

Z-59
(2008)

Preliminary Plan

Interstate West Retail Center

Cobb County, Georgia Land Lots 613, 614, 583, & 584, 18th District, 2nd Section

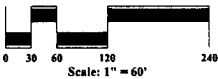
prepared for:

Realticorp/Thornton Road LLC



September 29, 2008

Revisions:



Site Data

Total Site Area: 13.0 AC

(includes 1.0 AC outparcel and .82 AC in floodplain)

Present Zoning: LI & R-20

Proposed Zoning: CRC

Building Area Shown: 49,415 SF

40,135 SF in retail center

9,289 SF in commercial outparcel

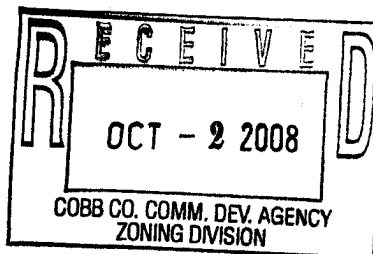
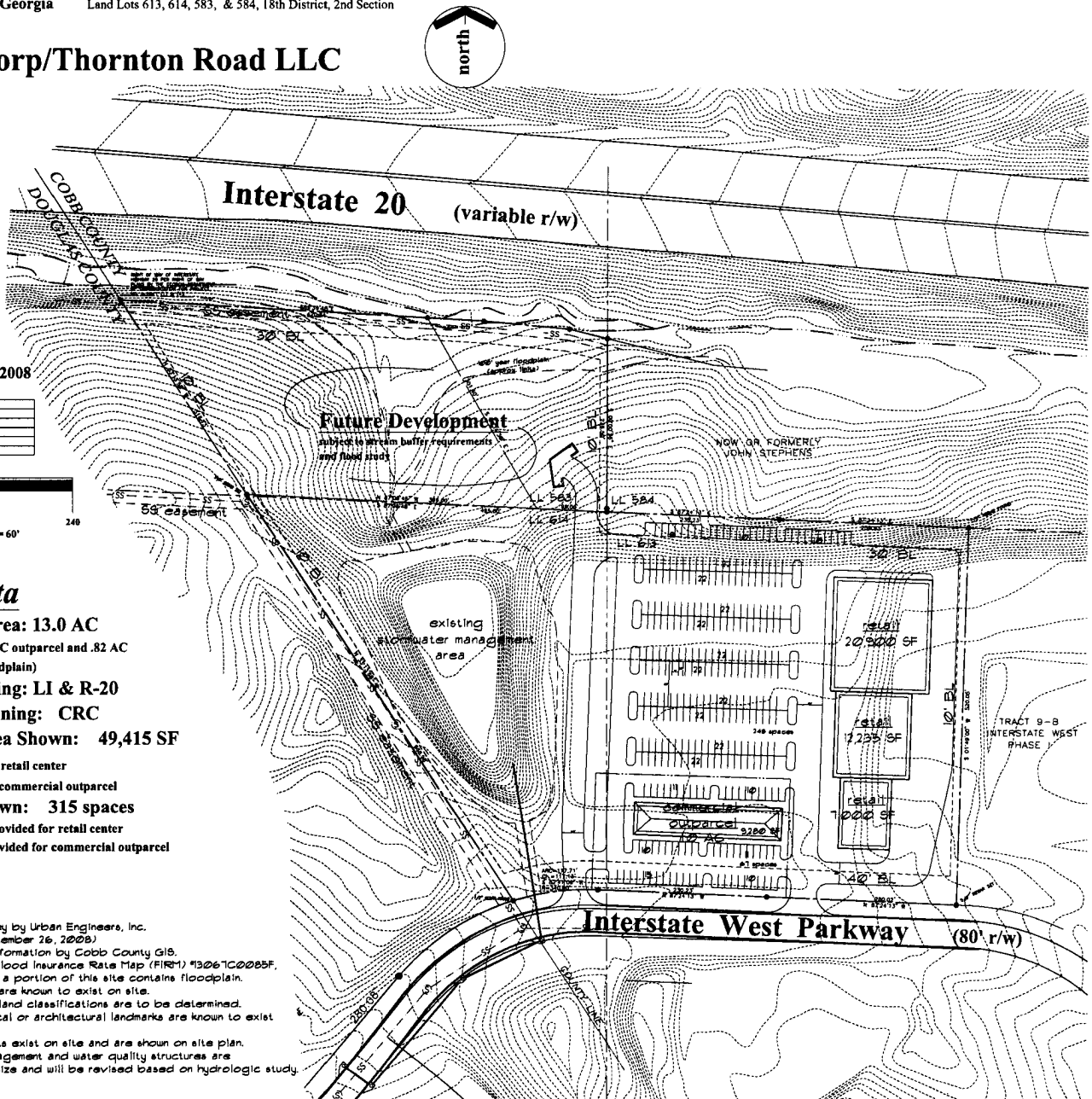
Parking Shown: 315 spaces

248 spaces provided for retail center

67 spaces provided for commercial outparcel

Notes:

1. Boundary survey by Urban Engineers, Inc. (dated September 26, 2008).
2. Topographic information by Cobb County GIS.
3. According to Flood Insurance Rate Map (FIRM) #13067C0005F, August 18, 1992, a portion of this site contains floodplain.
4. No cemeteries are known to exist on site.
5. Stream and wetland classifications are to be determined.
6. No archeological or architectural landmarks are known to exist on site.
7. Utility easements exist on site and are shown on site plan.
8. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.



APPLICANT: Realticorp/Thornton Road, LLC

864-271-4600

REPRESENTATIVE: Sams, Larkin and Huff, LLP

Parks F. Huff 770-422-7016

TITLEHOLDER: Realti/Thornton, LLC

PROPERTY LOCATION: Located on the north side of Interstate West Parkway and on the south side of Interstate 20, east of Thornton Road.

ACCESS TO PROPERTY: Interstate West Parkway

PHYSICAL CHARACTERISTICS TO SITE: vacant lot

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: Interstate 20

SOUTH: LI/ Octanorm

EAST: HI/ warehouse

WEST: Douglas County/ Super Walmart

PETITION NO: Z-59

HEARING DATE (PC): 12-02-08

HEARING DATE (BOC): 12-16-08

PRESENT ZONING: LI, R-20

PROPOSED ZONING: CRC

PROPOSED Retail and Hotel

SIZE OF TRACT: 13.0 acres

DISTRICT: 18

LAND LOT(S) 583, 584, 613, 614

PARCEL(S): 2, 4, 6, 7

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED ____ **MOTION BY** ____

REJECTED ____ **SECONDED** ____

HELD ____ **CARRIED** ____

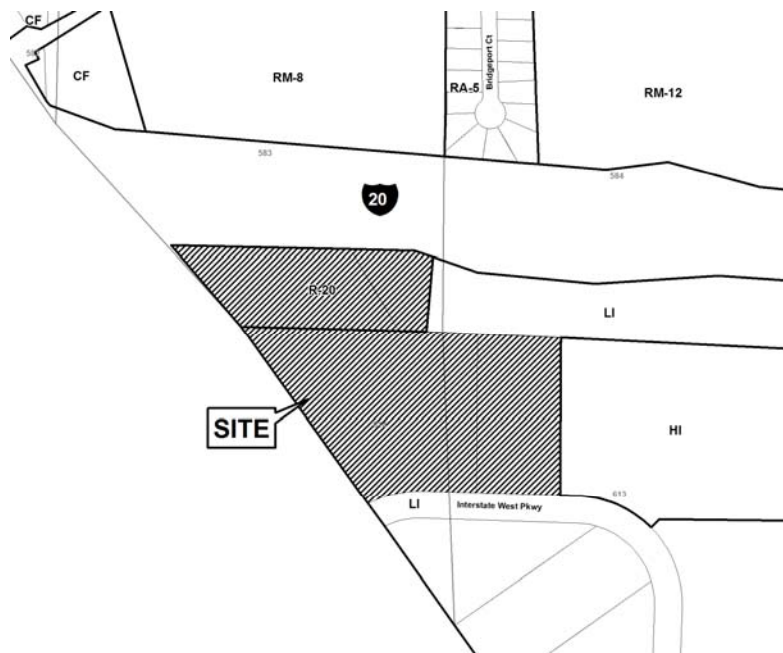
BOARD OF COMMISSIONERS DECISION

APPROVED ____ **MOTION BY** ____

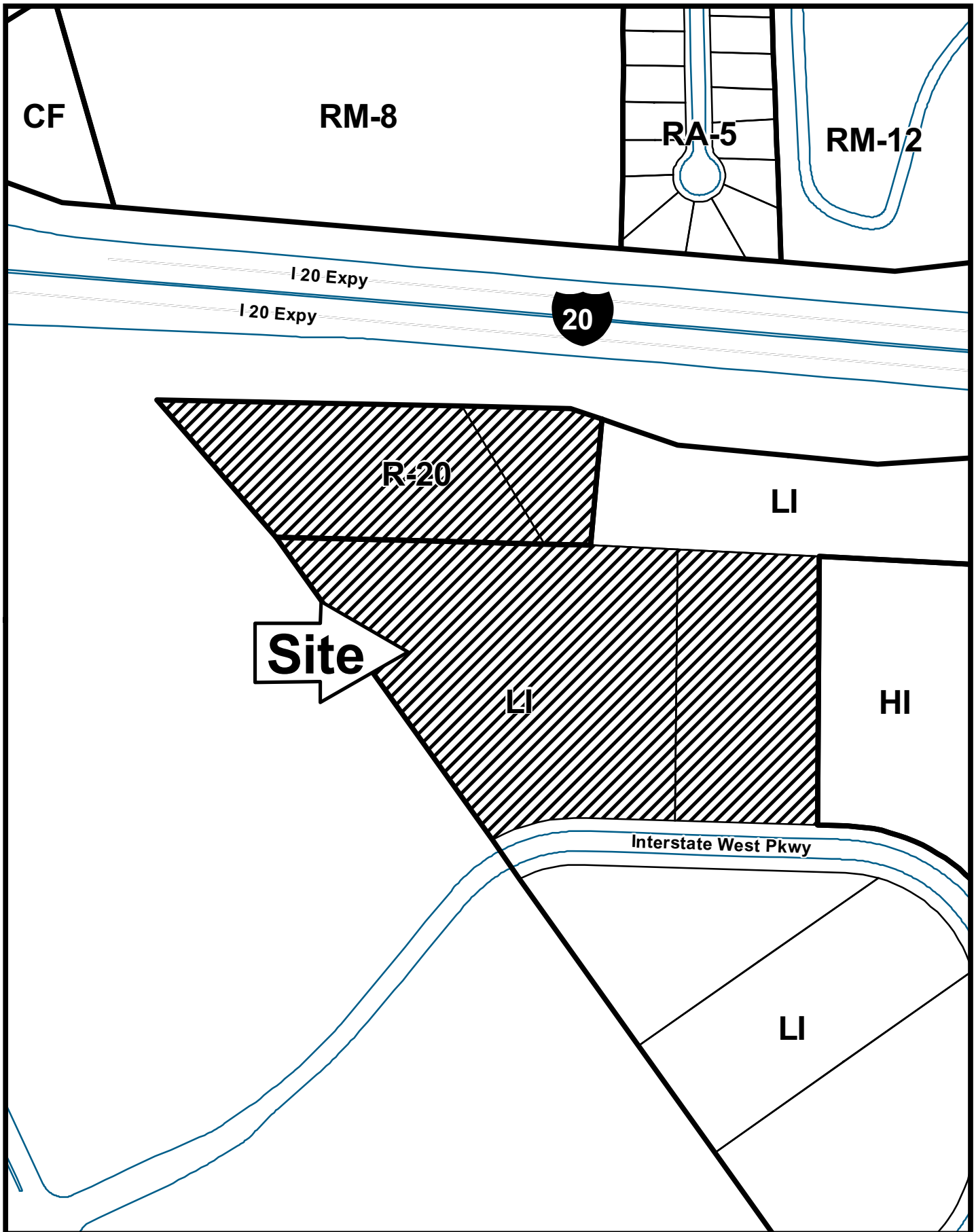
REJECTED ____ **SECONDED** ____

HELD ____ **CARRIED** ____

STIPULATIONS:



Z-59



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

200 0 200 Feet



 City Boundary
 Zoning Boundary

APPLICANT: Realticorp/Thornton Road, LLC

PETITION NO.: Z-59

PRESENT ZONING: LI, R-20

PETITION FOR: CRC

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 2 **Total Square Footage of Development:** 49,415

F.A.R.: 0.09 **Square Footage/Acre:** 3,801

Parking Spaces Required: 247 **Parking Spaces Provided:** 315

The applicant is requesting the CRC zoning district to develop a retail center and possible hotel. The retail center would be one story in height with traditional brick architecture. The center would be leased to a mixture of retail, offices, and restaurants. It is anticipated the business would be open seven days a week, from 7:00 a.m. to 10:00 p.m. The applicant is contemplating placing a hotel on tract labeled "Future Development". There is not any information about the proposed hotel, as of the writing of these comments. The applicant has submitted a Zoning Impact Statement (see 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 Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.
Residential: Fire hydrant within 500 feet of structure.

APPLICANT Realticorp/Thorton Road, LLC

PETITION NO. Z-059

PRESENT ZONING LI, R-20

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) 12" DI / N side Interstate West Pkwy

Additional Comments: 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: On site, N part; in Pkwy, S part

Estimated Waste Generation (in G.P.D.): **A D F** 4,000 **Peak** 10,000

Treatment Plant: S Cobb

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:

Estimated flow does not include future hotel

Notes FYI: *CCWS has approved plans for a major sewer structure off this site, but with access thru the "future development" tract of this application*

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: Realticorp/Thornton Road, LLC

PETITION NO.: Z-59

PRESENT ZONING: LI, R-20

PETITION FOR: CRC

DRAINAGE COMMENTS

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sybert Creek FLOOD HAZARD INFO: Zone A

- ☒ 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.

APPLICANT: Realticorp/Thornton Road, LLC

PETITION NO.: Z-59

PRESENT ZONING: LI, R-20

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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. There is an existing master detention facility located on this parcel. Adequate capacity to accommodate the proposed retail center must be verified at Plan Review. Any pond maintenance issues must also be identified and addressed.
2. The area designated for future development is encumbered by floodplain as well as stream buffers associated with Sybert Creek. The breach zone for the existing detention pond will also impact the development potential for this portion of the site. Any future development of this area must provide adequate conveyance for the master detention facility discharge as well as breach zone requirements. No net fill will be allowed in the floodplain.

APPLICANT: Realticorp/ Thornton Road, LLC

PETITION NO.: Z-59

PRESENT ZONING: LI, R-20

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
Interstate West Pkwy	N/A	Local	25 mph	Cobb County	60'

COMMENTS AND OBSERVATIONS

Interstate West Parkway is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

This development will be impacted by the proposed I-20 HOV project due to the construction of a Park-n-Ride Lot on the proposed site.

Install sidewalk, curb and gutter along the road frontage.

RECOMMENDATIONS

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

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

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

STAFF RECOMMENDATIONS

Z-59

REALTICORP/ THORNTON ROAD, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's commercial use would not be compatible with the zoned or anticipated industrial property that is surrounding the applicant's proposal. This entire area south of I-20 in Cobb County is slated to be zoned Light or Heavy Industrial.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. Most of the property in the area is anticipated to be some form of industrial use. The area has developed, particularly in the last few years, into a very successful industrial area. Additionally, this property is located within the boundaries of the Six Flags Road Enterprise Zone, which is intended to stimulate economic activity for manufacturing, distribution, and industrial businesses.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, schools or utilities. 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 an Industrial Compatible Land Use Category. Virtually all the property south of Interstate-20 is anticipated for Industrial Compatible uses.
- 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 proposal is not in accordance with the *Cobb County Comprehensive Plan*, which has delineated this property to be within an Industrial Compatible area for many years. The applicant's proposal would be out-of-character with this part of Cobb County, which is characterized by industrially zoned and used property. The property is located within the Six Flags Enterprise Zone, which is intended to attract quality industrial users.

Based on the above analysis, Staff recommends DENIAL.

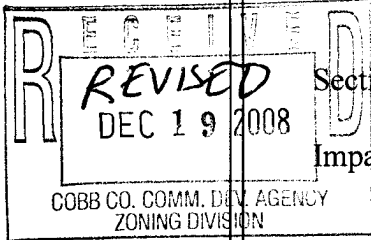
The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF REALTICORP THORNTON, LLC**

COMES NOW, REALTICORP THORNTON, LLC, and pursuant to

Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this its Zoning
Impact Statement, as follows:

- A. The development proposal will permit a use of the property that is suitable in relation to the development of this area adjacent to Thornton Road and Interstate I-20. The subject property is located within a commercial development close to the interchange at Thornton Road and I-20. The area has a mixture of commercial and industrial uses. The proposed hotel and retail/office development is consistent with the development in the area.
- B. The proposed development will support the existing surrounding development by providing hotel, retail and office space that will compliment the existing industrial and commercial development.
- C. The R-20 portion of the subject property has no reasonable economic use as currently zoned based upon the fact that the fair market value of the property falls below the range of values of similarly situated and similarly zoned properties within the west Cobb market. The LI portion of the property has economic value but it is better suited for the proposed retail and office proposal given its shape and size as well as its relation to the adjacent WalMart development.



- D. The subject property is within an existing commercial development with established access to Thornton Road. The commercial, hotel and retail development is appropriately placed close to the interstate interchange for traffic considerations.
- E. Although the proposal is inconsistent with the Industrial Compatible (IC) land use designation, the proposed CRC zoning will compliment the existing industrial development in the area. The retail and hotel proposal will act to support additional industrial development in the immediate area.
- F. There is no substantial relationship between the existing R-20 and the LI zoning classifications and the protection of the public's health safety and welfare. The CRC proposal is not inconsistent with the intent to support industrial development in the area. The retail and hotel proposal will support existing and future industrial development in the area.

Respectfully submitted, this 19 day of December, 2008.

SAMS, LARKIN & HUFF, LLP

By: 
PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010