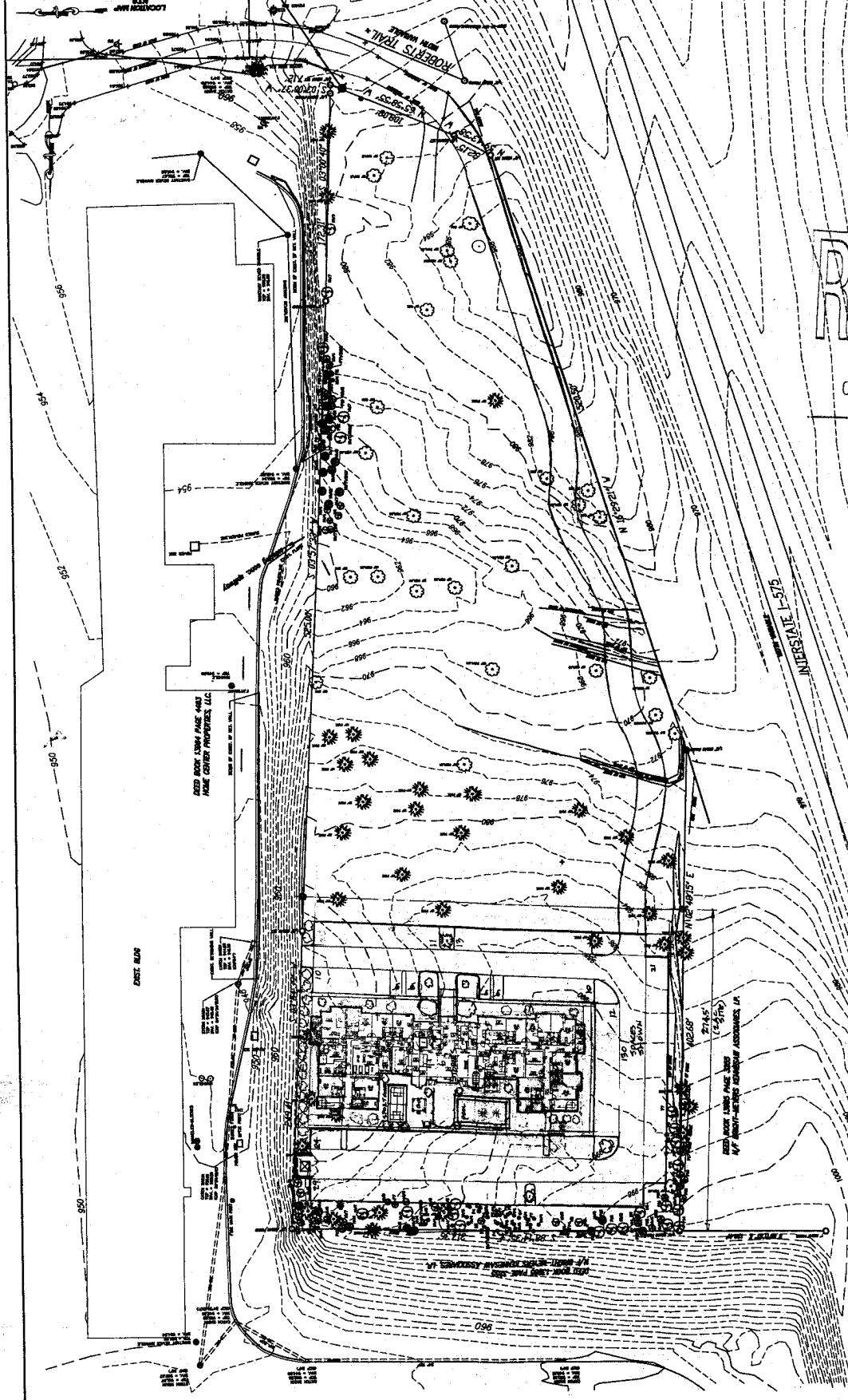
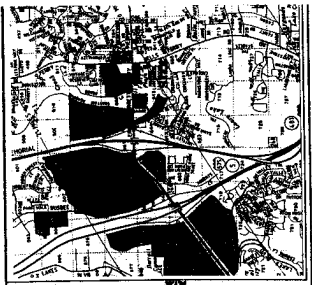


**Z-33
(2008)**

HOTEL CONFIGURATION
 Lobby 15 Rooms
 Second 22 Rooms
 Third 24 Rooms
 Fourth 24 Rooms
 Fifth 24 Rooms
 Sixth 24 Rooms
 Total 130 Rooms

PARADE PARAPET
 HOTEL WITHIN PARAPET
 MEETING ROOMS
 NOTE: ONLY ONE MEETING ROOM TO BE LOCATED ON PARAPET
 PARKING SPACES 120 SPACES

SITE AREA 2.4



RECEIVED
 MAY - 1 2008
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

- NOTES:**
1. TOTAL AREA = 4.47 AC.
 2. PROPERTY ZONED, RES. AND COM (Z-33) & FLOOD ZONE AS PER COBB COUNTY F.L.L.E. PANEL NO. 13027C D007.
 3. DATED 11/19/07. SURVEY BY ROBERT M. HESTER, P.E., ENGINEER, INC. DATED 8-30-07.
 4. INC. DATED 8-30-07.

**STAYBRIDGE
 SUITES HOTEL
 KENNESAW, GA**

PARADISE GROUP

SCALE 1"=40'
 SHEET NO. 5-11-08

APPLICANT: Paradise Group Kennesaw, Inc.
678-923-8226

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

TITLEHOLDER: Cherry Hill Investments, LLC

PROPERTY LOCATION: Located on the north side of Roberts Trail, west of Chastain Meadows Parkway and on the eastern side of Interstate 575, north of Barrett Parkway.

ACCESS TO PROPERTY: Roberts Trail

PHYSICAL CHARACTERISTICS TO SITE: wooded

PETITION NO: Z-33

HEARING DATE (PC): 07-01-08

HEARING DATE (BOC): 07-15-08

PRESENT ZONING: OMR with Stipulations

PROPOSED ZONING: OMR With Stipulations

PROPOSED USE: Amend Stipulations to Allow a Suites Hotel

SIZE OF TRACT: 2 acres

DISTRICT: 16

LAND LOT(S): 581

PARCEL(S): 7, 11

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** CRC/ Super Walmart
- SOUTH:** GC/ Waffle House, Express Oil Change
- EAST:** GC/ Home Center Village shopping center
- WEST:** Interstate 575

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

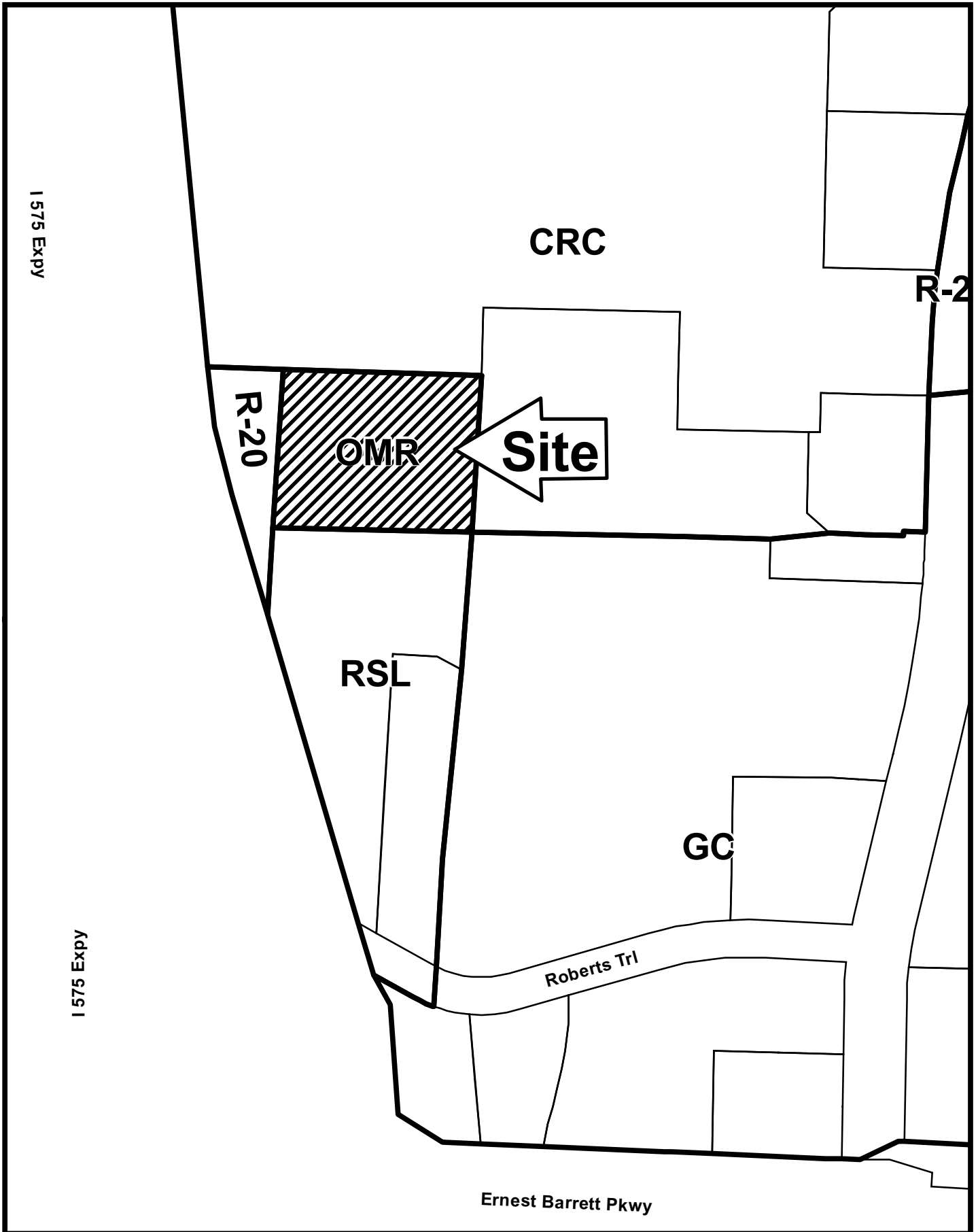
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

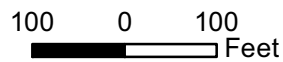
STIPULATIONS:





Z-33



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Paradise Group Kennesaw, Inc.

PETITION NO.: Z-33

PRESENT ZONING: OMR with stips

PETITION FOR: OMR with stips

PLANNING COMMENTS: Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Regional Activity Center- Sub Area for Office

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 94,500

F.A.R.: 1.08 **Square Footage/Acre:** 47,250

Parking Spaces Required: 130 **Parking Spaces Provided:** 130

The applicant is requesting rezoning to develop a suite hotel. The previous stipulations called for a five story building over three levels of parking deck. The proposed building would be seven stories in height with 130 surface parking spaces. The building would have traditional architecture with a brick and stucco exterior. There would be 130 rooms and there will not be a conference facility within the hotel. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A". The applicant has submitted a letter of agreeable stipulations (see Exhibit "B").

Historic Preservation: No comment.

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.

DRAINAGE COMMENTS

This site is currently in the Plan Review process. This proposed plan will require a revision to the existing site plan. It is our understanding that the remainder of the site will be developed as previously proposed. All stormwater management plan review comments must be addressed prior to permitting.

APPLICANT Paradise Group Kennesaw, Inc

PETITION NO. Z-033

PRESENT ZONING OMR w/stips

PETITION FOR OMR w/stips

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" / S side Roberts Trail

Additional Comments: Meter must be set on public ROW, if separate property, and easement provided by previous proposed development. If water provided by previous dev't, there must be a perpetual fire protection guarantee

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: Private on adjacent property. Public ~ 900'
- Estimated Waste Generation (in G.P.D.): **A D F** 12,000 **Peak** 30,000
- 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:

An agreement and/or easement to provide service connection from previous proposed development or adjacent property east must be filed

Notes FYI: *Previous proposed development is adjacent south (Z-23-07). REVISION 6/4/08*

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: Paradise Group Kennesaw, Inc.

PETITION NO.: Z-33

PRESENT ZONING: OMR w/stips

PETITION FOR: OMR w/stips

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
Roberts Trail	NA	Non-residential Local	25 mph	Cobb County	60'

COMMENTS AND OBSERVATIONS

Roberts Trail is classified as a Non-residential and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

This development is within the flight hazard area of McCullom Airport.

RECOMMENDATIONS

Recommend a FAA study.

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

STAFF RECOMMENDATIONS

Z-33 PARADISE GROUP KENNESAW, 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 area contains a mixture of intensive commercial uses, such as retail shopping centers, restaurants, hotels, and automotive uses.
- 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 consistent with, and compatible to adjacent and nearby properties. Additionally, the applicant's proposal is located within close proximity to major transportation corridors such as Interstate 75, Interstate 575, and Cobb 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.
- 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 Regional Activity Center, Sub area for Office.
- 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 approving the applicant's rezoning proposal. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal is located on a portion of Barrett Parkway that contains many intense commercial uses. The applicant's proposal is located very close to major transportation corridors, such as I-575, I-75, and Cobb Parkway. Finally, the applicant's proposal is a seven story building and the previously approved structure is a five story building over three levels of parking, which is essentially an eight story building. The applicant's proposed building height would be similar to the previous proposal.
- Site plan received by the Zoning Division May 1, 2008, with the District Commissioner approving minor modifications;
 - Letter from Mr. Garvis L. Sams, Jr., dated June 13, 2008 (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.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF PARADISE GROUP KENNESAW, INC.**

COMES NOW, PARADISE GROUP KENNESAW, INC., 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 along this section of the I-575 Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the totality of which are commercial developments.
- 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 OMR.

- 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 in a Regional Activity Center (RAC).
- F. There is no substantial relationship between the existing zoning classification of Conditional OMR which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the I-575 Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 29th day of May, 2008.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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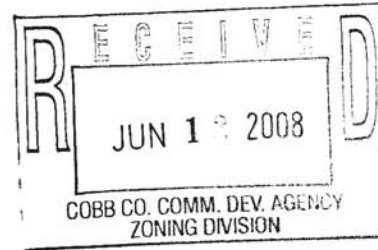
June 13, 2008

SAMSLARKINHUFF.COM

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA E-MAIL and
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 Paradise Group Kennesaw, Inc. to Rezone a 2.0 Acre
Tract from Conditional OMR to Conditional OMR (No. Z-33)

Application of Paradise Group Kennesaw, Inc., Special Land Use
Permit (No. SLUP- 10)

Dear John:

As you know, this firm represents Paradise Group Kennesaw, Inc. concerning the above-captioned applications. In that regard, the applications are scheduled to be heard and considered by the Cobb County Planning Commission on July 1, 2008 and, thereafter, scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on July 15, 2008.

With respect to the foregoing and in keeping with our conversations with the County's professional staff, this letter will serve as my client's expression of agreement with the following stipulations which shall become conditions and a part of the approval of the pending applications and binding upon the subject property thereafter. The referenced stipulations/conditions are as follows:

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.
2. Rezoning of the subject property shall be in substantial conformity to that certain site plan filed contemporaneously with the above-captioned applications.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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3. The proposed OMR facility shall consist of a suites hotel with a maximum number of 130 rooms and ancillary meeting/conference space within the confines of a Regional Activity Center (RAC).¹
4. The architectural style and composition of the hotel shall be consistent with the renderings/elevations which were submitted and approved in connection with the original rezoning of the subject property and which are being re-submitted contemporaneously herewith. The building shall be constructed with the following components: Stacked stone, brick and E.F.I.S.²
5. The hotel shall include six (6) stories and surface parking to accommodate all of the occupants, guests and staff with a total number of 130 parking spaces.
6. The hotel and ancillary meeting/conference space shall be constructed so that access to the individual rooms will be through interior corridors via a common lobby area.
7. At a maximum number of six (6) stories, the hotel is exempt from Federal Aviation Administration ("FAA") requirements for an Airspace Study.³
8. All exterior lighting shall consist of environmentally sensitive, shoebox type lighting in order to prevent outward illumination. Security lighting on the building shall be wall packs, hooded, environmentally sensitive and fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.

¹ The original rezoning of the subject property (No. Z-23 [2007]) included an eight (8) story hotel, including three (3) levels of parking and a maximum number of 300 rooms.

² The hotel will be constructed by InterContinental Hotels Group ("IHG") which is presently planning to build 19 new hotels, including this Staybridge Suites Hotel, in the metropolitan Atlanta area over the next three (3) years.

³ McCollum Airport Manager Karl Von Hagel, A.A.E., reviewed the original eight (8) story hotel proposal and concluded that the top of the building elevation did not penetrate the 100:1 notification slope, thereby exempting the building from an FAA Airspace Study. Prior to any construction crane extending up to greater than 122' above ground level, an FAA 7460 study will have to be completed and a determination of "no hazard to air navigation" issued by the FAA.

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Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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9. All signage, including building identification signage, shall be consistent with the overall architectural style and proto-typical IHG industry standards. There shall be no free standing or flashing signage along or facing the I-575 frontage.
10. The hotel, presently planned as an IHG Staybridge Suites Hotel shall be required to join the Town Center Community Improvement District ("CID").
11. Compliance with the following recommendations from the Cobb County Department of Transportation and recommendations contained within the Traffic Impact Study prepared by Kimley Horn & Associates which was submitted in connection with No. Z-23 (2007):
 - a. Installing split-phasing for the traffic signal at the Barrett Creek Boulevard northbound approach and at the Chastain Meadows Parkway southbound approach.
 - b. Re-striping the existing southbound approach geometry along Chastain Meadows Parkway as a separate left turn lane, a shared left/through lane and a separate right turn lane (operating under free flow conditions).
 - c. Connecting the site access point to the existing terminus of Roberts Trail.
12. Compliance with recommendations from the Cobb County Stormwater Management Division with respect to detention, hydrology and water quality on the site, including the following:
 - a. The installation of underground detention.
 - b. In addition to underground detention, the implementation of a water feature on the site in order to assist with water quality (subject to Level 4 Drought Restrictions which are presently in place).
 - c. Compliance with Clean Water Act requirements and elevated Best Management Practices (BMPs) on the subject property.
 - d. Verification of capacity for stormwater downstream from the subject property.

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Mr. John P. Pederson, AICP, Planner III
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13. Compliance with recommendations from the Cobb County Water System with respect to the accessibility and availability of water and sewer to the site. Additionally, an agreement that, in view of the fact that there will be split ownership between the OMR and RSL tracts, the installation of one (1) water meter per tract located at the public right-of-way at the entrance off of Roberts Trail.
14. Compliance with recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.
15. The submission of a landscape plan during the Plan Review process, subject to review and approval by the County Arborist which shall include, but not necessarily be limited to, the following:
 - a. Landscaped areas shall be well kept with trees, foliage and other vegetation which shall be regularly maintained and irrigated.
 - b. Grass planted within the landscaped areas or otherwise shall be sod.
 - c. All landscaping shall be irrigated and perpetually maintained by the applicant or its successors.
 - d. Dumpsters shall be incorporated into the landscape plan and shall be screened on at least three (3) sides consistent with the architectural theme and composition as aforementioned.
 - e. HVAC and mechanical systems shall be incorporated into the landscape plan and shall be substantially shielded from view.
 - f. The area between those areas of the subject property reserved for required parking, as well as public rights-of-way, shall be included in the final landscape plan and shall be landscaped in an aesthetically pleasing manner.
 - g. An agreement that there shall be no outside storage such as that term is used and defined in the Cobb County Zoning Ordinance.

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A LIMITED LIABILITY PARTNERSHIP

**VIA E-MAIL and
HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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16. The District Commissioner shall have the latitude to make minor modifications to these stipulations and the site plan as the zoning proposal proceeds through the Plan Review process.

Please to not hesitate to call should you or the County's professional staff require any further information or documentation prior to the formulation of your recommendation to the Planning Commission and Board of Commissioners. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLSjr/jbmc

Attachment/Enclosure

- 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/attachment/enclosure
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail – w/attachment
Mr. John M. Morey, P.E., VIA E-Mail and First Class Mail – w/attachment
Mr. David Breaden, P.E., - VAI E-Mail - w/attachment
Ms. Lanie Shipp, Executive Director, Town Center Area CID – VIA E-Mail –
w/attachment
Mr. Karl Von Hagel, A.A.E., McCollum Airport Manger – VIA E-Mail –
w/attachment
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosure
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery – w/enclosure
Mr. Michael B. Stine, Bells Ferry Civic Association – VIA E-Mail – w/attachment
Mr. Yousef Abbasi – VIA E-Mail – w/attachment
Mr. Sam Shah – VIA E-Mail – w/attachment

