

**JUNE 19, 2018 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1**

ITEM OB-025

PURPOSE

To consider a site plan approval for GM Acworth, LLC regarding rezoning application Z-5 of 2010 for property located on the East side of Acworth-Dallas Road, the south side of Cedarcrest Road, and on the west side of North Cobb Parkway in Land Lot 40 of the 20th District.

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 and a bank, which are not going to be developed. The applicant would like to develop a Dunkin Donuts restaurant and an 8,165-square foot retail & restaurant building. If approved all other zoning stipulations would remain in effect.

STAFF COMMENTS

Cobb DOT: 1) 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 south side of Cedarcrest Road, a minimum of 10' from the back of curb; 2) 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 east side of Acworth Dallas Road, a minimum of 10' from the back of curb; 3) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements; and 4) GDOT permits will be required for all work that encroaches upon State right-of-way.

(Continued on the next page)

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PAGE 2**

ITEM OB-025 (continued)

Stormwater Management: Address Stormwater Management plan review comments.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application, proposed site plan and zoning stipulations.

Application for "Other Business"

03-25

Cobb County, Georgia

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

BOC Hearing Date Requested: 6/19/18

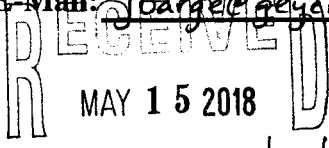
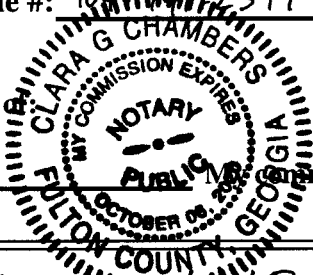
Applicant: GM ACWORTH, LLC (applicant's name printed) Phone #: 404-941-2374

Address: 3060 PEACHTREE ROAD NW SUITE 1050 E-Mail: jbarge@geyermorris.com

JONATHAN BARGE Address: 3060 PEACHTREE RD NW SUITE 1050 ATL, GA 30305
(representative's name, printed)

[Signature] Phone #: 404-941-2374 E-Mail: jbarge@geyermorris.com
(representative's signature)

Signed, sealed and delivered in presence of [Signature]
Notary Public [Signature] My commission expires: 10/6/20

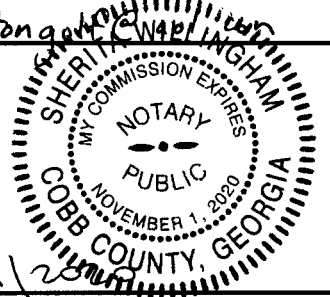


Titleholder(s): LITTLE HARBOUR LLP (property owner's name printed) Phone #: 678-439-3029

Address: 4200 GOVERNORS TOWNE DRIVE Suite 100 Acworth, Ga 30101 E-Mail: KHortong@acworthga.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of: [Signature]
Notary Public My commission expires: 11/1/20



Commission District: 1 Zoning Case: Z-5

Size of property in acres: ~~05.82~~ 1.75 Original Date of Hearing: 2/16/2010

Location: SW CORNER US-41 & CEDARCREST ROAD
(street address, if applicable; nearest intersection, etc.)

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

State specifically the need or reason(s) for Other Business: APPROVE FINAL SITE PLAN FOR RESTAURANT/RETAIL BUILDINGS ON PART OF THIS PARCEL.

(List or attach additional information if needed)

2102-25-2B
 pending
 void

DATE: 03/02/18

PROJECT NUMBER: 17001GMC

SHEET NUMBER: 3

SITE TITLE: CEDARCREST RESTAURANT & SHOPS

PROJECT NAME: GEYER MORRIS COMPANY

FOR: SITE DEVELOPMENT PLANS

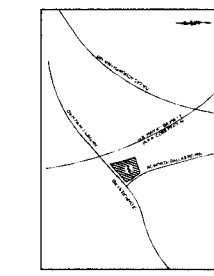
CEDARCREST ROAD, APOWORTH, GA 30719

05/07/18

CARTER ENGINEERING CONSULTANTS

REVISION BLOCK

REVISIONS: 1. DATE: 05/07/18
 2. BY: [Signature]
 3. DESCRIPTION: [Text]



LOCATION MAP
 SCALE 1/4"

SUBJECT MATTER:
 PROJECT NAME: CEDARCREST RESTAURANT & SHOPS
 PROJECT ADDRESS: CEDARCREST ROAD, APOWORTH, GA 30719
 PROJECT OWNER: GEYER MORRIS COMPANY
 PROJECT ARCHITECT: [Name]
 PROJECT ENGINEER: [Name]

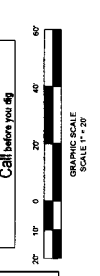
UNDERGROUND UTILITIES DISCLAIMER:
 THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE PROJECT SITE AND HAS IDENTIFIED ANY ABOVE-GROUND UTILITIES. THE ENGINEER HAS NOT CONDUCTED ANY SUBSURFACE INVESTIGATIONS TO DETERMINE THE LOCATION, DEPTH, OR TYPE OF ANY UNDERGROUND UTILITIES. THE ENGINEER IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR INTERFERENCE WITH ANY UNDERGROUND UTILITIES CAUSED BY THE CONSTRUCTION OR OPERATION OF THE PROJECT.

RELIEFS:
 TOTAL IMPROVED COVERAGE: 40%
 TOTAL PAVED AREA: 1,165 SF
 TOTAL ASPHALT PAVED AREA: 1,165 SF
 TOTAL CONCRETE PAVED AREA: 0 SF
 TOTAL CURB & GUTTER: 1,165 SF
 TOTAL SIDEWALK: 0 SF

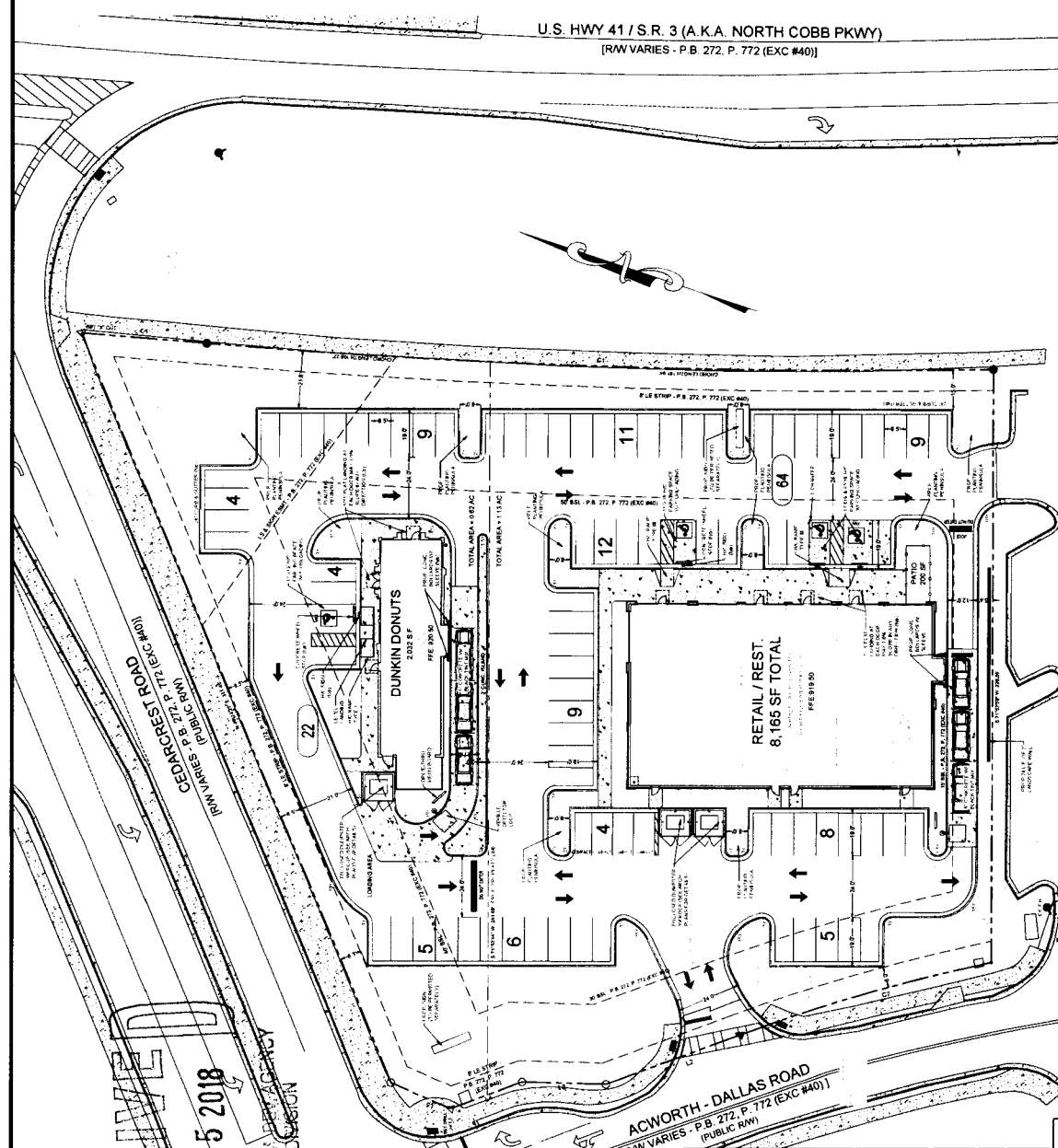
ASPHALT:
 TOTAL ASPHALT PAVED AREA: 1,165 SF
 TOTAL ASPHALT PAVED AREA: 1,165 SF
 TOTAL ASPHALT PAVED AREA: 1,165 SF

CONCRETE:
 TOTAL CONCRETE PAVED AREA: 0 SF
 TOTAL CONCRETE PAVED AREA: 0 SF
 TOTAL CONCRETE PAVED AREA: 0 SF

GEORGIA 811
 Know what's below
 Call before you dig



GRAPHIC SCALE
 SCALE 1" = 20'



THE COBB COUNTY ENGINEERING DEPARTMENT HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE COBB COUNTY ZONING ORDINANCES. HOWEVER, THE ENGINEER HAS NOT CONDUCTED ANY SUBSURFACE INVESTIGATIONS TO DETERMINE THE LOCATION, DEPTH, OR TYPE OF ANY UNDERGROUND UTILITIES. THE ENGINEER IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR INTERFERENCE WITH ANY UNDERGROUND UTILITIES CAUSED BY THE CONSTRUCTION OR OPERATION OF THE PROJECT.

LINE	BEARING	DISTANCE
L1	N 18° 18' 00" W	54.43
L2	N 18° 24' 45" W	32.07
L3	N 18° 24' 45" W	29.17
L4	N 05° 27' 32" E	24.89
L5	N 05° 27' 32" E	24.89

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	704.93	99.54	S 18° 19' 01" E	300.27
C2	704.93	99.54	N 34° 15' 52" W	99.46

NOTICE: THE PROPERTY SHOWN HEREON (LINES, CURVES, ETC.) WITHIN ANY "FLOOD PLAIN" ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) (COMMUNITY #19002) IS UNDESIRABLE.

RECEIVED
 MAY 15 2018
 COBB CO. COMMUNITY DEVELOPMENT
 ZONING DEPARTMENT

USE AND MAINTENANCE OF THIS PLAN:
 THIS PLAN IS THE PROPERTY OF THE ENGINEER AND IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. THE ENGINEER IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR INTERFERENCE WITH ANY UNDERGROUND UTILITIES CAUSED BY THE CONSTRUCTION OR OPERATION OF THE PROJECT.

ALL ACCESS ROADS SHALL MEET THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION BUILDING OFFICIALS (AASHTO) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, LATEST EDITION.

THE COBB COUNTY ENGINEERING DEPARTMENT HAS REVIEWED THIS PLAN AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE COBB COUNTY ZONING ORDINANCES.

NO PERMITS SHALL BE OBTAINED FROM ANY AGENCY WITHOUT THE APPROVAL OF THE ENGINEER.

THE ENGINEER HAS NOT CONDUCTED ANY SUBSURFACE INVESTIGATIONS TO DETERMINE THE LOCATION, DEPTH, OR TYPE OF ANY UNDERGROUND UTILITIES.

THE ENGINEER IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR INTERFERENCE WITH ANY UNDERGROUND UTILITIES CAUSED BY THE CONSTRUCTION OR OPERATION OF THE PROJECT.

THE ENGINEER HAS NOT CONDUCTED ANY SUBSURFACE INVESTIGATIONS TO DETERMINE THE LOCATION, DEPTH, OR TYPE OF ANY UNDERGROUND UTILITIES.

THE ENGINEER IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR INTERFERENCE WITH ANY UNDERGROUND UTILITIES CAUSED BY THE CONSTRUCTION OR OPERATION OF THE PROJECT.

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 20, 2010
PAGE 2

REQUEST FOR WITHDRAWAL:

LUP-8 **TERRANCE H. SHEEHAN** (Global Business Enterprises, LLC, owner) requesting a **Land Use Permit** for the purpose of Child Counseling in Land Lot 484 of the 16th District. Located at the southeasterly intersection of Ebenezer Road and Beaver Shop Road (3020 Ebenezer Road).

Mr. Mark Danneman stated Applicant's request for withdrawal without prejudice. There was no opposition to this request. Therefore, the following motion was made:

MOTION: Motion by Thompson, second by Goreham, to **allow** Land Use Permit application LUP-8 to be **Withdrawn Without Prejudice**.

VOTE: **ADOPTED 3 0**

CONSENT AGENDA:

Z-5 **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.

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)**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 20, 2010
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CONSENT AGENDA (Continued)

Z-5 GOVENORS TOWNE SQUARE, LLC (Continued)

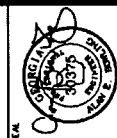
- **no Certificates of Occupancy to be issued on either parcel until Acworth Dallas Road meets current Cobb County Development Standards**
- **architectural features to be traditional one-story brick or stucco, with elevations approved by the District Commissioner**
- **dumpsters/trash facilities to 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

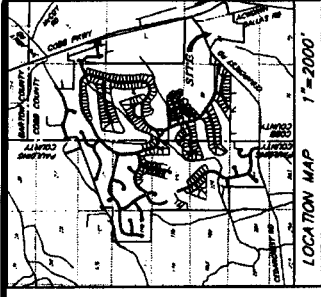
Gaskins

GOVERNORS TOWNE SQUARE

LAND LOT 40, 204TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA



PROJECT TO	FIELD BOOK
DRAWN BY	GD/AM
CHECKED BY	
SCALE	1"=40'
DATE	12-01-09
SHEET NUMBER	1

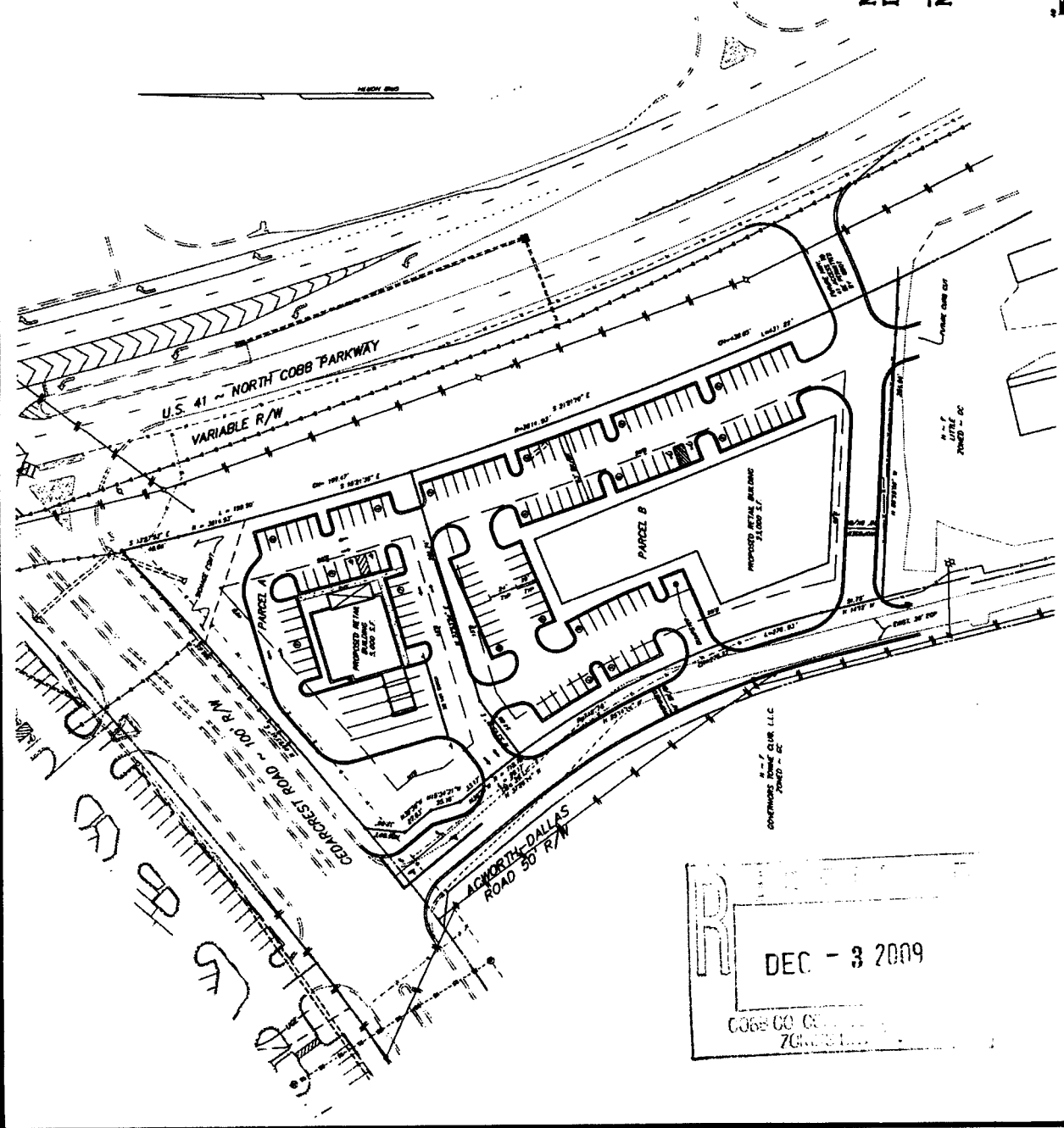


SITE SUMMARY	
TOTAL SITE AREA:	3.22 AC
TRACT A:	1.17 AC
TRACT B:	2.05 AC
EXISTING ZONING:	GC
PROPOSED ZONING:	NRC
BUILDING SETBACKS:	50' FRONT 30' REAR 15' SIDE (MINOR) 25' SIDE (MAJOR)
PARKING DATA - PARCEL A:	
BUILDING SQUARE FOOTAGE:	5,000
REQUIRED (1/250 BUILDING S.F.):	20
PARKING SHOWN:	27
(INCLUDING 2 HANDICAP)	
PARKING DATA - PARCEL B:	
BUILDING SQUARE FOOTAGE:	23,000
REQUIRED (1/250 BUILDING S.F.):	92
PARKING SHOWN:	93
(INCLUDING 2 HANDICAP)	

- NOTES**
1. THERE ARE NO LABELS, STRIPS, OR BELTINGS ON THIS SITE.
 2. THERE IS NO TRAFFIC FLOOD PLANNING ON THIS SITE.
 3. THERE IS NO CONSTRUCTION, REDEVELOPMENT, OR CONCRETE.
 4. THERE IS NO CONSTRUCTION, REDEVELOPMENT, OR CONCRETE.
 5. THERE IS NO CONSTRUCTION, REDEVELOPMENT, OR CONCRETE.
 6. THERE IS NO CONSTRUCTION, REDEVELOPMENT, OR CONCRETE.
 7. THERE IS NO CONSTRUCTION, REDEVELOPMENT, OR CONCRETE.
 8. THERE IS NO CONSTRUCTION, REDEVELOPMENT, OR CONCRETE.

Min. Bk. 100 Petition No. 2-5
Doc. Type Site Plan
Meeting Date 4/20/10

DATE	12-01-09
SCALE	1"=40'
DATE	12-01-09
SCALE	1"=40'



DEC - 3 2009
COBB COUNTY
700...



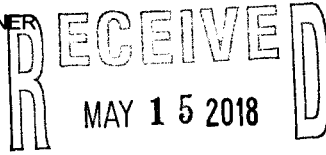
Printed: 5/14/2018

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON
CHELLY MCDUFFIE
Phone:
Fax:

TAX COMMISSIONER
CHIEF DEPUTY
770-528-8600
770-528-8679



Payer:
WEINBERG SERVICING LLC

LITTLE HARBOUR LLLP

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Payment Date: 10/3/2017

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2017	20004000420	10/15/2017	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$11,821.88	\$0.00



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