

Z-22
(2009)

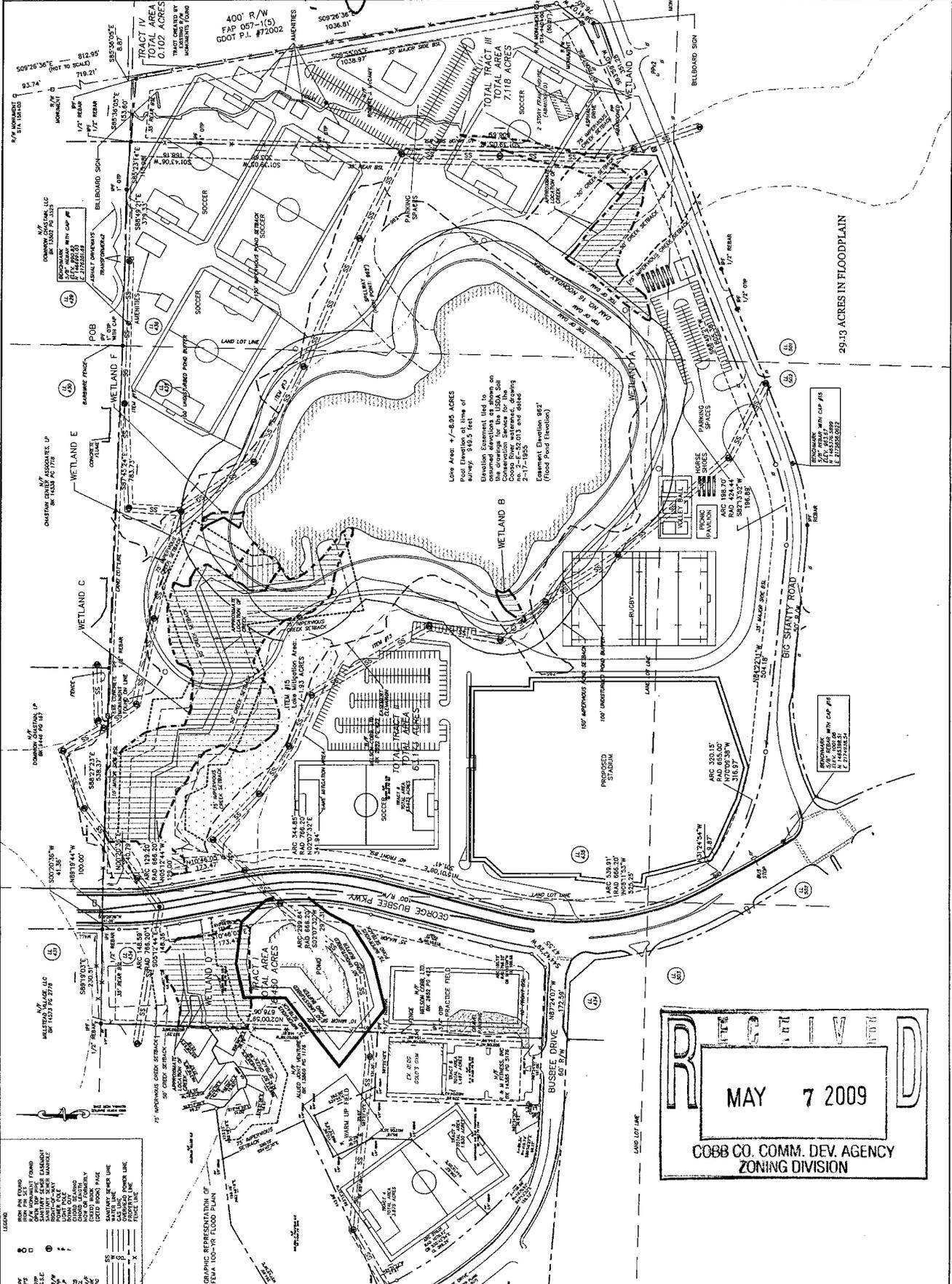
SCG
SOUTHERN CIVIL GROUP
INCORPORATED
909 BROWNSVILLE
LANE
SUITE 100
FARMINGDALE, GA 30134
PH: 770-449-6939

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PROPERTY OF SCG GROUP, LLC AND SHALL NOT BE
REPRODUCED IN WHOLE OR IN
PART WITHOUT THE WRITTEN PERMISSION OF
SOUTHERN CIVIL GROUP, LLC.

SEAL: CIVIL ENGINEER
STATE OF GEORGIA
NO. 10000
DATE: 04/11/09

KSU/WPS
SOCCER STADIUM
BUSSEE DRIVE & BIG SHANTY ROAD
CORR COUNTY, GEORGIA

SITE PLAN
DATE: APRIL 10, 2009
PROJECT: 09-001
REVISION: C1.0



29.13 ACRES IN FLOODPLAIN

Lot Area: +/- 4.85 ACRES
Pool Elevation at time of
survey: 340.5 feet
Elevation Statement filed in
the drawings for the USDA Soil
Conservation Service drawing
20-7-18255
Elevation: Elevation 082'
(Road Flood Elevation)

RECEIVED
MAY 7 2009
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

LEGEND

- 10' R/W
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- 9975' R/W
- 10000' R/W

APPLICANT: Kennesaw State University Foundation, Inc.
770-423-6901

PETITION NO: Z-22

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

HEARING DATE (PC): 07-07-09

HEARING DATE (BOC): 07-21-09

TITLEHOLDER: KSU CRV Real Estate Foundation, LLC, KSU GG Real Estate Foundation, LLC, KSU RM Real Estate Foundation, LLC, and KSU NC Real Estate Foundation, LLC

PRESENT ZONING: GC, R-20, PVC

PROPOSED ZONING: RRC

PROPERTY LOCATION: Located at the northwesterly intersection of Busbee Drive and George Busbee Parkway, and at the northeasterly intersection of Big Shanty Road and George Busbee Parkway.

PROPOSED USE: Sporting Fields, Soccer Fields, Soccer Stadium, and Passive Recreation

ACCESS TO PROPERTY: Busbee Drive, George Busbee Parkway, and Big Shanty Road

SIZE OF TRACT: 83.943 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Mostly undeveloped with a commercial building

LAND LOT(S): 434, 435, 436, 501, 502, 503

PARCEL(S): 3, 8, 10, 11, 1, 2, 1, 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/ Studio Plus; RM-16/ Milstead Village Apartments; RM-12/ Mill at Chastain Apartments; OS/ office building; FST-10/ Chastain Park Townhouses
- SOUTH:** CRC/ Extended Stay America; OI/ Georgia Department of Labor; PVC/ Grace Brethern Church, Hidden Forest subdivision; R-20/ Georgia Power substation
- EAST:** I-575
- WEST:** CRC/ Brandsmart; GC/ Ice Forum

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

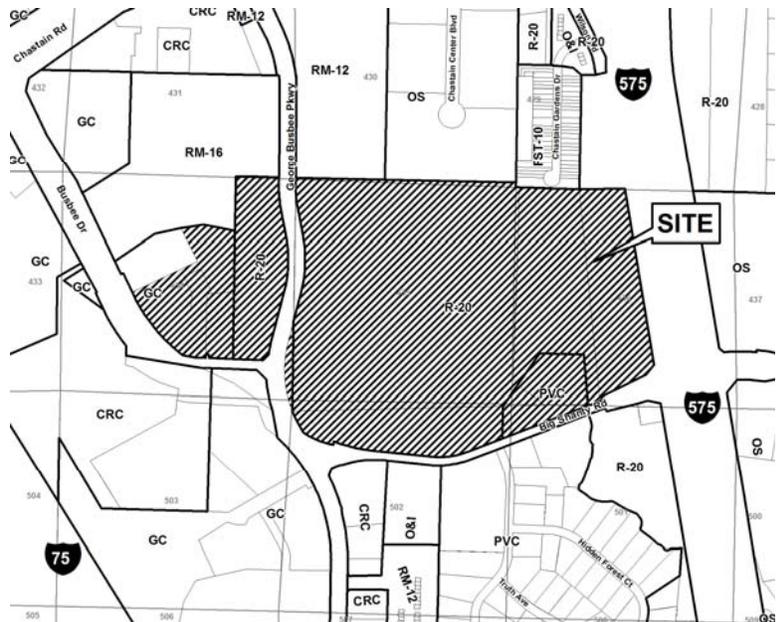
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

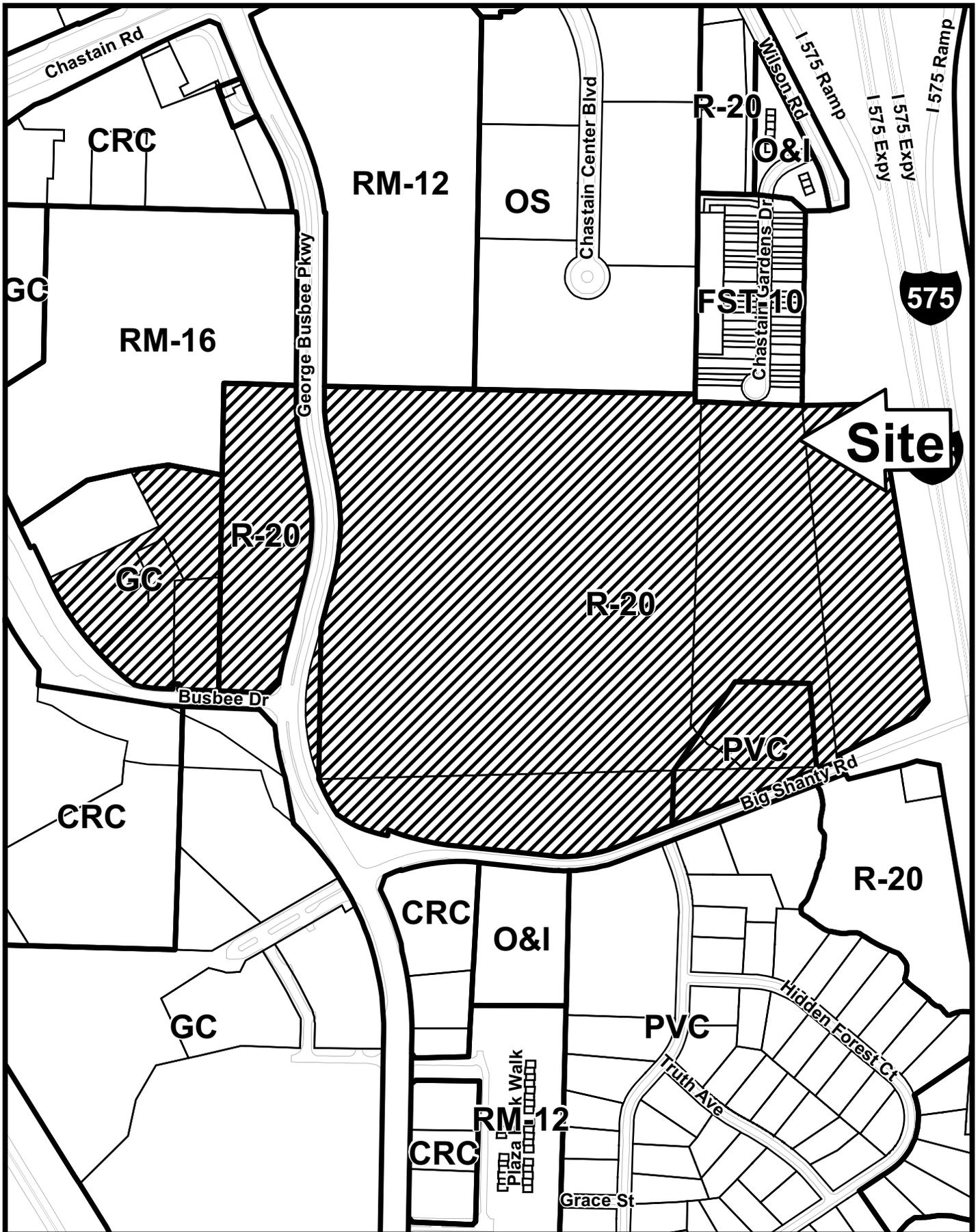
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

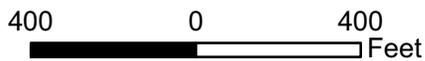
STIPULATIONS:



Z-22



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



 City Boundary
 Zoning Boundary

APPLICANT: Kennesaw State University Foundation, Inc.

PETITION NO.: Z-22

PRESENT ZONING: GC, R-20, PVC

PETITION FOR: RRC

ZONING DIVISION COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Regional Activity Center-Sub Area for High Density Residential and Office

Existing Number of Buildings: 1 **Total Square Footage of Development:** 16,000

F.A.R.: 0.004 **Square Footage/Acre:** 190

Parking Spaces Required: 2833 **Parking Spaces Provided:** 567*

*The applicant is exploring the possibility of acquiring parking easements with adjacent uses to provide the required parking for large events.

The applicant is requesting rezoning to the RRC zoning district for the purpose of sporting fields, soccer fields, a soccer stadium, and passive recreation. The applicant is a nonprofit corporation that provides support, knowledge, and gifts to enhance and enrich the faculty and students at Kennesaw State University. The main element of this proposal is an 8,500 seat soccer stadium for the KSU soccer team. This will enable the university to compete at higher collegiate levels. The stadium will be open-air, and will be lighted. The applicant is pursuing parking easements with adjacent properties to ensure parking will not be problem. It should be noted that the applicant owns the KSU Center, which is a short distance away with approximately 725 parking spaces, and the main KSU campus is close by with thousands of parking spaces. In addition to the soccer stadium, the facility will contain six soccer fields, a rugby field, volleyball courts, horseshoe area, picnic pavilion, and walking trails. There will be amenities such as restrooms and concessions buildings located throughout the property to serve the public during events. The facility will have the capacity to be used seven days a week and the hours of operation will vary depending on the event. The applicant would need three contemporaneous variances if the proposal is approved. First, the applicant would need a variance for reduced or shared parking. Second, the applicant would need setback reductions along Big Shanty Road for the soccer stadium and other buildings. Third, the applicant would need to eliminate the 50-foot landscape buffer adjacent to the Chastain Park Townhouse to accommodate a soccer field. The applicant has submitted a Zoning Impact Statement to support the application (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 comments.

APPLICANT: Kennesaw State University Foundation, Inc.

PETITION NO.: Z-22

PRESENT ZONING: GC, R-20, PVC

PETITION FOR: RRC

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.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupiable floor level. Aerial fire apparatus roads shall be a minimum with of 24 feet face of curb to face of curb maximum of 40 feet from the structure and be positioned parallel to the long side of the building for its entire length. No overhead utility and power lines shall be located within the aerial apparatus access.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-de-sac without an island to have a 60 foot paved radius **or** Hammerhead turnaround – total of 110-feet needed (45 feet + 20 foot wide roadway + 45 feet).

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal’s Office.

Fire Hydrant

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

SITE PLAN REVIEW COMMENTS:

This project must comply with the Cobb County Tree Ordinance. The site plan submitted for zoning review does not show sufficient tree planting islands or peninsulas in the parking lots.

APPLICANT Kennesaw State University Foundation, Inc

PETITION NO. Z-022

PRESENT ZONING GC, R-20, PVC

PETITION FOR RRC

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" CI, 8" DI, 12" DI

Additional Comments: Lines in ROW of Big Shanty, Busbee Dr & Pkwy. Master meters (3) can be approved for area W of Busbee Pkwy, stadium area, and area E of lake

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 both sites

Estimated Waste Generation (in G.P.D.): **A D F** 43,820 **Peak** 109,550

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:

Special protection will be necessary when constructing playing fields and parking over existing CCWS sewer lines. Pipe material upgrade by developer required where improvements close

Notes FYI: *Special water line care will be necessary where extreme grading close*

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: **Kennesaw State University Foundation, Inc.**

PETITION NO.: **Z-22**

PRESENT ZONING: **GC, R-20, PVC**

PETITION FOR: **RRC**

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Noonday 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 structures out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: **See 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 located onsite
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 existing onsite lake as well as downstream system.

APPLICANT: Kennesaw State University Foundation, Inc.

PETITION NO.: Z-22

PRESENT ZONING: GC, R-20, PVC

PETITION FOR: RRC

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.

ADDITIONAL COMMENTS

1. A significant portion of this property is encumbered by 100-year floodplain as well as the flood storage easement associated with the Noonday Creek Structure #16 Dam. No reduction in flood storage volume can be allowed within these limits. Any grading proposed within the flood zone must be as-built to verify that no decrease in storage has occurred.
2. Noonday Creek Structure #16 is a High Hazard Category 2 Dam that is regulated by the Georgia Safe Dams Program. All proposed site work adjacent to or associated with this dam must be reviewed and approved by the Safe Dams Office. Review by the National Resource Conservation Service (NRCS) and the Georgia Soil and Water Conservation Commission (GSWCC) may also be required.
3. Several improvements are shown within the stream buffer, including the proposed trail, volleyball courts and rugby field. These will need to be relocated outside the undisturbed buffer and impervious setback limits or a buffer variance obtained from Cobb County and Georgia EPD. The proposed trail also crosses an identified wetland area and stream. This crossing must be permitted through Cobb County as well as the Army Corps of Engineers.
4. This lake has already been severely impacted by sediment. The proposed site plan will involve significant grading adjacent to the lake. Additional best management practices must be utilized to protect the lake from further siltation. It is recommended that the onsite trees being cleared from the site be mulched and used to create a temporary filtration berm along the limit of disturbance to provide additional site sediment control. A pre- and post-development sediment survey will be required to document sediment levels in the lake and to verify no development impacts.

APPLICANT: Kennesaw State University Foundation, Inc.

PETITION NO.: Z-22

PRESENT ZONING: GC, R-20, PVC

PETITION FOR: RRC

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
George Busbee Parkway	23100	Arterial	45 mph	Cobb County	100'
Busbee Drive	8700	Major Collector	35 mph	Cobb County	80'
Big Shanty Road	7600	Major Collector	35 mph	Cobb County	80'

Based on 2008 traffic counting data taken by Cobb County DOT. (George Busbee Parkway, Busbee Drive, and Big Shanty Road)

COMMENTS AND OBSERVATIONS

George Busbee 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.

Busbee Drive is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Big Shanty Road is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Big Shanty Road is identified in the 2005 SPLOST as a roadway safety and operational improvement project.

As necessitated by this development for egress a deceleration lane and left turn lane will be required at the full access points.

Install curb, gutter, and sidewalk along the road frontages.

Developer to be responsible for signal when warranted.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Busbee Drive, a minimum of 40' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Big Shanty Road, a minimum of 40' from the roadway centerline.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along Big Shanty Road.

APPLICANT: Kennesaw State University Foundation, Inc.

PETITION NO.: Z-22

PRESENT ZONING: GC, R-20, PVC

PETITION FOR: RRC

TRANSPORTATION COMMENTS cont.

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

Recommend developer provide funding for traffic signal(s) when warranted.

Recommend a traffic study.

Recommend a special event circulation plan that includes a discussion about parking and pedestrians.

Recommend deceleration lanes at all access points.

Recommend left turn lanes at all full access points.

Recommend removing the proposed billboard sign from the right-of-way.

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

STAFF RECOMMENDATIONS

Z-22

KENNESAW STATE UNIVERSITY FOUNDATION, 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 applicant's proposal is located in an area that contains a wide mixture of land uses, such as retail, restaurants, offices, distribution centers, multi-family residential, single-family residential, institutional uses, a regional mall, and a university.
- 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 is a recreational/institutional use that should compliment adjacent land uses. Kennesaw State University (KSU) has had a positive effect on the County educationally and economically. The addition of this facility would continue to make the Town Center/ KSU area a desirable place to work and live. The applicant's proposal is located very close to major transportation corridors, such as Chastain Road, Barrett parkway, I-575, and I-75.
- 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. The applicant is working on obtaining parking easements to alleviate any parking problems for this unique request.
- 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 (RAC). RAC's are planned on properties that can support a high intensity of development. These properties are typically 1) near interstate highways, 2) have high site carrying capacities, 3) have good site access, and 4) are compatible with the scale of adjacent uses. While the applicant's proposal is not a typical RAC use, such as a high-rise office or residential tower, it is a "one-of-a-kind" development that has the potential to be an intensive land use when collegiate games are played.
- 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 located in an area that contains a mixture of land uses including retail, office, restaurants, residential, and institutional uses. Nearby intense uses include a regional mall, a state university, apartment communities, and office parks, as well as a planned mixed use community on the south side of Big Shanty Road. The applicant's proposal would compliment the mixed use character of the area, and would give KSU a tool that would allow the university to grow. The project has good access to two interstate highways, and has the needed infrastructure for a successful project. Staff believes the project would be suitable for the area if the applicant can address where patrons will park during peak events.

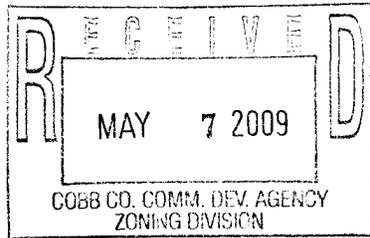
Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division May 7, 2009, with the District Commissioner approving minor modifications;
- Applicant provide documentation and/or easements addressing where the required parking will be located prior to permitting the soccer stadium;
- KSU or KSU related use only;
- Applicant provide Chastain Park Townhomes with a 25-foot buffer;
- Site Plan Review comments and recommendations;
- Fire Department 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.

IMPACT ANALYSIS STATEMENT

Application No.: Z- 22 (2009)
Hearing Dates: July 7, 2009, and
July 21, 2009



Applicant: Kennesaw State University Foundation, Inc.
Titleholders: KSU CRV Real Estate Foundation, LLC;
KSU GG Real Estate Foundation, LLC;
KSU RM Real Estate Foundation, LLC; and
KSU NC Real Estate Foundation, LLC

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

- (a) The Application for Rezoning requests rezoning of an assembled tract totaling approximately 83.943 acres located on the easterly and westerly sides of George Busbee Parkway, northerly of Big Shanty Road; and the northerly side of Big Shanty Road, easterly of George Busbee Parkway and westerly of I-575 (hereinafter "Property" or "Subject Property"). Applicant and Property Owners seek rezoning of the Subject Property from the existing zoning categories of General Commercial ("GC"); General Commercial, with stipulations; R-20; and Planned Village Community ("PVC"), with stipulations, to the Regional Retail Commercial ("RRC") zoning category in order to develop the Subject Property for soccer fields, a soccer stadium, other types of sporting fields, and passive recreational uses, which would benefit students, faculty, and staff of Kennesaw State University. The requested RRC category will permit these uses which are more suitable than those allowed under the current zoning categories. A majority of the Subject Property is zoned R-20 and is undeveloped, of which approximately 29.13 acres is located within the flood plain. Additionally, it is bounded on the east, south, and west by major arterial roadways and an interstate highway. The smaller, remaining Property is zoned GC and GC, with stipulations; and is also undeveloped, except for approximately 1.497 acres which has a one-story block building for a gym and fitness workout center. This smaller tract is bounded on the east, south, and west by major arterial roadways which lead to Town Center Mall. Surrounding properties are used predominantly for retail and multi-family residential; however, there are a few tracts which have office and institutional uses and single-family residential. The uses proposed by Applicant and Property Owners will allow for Kennesaw State University to expand its athletic programs and to offer students living on campus passive recreational areas to enjoy in close proximity to the campus.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed development should have a minimal, if any, impact on surrounding properties. If approved and developed according to the request, the adjacent and nearby property owners should benefit in higher land values.

- (c) A portion of the Subject Property, as presently zoned, does have a reasonable economic use. However, the proposed zoning will allow for a higher and better use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The proposed development will not affect schools, and will have minimal, if any, effect on utilities and transportation facilities. The four-lane roadways in the area, together with the proposed Big Shanty Connector, will ease any increased traffic without burdensome effects. Additionally, traffic which may be created by the proposed development would be much less than the traffic generated if the Property were developed for uses allowed in the existing zoning categories, or if it were rezoned and developed for more intense, commercial uses.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as well as in conformity with the policy and intent of the Land Use Plan. The Subject Property is located within a Regional Activity Center ("RAC"), which allows more intense development.
- (f) This zoning proposal is consistent with the current conditions affecting the development of this Property. Improved roadways and proximity to interstates support the proposed use of the Subject Property. The use of a majority of the Subject Property as residential is no longer feasible in light of the rezoning and use of nearby and adjoining tracts for retail and multi-family purposes. Granting the rezoning proposed in the pending Application would allow for a more suitable and beneficial use without detrimental impact upon the surrounding area. The development will allow Cobb County's largest and fastest growing institute of higher education the opportunity to provide its future students with additional athletic opportunities and areas to enjoy outdoor activities and recreation close to the school campus.