



**APPLICANT:** BK Properties, LP  
**PHONE#:** (770)951-2278 **EMAIL:** kkeappler@quintuscorp.net  
**REPRESENTATIVE:** J. Kevin Moore  
**PHONE#:** (770)429-1499 **EMAIL:** jkm@mijs.com  
**TITLEHOLDER:** BK Properties, LP

**PETITION NO:** Z-20  
**HEARING DATE (PC):** 02-03-15  
**HEARING DATE (BOC):** 02-17-15  
**PRESENT ZONING:** O&I, NS, R-20

**PROPERTY LOCATION:** Northeasterly side of Chastain Meadows Parkway, westerly side of Bells Ferry Road, south of Big Shanty Road.

**PROPOSED ZONING:** OS  
**PROPOSED USE:** Office and Warehouse Distribution

**ACCESS TO PROPERTY:** Chastain Meadows Parkway

**SIZE OF TRACT:** 29.94 acres

**PHYSICAL CHARACTERISTICS TO SITE:** Vacant, undeveloped acreage

**DISTRICT:** 16

**LAND LOT(S):** 498, 499, 510, 511

**PARCEL(S):** 60, 2, 1, 2

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** RA-4/Big Shanty Plantation; R-20/Single-family house; and O&I/Single-family house
- SOUTH:** SC/Enclave at Laura Creek; R-20/Wooded, undeveloped; and NS/Undeveloped
- EAST:** R-20/Single-family house, undeveloped; and RR/Wooded, undeveloped
- WEST:** O&I and OS/Office Warehouse

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

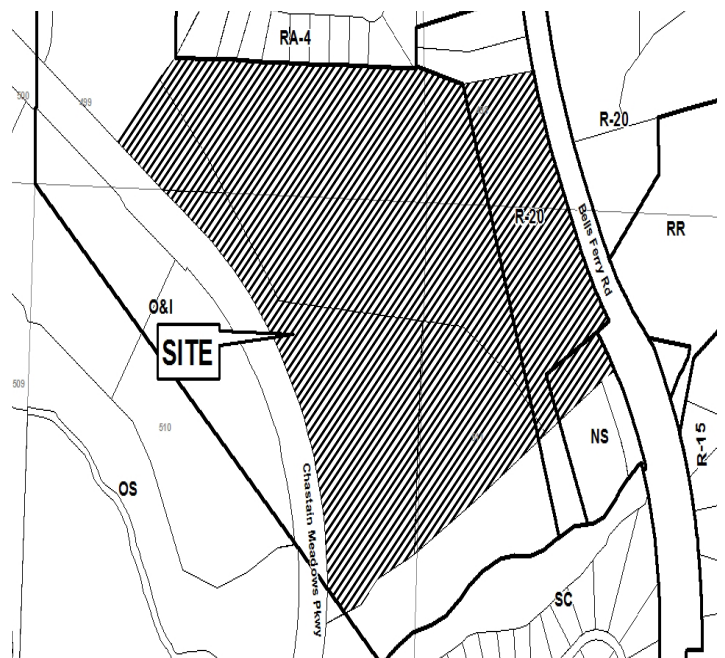
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

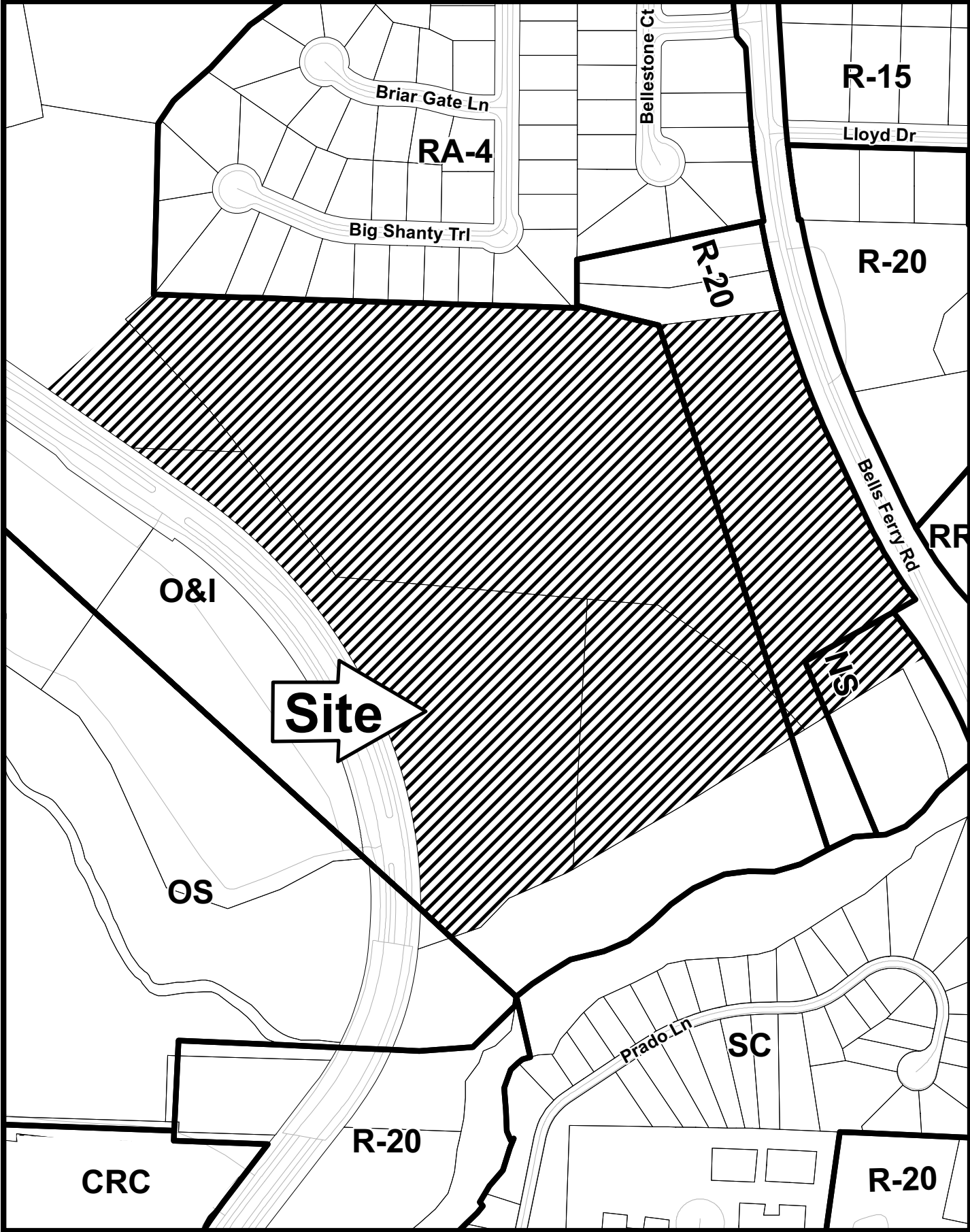
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

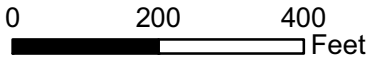
**STIPULATIONS:**



Z-20



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



City Boundary  
Zoning Boundary

**APPLICANT:** BK Properties, LP

**PETITION NO.:** Z-20

**PRESENT ZONING:** OI, NS, R-20

**PETITION FOR:** OS

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**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Medium Density Residential (2.5-5 units per acre)

**Proposed Number of Buildings:** 2 **Total Square Footage of Development:** 205,000

**F.A.R.:** 0.15 **Square Footage/Acre:** 6847

**Parking Spaces Required:** 412\* **Parking Spaces Provided:** Meets minimum requirements

\*Based on a 50/50 mix of office and warehouse-distribution.

Applicant is requesting the Office Services zoning category for the purpose of offices and warehouse-distribution. The construction of the buildings will be architecturally designed with tilt wall concrete construction similar in design to the existing buildings within the Chastain Meadows area. The hours of operation will be Monday through Friday from 7 a.m. until 6 p.m.; Saturday from 8 a.m. until 2 p.m. Hours may vary as determined by individual tenants. Proposed building 600 will be one-story with 135,000 square feet. Proposed building 700 will be one-story with 70,000 square feet.

Applicant has indicated that the proposed development will be similar in design to the other buildings in the Chastain Meadows area. In that regard, applicant is requesting to waive the requirements of the Town Center Overlay District and be allowed to develop according to the park-wide standards for the area.

**Cemetery Preservation:** No comment.

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**FIRE COMMENTS:**

NO 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: BK Properties, LP

PETITION NO.: Z-20

PRESENT ZONING: OI, NS, R-20

PETITION FOR: OS

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from OI, NS, R-20 to OS for purpose of office and warehouse distribution. The 29.94 acre site is located on the northeasterly side of Chastain Meadows Parkway, westerly side of Bells Berry Road, south of Big Shanty Road.

**Comprehensive Plan**

The parcel is within a Medium Density Residential (MDR) future land use category, with OI, NS, R-20 zoning designations. The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

**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: BK Properties, LP

PETITION NO.: Z-20

PRESENT ZONING: OI, NS, R-20

PETITION FOR: OS

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**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 BK Properties, LP

PETITION NO. Z-020

PRESENT ZONING OL, NS, R-20

PETITION FOR OS

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**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" DI / E side of Chastain Meadows Pkwy

Additional Comments:

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.

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**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= 5,400 Peak= 13,500

Treatment Plant: Noontday

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 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: BK Properties, LP

PETITION NO.: Z-20

PRESENT ZONING: OI, NS, R-20

PETITION FOR: OS

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek FLOOD HAZARD INFO: Zone A & AE

- 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: wtihin and adjacent to stream and floodplain

- 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: **25'**, 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   .  
Elevated BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhoods downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving stream.



APPLICANT: BK Properties, LP

PETITION NO.: Z-20

PRESENT ZONING: OI, NS, R-20

PETITION FOR: OS

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**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. This site is located just north of Noonday Creek between Chastain Meadows Parkway and Bells Ferry Road. The site is currently undeveloped with a mixture of open and wooded areas. Average slopes are 10% or less. The site is bounded by Noonday Creek to the south with a Tributary to Noonday traversing the parcel. Approximately 45% of the site is encumbered by floodplain.
2. Based on the proposed site plan a Letter of Map Revision will be required from FEMA to account for the floodplain and floodway modifications. A no-rise flood study and as-built cut & fill survey will be required to verify no increase in flood elevations off the site and no net fill within the floodplain.

**APPLICANT: BK Properties, LP**

**PETITION NO.: Z-20**

**PRESENT ZONING: OL, NS, R-20**

**PETITION FOR: OS**

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**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
Chastain Meadows Parkway	11,400	Arterial	45	Cobb	100'

*Based on [2013] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Chastain Meadows 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.

**RECOMMENDATIONS**

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

Recommend applicant consider entering into a development agreement pursuant to 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 west side of Chastain Meadows Parkway, a minimum of 10' from the back of curb.

Recommend taper for the southernmost Chastain Meadows Parkway access.

Recommend deceleration lane for the northernmost Chastain Meadows Parkway access.

## STAFF RECOMMENDATIONS

### **Z-20 BK PROPERTIES, LP**

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. The property is bordered by uses that include large offices, office/warehouse/distribution centers, cluster homes and a county trail. There is a Wal-Mart Super Center diagonally across Chastain Meadows Parkway.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. Chastain Meadows Parkway was developed as a non-residential connection between Chastain Road and Barrett Parkway. There are no residential uses in this section of Chastain Meadows Parkway. The road is well defined with high quality office/warehouse/and distribution uses.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Medium Density Residential (MDR) land use category for properties having a density of 2.5-5 units per acre. The MDR land use category does not support to OS zoning category. However, the character of this portion of Chastain Meadows Parkway would be consistent with the applicant's proposal.
- 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 will be consistent with the other high quality office warehouse developments in the Chastain Meadows Parkway area. Staff believes with enhanced buffering along Bells Ferry Road and adjacent to the single family homes, the proposal would fit into the area. The proposed buildings would be consistent with adjacent and nearby non-residential buildings. Most of the existing buildings along this portion of Chastain Meadows Parkway are 80,000 square feet to 95,000 square feet. The applicant's proposal is much less intense than what the property could be developed for; Staff estimates a four story office building with 520,000 square feet and 1,827 parking spaces could be built on the property, with only a 20-foot landscape buffer adjacent to the existing houses.

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

- Site plan received March 20, 2015, with the District Commissioner approving minor modifications;
- Owner/developer install and maintain a 50-foot landscape buffer adjacent to the RA-4 and R-20 zoned property, and adjacent to Bells Ferry Road;
- No outdoor storage or displays;
- No access to Bells Ferry Road;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- 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.**

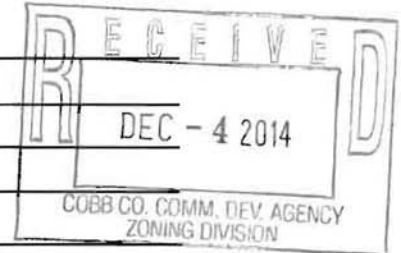


Application #: Z- 20 (2015)  
 PC Hearing Date: 02/03/2015  
 BOC Hearing Date: 02/17/2015

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): Not Applicable.  
 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): Office and warehouse distribution as allowed under the OS zoning category  
 b) Proposed building architecture: Architecturally designed tilt wall concrete construction similar in design to the existing buildings within Chastain Meadows area.  
 c) Proposed hours/days of operation: Monday-Friday - 7 a.m.-6 p.m.; Saturdays - 8 a.m.-2 p.m. Hours may vary as determined by individual tenants.  
 d) List all requested variances: This project lies within the Town Center Overlay District, and the master planned, parkwide signage, landscaping, and hardscaping, street, and site lights do not conform with the Overlay standards. Applicant requests that current parkwide standards be allowed for this development.

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

Applicant will be providing a flood plain study with the Application for Rezoning to allow for manipulation of the flood plain through flood plain compensation. This report will be submitted to Cobb County for consideration and approval by mid-December 2014.

.....  
**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). None known at this time.

.....  
**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).**

MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature: BY: J. Kevin Moore Date: December 4, 2014

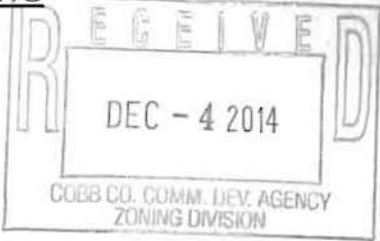
J. Kevin Moore; Georgia Bar No. 519728

Applicant name (printed): Attorneys for Applicant and Property Owner

**\*Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any part of the Application for Rezoning, at any time during the rezoning process.**

**ATTACHMENT TO APPLICATION FOR REZONING**

**IMPACT ANALYSIS STATEMENT**



**Application No.:** Z-20 (2012)  
**Hearing Dates:** February 7, 2012 and February 21, 2012

**Applicant/Titleholder:** BK Properties, LP

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

- (a) This Application for Rezoning requests rezoning of an approximately 29.94 acre tract from the existing zoning categories of Office Institutional (“OI”), Neighborhood Shopping (“NS”), and R-20 to the proposed zoning category of Office/Service for the purpose of office and warehouse distribution development. The requested category of OS will permit a use that is more suitable in view of the use and development of adjacent and nearby properties. The property is located on the northeasterly side of Chastain Meadows Parkway and the westerly side of Bells Ferry Road, southerly of Big Shanty Road (hereinafter the “Property” or the “Subject Property”), and is located in close proximity to two major interstates—Interstate 75 and Interstate 575. Portions of the Property are currently zoned to the OI and NS zoning classifications. To utilize the Property to its highest and best potential, rezoning to the OS zoning classification is required. The Property is also located on the fringe of a Regional Activity Center, which is only one of two such areas within Cobb County. A large number of properties surrounding the Subject Property are utilized for retail, office, and large commercial purposes. Thus, the proposed zoning classification and use of the Subject Property would be compatible to surrounding properties and the area as a whole.
- (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, which are zoned to some office, retail, or commercial classification. If approved and developed according to the request, the adjacent and nearby property owners should benefit in higher land values. Cobb County will benefit in increased tax revenue.
- (c) The property as zoned does not have a reasonable economic use since portions are rezoned to .
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Development, as proposed, has no effect on schools, and minimal effect on utilities and transportation facilities.

- (e) The zoning proposal is not in conformity with the Land Use Map of Cobb County, Georgia.
- (f) This zoning proposal is consistent with the current conditions affecting the development of this property. Improvements to the area roadways have been made to ease traffic flow in order to accommodate the office and warehouse growth.