriping the two-way left-turn lane to northbound and southbound left turning lanes on Mabry Road.
6. If the Mabry Road access is not relocated as recommended, recommend driveway be restricted to right-in right-out access.
7. If the Mabry Road access remains full-movement, recommend a traffic study. Study assumptions (such as study intersections, trip distribution, future analysis years and annual growth rate) should be submitted in a memorandum (Submittal 1) and agreed to by Cobb DOT before continuing the study. Cobb DOT will then direct if the full traffic study is required based on the information in Submittal 1. The interaction of the signalized Mabry Road at SR 92 intersection with the development driveway and the full-movement QuikTrip driveway is the main concern, so a specialized Submittal 2 is anticipated to be required. Cobb DOT recommendations may be revised after the study's receipt
8. Recommend extending Mabry Road driveway uninterrupted access to a minimum of 50' to allow for two vehicles stacking. This recommendation can be accommodated as part of shifting the access location.
9. Recommend replacing disturbed curb, gutter, and sidewalk along the Mabry Road frontage.
10. Recommend GDOT permits for all work that encroaches upon State right-of-way.

STAFF ANALYSIS

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Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

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

It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in the view of use and development of adjacent and nearby properties. The property is in an area with other residential and commercial uses developed at a lower intensity than the proposed plan.

**B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

It is Staff's opinion that the applicant's rezoning proposal will adversely affect the existing use or usability of adjacent or nearby properties. The plan proposes a predominantly residential use, within a commercial node, that is not consistent with the character of the area.

**C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;**

It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion is supported by the departmental comments contained in this analysis. DOT staff has identified numerous improvements that would be needed for the proposed development if approved, in addition to a recommended traffic study to determine the impact of the development as proposed.

**D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;**

It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policies and intent of the Cobb County Comprehensive Plan. The property is delineated in a Neighborhood Activity Center, NAC future land use category. The purpose of the NAC to provide for areas that serve neighborhood residents and businesses. The requested zoning district, PVC, is consistent with the NAC land use designation; however, the proposed plan cannot meet the Specific Area Policy Guidelines for NAC-P18.

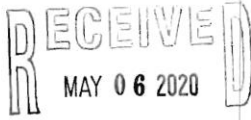
STAFF ANALYSIS (Continued)

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**E. 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;**

It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give grounds for denying the applicant's rezoning proposal for this mixed-use development. The location of the proposed development is an established retail node that is surrounded by low density residential developments. The adjacent single-family subdivision has been developed at a density of 1.68 units per acre. The residential portion of this development is proposed to be a density of 2.57 units per acre and includes a variance to decrease the size of a required buffer that is part of the Specific Area Policy Guidelines that were intended to be highly restrictive zoning stipulations designed to protect the adjacent residential areas.

**The staff analysis and recommendation 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.**



COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

Application No. z-37

PC: July 7, 2020  
BOC: July 21, 2020

### Summary of Intent for Rezoning \*

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

- a) Proposed unit square-footage(s): 1,800 - 2,200 square feet
- b) Proposed building architecture: Traditional two (2) stories  
(renderings/elevations to be submitted under separate cover)
- c) List all requested variances: As shown on the site plan filed concurrently herewith

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

- a) Proposed use(s): Retail Commercial
- b) Proposed building architecture: As-built
- c) Proposed hours/days of operation: 7:00 a.m. - 11:00 p.m. - 7 days per week
- d) List all requested variances: As shown on site plan filed concurrently herewith

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

The Subject Property consists of an existing shopping center (Sandy Plains Village). The Applicant proposes the conversion of a portion of the property from commercial to residential for the construction of a Townhome Community and additional Retail via a Rezoning to the Planned Village Community ("PVC") zoning district. The Subject Property is located within an established commercial node; is currently zoned Conditional NRC; and, is situated within an existing Neighborhood Activity Center ("NAC").

- .....  
**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.



Z-37-2020 Statement of Intent
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SITE Centers Corp. is proposing a mixed-use development of newly constructed attached townhomes, additional retail and continued use of existing retail uses; including the Movie Tavern Theater. Existing vacant retail space within the Sandy Plains Village Shopping Center will be replaced by an upscale, traditionally designed attached Townhome Community and additional Retail at the Subject Property's frontage on S.R. 92.

The proposed 67,000 square foot Ignite Adventure Park (No. Z-14 of 2019) was not constructed and therefore a situation has occurred wherein there is unoccupied retail space within the shopping center. Additionally, the retail marketplace has seen a decrease in in-store sales over the last few years and the amount and size of physical retail space continues to decline. Current customers are rather savvy shoppers and compare prices and purchase merchandise through multiple platforms including online shopping. Currently, it is unknown how the Coronavirus will further impact brick-and-mortar retail, but with increased online competition due to imposed constraints some retailers, which were struggling before the Coronavirus Pandemic began, will certainly see a lessened chance of survival.

The Applicant's proposal to construct a Townhome Community and complementary Retail space is an appropriate use of the Subject Property and offers a down-zoning option when placed next to an existing subdivision. The Townhome Community and associated Retail will include landscaping, maintenance and a common Open Space area. The residential component will be designed to promote a pedestrian friendly atmosphere which shall be designed in order to provide meaningful connectivity to adjacent retail uses.

Z-37-2020  
Statement of  
Intent

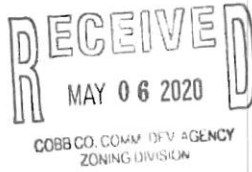
In closing, this PVC proposal will provide a live/work/play concept and will consist of a significant enhancement within this sub-area of Cobb County.

Respectfully submitted, this the 6th day of May, 2020.

SAMS, LARKIN & HUFF, LLP



By: \_\_\_\_\_  
GARVIS L. SAMS, JR.  
Attorney for Applicant  
Ga. Bar No. 623950



Z-37-2020  
Impact  
Statement

**ZONING IMPACT STATEMENT FOR THE  
REZONING APPLICATION OF SITE CENTERS CORP.**

COMES NOW, SITE CENTERS CORP. and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings in direct contiguity to the Subject Property and along the Sandy Plains Road, Woodstock Road and Mabry Road Corridors which include the commercially focused NRC, GC, NS, PSC and UVC zoning districts. Additionally, the proposed Townhome Community component along with complementary Retail space will lie adjacent to the residentially zoned (R-15) Chatsworth Subdivision.

The proposed PVC development will occupy a quadrant of a major intersection and has ingress and egress from Arterial and Major Collector designated streets; will provide for one-destination living, shopping and service locations to serve the community; and, will minimize traffic congestion.

B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the preponderance of which are commercially zoned and utilized which front onto both sides Sandy Plains, Woodstock and Mabry Roads and the significant number of residences which neighbor and/or which are located in close proximity to the Subject Property.

Z-37-2020 Impact Statement
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- C. The Subject Property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owners of the Subject Property are suffering a significant economic detriment by virtue of the continuation of the present zoning classification of Conditional NRC with restricted uses. The repurposing of a portion of the Sandy Plains Village Shopping Center for residential townhomes will represent a self-sufficient neighborhood.
  
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
  
- E. The zoning proposal is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the Subject Property lying and being within an area designated as Neighborhood Activity Center ("NAC").
  
- F. There is no substantial relationship between the existing zoning classification of Conditional NRC which limits the property in terms of its present utilization and the public's health, safety and general welfare. Additionally, considered in the context of existing development at this intersection and along Sandy Plains Road, Woodstock Road and Mabry Road and the surrounding areas, respectively, there are no established land use planning principles or political considerations which would have an adverse effect upon this proposed rezoning.



**Planning Commission Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

**Names of those Opposed:**

**Comments:**

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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
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 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

**Board of Commissioners Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

**Names of those Opposed:**

**Comments:**

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