

**SEPTEMBER 16, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM OB-55

PURPOSE

To consider a site plan and stipulation amendment for Suncap Property Group regarding rezoning application Z-94 of 2006 (B. Jadow & Sons, Inc.), for property located at the southwesterly intersection of Factory Shoals Road and White Road, and on the north side of Third Flags Parkway in Land Lots 681,682, 702, 703, 704, 775 and 776 of the 18th District.

BACKGROUND

The subject property was rezoned in 2007 for warehouse and distribution subject to the site plan and zoning stipulations. The applicant would like to develop a FEDEX distribution facility at the corner of Factory Shoals Road and Bob White Road, but cannot until the site plan and stipulations are amended. The proposed site plan is attached for review. The stipulations the applicant needs to amend are as follows:

1. Delete the transportation comment requiring sidewalk, curb and gutter on Bob White Road;
2. Delete the transportation comment requiring Third Flag Parkway be extended to Factory Shoals Road; and
3. Revise Drainage comment #2 under additional comments/suggestions not to apply to building #3(the FEDEX building) since the water does not flow that direction. Instead, the downstream lake study should be performed when either buildings #1 or #2 are built.

It should be noted the applicant’s building is approximately 150,000 square feet smaller than the building on the 2007 zoning plan, and the Georgia Regional Transportation Authority has approved of the revision of this project. If approved, all previous zoning stipulations would remain in effect.

STAFF COMMENTS

Cobb D.O.T.: Recommend deceleration lane and left turn lane for the access on Factory Shoals Rd. Recommend applicant verify that an intersection sight distance of 390 feet can be achieved from access on Factory Shoals Road. Curb, gutter and sidewalk be installed on Bob White Road.

RECOMMENDATION

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

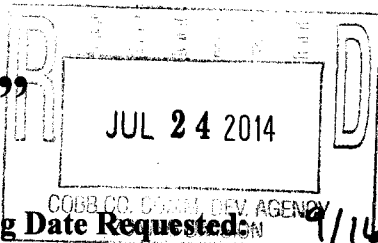
ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 9/14/14



OB-55

Applicant: SunCap Property Group Phone #: (704) 945-8055
(applicant's name printed)

Address: 6101 Carnegie Boulevard, #180, Charlotte, NC 28209 E-Mail: kdarr@suncapppg.com

Jessica Hill, Esq. Address: 3343 Peachtree Road, Suite 1600, Atlanta, Georgia 30326
(representative's name, printed)

Jessica L. Hill Phone #: (404) 504-7799 E-Mail: jhill@mmlaw.com
(representative's signature)

Signed, sealed and delivered in presence of:
[Signature] My commission expires: June 20 2017
Notary Public

Titleholder(s): B. Jadow & Sons Phone #: (413) 229-3003
(property owner's name printed)

Address: 15 Main Street P.O. Box 245 Sheffield, Massachusetts 01257 E-Mail: Jon@jadow.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:
[Signature] My commission expires: 11/2/18
Notary Public



Commission District: 4 **Zoning Case:** Z-94-'06

Date of Zoning Decision: May 15, 2007 **Original Date of Hearing:** May 15, 2007

Location: SW Intersection of Factory Shoals Rd.: Bob White Rd., SW side of Bob White Rd.,
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 681, 682, 702, 703, 704, 775 and 776 **District(s):** 18 S. of Factory Shoals Rd. and the N. terminus of 1st Flag Drive

State specifically the need or reason(s) for Other Business: _____

This application requests a site plan and stipulation amendment for the purpose of removing a requirement to provide a vehicular connection from Third Flag Parkway to Factory Shoals Road as further detailed in the project summary included in this application.

(List or attach additional information if needed)



August 4, 2014

VIA EMAIL (john.pederson@cobbcounty.org)

Mr. John Pederson
Cobb County Zoning Division Manager
P.O. Box 649
Marietta, GA 30061

Jessica L. Hill
404-504-7754
jhill@mmmlaw.com
www.mmmlaw.com

Re: Other Business Application for SunCap Property Group Z-94-'06 (the
"Application")

Dear John:

Please amend the above captioned Application filed on July 24, 2014 with the enclosed revised summary of the request and the full set of conditions currently applicable to the site. A full copy of the minutes and conditions were provided to the applicant upon filing and some of the department comments require modification or clarification in connection with the adjustments to the site plan. Should you have any questions regarding the enclosed revised materials, please contact me.

Best regards,



Jessica L. Hill

Other Business Application
Summary of Request

SunCap Property Group, LLC proposes to develop a 303,369 square foot ground distribution terminal for FedEx Ground's operations on property located in the existing Six Flags Industrial Park. The subject property is currently undeveloped and was included in a rezoning of a 91.7 acre site approved by Cobb County on May 15, 2007 pursuant to application Z-94. A copy of the approval of Z-94 is included in this application.

This application requests amendment of the site plan and existing conditions as follows:

1. Substitute a new site plan in the zoning conditions;
2. Remove the Transportation Comment requirement to install sidewalk and curb and gutter on Bob White Road;
3. Delete Transportation Comment requirement to construct Third Flag Parkway extension to commercial road standards; and
4. Revise Drainage Additional Comment 2 to confirm that the pre and post development sediment survey and hydrology storage routing study shall not be required for the development of building #3 and shall be triggered upon development of new buildings #1 or #2.

The revised site plan reflects the proposed 303,369 square foot building and adjusts the proposed access for the site to eliminate the extension of Third Flag Parkway to Factory Shoals Road. Parking and a proposed detention area have been rearranged around the new 303,369 square foot building with the new configuration. Generally, the proposal for development of the balance of the 91.7 acre tract has not changed.

The rezoning approval of application Z-94 contemplated an office/warehouse building of approximately 450,500 square feet on the property proposed for the FedEx Ground facility. Access to this portion of the site was to be provided from Third Flag Parkway and Factory Shoals Road pursuant to an extension of Third Flag Parkway to connect to Factory Shoals Road. Due to significant topographic conditions on the subject property, the proposed extension of Third Flag Parkway to connect to Factory Shoals Road is not feasible. A 40' retaining wall is necessary between the proposed building and the existing cul-de-sac of Third Flag Parkway, precluding the extension of Third Flag Parkway.

In lieu providing access to the site from Third Flag Parkway, SunCap Property Group, LLC proposes to provide access to the site directly from Factory Shoals Road. A traffic study analyzing this change in access has been prepared and is included in this application. The traffic study has been submitted to GRTA for their consideration in connection with a revision to the March 13, 2007 Notice of Decision, which required a direct vehicular connection between Third Flag Parkway and Factory Shoals Road as shown on the site plan. Documentation regarding GRTA's determination on whether to revise the Notice of Decision will be added to the application upon receipt.

Removal of the requirement to install curb and gutter on Bob White Road is a practical revision to the site plan. Bob White Road is a rural two lane road section with earthen shoulders and ditches and sparse development. There are no sidewalks, nor residential development along Bob White Road within a mile or so of the subject property. Any sidewalk installed would not likely be utilized.

With the removal of the proposed Third Flag Parkway extension from the site plan, the corresponding requirement to build the extension to commercial road standards should also be deleted. The proposed revision to the site plan eliminates the applicability of this condition.

Drainage Comment #2 addresses drainage considerations based on two downstream lakes potentially impacted. Building #3 will drain to the southwest and away from the two lakes mentioned. Future buildings #1 and #2 appear to drain southeast toward the two lakes which makes the requested survey and study appropriate only for construction of buildings #1 and #2.

ORIGINAL DATE OF APPLICATION: 07-18-06APPLICANTS NAME: B. JADOW & SONS, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 05-15-07 ZONING HEARING:**

B. JADOW & SONS, INC. (Julian A. Jadow, Henry C. Jadow, and B. Jadow & Sons, Inc., owners) requesting Rezoning from **R-20, IF and LI** to **LI** for the purpose of Warehouse and Distribution in Land Lots 681, 682, 702, 703, 704, 775 and 776 of the 18th District. Located at the southwesterly intersection of Factory Shoals Road and Bob White Road, on the southwesterly side of Bob White Road, south of Factory Shoals Road and at the northern terminus of First Flag Drive.

The public hearing was opened and Ms. Jessica Hill addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Kesting, second by Olens, to **approve** Rezoning to the **LI** zoning district **subject to:**

- **site plan received by the Zoning Division January 26, 2007, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **revised Cobb DOT comments and recommendations received April 30, 2007 (attached and made a part of these minutes)**
- **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**

VOTE: **ADOPTED** unanimously

APPLICANT: B. Jadow & Sons, Inc.

PETITION NO.: Z-94 PAGE 15 OF 15

PRESENT ZONING: R-20, IF, LI

PETITION FOR: LI

TRANSPORTATION COMMENTS REVISED

Min. Bk. 49 Petition No. Z-94 '06
Doc. Type Revised DOT
comments/recommendations
Meeting Date: May 15, 2007

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
Factory Shoals Road	N/A	Major Collector	40 mph	Cobb County	80'
Bob White Road	800	Non-Residential Local	35 mph	Cobb County	60'
Third Flag Pkwy	N/A	Non-Residential Local	35 mph	Cobb County	60'

Based on 2005 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Factory Shoals 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.
Bob White Road is classified as a Non-Residential Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.
Third Flag Road is classified as a Non-Residential 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 Factory Shoals Road, a deceleration lane and a left turn lane will be required.

Install sidewalk, curb and gutter along all road frontages.

Construct Third Flags Parkway extension in accordance with County commercial road standards.

The applicant will have to verify that minimum intersection sight distance is available. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirement of 445'.

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 south side of Factory Shoals Road, a minimum of 40' from the roadway centerline.

Recommend a deceleration lane and a left turn lane along Factory Shoals Road..

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

Recommend Third Flags Parkway extension meet all County standards for a commercial roadway.

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 445'.

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

APPLICANT: B. Jadow & Sons, Inc.

PETITION NO.: Z-94

PRESENT ZONING: LI, R-20, IF

PETITION FOR: LI

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 3 Total Square Footage of Development: 1,188,400

F.A.R.: 0.29 Square Footage/Acre: 12,953

Parking Spaces Required: 764 Parking Spaces Provided: 764

The applicant is requesting the LI zoning district to develop three additional buildings in the existing business park. The buildings would be used for a warehouses and distribution centers. The building would ll be one-story in height with tilt-up concrete exteriors. The applicant is proposing to extend Third Flag Parkway to Factory Shoals Road to improve access in the area. The applicant has received approval from the Atlanta Regional Commission and Georgia Regional Transportation Authority for the Development of Regional Impact.

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

FIRE COMMENTS:

The applicant is responsible to ensure all Cobb County Fire and Emergency Services Code requirements are met related to this project. Plans will need to be submitted to the Cobb County Fire Marshall's Office, prior to any permits being issued.

Standard comments:

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Fire Hydrant
 - a. Commercial: Fire hydrant within 500 feet of most remote part of structure.
 - b. Residential: Fire hydrant within 500 feet of structure.
3. Fire apparatus 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 IFC 503.1 2003 Edition. **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-foot inside turning radius, 50-foot outside turning radius and unobstructed vertical clearance of not less than 13-feet 6 inches.** Dead-end access roads in excess of 150-feet shall be provided with a turn-around IFC 503.2.5 2003 Edition. Cul-de-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential cul-de-sac without island: 38-foot outside radius. Commercial cul-de-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-feet wide roadway + 45-feet).

Additional Comments:

APPLICANT B Jadow & Sons, Inc

PETITION NO. Z-094

PRESENT ZONING R-20, IF, LI

PETITION FOR LI

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s): 12" DI / S side Factory Shoals Rd

Additional Comments: 12" DI / Second Flag Dr. One or two master meters would be appropriate

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: At site, 2nd Flag & 3rd Flag

Estimated Waste Generation (in G.P.D.): **A D F** 35,000 **Peak** 87,450

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
- Letter of Allocation issued? 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:

Existing CCWS sewer should be positioned to serve whole site. Otherwise, off-site easements may be necessary

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: B. Jadow & Sons, Inc.

PETITION NO.: Z-94

PRESENT ZONING: R-20, IF, LI

PETITION FOR: LI

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Chattahoochee River FLOOD HAZARD INFO: none identified

- 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: within stream buffer and natural channels

- 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 of southeast corner of site.
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 stormdrainage system.

APPLICANT: B. Jadow & Sons, Inc.

PETITION NO.: Z-94

PRESENT ZONING: R-20, IF, LI

PETITION FOR: LI

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/SUGGESTIONS

1. The existing site topography slopes vary from 15 - 20% for the majority of the site. Extensive grading will be required for development of the large commercial/industrial pads proposed. While consistent with previous development in the area this is not supported by State guidelines.
2. As noted in the Downstream Conditions Comments a pre- and post-development sediment survey of the downstream private lake will be required for this project. Storage routings for this lake as well as the one below it must also be included in the required hydrology study at Plan Review to verify no adverse impacts.
3. The revised layout eliminates stream buffer encroachments from the previous submittal. However, the site plan may need to be revised in Plan Review when detailed grading is provided to protect stream buffer areas from encroachment.

