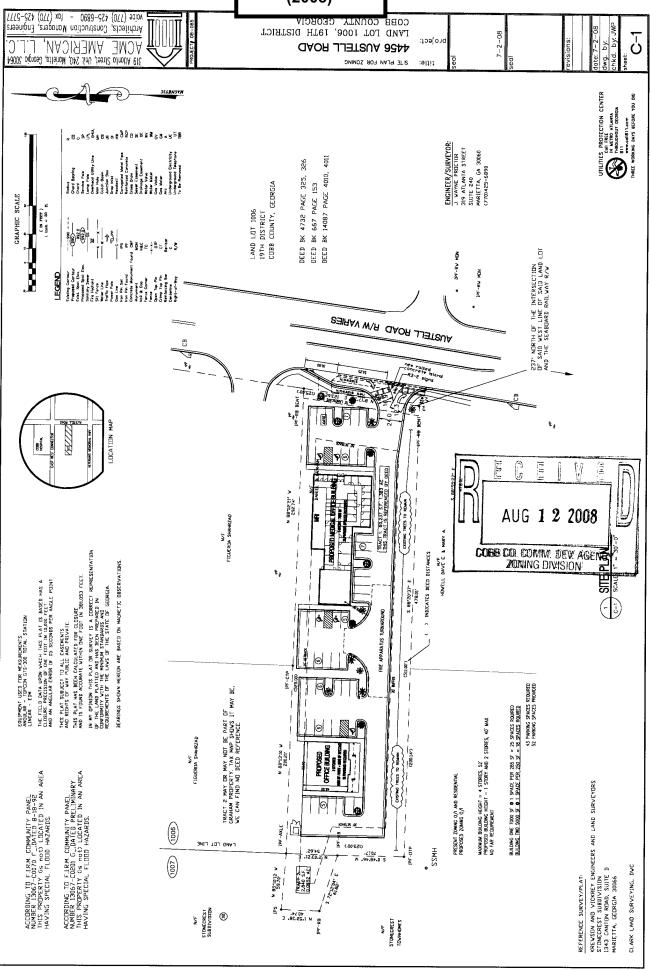
Z-42 (2008)



PETITION NO:	2 12
HEARING DATE (PC).	09-03-08
PROPOSED ZONING:	OI
·	
PROPOSED USE: M	edical Offices
SIZE OF TRACT:	1.44 acres
DISTRICT:	19
LAND LOT(S):	1006, 1007
PARCEL(S):	34
TAXES: PAID X D	UE
COMMISSION DISTRICT	:_4
	PROPOSED ZONING: PROPOSED USE: M SIZE OF TRACT: DISTRICT: LAND LOT(S): PARCEL(S): TAXES: PAID X DI

OPPOSITION: NO. OPPOSED___PETITION NO:___SPOKESMAN ____

PLANNING COMMISSION RECOMMENDATION

OI/ Single-family house

FST-10/ Stonecrest Townhouses

APPROVED____MOTION BY____

EAST:

WEST:

REJECTED____SECONDED____

HELD____CARRIED____

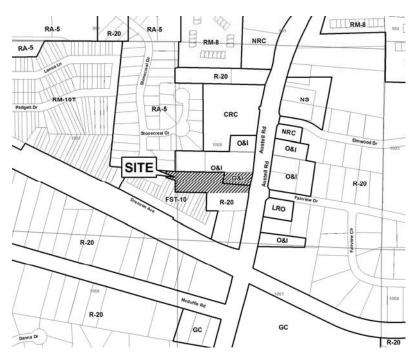
BOARD OF COMMISSIONERS DECISION

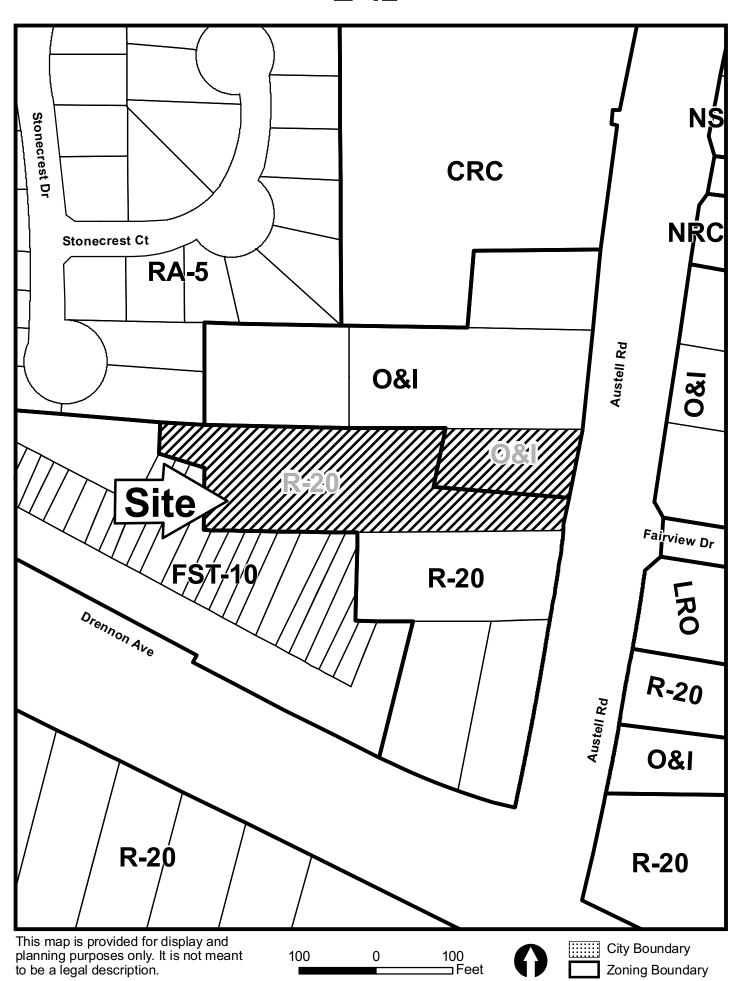
APPROVED____MOTION BY____

REJECTED____SECONDED____

HELD____CARRIED____

STIPULATIONS:





APPLICANT: Northwest	Neurology, P.C.	PETITION NO.:	Z-42
PRESENT ZONING: F	R-20, OI	PETITION FOR:	OI
**********	*******	* * * * * * * * * * * *	*****
PLANNING COMMENTS:	Staff Member Responsible:	John P. Pederson,	AICP
Land Use Plan Recommendate	ion: Community Activity Cen	ter	
Proposed Number of Building	s: 2 Total Square Footag	ge of Development:_	12,000
F.A.R.: <u>0.19</u> Square Fo	ootage/Acre: 8,333		
Parking Spaces Required:	43 Parking Spaces Prov	vided: 47	
existing house would be demolisment would be two-stories in height. It stone exteriors. The applicant has a letter of agreeable stipulations. Historic Preservation: After archaeology surveys and Civil	OI zoning district to develop two so shed. The front building would be of Both buildings would have tradition as submitted a Zoning Impact Anal which is attached as Exhibit "B". er consulting various county his War trench location maps, staff by this application. No further co	one-story in height an nal building architect ysis which is attached storic resources sur- finds that no know	nd the rear building ure with brick and d as Exhibit "A", and veys, historic maps, n significant historic
Cemetery Preservation: No c	omment.		
* * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *	*****	* * * * * * * *
FIRE COMMENTS:			
Fire Hydrant			

Commercial: Fire hydrant within 500 feet of most remote part of structure.

PRESENT ZONING R-20, OI **PETITION FOR** OI NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer. WATER COMMENTS: Yes No Available at Development? Fire Flow Test Required? Yes \square No Size / Location of Existing Water Main(s) <u>12' DI / W side Austell Rd</u> Additional Comments: Master meter to be at entrance 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:** ✓ Yes \square No In Drainage Basin? □ Yes At Development? ✓ No Approximate Distance to Nearest Sewer: 90' S of W end of property Estimated Waste Generation (in G.P.D.): **Peak** 3750 **ADF** 1500 Treatment Plant: S Cobb ✓ Yes \square No Plant Capacity Available? **~** \square No Line Capacity Available? Yes Projected Plant Availability: 0 - 5 year \Box 5 - 10 years \Box over 10 years Yes ✓ No Dry Sewers Required? * If off-site easements are required, Developer must Yes* Off-site Easements Required? \square No submit easements to CCWS for review / approval as to Flow Test Required? Yes ✓ No form and stipulations prior to the execution of easement(s) Septic Tank Recommended by this Department? Yes ✓ No by the property owner(s). All easement acquisitions are the Subject to Health Department Approval? Yes ✓ No. responsiblity of the Developer. Additional Comments: Sewer connection and its easement to be public so that sewer access available to adjacent properties also

PETITION NO. Z-042

APPLICANT Northwest Neurology, PC

Notes FYI:

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: Northwest Neurology,	PETITION NO.: <u>Z-42</u>
PRESENT ZONING: <u>R-20, OI</u>	PETITION FOR: OI
*******	***********
DRAINAGE COMMENTS	
FLOOD HAZARD: YES NO	☐ POSSIBLY, NOT VERIFIED
<u> </u>	ain Flood.
WETLANDS: ☐ YES ☐ NO ☐	POSSIBLY, NOT VERIFIED
Location:	
☐ The Owner/Developer is responsible of Engineer.	for obtaining any required wetland permits from the U.S. Army Corps
STREAMBANK BUFFER ZONE:	YES NO POSSIBLY, NOT VERIFIED
buffer each side of waterway). Chattahoochee River Corridor Tributa Georgia Erosion-Sediment Control La Georgia DNR Variance may be require	(within 2000' of Chattahoochee River) ARC (review 35' undisturbed ary Area - County review (undisturbed buffer each side). aw and County Ordinance - County Review/State Review. red to work in 25 foot streambank buffers. 00' or 200' each side of creek channel.
DOWNSTREAM CONDITION	
Stormwater discharges must be cont drainage system.Minimize runoff into public roads.	ns exist for developments downstream from this site. trolled not to exceed the capacity available in the downstream storm
 ☐ Developer must secure any R.O.W re ☑ Existing Lake Downstream – Spicew Additional BMP's for erosion sediment 	
Project engineer must evaluate the in	ment levels. tablished residential neighborhood downstream. npact of increased volume of runoff generated by the proposed project nes detention pond and Spicewood Townhomes lake.

APPLICANT: Northwest Neurology, PC	PETITION NO.: <u>Z-42</u>
PRESENT ZONING: <u>R-20, OI</u>	PETITION FOR: OI
**********	******
DRAINAGE COMMENTS CONTINUED	
SPECIAL SITE CONDITIONS	
 □ Provide comprehensive hydrology/stormwater controls to Submit all proposed site improvements to Plan Review. □ Any spring activity uncovered must be addressed by a q □ Structural fill must be placed under the direction engineer (PE). □ Existing facility. □ Project must comply with the Water Quality requirement Water Quality Ordinance. □ Water Quality/Quantity contributions of the existing 1 conditions into proposed project. □ Calculate and provide % impervious of project site. □ Revisit design; reduce pavement area to reduce runoff and 	ualified geotechnical engineer (PE). on of a qualified registered Georgia geotechnical ents of the CWA-NPDES-NPS Permit and County lake/pond on site must be continued as baseline
INSUFFICIENT INFORMATION	
 No Stormwater controls shown Copy of survey is not current − Additional comments may exposed. No site improvements showing on exhibit. 	ay be forthcoming when current site conditions are
ADDITIONAL COMMENTS	

1. As indicated in the Downstream Conditions Comments, downstream routings will be required at Plan Review to evaluate the hydrologic impact of this development on the existing Stonecrest Townhomes detention pond and Spicewood Townhomes Lake. A pre- and post-development sediment survey will be required for the lake as well.

APPLICANT: Northwest Neurology, P.C.	PETITION NO.: <u>Z-42</u>
PRESENT ZONING: <u>R-20, OI</u>	PETITION FOR: OI
*******	*******
TD ANCHODE ATION COMMENTS	7

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
Austell Road	39900	Arterial	45 mph	GDOT	110'

Based on 2007 traffic counting data taken by GDOT.

COMMENTS AND OBSERVATIONS

Austell Road is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Change the plan to have buildings along the northern property line and the driveway and parking along the southern property line.

Right-in/right-out driveway should be constructed with a raised concrete island.

Provide inter-parcel access to the lot immediately south of the development.

GDOT permits will be required.

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 west side of Austell Road, a minimum of 55' from the roadway centerline.

Recommend changing site plan to have the buildings along the northern property line and the driveway and parking along the southern property line.

Recommend a right-in/right-out driveway with a raised concrete island.

Recommend providing inter-parcel access to the lot along the southern property line.

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.

STAFF RECOMMENDATIONS

Z-42 NORTHWEST NEUROLOGY, P.C.

- 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. The area contains a variety of commercial properties that include retail, office and restaurant 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 applicant's proposal would be consistent with other commercial properties in the area. Additionally, the applicant's proposal would replace an unaesthetic house with an architecturally pleasing new office development.
- 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 a Community Activity Center.
- 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 is in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal would be compatible with and consistent to other commercially zoned properties in the area. The applicant's proposal would replace a distressed house with new office buildings, which is a very good precedent for Austell Road.

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

- Site plan received by the Zoning Division August 12, 2008, with the District Commissioner approving minor modifications;
- Letter of agreeable stipulations dated August 12, 2008 (not in conflict with Staff comments);
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT 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.

Z-42/2008 Exhibit "A" Zoning Impact Statement Page 1 of 2

ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION OF NORTHWEST NEUROLOGY, P.C.

COMES NOW, NORTHWEST NEUROLOGY, P.C., 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 Austell Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties, the preponderance of which are commercial developments.
- 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. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present zoning classification of R-20.
- 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.

SAMS, LARKIN & HUFF A LIMITED LIABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA, GA 30064 770.422.7016

- E. The zoning proposal is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being within a Community Activity Center (CAC).
- F. There is no substantial relationship between the existing zoning classification of R-20 which limits 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 section of the Austell Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 3rd day of July, 2008.

SAMS, LARKIN & HUFF, LLP

By:

GARVIS L. SAMS, JR. Attorney for Applicant

Ga. Bar No. 623950

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A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
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MARIETTA, GA 30064
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Z-42/2008 Exhibit "B" Letter of Stipulations Page 1 of 5

SAMS, LARKIN & HUFF

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770.422.7016 TELEPHONE 770.426.6583 FACSIMILE

SAMSLARKINHUFF.COM

August 12, 2008

1 2 2008

CO. COMM. DEV. AGI ZONING DIVISION

VIA E-MAIL and HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III Cobb County Zoning Department Suite 300 191 Lawrence Street Marietta, Georgia 30060-1661

Re: Application of Northwest Neurology, P.C., to Rezone a 1.44 Acre Tract from R-20 & O&I to O&I (No. Z-42)

Dear John:

You will recall that this firm has been engaged by and represents Northwest Neurology, P.C., concerning the above-captioned Application for Rezoning. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on September 3, 2008 and, thereafter, is scheduled for consideration and final action by the Cobb County Board of Commissioners on September 16, 2008.

Consistent with our discussions with the County's professional staff, enclosed please find the requisite number of copies of a revised site plan. Also enclosed is an elevation/rendering depicting the architectural style and composition of the medical office buildings to be constructed on the subject property. The balance of this letter will serve as my client's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.

Z-42/2008 Exhibit "B" Letter of Stipulations Page 2 of 5

SAMS, LARKIN & HUFF

VIA E-MAIL and HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III Cobb County Zoning Department Page 2 August 12, 2008

- 2. Rezoning of the subject property shall be from Office & Institutional (O&I) and R-20 to O&I in substantial conformity to that certain revised site plan prepared by Acme American, LLC which is being submitted contemporaneously herewith.
- 3. The total site area of the subject property consists of 1.44 acres which shall be developed for medical and professional offices consisting of one (1) one-story building containing a total of 7,000 square feet and one (1) two-story building containing a total of 5,000 square feet.¹
- 4. The architectural style, composition and treatment of the buildings shall be consistent with the rendering/elevation being submitted contemporaneously herewith. The composition of the buildings shall consist of a mixture of brick and stone and related materials on all four (4) sides.
- 5. Signage shall be ground based, monument style signage with the finish, materials and colors being in substantial conformity to the architectural style and composition of the buildings as aforementioned.
- 6. Compliance with recommendations from the Cobb County Department of Transportation, including the following:
 - a. The installation of a deceleration lane with an appropriate taper at the point of ingress/ egress on Austell Road.
 - b. The point of ingress/egress will be right-in/right-out only.
 - c. The voluntary donation and conveyance of right-of-way so that the County can achieve 55' from the centerline of Austell Road which is an arterial right-of-way.

¹ The subject property is located within the confines of a Community Activity Center ("CAC") as depicted on Cobb County's Future Land Use Map.

SAMS, LARKIN & HUFF

VIA E-MAIL and HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III Cobb County Zoning Department Page 3 August 12, 2008

- d. Any encroachments into Austell Road will require approval from the Georgia Department of Transportation and a GDOT permit.
- 7. The submission of a landscape plan during the Plan Review process subject to review and approval by the Community Development Department. Additionally, the applicant agrees to the following:
 - a. All dumpsters shall be enclosed on at least three (3) sides consistent with the architectural style and composition as aforementioned. Said dumpsters shall be located in areas which are as unobtrusive as possible.
 - b. All detention/water quality areas shall be attractively landscaped.
 - c. All HVAC equipment shall be substantially screened from adjacent businesses, residences or rights-of-way
- 8. Parking area lighting shall be environmentally sensitive, low-level, luminaries fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.
- 9. Security lighting on the building shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.
- 10. Compliance with the following recommendations from the Stormwater Management Division with respect to hydrology, detention and down-stream considerations:
 - a. Ensuring that down-stream stormwater capacity exists and is sufficient to handle stormwater from the subject property.
 - b. Following recommendations with respect to the location, configuration and methodology of on-site detention and water quality.
- 11. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.

Z-42/2008 Exhibit "B" Letter of Stipulations Page 4 of 5

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VIA E-MAIL and HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III Cobb County Zoning Department Page 4 August 12, 2008

- 12. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
- 13. The District Commissioner shall retain the latitude to review and approve modifications to the site plan, landscape plan, architecture and these stipulations/ conditions during the Plan Review process.

Please do not hesitate to call should you require any additional documentation or information prior to the formulation of your Zoning Analysis and staff recommendations. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Ir

gsams@samslarkinhuff.com

GLSjr/jbmc

Enclosures

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosures Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail – w/enclosures

Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail – w/attachments

Mr. Mark A. Danneman, Manager – VIA Hand Delivery – w/enclosures

 $Mr.\ John\ M.\ Morey,\ P.E.-VIA\ E-Mail\ and\ First\ Class\ Mail-w/enclosures$

 $Ms.\ Jane\ Stricklin-VIA\ E\text{-Mail}\ w/attachments$

 $Mr. \ Tim \ McKay - VIA \ E\text{-Mail} \ w/attachments$

Mr. David W. Breaden, P.E., - VIA E-Mail – w/attachments

Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosures

Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery – w/enclosures

Ms. Clarice Barber-Page, SWAN – VIA E-Mail – w/attachments

Northwest Georgia Neurology - VIA E-Mail - w/attachments

Z-42/2008 Exhibit "B" Letter of Stipulations Page 5 of 5

