

APPLICANT: Creekside Capital Partners, LLC
678-905-0610

REPRESENTATIVE: Michael H. McMahan
678-905-0610

TITLEHOLDER: Stanley K. Argo, James R. and Alice Dunn

PROPERTY LOCATION: Located on the west side of U.S. Highway 41, north of Cedarcrest Road.

ACCESS TO PROPERTY: U.S. Highway 41

PHYSICAL CHARACTERISTICS TO SITE: wooded

PETITION NO: Z-45

HEARING DATE (PC): 10-07-08

HEARING DATE (BOC): 10-21-08

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Office And Retail

SIZE OF TRACT: 12.1 acres

DISTRICT: 20

LAND LOT(S): 37

PARCEL(S): 3, 11

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/ wooded
- SOUTH:** GC/ wooded
- EAST:** OI/ undeveloped
- WEST:** MHP/ Fairway Villas Mobile Home Park

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____
 REJECTED _____ SECONDED _____
 HELD _____ CARRIED _____

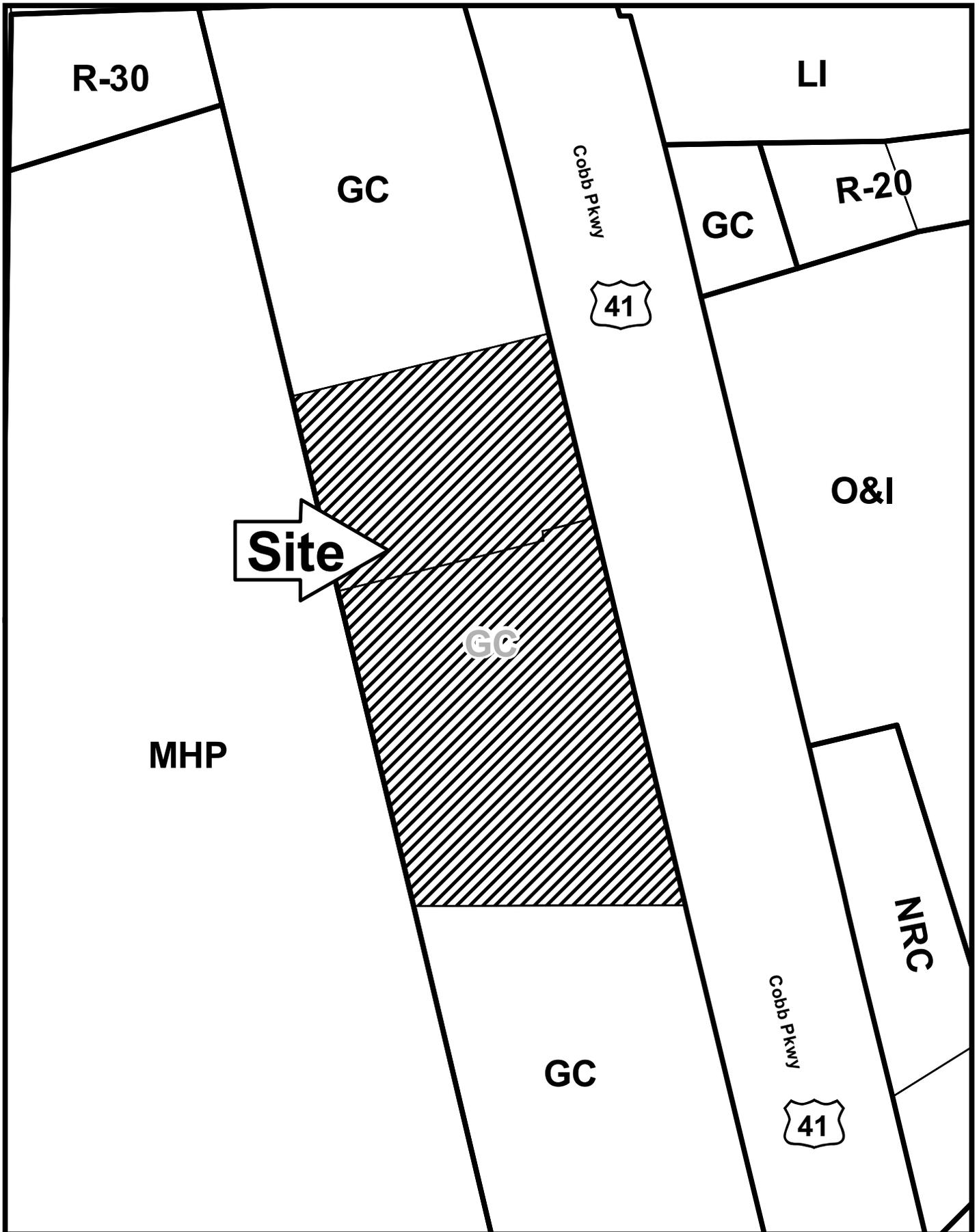
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____
 REJECTED _____ SECONDED _____
 HELD _____ CARRIED _____

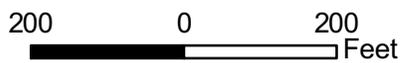
STIPULATIONS:



Z-45



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



-  City Boundary
-  Zoning Boundary

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PETITION FOR: NRC

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 11 **Total Square Footage of Development:** 58,680

F.A.R.: 0.11 **Square Footage/Acre:** 4,849

Parking Spaces Required: 230 **Parking Spaces Provided:** 241

The applicant is requesting the NRC zoning district to develop an office and retail center on this property. The office buildings would be two stories in height with traditional building architecture featuring brick, stone and/or stucco exteriors. These building would be located on the rear (west) side of the property. The offices are anticipated to be open Monday through Friday, from 8:00 a.m. to 5:00 p.m. The retail portion of the development would be one-story buildings with architecture that would compliment the office buildings. There may be some small restaurants, depending on demand. The retail portion is anticipated to be open seven days an week, from 8:00 a.m. to 9:00 p.m.

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. 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.

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PRESENT ZONING GC

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 / W side Cobb Pkwy (part of frontage)

Additional Comments: Developer responsible for line extension necessary to comply with developments standards. Master meter to be at entrance

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: To be on site, as shown by preliminary plans by others

Estimated Waste Generation (in G.P.D.): **A D F** 5,870 **Peak** 14,675

Treatment Plant: PauldingCo

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:

Off-site public sewer (by others, private project) to be approved before site plan approval. On-site structures to be sited in a layout not conflicting with sewer and its easement setback requirements. Sewer extension by developer req'd to property line

Notes FYI: *In sewer service area covered by Paulding Co Intergovernmental Agreement. Outparcels not included in wastewater flow estimate*

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: Pumpkinvine 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: indicated on site plan

- 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 - Fairway Villas Lake ~ 350' 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 the downstream Fairway Villas Drive culvert as well as the Fairway Villas Lake.

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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 southern half of this site is heavily encumbered by stream buffer and wetlands areas. While the construction of the proposed bridge would allow for development of the southwest corner of the parcel, it would be preferred that development of this portion of the site be postponed until access can be provided from the adjacent parcel to the south. In any event, the two southernmost outparcels cannot be developed without the appropriate Corps of Engineers and GaEPD permits to determine how wetland and buffer impacts would be mitigated. If a bridge is utilized for access to the southwest corner of the site, it should be relocated to the west to reduce the required length and area of impact to the stream buffer.
2. As indicated in the Downstream Conditions Comments, there is an existing lake located just downstream of the site within the Fairway Villas mobile home park. This small lake has limited freeboard as well as limited spillway capacity. A downstream hydrologic routing will be required at Plan Review to evaluate and verify no adverse impact to the lake. A pre- and post-development sediment survey will also be required.

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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
Cobb Parkway	16460	Arterial	55 mph	GDOT	110'

Based on 2007 traffic counting data taken by GDOT.

COMMENTS AND OBSERVATIONS

Cobb 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.

As necessitated by this development for egress from Cobb Parkway, a deceleration lane will be required at each proposed access drive.

Install sidewalk, curb and gutter along the entire road frontage.

GDOT permits will be required.

RECOMMENDATIONS

Recommend deceleration lanes along Cobb Parkway at each access point.

Recommend installing sidewalk, curb and gutter along the entire road frontage.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-45 CREEKSIDE CAPITAL PARTNERS, 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. This portion of U.S. Highway 41 is zoned for commercial, industrial and institutional 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 proposal would be consistent with other commercial uses along U.S. Highway 41. In fact, Staff believes this would be a major aesthetic improvement over the prior use of the property, which contained a closed motel.
- 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 or schools. This opinion can be supported by the departmental comments contained in this analysis. Staff is concerned with the property's proximity to Lake Allatoona and the Etowah River basin, and would call for any development of this property to strictly follow Stormwater Management and LAPA recommendations.
- 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 an Industrial Compatible Land Use Category. However, the property is already zoned GC, with commercially zoned property on three sides.
- 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 proposal would be consistent with this area of U.S. Highway 41, which contains a mixture of non-residential properties. The applicant's proposed architecture would be similar to newer developed commercial property in this area, which contains an upscale building architecture which compliments the Governor's Towne Club Golf Course community. Staff believes that there should be a step-down in zoning intensity. The property fronting U.S. Highway 41, 200-foot deep should be zoned NRC, with the balance of the property being zoned LRO. This suggestion would still allow the developer to develop the property as proposed, and provide a transition in zoning intensity.

Based on the above analysis, Staff recommends DELETION of the applicant's request to NRC and LRO subject to:

- Site plan received by the Zoning Division September 10, 2008, with the District Commissioner approving minor modifications;
- The property zoned NRC would be a 200-foot wide strip along U.S. Highway 41, with the rest of the property being zoned LRO;
- District Commissioner approve site plans for the out parcels;
- District Commissioner approve the building architecture;
- Developer to submit plans to LAPA for review and comments at Plan Review;
- 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.