



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-14

Public Hearing Dates:

PC: 3-5-19

BOC: 3-19-19

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**SITE BACKGROUND**

Applicant: DDR Southeast Sandy Plains, L.L.C.

Phone: 404-504-6752

Email: TZinsmaster@sitecenters.com

Representative Contact: Garvis L. Sams, Jr.

Phone: 770-422-7016

Email: gsams@slhb-law.com

Titleholder: Inland Southeast Sandy Plains, L.L.C.

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

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

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**QUICK FACTS**

Commission District: 2- Ott

Current Zoning: NRC

Current use of property: Retail, restaurants, offices and movie theatre

Proposed zoning: CRC

Proposed use: Retail, restaurants, offices, movie theatre and commercial indoor recreation

Future Land Use Designation: Neighborhood Activity Center

Site Acreage: 15.95 acres

District: 16; Land Lots: 107, 108, 109 and 110

Parcel #'s: 16010700300, 16010700010, 16010900230, 16010900010

Taxes Paid: Yes

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FINAL ZONING STAFF RECOMMENDATION:  
(Zoning staff member: Terry Martin, MPA)

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

**BOHLER ENGINEERING**  
 1100 S. DIXIE AVENUE, SUITE 200  
 GAITHERSBURG, MD 20878  
 (301) 281-1100  
 WWW.BOHLER-ENG.COM

DATE: 12/11/18  
 PROJECT: Z-14  
 SHEET: 1 of 1

Z-14  
(2019)

**ZONING**

DRS SOUTHEAST  
 SANDY PLAINS, LLC  
 1506 BRYAN BLVD  
 4770 SANDY PLAINS ROAD  
 CITY OF UNIVERSAL, GEORGIA

**BOHLER ENGINEERING**  
 1100 S. DIXIE AVENUE, SUITE 200  
 GAITHERSBURG, MD 20878

ZONING SITE  
PLAN

1 of 1

**LEGAL DESCRIPTION**

ALL THAT PART OF THE ...

**LOCATION MAP**  
SCALE: 1" = 100'

**GENERAL NOTES**

1. THE PROJECT IS SUBJECT TO THE CITY OF UNIVERSAL, GEORGIA ZONING ORDINANCE...
2. THE PROJECT IS SUBJECT TO THE CITY OF UNIVERSAL, GEORGIA...

**BULK REQUIREMENTS (EXISTING ZONING)**

ITEM	REQUIREMENT	COMPLIANT
1	MINIMUM LOT AREA	NO
2	MINIMUM BUILDING SETBACK	NO
3	MINIMUM FRONT YARD SETBACK	NO
4	MINIMUM SIDE YARD SETBACK	NO
5	MINIMUM REAR YARD SETBACK	NO
6	MINIMUM FRONT SETBACK	NO
7	MINIMUM SIDE SETBACK	NO
8	MINIMUM REAR SETBACK	NO
9	MINIMUM BUILDING HEIGHT	NO
10	MINIMUM OPEN SPACE REQUIREMENTS	NO
11	MINIMUM FRONT YARD OPEN SPACE	NO
12	MINIMUM SIDE YARD OPEN SPACE	NO
13	MINIMUM REAR YARD OPEN SPACE	NO

**BULK REQUIREMENTS (PROPOSED ZONING)**

ITEM	REQUIREMENT	COMPLIANT
1	MINIMUM LOT AREA	NO
2	MINIMUM BUILDING SETBACK	NO
3	MINIMUM FRONT YARD SETBACK	NO
4	MINIMUM SIDE YARD SETBACK	NO
5	MINIMUM REAR YARD SETBACK	NO
6	MINIMUM FRONT SETBACK	NO
7	MINIMUM SIDE SETBACK	NO
8	MINIMUM REAR SETBACK	NO
9	MINIMUM BUILDING HEIGHT	NO
10	MINIMUM OPEN SPACE REQUIREMENTS	NO
11	MINIMUM FRONT YARD OPEN SPACE	NO
12	MINIMUM SIDE YARD OPEN SPACE	NO
13	MINIMUM REAR YARD OPEN SPACE	NO

RECEIVED  
DEC - 6 2018  
Cobb Co. COM. DEVA. AGENCY  
ZONING DIVISION

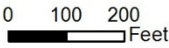
**LEGEND**



1	PROPOSED BUILDING FOOTPRINT
2	PROPOSED DRIVEWAY
3	PROPOSED SIDEWALK
4	PROPOSED ASPHALT DRIVE
5	PROPOSED CONCRETE DRIVE
6	PROPOSED DRIVEWAY
7	PROPOSED SIDEWALK
8	PROPOSED ASPHALT DRIVE
9	PROPOSED CONCRETE DRIVE
10	PROPOSED DRIVEWAY
11	PROPOSED SIDEWALK
12	PROPOSED ASPHALT DRIVE
13	PROPOSED CONCRETE DRIVE

# Z-14 2019-Aerial Map



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



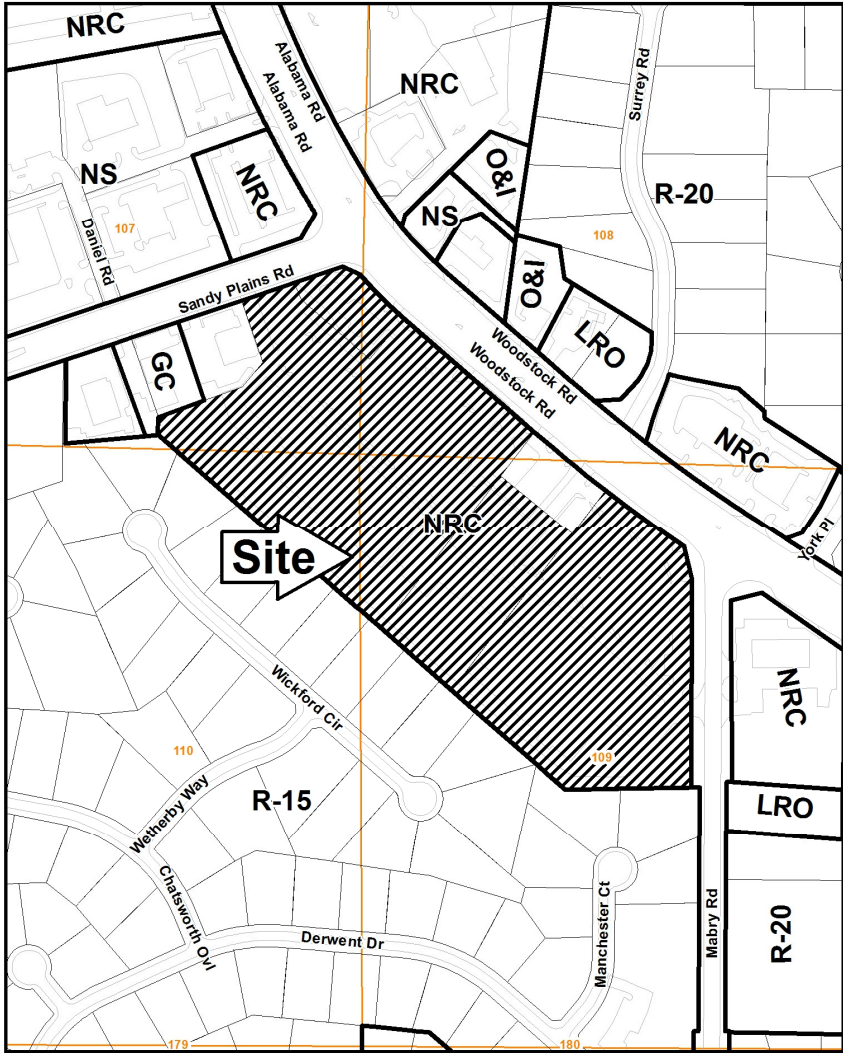
-  Zoning Boundary
-  City Boundary

North

**Zoning:** LRO (Low Rise Office), O&I (Office & Institutional), NRC (Neighborhood Retail Commercial), and NS (Neighborhood Shopping)

**Future Land Use:** NAC (Neighborhood Activity Center)

**Z-14 2019-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 (Neighborhood Retail Commercial) and NS (Neighborhood Shopping)

**Future Land Use:** NAC (Neighborhood Activity Center)

EAST

**Zoning:** NRC (Neighborhood Retail Commercial)

**Future Land Use:** NAC (Neighborhood Activity Center)

SOUTH

**Zoning:** R-15 (Single-family Residential)

**Future Land Use:** LDR (Low Density Residential)

## **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 CRC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the CRC district should be done so as compact unified centers. CRC districts should be located on properties which are delineated within a community activity center and regional activity center 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 a rezoning to the Community Retail Commercial (CRC) zoning district to allow a commercial indoor recreation tenant as this use is not permitted under the site's current Neighborhood Retail Commercial (NRC) zoning. The applicant intends to occupy the tenant space that was formerly the Walmart Neighborhood Market. The family-oriented attraction will include wall/rock climbing, indoor trampolines, mini-golf, bumper cars, go-karts, and the like. Proposed hours will be Monday through Saturday 10:00 am to 10:00 pm and on Sunday from Noon to 9:00 pm.

### **Non-residential criteria**

Proposed # of buildings: 1, existing

Proposed # of stories: 1, existing

Total sq. footage of development: 66,092 square feet tenant space

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

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Floor area ratio: 0.23, no change  
Square footage per acre: 10,233 square feet  
Required parking spaces: 653  
Proposed parking spaces: 683  
Acres in floodplain or wetlands: 0  
Impervious surface shown: 85%, existing

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

Yes, the proposed plan will require the following contemporaneous variances:

1. Increase the maximum allowable impervious surface from 70% to 85% (existing);
2. Reduce the required buffer adjacent to residentially zoned property along the western property line from 35 feet to three (3') feet (existing); and
3. Reduce the depth of a parking stall from 19 feet to 18 feet (existing).

## **DEPARTMENT COMMENTS- Fire Department**

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Fire would not have any comments on the proposed use provided the building is provided with a fire sprinkler system.

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

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The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.). Contact Site Plan Review, 770-528-2147.

## **DEPARTMENT COMMENTS- Cemetery Preservation**

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There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commissioner's Inventory Listing which is located in this, or adjacent land lot.

## **DEPARTMENT COMMENTS- School System**

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

## **DEPARTMENT COMMENTS- Stormwater Management**

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No comments.

## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Neighborhood Activity Center (NAC) 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

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.

**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)**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

(Planning comments continued on the next page)



**DEPARTMENT COMMENTS- Planning Division** (continued)

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**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): 12" in Sandy Plains Road

Additional water comments: Existing water customer

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 waste generation (in G.P.D.): Average daily flow = +/- nominal

Peak flow = +/- nominal

Treatment plant: Big Creek WRF (Fulton County)

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: Existing sewer customer

\*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	Arterial	45	Georgia DOT	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	North of York Place	48,200	E
Sandy Plains Road	East of Mountain Drive	13,350	C
Mabry Road	South of Gilhams Road	8,350	C

*Based on 2016 AADT counting data taken by GDOT, as published on their website, for Woodstock Road.*

*Based on 2015 traffic counting data taken by Cobb County DOT for Sandy Plains Road.*

*Based on 2017 traffic counting data taken by Cobb County DOT 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 local roads from this data source.*

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

### Comments and observations

Woodstock Road 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.

Sandy Plains Road 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.

Mabry Road is classified as a major collector roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

### Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend GDOT permits for any 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 view of the use and development of adjacent and nearby properties. Nearby properties are similarly zoned with commercial, retail and office uses. The proposed use is intended to be located in more intense commercial activity centers due to the impact it may have on adjacent and nearby properties.

**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 have an adverse effect on the usability of adjacent or nearby property. Staff is concerned that the proposed go-karts will increase noise and fumes for the adjoining residential properties due to the venting requirements gasoline engines may require.

**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 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. 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 policy and intent of the Cobb County Comprehensive Plan, which delineates this property to be within a Neighborhood Activity Center (NAC) land use category. The requested CRC zoning category is not compatible with the NAC land use category.

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 supporting grounds for denying the applicant's rezoning proposal. Staff is concerned that the proposed use is more intense than other uses in the area. Staff is particularly concerned with the go-kart use which may negatively affect adjoining and nearby residential uses.

**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.**

**Planning Commission Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_  
NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

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<b>Names of those Opposed:</b>	<b>Comments:</b>
_____	_____
_____	_____
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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

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**Board of Commissioners Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_  
NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

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<b>Names of those Opposed:</b>	<b>Comments:</b>
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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_