

**MARCH 20, 2012 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 2

PURPOSE

To consider approving a site plan for Governors Towne Square, LLC regarding rezoning application Z-5 (Governors Towne Square, LLC) of 2010, for property located in Land Lot 40 of the 20th District, located on the southerly side of Cedarcrest Road, between Acworth Dallas Road and U.S. Highway 41.

BACKGROUND

The subject property was zoned NRC for commercial development with many stipulations in 2010. One of the zoning stipulations required the improvements on parcel B to be approved by the Board of Commissioners. The original development concept was for a 23,000 square foot retail building, which is not going to be developed. The applicant has contracted with McDonalds to build a 4,043 square foot restaurant on parcel B. The proposed restaurant is the new prototype that McDonald’s is moving towards. The architecture is attached for review. If approved all other zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

Cobb DOT: “Recommend a two way left turn lane along the frontage on Acworth Dallas Road when the average daily traffic on Acworth Dallas Road meets or exceeds 5000 vehicles per day.”

ATTACHMENTS

Other Business Application (Exhibit A)
Proposed Site Plan (Exhibit B)
Proposed Building Architecture (Exhibit C)
Zoning Stipulations (Exhibit D)

March 20, 2012
Other Business Item 02
Exhibit A

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 3/20/12

Applicant: GOVERNORS TOWNE SQUARE LLC Phone #: 678 439 3029
(applicant's name printed)

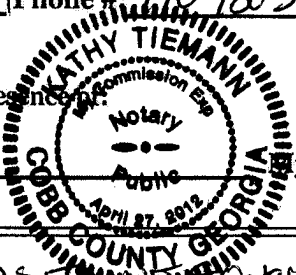
Address: 4200 GOVERNORS TOWNE DR. ACWORTH, GA 30101 E-Mail: KHORTONGOLF@AOL.COM

Kenneth Horton Address: 5855 DeChaire Ct, ATLGA 30328
(representative's name, printed)

[Signature] Phone #: 770 480 3990 E-Mail: KHORTONGOLF@AOL.COM
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: 4/27/2012
Notary Public



Titleholder(s): GOVERNORS TOWNE SQUARE LLC Phone #: 678 439 3029
(property owner's name printed)

Address: 4200 GOVERNORS TOWNE DR. ACWORTH 30101 E-Mail: KHORTONGOLF@AOL.COM

[Signature] - MANAGER
(property owner's signature)

Signed, sealed and delivered in presence of:
[Signature] My commission expires: 4/27/2012
Notary Public



Commission District: 1 Zoning Case: Z-5

Date of Zoning Decision: April 20th 2010 Original Date of Hearing: 2-16-10

Location: SOUTHWEST QUADRANT OF INTERSECTIONS OF US 41 1/2 CEDARCREST ROAD
(street address, if applicable; nearest intersection, etc.)

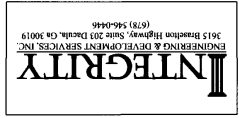
Land Lot(s): 40 District(s): 20th

State specifically the need or reason(s) for Other Business:
APPROVE FINAL SITE PLAN OF McDONALD'S RESTAURANT ON PART OF THIS PARCEL.

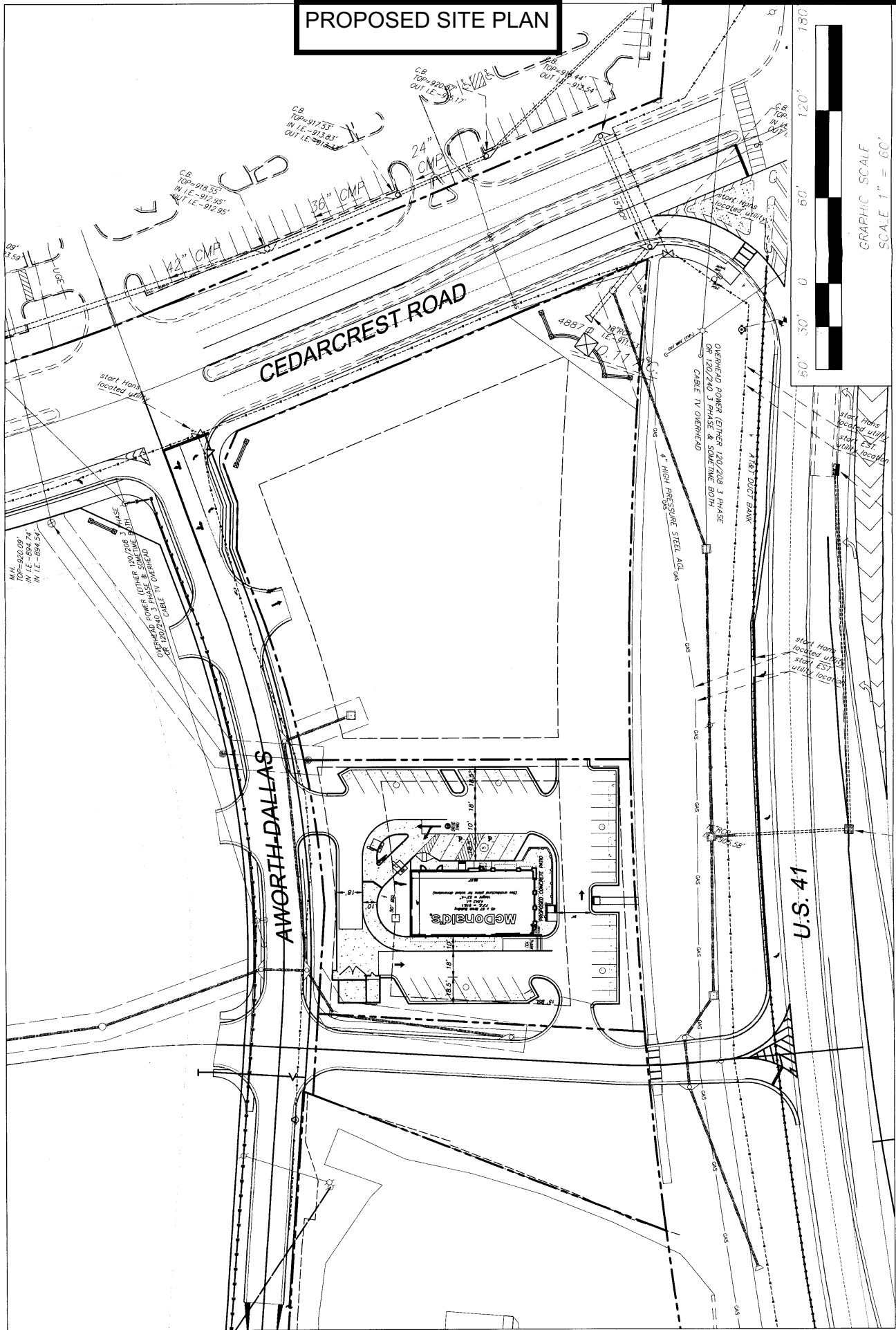
(List or attach additional information if needed)



NO.	DATE	DESCRIPTION
1	10/14/11	SUBMIT TO MCDONALD'S
2	02/02/11	PHASE 1 SITE DRAWINGS
3	09/09/11	REVISED LEFT PROPERTY LINE
4	08/15/11	REVISED BOUNDARY

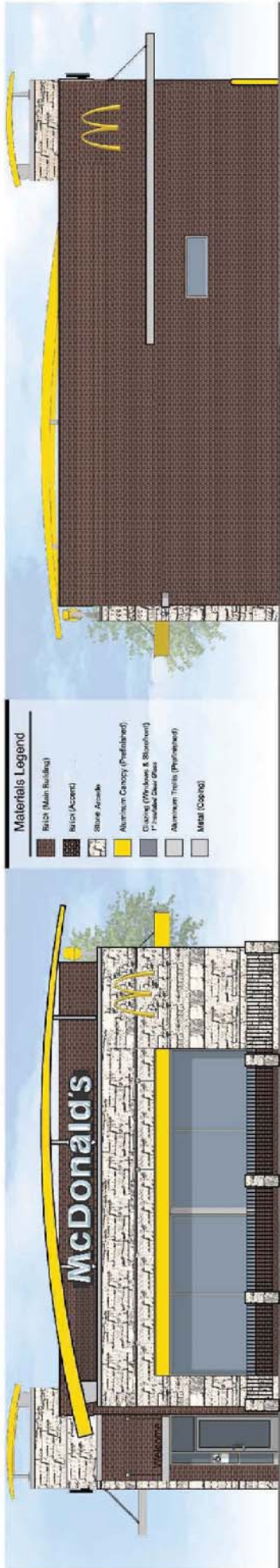


March 20, 2012
Other Business Item 02
Exhibit B

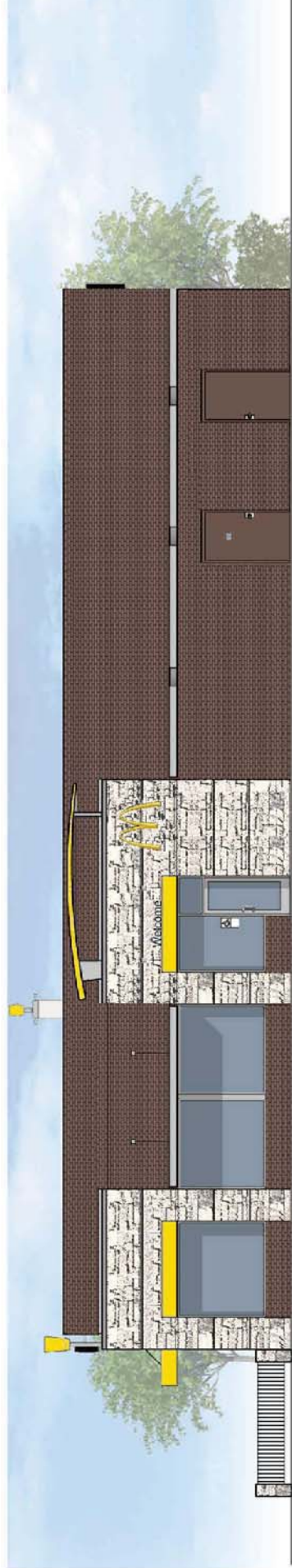


**PROPOSED
ARCHITECTURE**

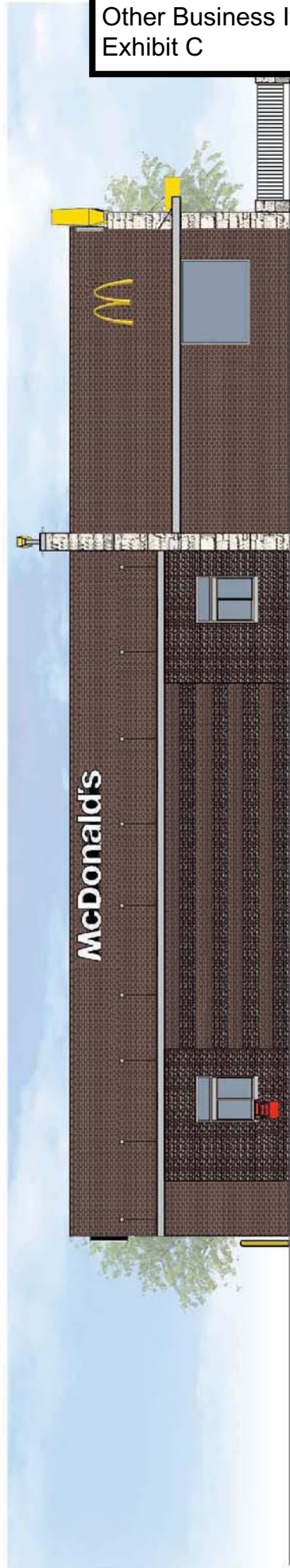
March 20, 2012
Other Business Item 02
Exhibit C



Rear Elevation



Non-Drive-Thru Side Elevation



Drive-Thru Side Elevation

Proposed McDonald's R
Color Eleva

Application for Rezoning Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

Application No. Z-5

PC Hearing Date: 2-2-10

BOC Hearing Date: 2-16-10

Applicant Governors Towne Square, LLC
(applicant's name printed)

Business Phone 678-439-3029

Address 4200 Governors Towne Dr, # 200
Acworth, GA 30101

Home Phone 770-480-3990

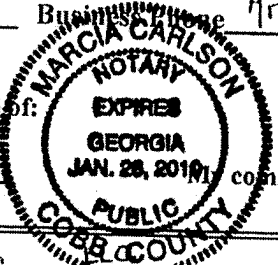
Charles C. Clay Address 49 Atlanta St, Marietta, GA 30060
(representative's name, printed)

Charles C. Clay
(representative's signature)

Business Phone 770-422-1776 Cell Phone 678-296-7860

Signed, sealed and delivered in presence of:

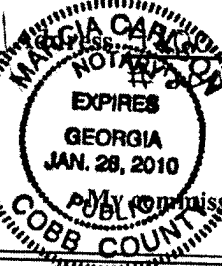
Marcia Carlson
Notary Public



commission expires: Jan. 28, 2010

Titleholder Governors Towne Square, Business Phone 678-439-3029 Home Phone 770-480-3990
(titleholder's name, printed)

Signature By: [Signature]
(attach additional signature, if needed)



Governors Towne Square, LLC
Acworth, GA 30101

Signed, sealed and delivered in presence of:

Marcia Carlson
Notary Public

commission expires: Jan. 28, 2010

Zoning Request From GC to NRC
(present zoning) (proposed zoning)

For the Purpose of Bank site and retail Shopping Center Size of Tract 3.22 Acre(s)
(subdivision, restaurant, warehouse, apt., etc.)

Location Southwest quadrant of intersection of US 41 and Cedarcrest Rd.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 40 District(s) 20th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any exist, provide documentation with this application.

By: [Signature]
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any exist, provide documentation with this application.

[Signature]
(applicant's signature)

PAGE 2 OF 2

APPLICATION NO. Z-5

ORIGINAL DATE OF APPLICATION: 02-16-10

APPLICANTS NAME: GOVERNORS TOWNE SQUARE, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 02-16-10 ZONING HEARING:

GOVENORS TOWNE SQUARE, LLC (owner) requesting Rezoning from GC to NRC for the purpose of a Bank and Retail in Land Lot 40 of the 20th District. Located on the southerly side of Cedarcrest Road, between Acworth Dallas Road and U.S. Highway 41. *(Continued by Staff from the February 2, 2010 Planning Commission hearing; therefore was not considered at this hearing)*

PAGE 4 OF 5

APPLICATION NO. Z-5

ORIGINAL DATE OF APPLICATION: 02-16-10

APPLICANTS NAME: GOVERNORS TOWNE SQUARE, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 04-20-10 ZONING HEARING:

GOVERNORS TOWNE SQUARE, LLC (owner) requesting Rezoning from GC to NRC for the purpose of a Bank and Retail in Land Lot 40 of the 20th District. Located on the southerly side of Cedarcrest Road, between Acworth Dallas Road and U.S. Highway 41.

MOTION: Motion by Ott, second by Goreham, as part of the Consent Agenda, to **approve** Rezoning to the NRC zoning district subject to:

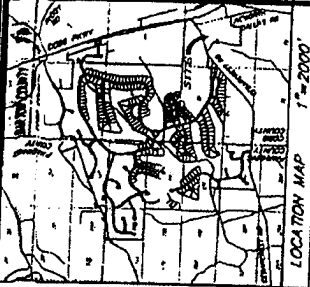
- Parcel A and road improvements as shown on the site plan received by the Zoning Division December 3, 2009 subject to Plan Review and approval by the District Commissioner (attached and made a part of these minutes)
- improvements on Parcel B of the December 3, 2009 plan subject to Plan Review, with final approval by the Board of Commissioners
- right-in/right-out only exit onto US 41 to be completed as part of the first phase of development (before Certificate of Occupancy is issued for any building)
- no Certificates of Occupancy to be issued on either parcel until Acworth Dallas Road meets current Cobb County Development Standards
- architectural features to be traditional one-story brick or stucco, with elevations approved by the District Commissioner
- dumpsters/trash facilities to be enclosed in corrals that match the colors and finish of the buildings they serve
- interior sidewalks to safely connect to street-side sidewalks, as approved by DOT
- ground based monument signage
- landscape plan review by County Arborist and approval by District Commissioner
- any on-site detention facilities to be landscaped and any hard surface impoundments that are visible from any street to be faced with brick, stone or similar masonry
- no exterior loud speakers, with the exception of intercom systems on the bank drive-through service area
- any restaurant to have odor control devices, as approved by the Zoning Division Manager
- further/additional land swap between Cobb County and the Applicant to be completed prior to issuance of a Certificate of Occupancy for the first building (with any disputes to be resolved by the District Commissioner)
- no vehicles to be parked on site for the purpose of sale or advertising
- District Commissioner may make minor changes
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: ADOPTED 3-0

Gaskins
 ENGINEERS & ARCHITECTS, P.C.
 10000 W. GARDNER ROAD, SUITE 100
 DALLAS, TEXAS 75241
 (214) 343-1100

GOVERNORS TOWNE SQUARE
 LAND LOT 40, 20th DISTRICT, 2nd SECTION
 COBB COUNTY, GEORGIA

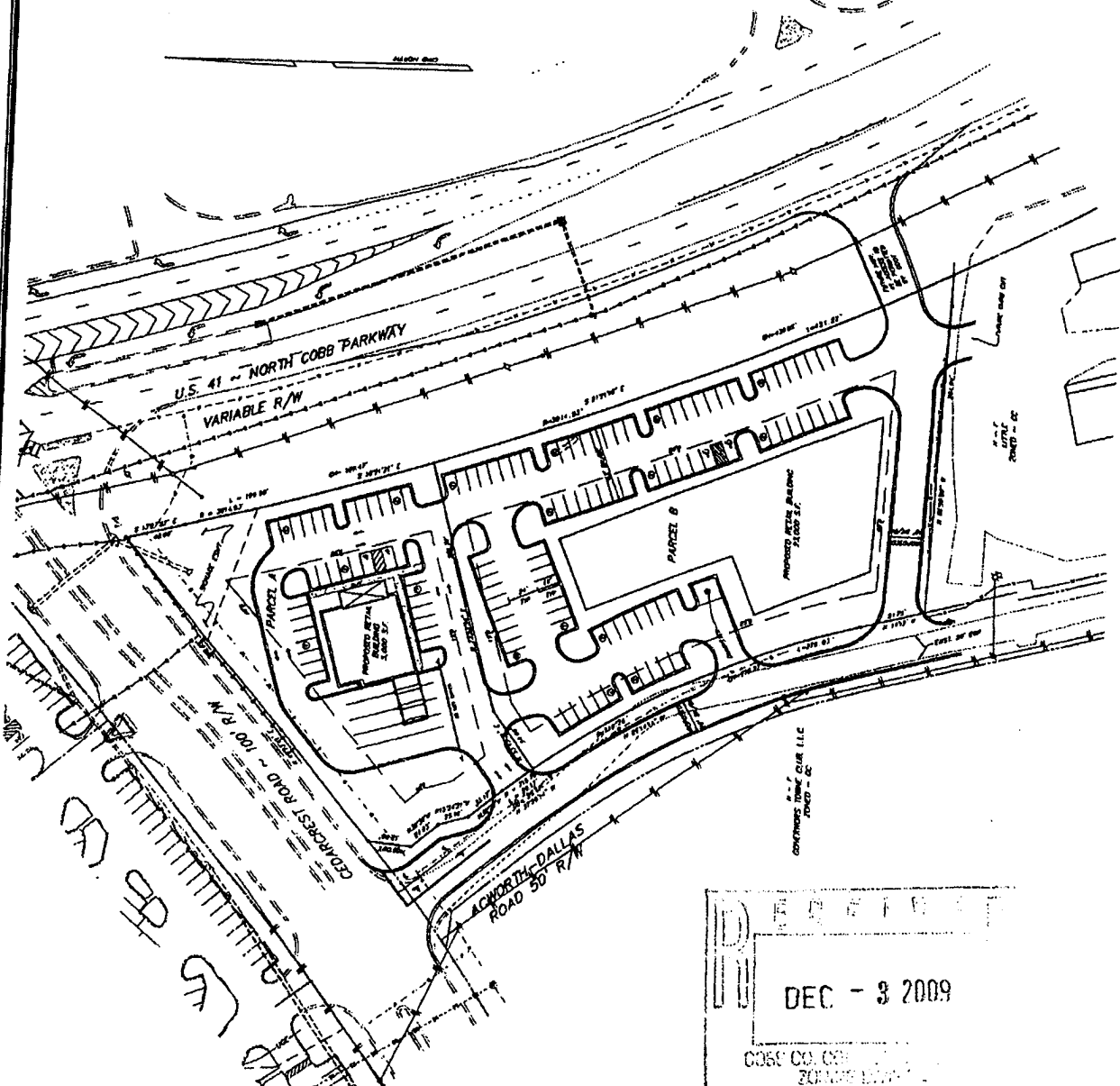
PROJECT NO.	FIELD NO.	DATE
1		
DRAWN BY	DATE	SCALE
11-14-09	11-14-09	1"=40'
CHECKED BY	DATE	SCALE
SHEET NUMBER		
1		



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)
PARKING DATA - PARCEL A:	
BUILDING SQUARE FOOTAGE:	5,000
REQUIRED (1/2500 BUILDING SF):	20
PARKING SHOWN:	27 (INCLUDING 2 HANDICAP)
PARKING DATA - PARCEL B:	
BUILDING SQUARE FOOTAGE:	23,000
REQUIRED (1/2500 BUILDING SF):	92
PARKING SHOWN:	93 (INCLUDING 2 HANDICAP)

NOTES:
 1. THERE ARE NO LINES SHOWN ON THIS SITE PLAN.
 2. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF DALLAS AND ARCHITECTURAL REVIEW BOARD.
 3. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF DALLAS AND ARCHITECTURAL REVIEW BOARD.
 4. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF DALLAS AND ARCHITECTURAL REVIEW BOARD.
 5. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF DALLAS AND ARCHITECTURAL REVIEW BOARD.
 6. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY OF DALLAS AND ARCHITECTURAL REVIEW BOARD.

Min. Pk. 400 Pctition No. Z-5
 Doc. Type Site Plan
 Meeting Date 4/20/10



DEC - 3 2009
 COBB CO. CLERK
 ZONING DEPARTMENT

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 *No master meter*

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 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.

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.