

APPLICANT: Shi Investments Three, LLC
404-591-6700

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP
John H. Moore 770-429-1499

TITLEHOLDER: Shi Investments Three, LLC

PROPERTY LOCATION: Located on the west side of Cumberland
Parkway, south of Mount Wilkinson Parkway.

ACCESS TO PROPERTY: Cumberland Parkway

PHYSICAL CHARACTERISTICS TO SITE: Vacant lot next to
an office building

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** OHR/ office building, vacant lot
- SOUTH:** OI/ Kaiser Permanente
- EAST:** OHR/ office building
- WEST:** Interstate 285

PETITION NO: Z-48

HEARING DATE (PC): 10-07-08

HEARING DATE (BOC): 10-21-08

PRESENT ZONING: OHR

PROPOSED ZONING: CRC

PROPOSED USE: Retail And Restaurants

SIZE OF TRACT: 1.28 acres

DISTRICT: 17

LAND LOT(S): 842, 843

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

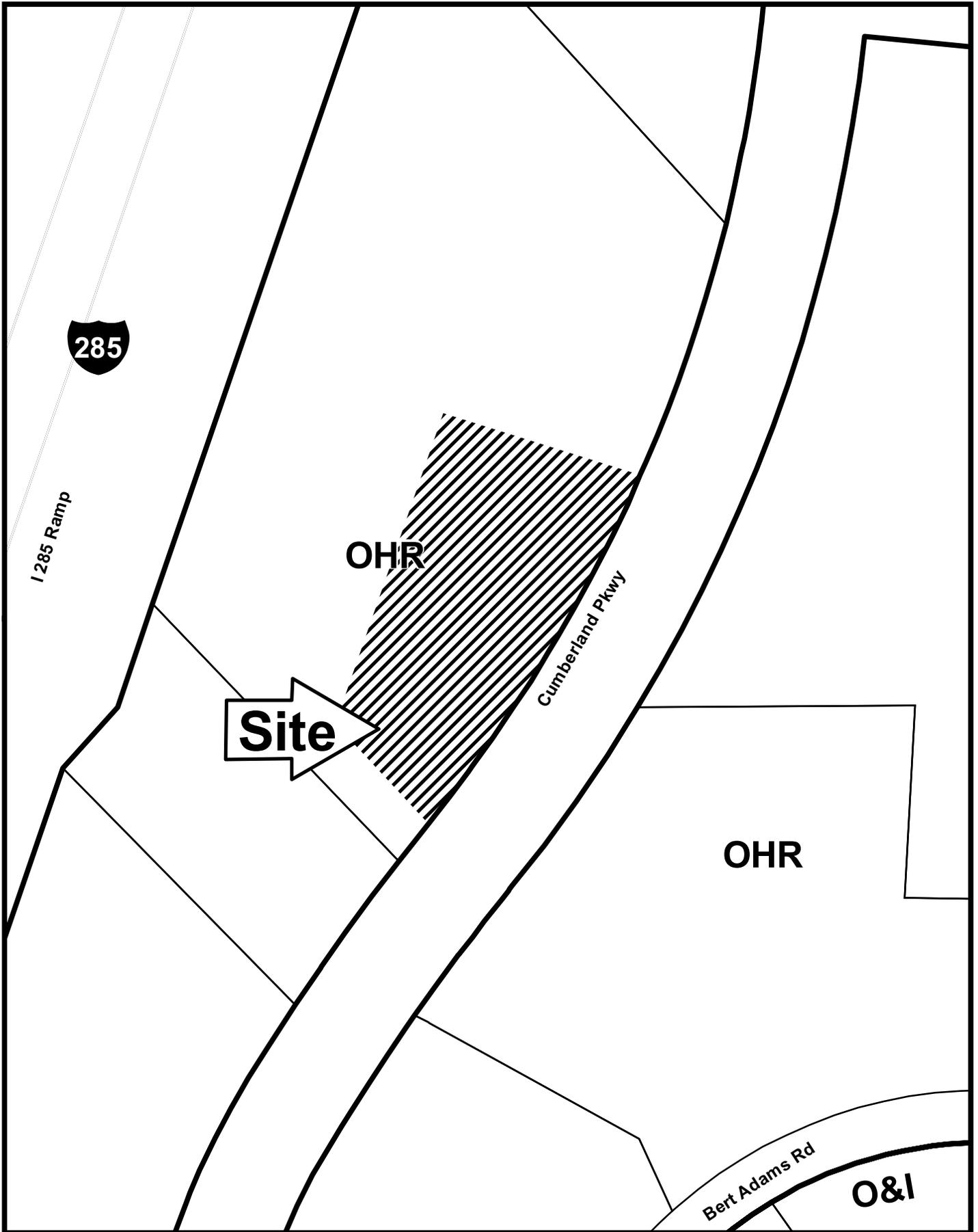
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-48



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

100 0 100 Feet



 City Boundary
 Zoning Boundary

APPLICANT: Shi Investments Three, LLC

PETITION NO.: Z-48

PRESENT ZONING: OHR

PETITION FOR: CRC

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:** 24,000

F.A.R.: 0.09 **Square Footage/Acre:** 3,733

Parking Spaces Required: 180 **Parking Spaces Provided:** 255

The applicant s requesting the CRC zoning district to develop a one-story building containing retail and restaurants. The building would have a brick and glass exterior with a flat roof. The building would be leased to a variety of retail and restaurant uses that would serve the adjacent and nearby office buildings. The proposed businesses are anticipated to be open seven days a week with hours varying between 7:00 a.m. to midnight. This proposal is part of a larger redevelopment plan for the entire +/-12 acre property, in which all the existing buildings and parking deck will be torn down, and new buildings and a new parking deck will be built in the coming years. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A".

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.

APPLICANT Shi Investments Three, LLC

PETITION NO. Z-048

PRESENT ZONING OHR

PETITION FOR CRC

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) 16" DI / E side Cumberland Pkwy

Additional Comments: Water to be provided by existing development unless property becomes an outparcel

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: W of existing office building on site

Estimated Waste Generation (in G.P.D.): **A D F** 2400 **Peak** 6000

Treatment Plant: Sutton

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:

Restaurants require pre-installed grease traps.
Waste flow estimate based on retail; restaurants would increase this

Notes FYI: *A private easement to sewer would be required if property split off*

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: Shi Investments Three, LLC

PETITION NO.: Z-48

PRESENT ZONING: OHR

PETITION FOR: CRC

COBB COUNTY-MARIETTA WATER AUTHORITY COMMENTS:

CCMWA requests to review the plans for this project as soon as they are available in order to determine the extent of impact upon our facilities. The owner/developer will be financially responsible for any impacts to CCMWA facilities from the project. Contact Chuck Byrge at (770) 426-8788 to coordinate plan review.

APPLICANT: Shi Investments Three, LLC

PETITION NO.: Z-48

PRESENT ZONING: OHR

PETITION FOR: CRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Bert Adams Lake Tributary 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 **receiving system**.

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. There does not appear to be any onsite stormwater management facility for the overall development. Detention and water quality must be provided for any new or redevelopment on the site. This may be accomplished for the individual parcel(s) or by a master facility designed for future proposed redevelopment. This issue must be addressed at Plan Review.

APPLICANT: Shi Investments Three, LLC.

PETITION NO.: Z-48

PRESENT ZONING: OHR

PETITION FOR: CRC

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
Cumberland Pkwy	23400	Arterial	35 mph	Cobb County	110'

Based on 2007 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Cumberland 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 Cumberland Parkway, a deceleration lane and a left turn lane will be required at each access drive.

The applicant will have to verify that minimum intersection sight distance is available along Cumberland Parkway for each driveway.

RECOMMENDATIONS

Recommend a deceleration lane and a left turn lane at each access point.

Recommend applicant verify that minimum intersection sight distance is available along Cumberland Parkway. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department to achieve the minimum requirement of 440'.

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

STAFF RECOMMENDATIONS

Z-48 SHI INVESTMENTS THREE, 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 proposal is located in an area that has many types of uses including retail, high-rise office buildings, apartments, and restaurants.
- 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 area contains many intensive and uses that the applicant's proposal should compliment. Additionally, the applicant's proposal is part of a redevelopment of this property that will include new office buildings.
- 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. The Regional Activity Center allows for intensive land uses which would include mixed-use developments. The *Cobb County Comprehensive Plan* states, "...mixed use developments that include retail...and Mid and high-rise residential developments are appropriate in this category". Based on the urban characteristics of the area, and the intensity of this particular Regional Activity Center, Staff believes the applicant's proposal meets the intent of the *Cobb County Comprehensive Plan*.
- 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 would be consistent with and compatible to other properties in the area. The applicant's proposal would be consistent with the *Cobb County Comprehensive Plan*. The applicant proposal is located on a major arterial roadway that is close to Cumberland Mall and Paces Ferry Road. The applicant's proposal is an integral part of the overall redevelopment of this property which would provide convenience shopping and restaurants to the area.

Based on the above analysis, Staff recommends APPROVAL subject to:

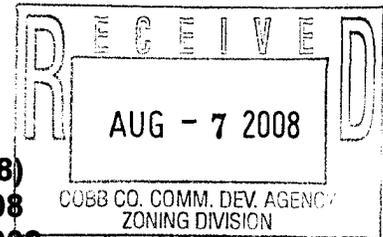
- Site plan received by the Zoning Division August 7, 2008, with the District Commissioner approving minor modifications;
- Fire Department comments;
- Cobb County-Marietta Water Authority comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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.

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT

Application No.: Z- 48 (2008)
Hearing Dates: October 7, 2008
October 21, 2008



**Applicant/
Titleholder:** **SHI Investments Three, LLC**

Analysis of impact of the proposed rezoning with respect to the following:

- (a) Applicant/Property Owner is seeking rezoning of an approximately 1.280 acre tract located on the westerly side of Cumberland Parkway, southerly of Mount Wilkinson Parkway (hereinafter "Property" or "Subject Property") from the existing zoning category of Office High Rise ("OHR") to the proposed zoning category of Community Retail Commercial ("CRC"). The Subject Property is currently part of the existing Cumberland Office Park. Applicant/Property Owner has redesigned and upgraded the original master plan for the office park which would provide for renovation of some existing buildings and construction of some new buildings within the development. The rezoning of the Subject Property would allow for retail services to persons employed within the office park, the daily passersby on Cumberland Parkway, and residents and offices within the area.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed re-development should have a minimal, if any, impact on surrounding properties. The proposed rezoning should have a very positive effect in that it would provide retail uses within the Cumberland Office Park, and hopefully eliminate some daily trips in and out of the office park.
- (c) The property as zoned does have a reasonable economic use; however, the proposed zoning would allow for a higher and better use of not only the Subject Property, but also to the remaining Cumberland Office Park.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Retail and commercial developments have almost no effect on schools, minimal effect on utilities and transportation facilities. The improved roadways in the area can accommodate any increased traffic the proposed re-development of the Cumberland Office Park may bring without burdensome effects.

- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia.
- (f) There are changing conditions affecting the use and development of the Subject Property which give supporting grounds for approval of the zoning proposal. The Cumberland Office Park is a dated development. The proposed Master Plan revisions incorporate refurbishing and renovation of some existing buildings and construction of new buildings and parking decks using the most up-to-date techniques for landscaping, stormwater, traffic, land planning, landscaping, and the like. The incorporation of retail into the Cumberland Office Park will add a new dimension of restaurants and shops to service workers. The overall redevelopment will attract the types of desirable and viable businesses to the area.