



APPLICANT: Genuine Property Solutions, LLC  
678-325-0406

REPRESENTATIVE: John R. Goss  
678-325-0406

TITLEHOLDER: Connie M. Kraemer, Bonnie Sue Watts, Brenda  
Deaver, Glenda Cox, Robert G. Brinson

PROPERTY LOCATION: Located on the east side of Barrett  
Parkway, south of Battle Forest Drive.

ACCESS TO PROPERTY: Barrett Parkway, Dallas Highway via  
easements

PHYSICAL CHARACTERISTICS TO SITE: Existing house

PETITION NO: 7-75

HEARING DATE (PC): 08-07-07

HEARING DATE (BOC): 08-21-07

PRESENT ZONING: R-20

PROPOSED ZONING: LRO, OI

PROPOSED USE: Offices and  
Fitness Center

SIZE OF TRACT: 4.48 acres

DISTRICT: 20

LAND LOT(S): 329

PARCEL(S): 8, 115

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

COMMISSION DISTRICT: 1

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH: R-15/ Battle Forest subdivision
- SOUTH: CRC/ Home Depot
- EAST: LRO/ undeveloped
- WEST: NRC/ Highland Commercial Bank, wooded

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

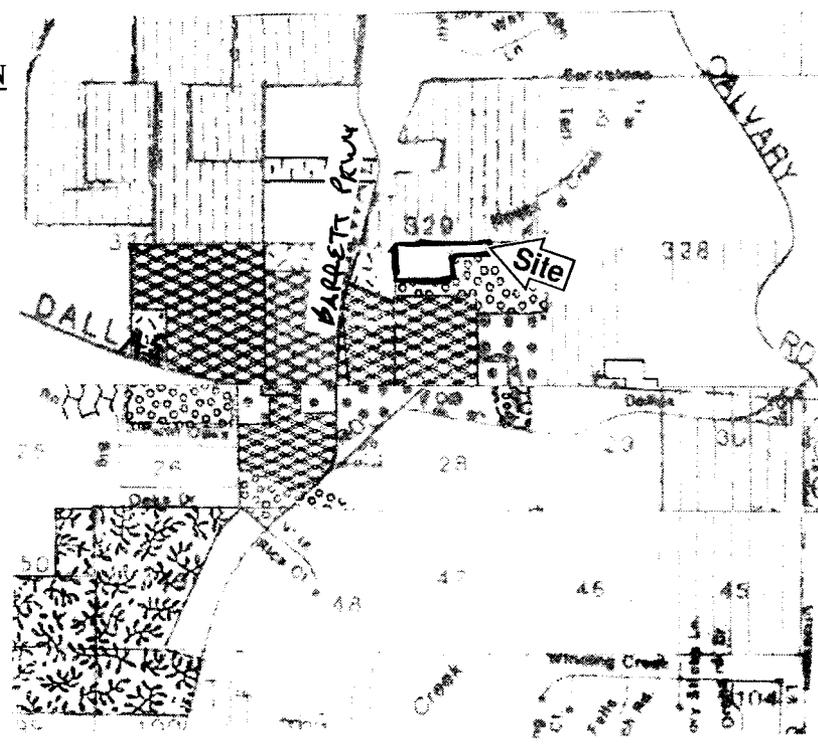
**BOARD OF COMMISSIONERS DECISION**

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

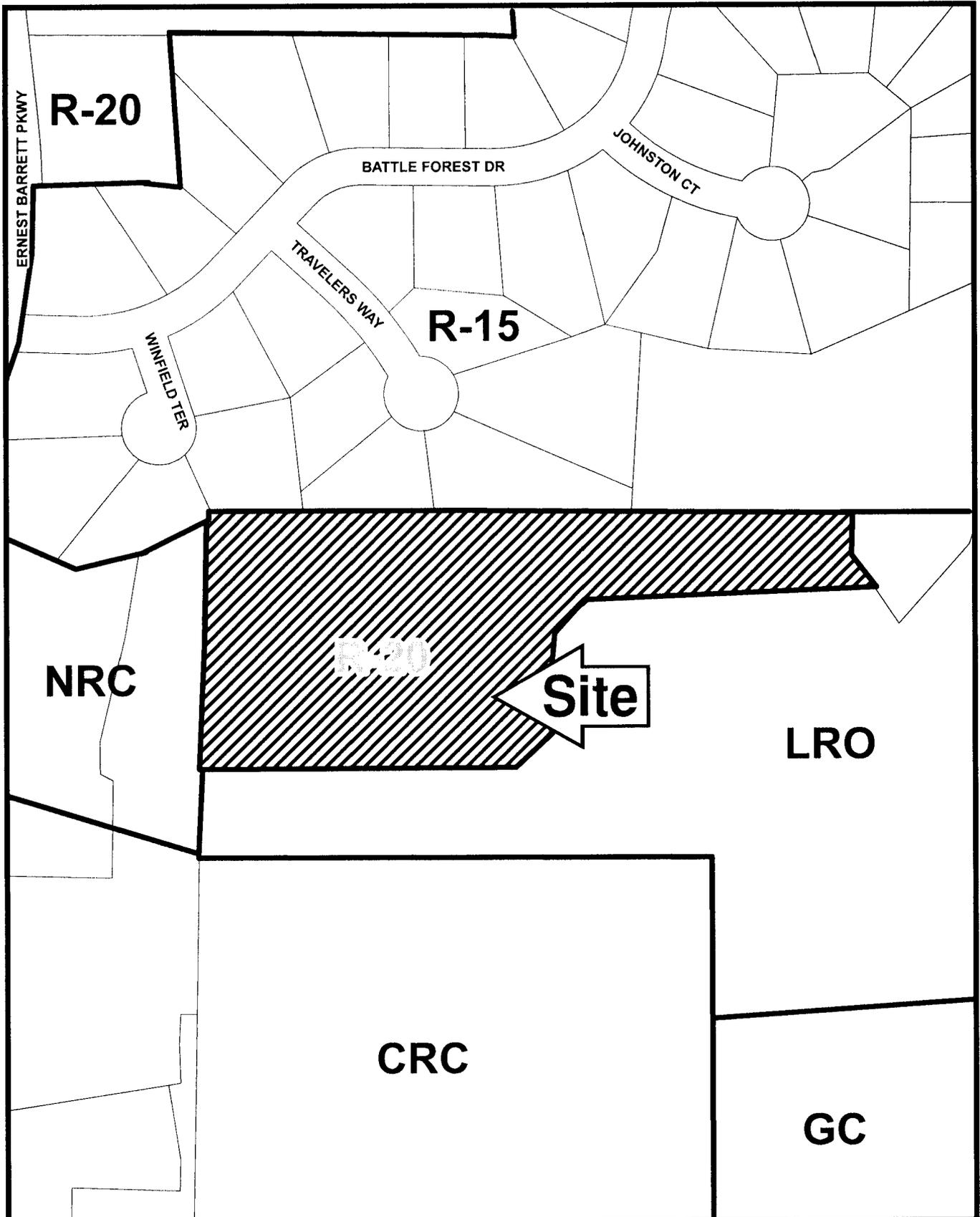
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

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

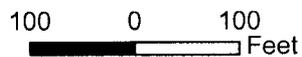
STIPULATIONS:



# Z-75



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



 Draft Parcel Boundary  
 Approximate Zoning Boundary

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**PETITION FOR:** LRO, OI

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**PLANNING COMMENTS:**

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

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

**Proposed Number of Buildings:** 5      **Total Square Footage of Development:** 55,050

**F.A.R.:** 0.28      **Square Footage/Acre :** 12,287

**Parking Spaces Required:** 212      **Parking Spaces Provided:** 222

The applicant is requesting the LRO and OI zoning districts to develop an office park and fitness center. The office buildings would be traditional in styling with brick exteriors with asphalt shingle roofs. The office buildings would be one-story in height adjacent to Battle Forest subdivision, and two stories in height adjacent to Home Depot. The office buildings would typically be open from 8:00 am to 5:00 pm. The fitness center would be one-story in height with a partial mezzanine inside the building. The building would match the office buildings architecturally. The fitness center would be open 24 hours a day, seven days a week. The applicant would access the property via an access easement through the Home Depot parking lot. The applicant may need a variance for an off-premise sign since they do not have road frontage on a public road.

**Historic Preservation:** After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

**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.

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**FIRE COMMENTS:**

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT Genuine Property Solutions

PETITION NO. Z-075

PRESENT ZONING R-20

PETITION FOR LRO, OI

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NOTE: Comments reflect only what facilities were in existence at the time of this review.

**WATER COMMENTS:**

Available at Development?  Yes  No

Fire Flow Test Required?  Yes  No

Size / Location of Existing Water Main(s): 12" DI / E side Barrett Pkwy

Additional Comments: Extension by developer into property necessary (350' approx). An option: extension of private line from Home Depot with a recorded agreement for perpetual water and fire protection

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.

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**SEWER COMMENTS:**

In Drainage Basin?  Yes  No

At Development?  Yes  No

Approximate Distance to Nearest Sewer: 20' NE

Estimated Waste Generation (in G.P.D.): **A D F** 5,500 **Peak** 13,750

Treatment Plant: S Cobb

Plant Capacity Available?  Yes  No

Line Capacity Available?  Yes  No

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

Dry Sewers Required?  Yes  No

Off-site Easements 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

\* 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Easement will not be necessary if existing easement edge is a N property line

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 off site easements, dedication of on and/or off site 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.

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noses Creek FLOOD HAZARD INFO: Zone AE

- 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: along stream and within stream buffer.

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50' , 75' , 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_.
- Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream **Home Depot detention facility.**

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DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

1. The applicant is proposing to utilize the existing adjacent Home Depot stormwater facility for water quality and detention. Permission to modify the existing pond must be obtained from Home Depot as well as a flow easement and shared maintenance agreement.
2. The current effective 100-year floodplain for Noses Creek on this site is at elevation 956. The floodplain delineated on the site plan (El 956) is significantly lower and will not become effective until the pending FIRM map revision is approved by FEMA. This must be confirmed at Plan Review.

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**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
Barrett Parkway	38500	Arterial	45 mph	Cobb County	110'
Dallas Highway	39570	Arterial	45 mph	GDOT	110'

*Based on 2003 traffic counting data taken by Cobb County DOT.  
Based on 2005 traffic counting data taken by GDOT.*

**COMMENTS AND OBSERVATIONS**

Barrett Parkway is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Dallas Highway is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

An access easement is needed to access the property.

**RECOMMENDATIONS**

Recommend inter-parcel access with adjacent with Home Depot.

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

## STAFF RECOMMENDATIONS

### Z-75                    GENUINE PROPERTY SOLUTIONS, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties if all developed LRO. The LRO zoning district is the least intensive zoning district which is used as a transition in zoning intensity. Having a 24 hour business (fitness center) within close proximity to the single-family residential subdivision may cause compatibility problems.
- 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 if all developed LRO. The LRO zoning district would provide a transition in zoning intensity from the higher intensity commercial uses associated with Dallas Highway and Barrett Parkway, to the lower intensity use associated with Battle Forest subdivision. Additionally, the buffering should be increased to reduce the visual, light, and sound pollution in the area. The 24 hour business would be inappropriate this far off Dallas Highway and Barrett Parkway.
- 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. Staff is concerned with a having a 24 hour business at this location, especially a fitness center, which tend to have higher than normal car-break-ins, due to customers leaving valuables in the car.
- 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* (the Plan), which delineates this property to be within a Community Activity Center (CAC). However, CAC's do call for low intensity office or higher density residential uses to serve as transitional uses between higher intensity uses and adjacent residential uses. Additionally, The Plan calls for a transition in building scale and land use type, with the more intense uses focused near the center of the CAC. The 24 hour business would be too intense to place this close to single-family houses.
- 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 deleting the applicant's rezoning proposal to LRO for professional offices only. Deletion to LRO for the entire tract would be consistent with the *Cobb County Comprehensive Plan*. The LRO district with a limitation of professional offices would provide the best transition in intensity for the adjacent residential subdivision. Additionally, past zoning applications along Dallas Highway have expressed an interest in developing professional offices by expanding the commercial node; this application could fill that need *without* expanding the commercial node.

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

- Site plan received by the Zoning Division June 7, 2007, with the “fitness center” building to be a one story professional office building;
- 30-foot landscape buffer along north property line;
- District Commissioner approving minor modifications;
- District Commissioner to approve the final building architecture prior to permits;
- Lighting plan be designed to eliminate light pollution onto adjacent properties;
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- 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.**