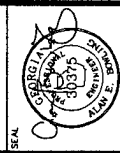


THE CLIENT, COBB COUNTY, GEORGIA, HAS REQUESTED THAT THE ENGINEER CERTIFY THAT THE INFORMATION PROVIDED TO HIM BY THE CLIENT IS TRUE AND CORRECT. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL ACTS OR OMISSIONS. THE ENGINEER'S CERTIFICATION IS LIMITED TO THE INFORMATION PROVIDED TO HIM BY THE CLIENT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED TO HIM BY THE CLIENT.

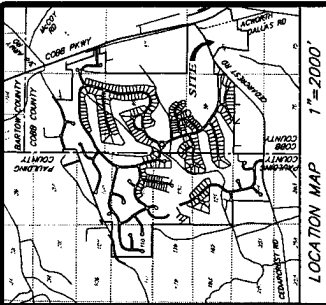
## Z-5 (2010)

REV.	DATE	REVISION REFERENCE

SHEET TITLE  
**ZONING PLAN**



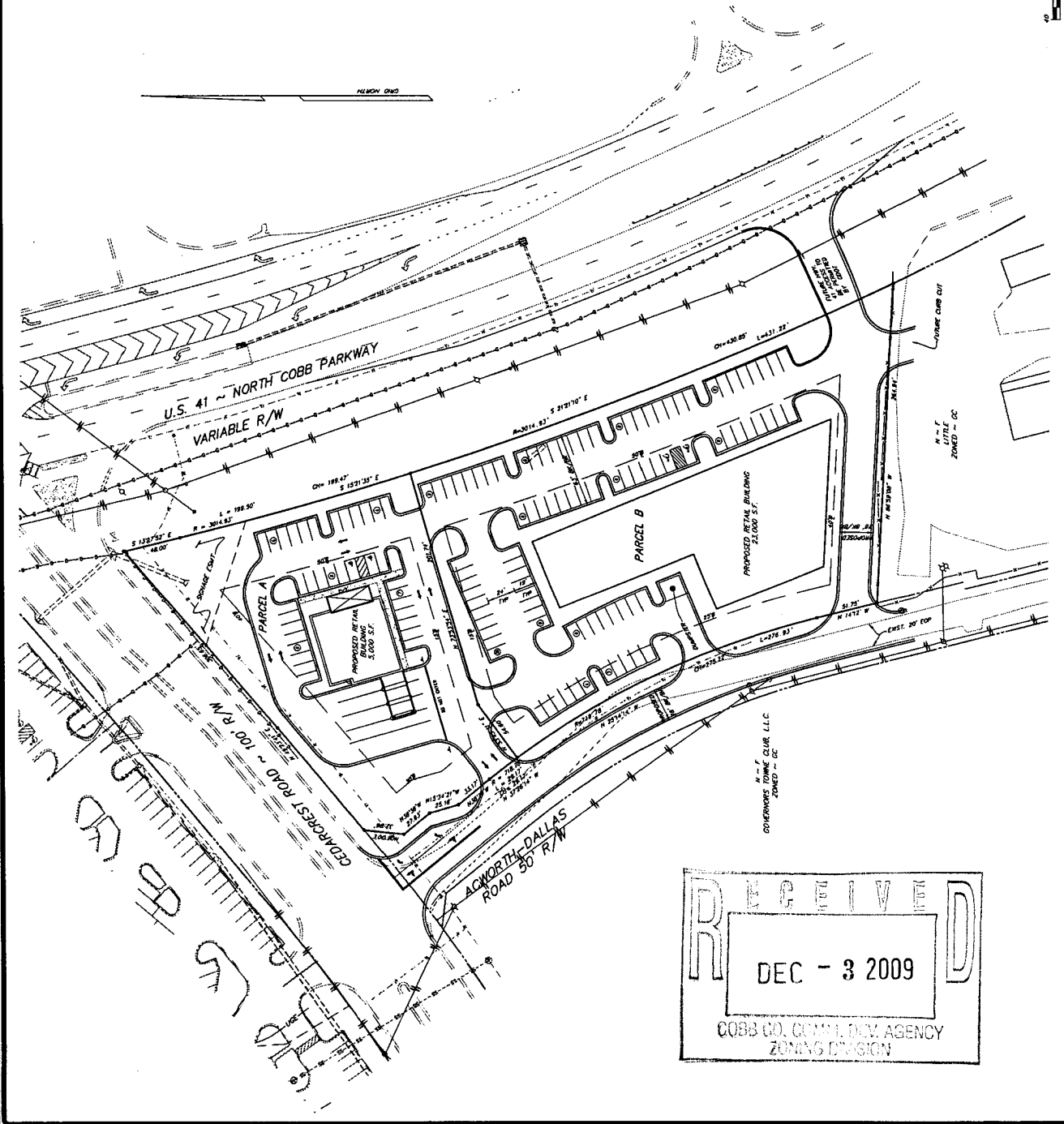
PROJECT I.S.	FIELD BOOK
G104	
DRAWN BY	CHECKED BY
SJJ	AEB
SCALE	ISSUE DATE
1"=40'	12-01-09
SHEET NUMBER	
1	



SITE SUMMARY	
TOTAL SITE AREA:	3.22 AC
TRACT A:	1.17 AC
TRACT B:	2.05 AC
EXISTING ZONING:	GC
PROPOSED ZONING:	NRC
BUILDING SETBACKS:	50' FRONT
	30' REAR
	15' SIDE (MINOR)
	25' SIDE (MAJOR)
<b>PARKING DATA - PARCEL A:</b>	
BUILDING SQUARE FOOTAGE:	5,000
REQUIRED (1/2500 BUILDING S.F.):	20
PARKING SHOWN:	27
(INCLUDING 2 HANDICAP)	
<b>PARKING DATA - PARCEL B:</b>	
BUILDING SQUARE FOOTAGE:	23,000
REQUIRED (1/2500 BUILDING S.F.):	92
PARKING SHOWN:	93
(INCLUDING 2 HANDICAP)	

- NOTES:**
1. THERE ARE NO LINES, STRINGS, OR METERS ON THIS SITE.
  2. THERE ARE NO LINES, STRINGS, OR METERS ON THIS SITE.
  3. THERE IS NO 100 YEAR FLOOD PLAN ON THIS SITE.
  4. THERE ARE NO GEOTECHNICAL, ARCHITECTURAL, OR GEODESY DATA ON THIS SITE.
  5. THERE ARE NO STREAM BUFFERS ON THIS SITE.
  6. GOVERNMENT TOWNE SQUARE PROPERTY, LOCATED WEST OF PARCEL A, ON COWBOY ROAD, IS A 100 YEAR FLOOD ZONE.
  7. UNDERGROUND UTILITIES ARE APPROXIMATE ON LOCATION.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD ZONE. COUNTY NUMBER 2, COB COUNTY, GEORGIA. DATE OF SURVEY: 04/20/09. DATE OF ISSUE: 12/01/09. SCALE: 1"=40'. DRAWN BY: SJJ. CHECKED BY: AEB. PROJECT NUMBER: G104.



RECEIVED  
 DEC - 3 2009  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

**APPLICANT:** Govenors Towne Square, LLC

678-439-3029

**REPRESENTATIVE:** Charles C. Clay

770-422-1776

**TITLEHOLDER:** Govenors Towne Square, LLC

**PROPERTY LOCATION:** Located on the southerly side of

Cedarcrest Road, between Acworth Dallas Road and U.S. Highway 41.

**ACCESS TO PROPERTY:** Acworth Dallas Road, U.S. Highway 41

**PHYSICAL CHARACTERISTICS TO SITE:** Vacant lot

**PETITION NO:** Z-5

**HEARING DATE (PC):** 02-02-10

**HEARING DATE (BOC):** 02-16-10

**PRESENT ZONING:** GC

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Bank And Retail

**SIZE OF TRACT:** 3.22 acres

**DISTRICT:** 20

**LAND LOT(S):** 40

**PARCEL(S):** 1

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** NRC/ Wachovia

**SOUTH:** GC/ Yesteryear Flea Market

**EAST:** NRC/ RiteAid, Bank of America, America's Service Station

**WEST:** GC/ vacant lot

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

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

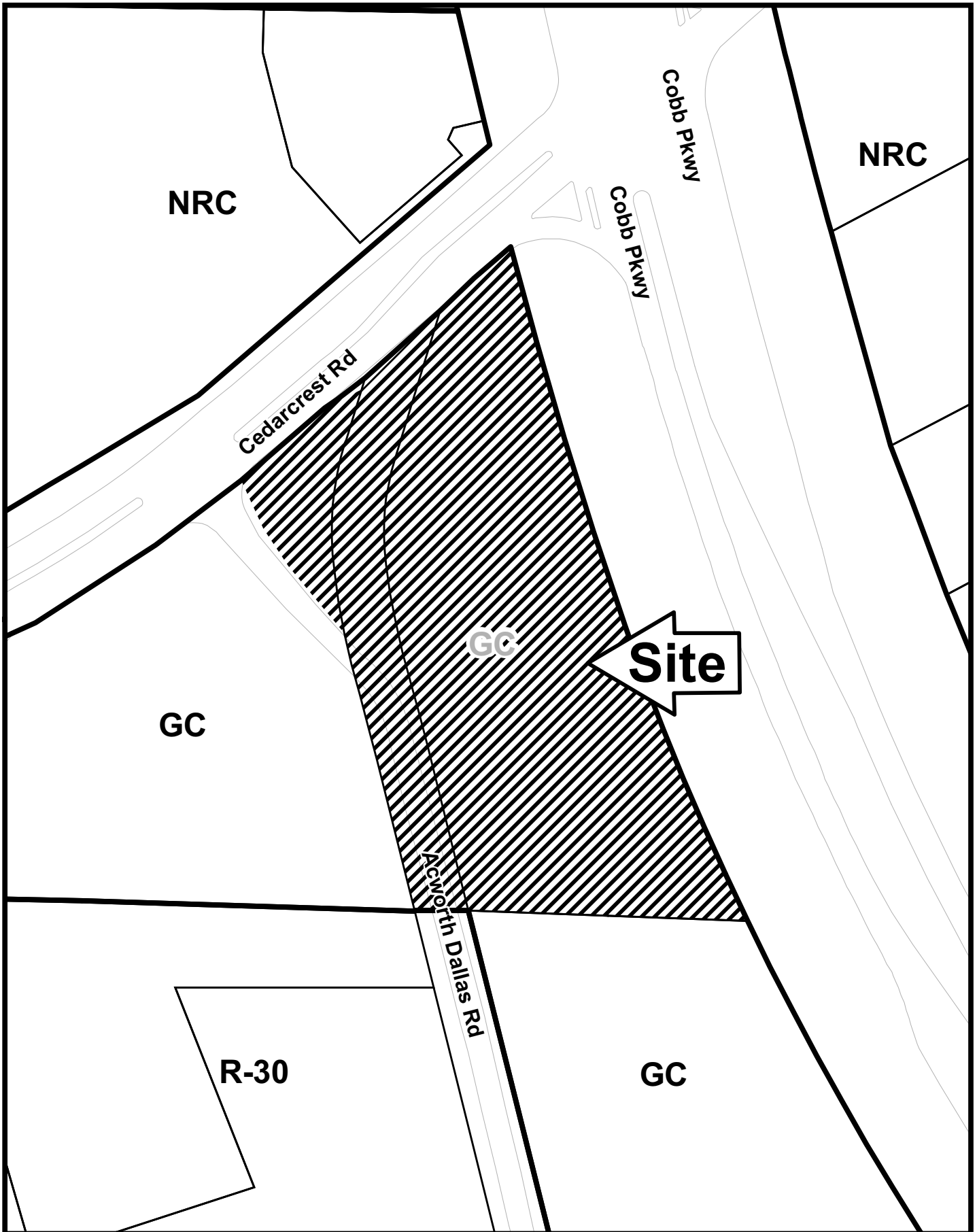
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

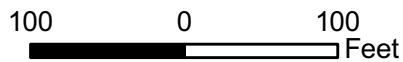
**STIPULATIONS:**





# Z-5



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Govenors Towne Square, LLC

PETITION NO.: Z-5

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

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

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 2 **Total Square Footage of Development:** 28,000

**F.A.R.:** 0.20 **Square Footage/Acre:** 8,695

**Parking Spaces Required:** 112 **Parking Spaces Provided:** 120

The applicant is requesting the NRC zoning district to develop a bank and retail center. The buildings would be one-story with traditional building architecture featuring brick and stucco. The bank will be for Chase Bank, and the retail building will be lease to small retail, office, and restaurant uses. The hours and days of operation will vary depending on the final user. The applicant has submitted a Zoning Impact Analysis which is attached for review (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:**

No comments.

APPLICANT Governors Towne Square, LLC

PETITION NO. Z-005

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) 12" DI / W side Cobb 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: 65' W / crossing Cedar Crest Rd

Estimated Waste Generation (in G.P.D.): **A D F** 2800 **Peak** 7000

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:

Pre-installed exterior grease traps required for restaurants; architectural plans submittal/approval required

Notes FYI: *Included in original Governor's Club area and sewage allocation*

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: **Governors Towne Square, LLC**

PETITION NO.: **Z-5**

PRESENT ZONING: **GC**

PETITION FOR: **NRC**

\*\*\*\*\*

**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: \_\_\_\_\_ FLOOD HAZARD INFO:

- 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 **existing detention pond.**

**APPLICANT: Governors Towne Square, LLC**

**PETITION NO.: Z-5**

**PRESENT ZONING: GC**

**PETITION FOR: NRC**

\*\*\*\*\*

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. Stormwater management for this proposed development will be provided within the existing master detention facility. An as-built survey of the existing pond will be required to verify that adequate detention and water quality volume has been provided. The approved hydrology study must be reviewed at Plan Review to determine if any modifications to the existing facility will be required to accommodate the proposed development.
2. A stormwater maintenance agreement may be required if ownership of the master stormwater management facility will differ from the proposed development.

**APPLICANT: Govenors Towne Square, LLC**

**PETITION NO.: Z-5**

**PRESENT ZONING: GC**

**PETITION FOR: NRC**

\*\*\*\*\*

**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	16900	Arterial	55 mph	GDOT	100'
Cedarcrest Road	12200	Major Collector	35 mph	Cobb County	80'
Acworth Dallas Road	800	Local	25 mph	Cobb County	50'

*Based on 2008 traffic counting data taken by Cobb County DOT (Cobb Parkway).  
Based on 2008 traffic counting data taken by Cobb County DOT (Cedarcrest Road).  
Based on 2006 traffic counting data taken by Cobb County DOT (Acworth Dallas Road).*

**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.

Cedarcrest Road is classified as a major collector and according to the available information; the existing right-of-way does meet the minimum requirements for this classification.

Acworth Dallas Road is classified as an a local 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 the proposed access drive.

As necessitated by this development for egress from Cedarcrest Road, a deceleration lane will be required for Acworth Dallas Road.

Install sidewalk along the entire Cobb Parkway road frontage.

Install sidewalk along Cedarcrest Road frontage.

Install curb and gutter along both sides of Acworth Dallas Road.

Install sidewalk along the east side of Acworth Dallas Road frontage.

Acworth Dallas Road is not located as shown on the proposed plan. A right-of-way swap needs to be executed for the relocated Acworth Dallas Road.

Relocated Acworth Dallas Road needs to be inspected prior to County acceptance of the road.

GDOT permits will be required for all work that encroaches upon State right-of-way.



**APPLICANT: Govenors Towne Square, LLC**

**PETITION NO.: Z-5**

**PRESENT ZONING: GC**

**PETITION FOR: NRC**

\*\*\*\*\*

**TRANSPORTATION COMMENTS cont.**

**RECOMMENDATIONS**

Recommend deceleration lane along Cobb Parkway at proposed access point.

Recommend deceleration lane along Cedarcrest Road for Acworth Dallas Road.

Recommend installing sidewalk along the entire Cobb Parkway frontage.

Recommend installing sidewalk along Cedarcrest Road frontage.

Recommend installing curb and gutter on both sides of Acworth Dallas Road frontage.

Recommend installing sidewalk along the east side of Acworth Dallas Road frontage.

Recommend right-of-way swap for Acworth Dallas Road right-of-way be completed.

Recommend inspection of relocated Acworth Dallas Road prior to County acceptance to ensure the roadway meets Cobb County Development Standards.

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-5 GOVENORS TOWNE SQUARE, 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.
- 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 a Neighborhood Activity Center.
- 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 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.

Based on the above analysis, Staff recommends APPROVAL of the applicant's request subject to:

- Site plan received by the Zoning Division December 3, 2009, with the District Commissioner approving minor modifications;
- District Commissioner approve the building architecture;
- 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.**

**GOVERNORS TOWNE SQUARE, LLC**  
**3.22 Acres at intersection of Highway 41 and Cedarcrest Rd.**  
**Existing zoning: GC**  
**Proposed Zoning: NRC**

**ZONING IMPACT ANALYSIS**

- A. The zoning proposal will permit a use at a suitable in view of the use and development of the adjacent and nearby property, inasmuch as the nearby property is in the process of development as an upper end residential area with related shopping and retail services.
- B. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The subject property is located at the intersection of Cobb Parkway and Cedarcrest Road, both of which have undergone significant improvements in recent years. Property to the south is developed and zoned GC; property to the west is undeveloped and zoned GC.
- C. The property affected by the proposed rezoning has no reasonable economic use as currently zoned, because it is an existing undeveloped GC district located within a neighborhood activity center. The existing zoning, and all zoning categories and conditions other than those requested, effect an uncompensated taking and damaging of the owner's property, and a denial of equal protection under Article I, Section I, paragraph 1; Article I, Section I, paragraph 2; and Article I, Section 3, paragraph 1 of the Georgia Constitution, and corresponding provisions of the United States Constitution.
- D. The proposed rezoning will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. As mentioned above, existing roads in the area have been recently upgraded and improved. All requisite utilities are available in sufficient capacity, and no additional students would be generated by the proposed development.
- E. The proposed rezoning is in conformity with the policy and intent of the land use plan due to the fact that the subject property lies within an area delineated as a neighborhood activity center, within which banks, financial institutions and neighborhood retail uses are allowed.
- F. The development and redevelopment of property in the immediate area of the subject property, and the improvement of public infrastructure in such area give supporting grounds for approval of the requested rezoning.