

APPLICANT: CCA Properties, LLC
770-426-1002

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Parks F. Huff 770-422-7016

TITLEHOLDER: CCA Properties, LLC

PROPERTY LOCATION: Located on the north side of Big Shanty
Road, between Campus Loop Road (F/K/A Frey Lake Road), and
Chastain Road

ACCESS TO PROPERTY: Big Shanty Road, Campus Loop Road

PHYSICAL CHARACTERISTICS TO SITE: Existing building

PETITION NO: Z-92

HEARING DATE (PC): 10-02-07

HEARING DATE (BOC): 10-16-07

PRESENT ZONING: OI

PROPOSED ZONING: NRC

PROPOSED USE: Retail

SIZE OF TRACT: 1.37 acres

DISTRICT: 20

LAND LOT(S): 132

PARCEL(S): 6

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Kennesaw State University Place Apartments

SOUTH: LI/ Distribution Center

EAST: NRC/ Mellow Mushroom, retail

WEST: R-20/ Wetherbyrne Woods subdivision

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

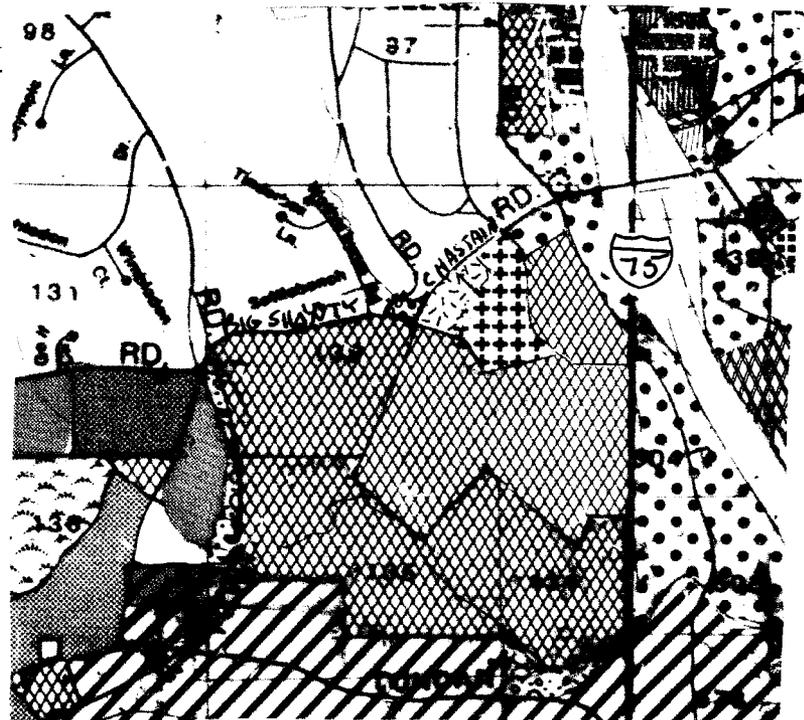
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

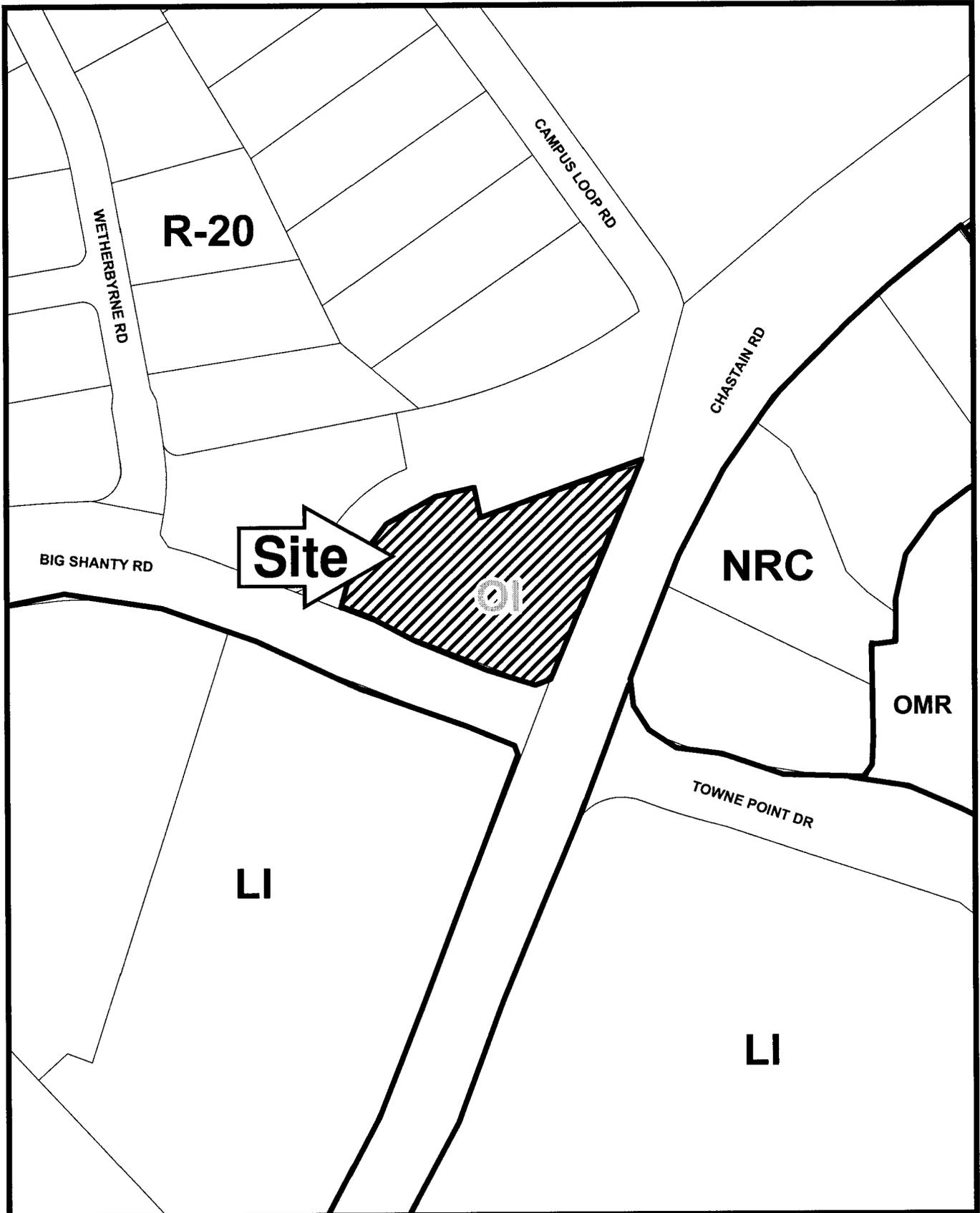
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

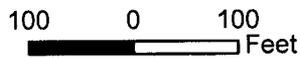
STIPULATIONS:



Z-92



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 NO.: Z-92

PRESENT ZONING: OI

PETITION FOR: NRC

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Low Density Residential (1 to 2.5 units per acre)

Proposed Number of Buildings: 1(existing) Total Square Footage of Development: 6,000

F.A.R.: 0.10 Square Footage/Acre: 4,379

Parking Spaces Required: 40 Parking Spaces Provided: 32

The applicant is requesting the NRC zoning district to convert the existing office building into retail and restaurant uses. The building will remain traditional in styling, but the applicant will add awnings and other architectural details to the facade of the building. The applicant anticipates the users will be open seven days a week, from 7:00 am to midnight. The previous zoning stipulations are attached for review (see Exhibit "A").

The applicant is showing a contemporaneous variance which is to reduce the required number of parking spaces, from 40 parking spaces to 32 parking spaces.

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: No comment.

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 paved 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 CCA Properties, LLC

PETITION NO. Z-092

PRESENT ZONING OI

PETITION FOR NRC

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 8" DI / N side Big Shanty Rd

Additional Comments:

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:

- In Drainage Basin? Yes No
- At Development? Yes No
- Approximate Distance to Nearest Sewer: On site
- Estimated Waste Generation (in G.P.D.): **A D F** ** **Peak** **
- Treatment Plant: Noonday
- 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
- 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:

**There will be some net increase in flow due to restaurant use. Grease traps required for restaurants

Notes FYI:

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: Noonday Creek Trib # 7 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: within stream channel and 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 downstream **receiving system.**

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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

1. The proposed renovation and parking expansion will require modification of the existing detention pond to provide adequate detention and water quality volumes.
2. Any fill needed for the proposed parking expansion will require compensatory cut within the site. No fill will be allowed in the regulatory floodway.

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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 |
|-----------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Big Shanty Road | 7000 | Minor Collector | 35 mph | Cobb County | 60' |
| Campus Loop Rd | 6600 | Minor Collector | 30 mph | Cobb County | 60' |
| Chastain Road | 20690 | Arterial | 45 mph | Cobb County | 100' |

*Based on 2005 traffic counting data taken by GDOT.
Based on 2005 traffic counting data taken by GDOT.
Based on 2006 traffic counting data taken by GDOT.*

COMMENTS AND OBSERVATIONS

Big Shanty Road is classified as a Minor Collector and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Campus Loop Road, FKA Frey Lake Road, is classified as a Minor Collector and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

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

RECOMMENDATIONS

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

STAFF RECOMMENDATIONS

Z-92 CCA PROPERTIES, 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. The applicant's property is located in an area that contains retail, offices, single-family houses, and Kennesaw State University (KSU).
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal would be similar to the newer, small retail center across Chastain Road. The applicant's proposal would also be a very good complimentary use with KSU. However, the intent of the Board of Commissioners (BOC) rezoning action on November 18, 1997 was to keep this property a low intensity office, to protect the adjacent single-family subdivision.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Low Density Residential Land Use Category.
- 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 denying the applicant's rezoning proposal. The applicant's proposal is not in accordance with the *Cobb County Comprehensive Plan*. The applicant has tried previously to rezone this property for retail use, and the BOC deleted the property to office to protect the adjacent single-family subdivision.

Based on the above analysis, Staff recommends DENIAL.

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.

2-106 of 1997

This exhibit replaces previous site plan (zoning district delineations) of 2/26/98



Scale 1" = 50 ft

to be approved by the Planning Commission

WETHERBYRNE ROAD - 60' R/W

FREY LAKE ROAD - 160' R/W

CHASTAIN ROAD - 100' R/W

BIG SHANTY ROAD - 80' R/W

TRACT IV
6,800 S.F.

TRACT V
6,000 S.F.

FLOODPLAIN WETLANDS
LIMITS OF 100 YR FLOOD PLAIN



A PORTION OF TRACT V IS LOCATED IN FLOOD HAZARD AREA AS DELINEATED ON PLAN OF COBB COUNTY, GA. & INCORPORATED MAP NO. 13867C0000, DATED AUGUST 18 1988. PANAL NO. 30 OF 95.

THE FIELD DATA UPON WHICH THIS PLAN HAS A CLOSURE PRECISION OF ONE FOOT FEET, AN ANGULAR ERROR OF 01 SECOND AND WAS ADJUSTED BY CRANDALL'S RULE

EQUIPMENT USED: TOPCON GTS-2B.

THIS PLAN HAS BEEN CALCULATED FOR CLOSURE PRECISION OF ONE FOOT FEET, AN ANGULAR ERROR OF 01 SECOND AND WAS ADJUSTED BY CRANDALL'S RULE

Exhibit "A"
Case Z-92/2007
Page 2 of 2

SITE DATA:

TRACT IV
AREA = 1.12 ACRES
PRESENTLY ZONED : L-1
PROPOSED ZONING : CRC
PROPOSED BLDG = 6800 SF
REQ'D PKG = 34 SPACES
SHOWN PKG = 34 SPACES

TRACT V
AREA = 1.54 ACRES
PRESENTLY ZONED : L-1
PROPOSED ZONING : CRC
PROPOSED BLDG = 6000 SF
REQ'D PKG = 30 SPACES
SHOWN PKG = 30 SPACES