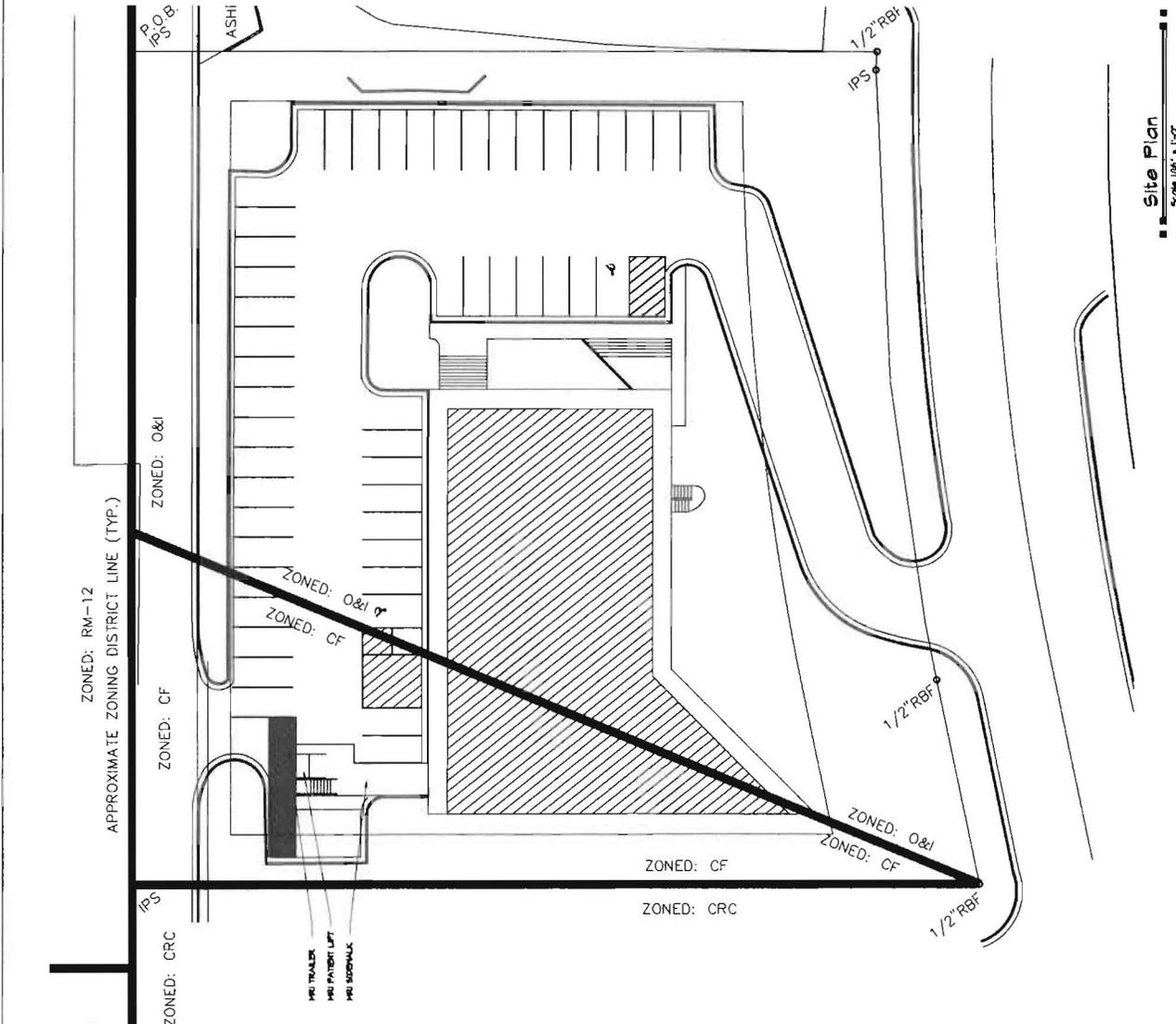


Z-25
(2015)



Site Plan
Scale 1/8" = 1'-0"

RECEIVED
DEC 30 2014
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

APPLICANT: 1965 N. Park Place Holdings, LLC

PHONE#: (404) 644-3057 **EMAIL:** mbasille@comcast.net

REPRESENTATIVE: Garvis L. Sams, Jr.

PHONE#: (770) 422-7016 **EMAIL:** gsams@slhb-law.com

TITLEHOLDER: Kolodkin Family, L.P., a Georgia

Limited Partnership

PROPERTY LOCATION: Northwest side of North Park Place,

north of Windy Hill Road

(1965 North Park Place)

ACCESS TO PROPERTY: North Park Place

PHYSICAL CHARACTERISTICS TO SITE: Existing office

building

PETITION NO: Z-25

HEARING DATE (PC): 03-03-15

HEARING DATE (BOC): 03-17-15

PRESENT ZONING: O&I, CF

PROPOSED ZONING: O&I

PROPOSED USE: Medical Offices

SIZE OF TRACT: 1.3468 acre

DISTRICT: 17

LAND LOT(S): 804

PARCEL(S): 15

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RM-12/Westminster Apartments and O&I/Offices

SOUTH: CRC/Office; OMR and O&I/Offices

EAST: OMR/Office Development

WEST: RM-12/Westminster Apartments

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

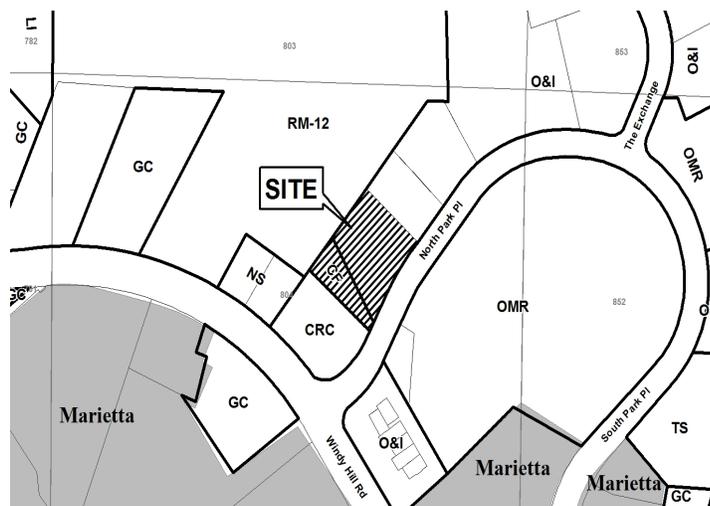
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

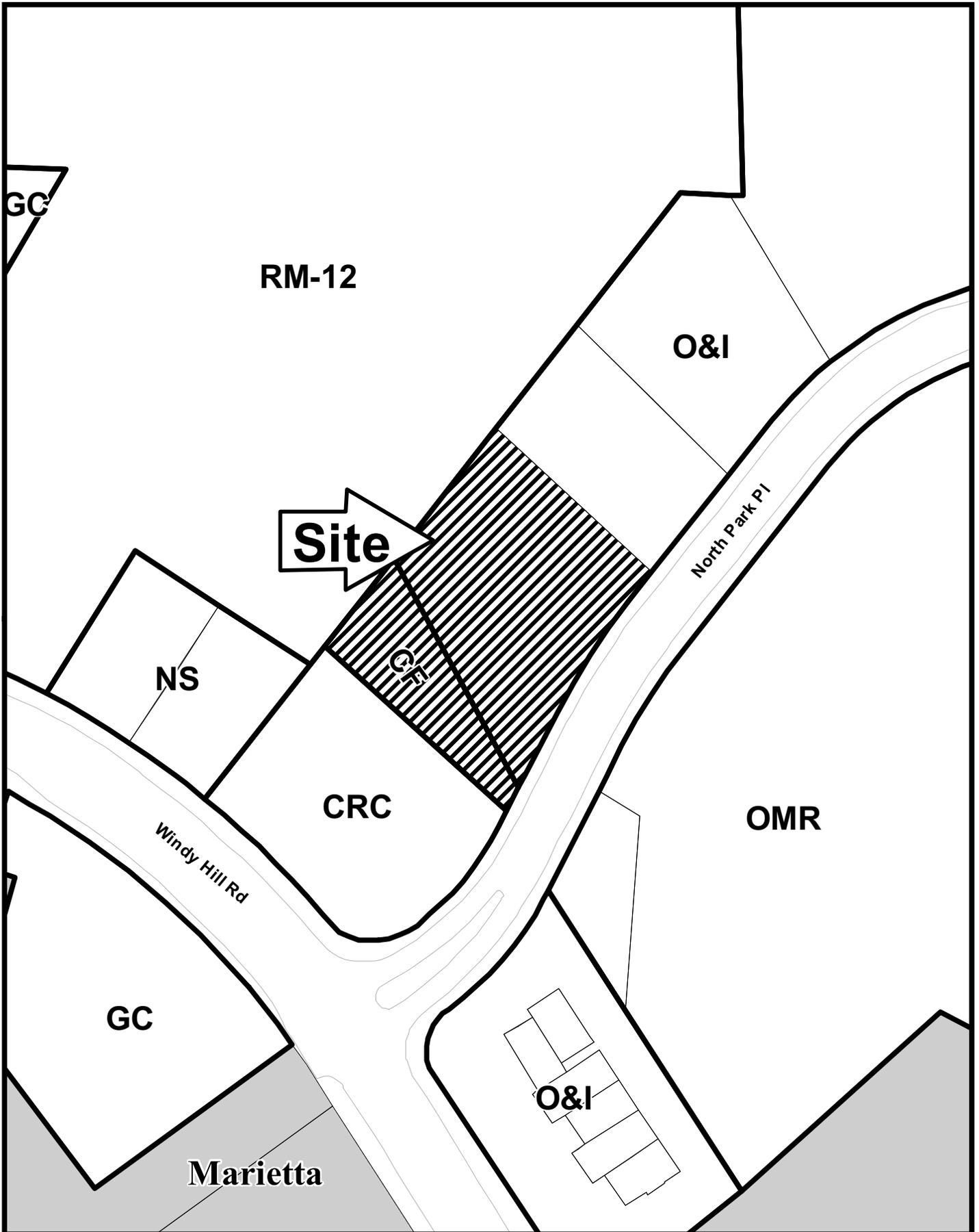
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

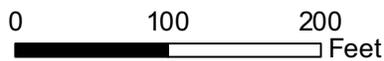
STIPULATIONS:



Z-25



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



City Boundary
Zoning Boundary

APPLICANT: 1965 N. Park Place Holdings, LLC

PETITION NO.: Z-25

PRESENT ZONING: O&I, CF

PETITION FOR: O&I

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Buildings: 1 (Existing) **Total Square Footage of Development:** 12,120

F.A.R.: 0.206 **Square Footage/Acre:** 8,999.10

Parking Spaces Required: 42 **Parking Spaces Provided:** 48

Applicant is requesting the Office and Institutional (O&I) zoning category for the purpose of including the CF portion of the property in the O&I category that encompasses the larger portion of the property. The property has been used as offices and will continue to be medical offices with the addition of a mobile Magnetic Resonance Imaging (MRI) unit. The MRI unit will occupy the southwestern area of the parking lot. The hours of operation will be Monday through Saturday from 8 a.m. until 6 p.m.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: 1965 N. Park Place Holdings, LLC

PETITION NO.: Z-25

PRESENT ZONING: O&I and CF

PETITION FOR: O&I

PLANNING COMMENTS:

The applicant is requesting a rezoning from O&I and CF to O&I for purpose of medical offices. The 1.346 acre site is located at the northwest side of North Park Place, north of Windy Hill Road.

Comprehensive Plan

The parcel is within a Regional Activity Center (RAC) future land use category, with O&I and CF zoning designations. The purpose of the Regional Activity Center (RAC) category is to provide for areas that can support a high intensity of development which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and varying densities of residential development.

Master Plan/Corridor Study

Not applicable.

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.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

APPLICANT: 1965 N. Park Place Holdings, LLC

PETITION NO.: Z-25

PRESENT ZONING: O&I and CF

PETITION FOR: O&I

PLANNING COMMENTS: (Continued)

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

Is this property within the Six Flags Special Service District?

Yes No

APPLICANT 1965 N. Park Place Holdings LLC

PETITION NO. Z-025

PRESENT ZONING O&I and CF

PETITION FOR O&I

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

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 8" CI / W side of N Park Place

Additional Comments: Existing water customer

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

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: Sutton

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: 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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

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

Additional Existing sewer customer
Comments:

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 offsite easements, dedication of on and/or offsite 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: 1965 N Park Place Holdings, LLC

PETITION NO.: Z-25

PRESENT ZONING: O&I, CF

PETITION FOR: O&I

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rottenwood Creek FLOOD HAZARD INFO: Zone X

- 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 _____.

APPLICANT: 1965 N Park Place Holdings, LLC

PETITION NO.: Z-25

PRESENT ZONING: O&I, CF

PETITION FOR: O&I

STORMWATER MANAGEMENT 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. No site improvements are proposed. Stormwater Management must be provided upon redevelopment or substantial site improvement.

APPLICANT: 1965 N. Park Place Holdings, LLC

PETITION NO.: Z-25

PRESENT ZONING: O&I, CF

PETITION FOR: O&I

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
North Park Place	2,400	Major	25	Cobb	80'

Based on [2009] traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

North Park Place is classified as a major and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

STAFF RECOMMENDATIONS

Z-25 1965 N. PARK PLACE HOLDINGS, 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. Other properties in this area are similarly zoned for office 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 property has been used for offices for many years and is located in an area with other office and institutional uses. The CF (Future Commercial) zoning category is left over from when the Zoning Map was adopted in 1972.
- 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.
- 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 the Regional Activity Center (RAC) land use category. The requested O&I zoning category is compatible with the RAC land use designation. The proposed medical office and MRI use will be compatible with other office and institutional uses in this area.
- 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 property has been utilized as an office building for many years. A portion of the property remained in the CF zoning category from 1972 and, as such, could not be further developed. Bringing all of the property under the same O&I zoning will continue to allow a medical office use in addition to the small pad area for the MRI unit.

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

- Site plan submitted to the Zoning Division on December 30, 2014, with the District Commissioner approving minor modifications;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation 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.



Application #: Z-25
PC Hearing Date: March 3, 2015
BOC Hearing Date: March 17, 2015

Summary of Intent for Rezoning *

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Continued office utilization.
- b) Proposed building architecture: As-built
- c) Proposed hours/days of operation: Monday - Saturday, from 8:00 a.m. until 6:00 p.m.
- d) List all requested variances: None, or as shown on the site plan filed contemporaneously with the Application for Rezoning

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The subject property is located within the confines of a Regional Activity Center ("RAC") under Cobb County's Future Land Use Map. The continuation of the utilization of the subject property for office utilization is appropriate and the Rezoning of the subject property to consolidate the zoning districts so that the subject property is zoned Office and Institutional is similarly appropriate.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). N/A

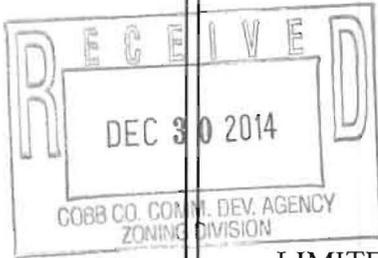
.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: [Signature] Date: Dec. 30, 2014

Applicant name (printed): Garvis L. Sams, Jr. for the Applicant

* The Applicant reserves the right to revise this Summary of Intent for Rezoning during the pendency of the Application.

**ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF THE KOLODKIN FAMILY, L.P.,
A GEORGIA LIMITED PARTNERHIP**



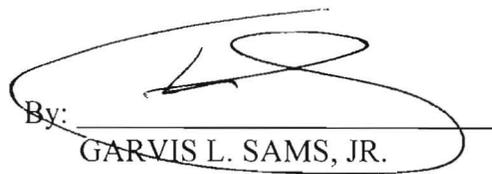
COMES NOW, THE KOLODKIN FAMILY, L.P., A GEORGIA LIMITED PARTNERSHIP, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Windy Hill Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is within a Regional Activity Center (“RAC”) under Cobb County’s Future Land Use Map. The property is adjacent to a multiplicity of commercial, office and retail uses.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is located within a Regional Activity Center (“RAC”) and is consistent with those uses and purposes contemplated under Cobb County’s Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of Future Commercial (“CF”) which limits a portion of the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this of the Windy Hill Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 30 day of December, 2014.

SAMS, LARKIN HUFF AND BALLI, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

