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APPLICANT: Cooke Enterprises, Inc.
678-797-9797

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Estate of Martin Van Buren Teem, Sr., Deceased

PROPERTY LOCATION: Located on the north side of Interstate 75,
west of Wade Green Road.

ACCESS TO PROPERTY: Wade Green Road (via an access
easement)

PHYSICAL CHARACTERISTICS TO SITE: Wooded

PETITION NO: Z-93

HEARING DATE (PC): 10-02-07

HEARING DATE (BOC): 10-16-07

PRESENT ZONING: GC

PROPOSED ZONING: OI

PROPOSED USE: Offices

SIZE OF TRACT: 5.75 acres

DISTRICT: 20

LAND LOT(S): 55

PARCEL(S): 21, 22

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: PRD/ Windsor Glen subdivision
- SOUTH: Interstate 75
- EAST: GC/ BP, Rite-Aid
- WEST: Interstate 75

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

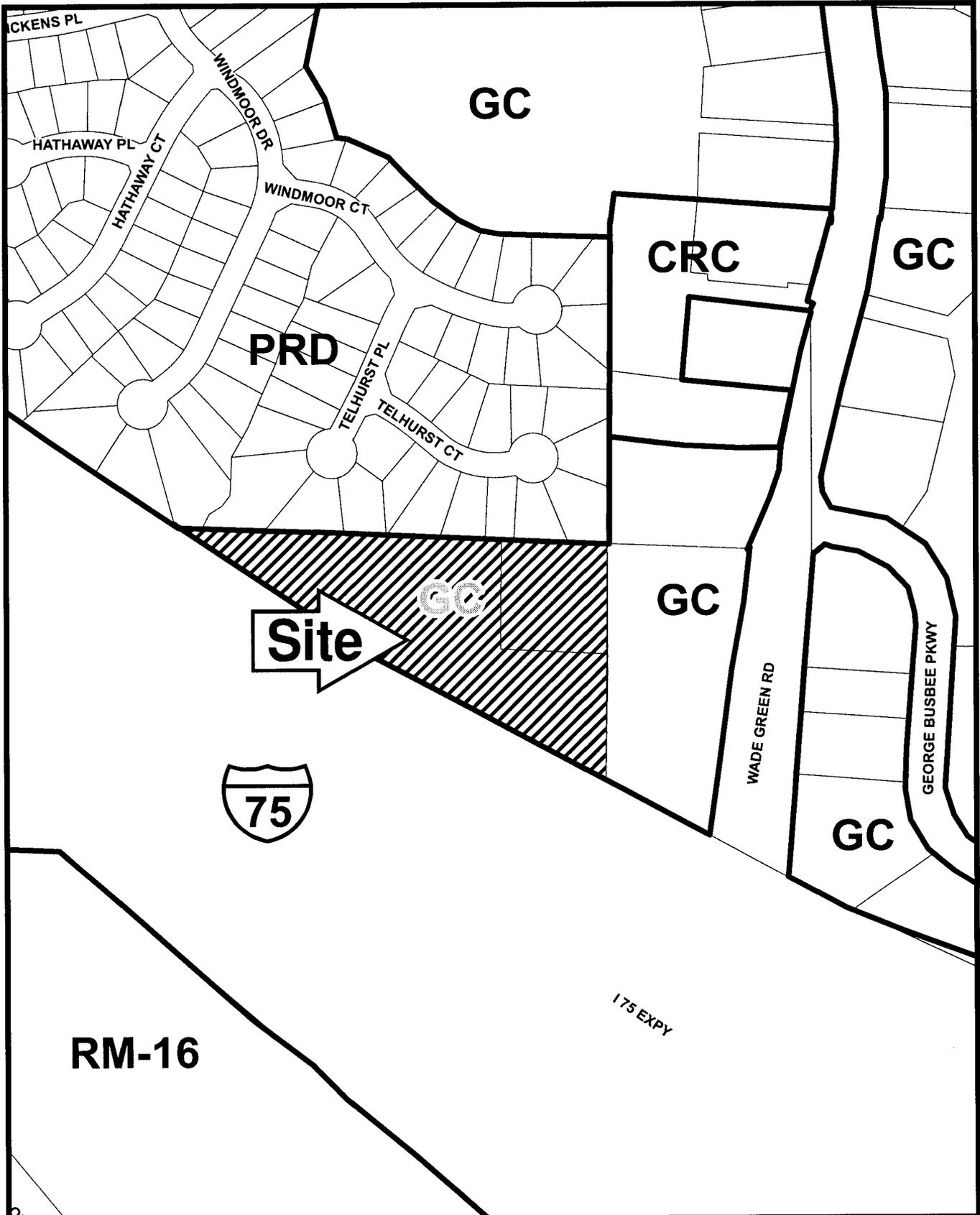
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HELD _____ CARRIED _____

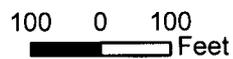
STIPULATIONS:



Z-93



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

APPLICANT: Cooke Enterprises, Inc.

PETITION NO.: Z-93

PRESENT ZONING: GC

PETITION FOR: OI

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 9 **Total Square Footage of Development:** 64,880

F.A.R.: 0.25 **Square Footage/Acre:** 11,283

Parking Spaces Required: 227 **Parking Spaces Provided:** 232

The applicant is requesting the OI zoning district to develop a small professional office park. The buildings would be one and two-stories in height with traditional building architectural style, consisting of all brick exteriors with pitched roofs. The offices are anticipated to be open Monday through Friday, from 8:00 am to 6:00 pm. The applicant has submitted a letter of agreeable stipulations (see Exhibit "A").

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.

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 Cooke Enterprises, Inc

PETITION NO. Z-093

PRESENT ZONING GC

PETITION FOR OI

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) 12" DI / W side Wade Green Rd

Additional Comments: Master meter to be at entrance on Wade Green ROW (aprx 240' east of site)

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: 30' NW and 90' SW

Estimated Waste Generation (in G.P.D.): **A D F** 6490 **Peak** 16,225

Treatment Plant: Northwest

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:

Notes FYI: *Easement should be very short in length*

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.

APPLICANT: Cooke Enterprises, Inc.

PETITION NO.: Z-93

PRESENT ZONING: GC

PETITION FOR: OI

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Proctor Creek 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 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 stormdrainage system.

APPLICANT: Cooke Enterprises, Inc.

PETITION NO.: Z-93

PRESENT ZONING: GC

PETITION FOR: OI

● *****

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 site is located upstream of a significant embankment associated with Interstate I-75. Although the County’s FIRM maps show no FEMA floodplain, the County’s Flood Damage Prevention Ordinance will require a hydrologic/hydraulic analysis to determine the 100-year emergency flood pool upstream of the existing I-75 culvert at the northwest corner of the site. All structures will need to be located above this pool elevation. The proposed detention pond will also need to be located above the 100-year headwater pool elevation.
2. Although no landscape buffer may be needed adjacent to the Interstate, some additional screening buffer should be provided adjacent to the Windsor Glen S/D.

APPLICANT: Cooke Enterprises, Inc.

PETITION NO.: Z-93

PRESENT ZONING: GC

PETITION FOR: OI

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
Wade Green Rd	39630	Arterial	40 mph	Cobb County	100'
I-75	139380	Interstate	65 mph	GDOT	300'

*Based on 2005 traffic counting data taken by GDOT. (Wade Green Road)
Based on 2006 traffic counting data taken by GDOT. (I-75)*

COMMENTS AND OBSERVATIONS

Wade Green 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.

Wade Green Road is identified as a Cobb County transportation improvement project, and I-75 is identified as a GDOT HOV project.

Access shall be provided via inter-parcel connection.

RECOMMENDATIONS

Recommend applicant coordinate with Cobb County DOT and Georgia DOT prior to development plan approval to ensure compatibility with the proposed road projects.

Recommend provide inter-parcel access.

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

STAFF RECOMMENDATIONS

Z-93 COOKE ENTERPRISES, INC.

- 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 property is already zoned for commercial uses, and the property to the east is zoned commercially. The area contains a mixture of zoning districts, such as GC, CRC, PRD, and RM-16.
- 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. The applicant's proposal would be compatible with adjacent uses. The proposed low intensity office use would provide a reasonable transition in zoning intensity for the adjoining single-family houses. Deleting the applicant's proposal to LRO would still allow the applicant to develop the property as proposed.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Community Activity Center.
- 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. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal would be compatible with adjacent and nearby properties. The office use would help to balance-out the land use types in the area, and would provide a reasonable transition in zoning intensity. Lastly, deleting the application to LRO would still allow the applicant to develop the proposed offices, and would ensure a low intensity use next to the residential subdivision.

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

- Site plan received by the Zoning Division August 2, 2007, with the District Commissioner approving minor modifications;
- Letter from Mr. Garvis L. Sams, Jr., dated September 17, 2007 (not in conflict with these stipulations);
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- 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.

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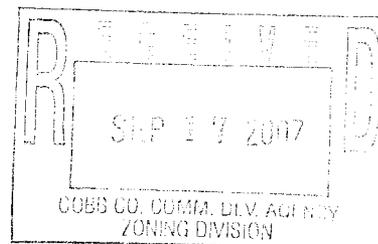
September 17, 2007

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



Re: Application of Cooke Enterprises, Inc., to Rezone a 5.75 Acre Tract
from General Commercial (GC) to Office & Institutional (O&I)
(No. Z-93)

Dear John:

As you know, this firm represents the applicant and property owner concerning the above-captioned Application for Rezoning. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on October 2, 2007 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on October 16, 2007.

With respect to the foregoing and in keeping with the dialogue which we have established with the County's professional staff, this letter will serve as the applicant's agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.

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A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

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2. Rezoning of the subject property shall be from General Commercial (GC) to Office & Institutional (OI) for purposes of a professional office park.¹
3. The architectural style, composition and treatment of the office buildings shall be consistent with the elevation/rendering being submitted contemporaneously herewith. The composition of the buildings shall consist of brick on all four sides, with stucco accents and architectural shingles.
4. Entrance signage for the proposed office shall be ground-based, monument style with the finished materials and color being in substantial conformity to the architectural style and composition as aforementioned.
5. The submission of a landscape plan during the Plan Review process subject to the Arborist's review and approval. Additionally, the applicant agrees to the following:
 - a. The construction of a shadow box fence along the subject property's northern property line. Additionally, except in such areas that are adequately vegetated for screening purposes, the planting of Leyland Cypress trees on 12' centers along said fence and property line.
 - b. All landscaping shall be professionally designed, maintained and irrigated and shall be approved by the County Arborist during the Plan Review process.
 - c. All dumpsters shall be enclosed by brick on at least three (3) sides consistent with the architectural style and composition of aforementioned. Said dumpsters shall be equipped with doors and rubber fittings to reduce noise levels and shall be located in areas which are as unobtrusive as possible.
 - d. All detention/water quality areas shall be attractively landscaped and screened.
 - e. All HVAC equipment shall be screened from view either by landscaping or in a manner consistent with the architectural style and composition as aforementioned.

¹ The subject property is part of a 171 acre tract which was rezoned to the GC classification in August of 1975 (No. Z-95). The Board of Zoning Appeals approved a variance request waiving the public road frontage from 50' to 35' on October 12, 2005 (No. V-129).

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- f. All utilities servicing the development shall be underground.
- g. All landscaped and buffer areas may be penetrated for purposes of access, utilities and stormwater management including, but not limited to, detention/retention facilities, drainage facilities and any and all slopes and required engineering features.
6. Environmentally sensitive, shoe-box lighting shall be utilized throughout the office park. Every effort shall be made to make all lighting as unobtrusive as possible.
7. Security lighting on the buildings shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.
8. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on site detention and water quality ponds.
9. Compliance with the following recommendations from the Cobb County Department of Transportation:
 - a. Providing inter-parcel access between the subject property and those adjacent parcels fronting on Wade Green Road.
 - b. Utilization of the fully signalized intersection of the private easement with Wade Green Road.
 - c. Following recommendations and comments contained in the Kimley-Horn and Associates Traffic Impact Study which was previously submitted under separate cover.
10. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property. Additionally, an agreement to master meter the office park.
11. Compliance with the recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.

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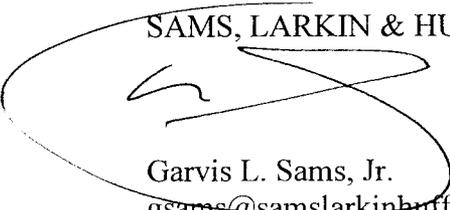
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12. An agreement that there shall be no outside storage such as that term is used and defined in the Cobb County Zoning Ordinance.
13. The development shall include pedestrian walkways between the proposed buildings and parking areas.
14. If, for any reason, development permits for the professional office park do not issue within twelve (12) months from the date of a successful rezoning of the subject property then, and in such an event, the zoning classification of the subject property shall revert to the original classification of General Commercial (GC) without further action being necessary on the part of Cobb County or the owner of the subject property.
15. The final site plan, final landscape plan and final architectural renderings shall be reviewed and approved by the District Commissioner who shall also have the latitude to make modifications to same during the Plan Review process.

Please do not hesitate to call should you require any additional documentation or information prior to the formulation of your analysis and recommendations to the Board of Commissioners and Planning Commission.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLSjr/jbmc

Enclosure

cc: Shown on next page.

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cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosure
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail –
w/enclosure
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/enclosure
Mr. John M. Morey, P.E. – VIA E-Mail and First Class Mail – w/enclosure
Mr. David Breaden, P.E. – VIA E-Mail and First Class Mail – w/enclosure
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosure
Mr. David Warner, President, North Cobb Homeowners Coalition – VIA E-Mail –
w/attachment
Mr. Mitchell Cooke – VIA E-Mail -- w/attachment
Mr. Steve Ponsell – VIA E-Mail – w/attachment

