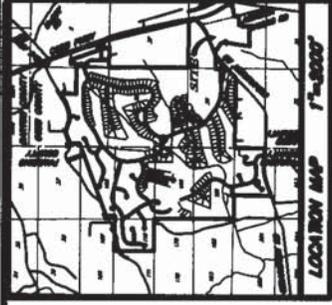


REV.	DATE	DESCRIPTION

SHEET TITLE
**PHASE 2
ZONING PLAN**



PROJECTED FIELD BOOK	GL04
DRAWN BY	ABE
CHECKED BY	ABE
SCALE	1"=40'
ISSUE DATE	9/1/10
SHEET NUMBER	1 of 2

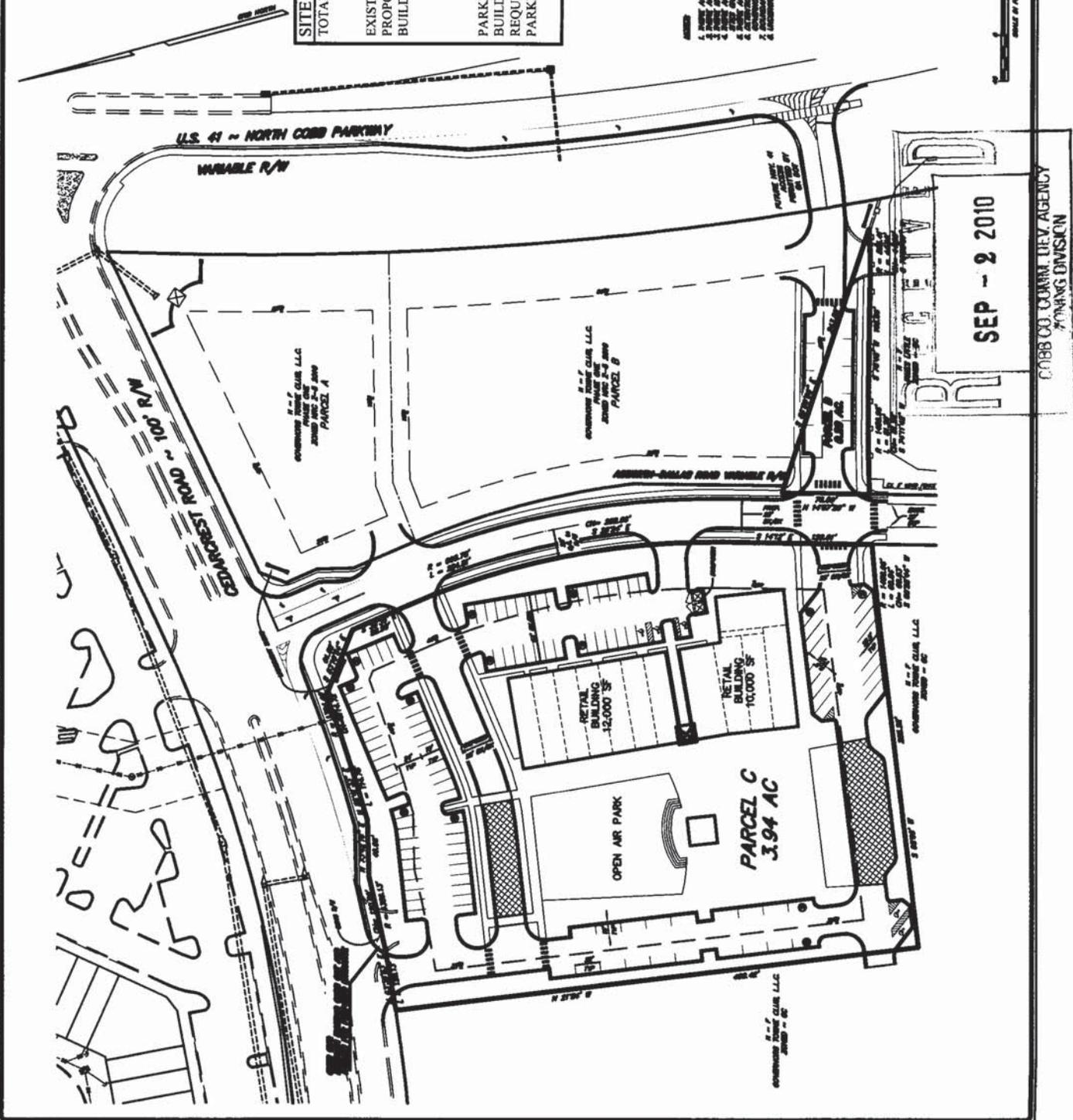


SITE SUMMARY

TOTAL SITE AREA: 4.14 AC
 TRACT C: 3.94 AC
 TRACT B: 0.20 AC
 EXISTING ZONING: GC
 PROPOSED ZONING: NRC
 BUILDING SETBACKS: 40' FRONT, 30' REAR, 15' SIDE (MINOR), 25' SIDE (MAJOR)

PARKING DATA - PARCEL C:
 BUILDING SQUARE FOOTAGE: 22,000
 REQUIRED (1/250 BUILDING S.F.): 88
 PARKING SHOWN: 119
 (INCLUDING 5 HANDICAP)

1. THESE ARE THE LARGEST DIMENSIONS OF BUILDINGS ON THIS SITE.
2. THERE ARE NO OTHER UTILITY BUILDINGS ON THIS SITE.
3. THERE ARE NO EXISTING BUILDINGS ON THIS SITE.
4. THERE ARE NO EXISTING DRIVEWAYS, SIDEWALKS, OR PARKING ON THIS SITE.
5. THERE ARE NO EXISTING DRIVEWAYS ON THIS SITE.
6. ALL UTILITIES WILL BE MAINTAINED IN PLACE TO THE WEST OF PARCELS A OR B.
7. ALL UTILITIES WILL BE MAINTAINED IN PLACE TO THE WEST OF PARCELS A OR B.
8. ALL UTILITIES WILL BE MAINTAINED IN PLACE TO THE WEST OF PARCELS A OR B.
9. ALL UTILITIES WILL BE MAINTAINED IN PLACE TO THE WEST OF PARCELS A OR B.
10. ALL UTILITIES WILL BE MAINTAINED IN PLACE TO THE WEST OF PARCELS A OR B.



SEP - 2 2010

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

APPLICANT: Governors Towne Square, LLC
678-439-3029

REPRESENTATIVE: Kenneth Horton
770-480-3990

TITLEHOLDER: Governors Towne Square, LLC, James H. Little
and Betty P. Little

PROPERTY LOCATION: Located at the southwest intersection of
Cedarcrest Road and Acworth Dallas Road; on the west side of Cobb
Parkway; and on the east side of Acworth Dallas Road, south of
Cedarcrest Road.

ACCESS TO PROPERTY: Cedarcrest Road, Acworth Dallas
Road and Cobb Parkway

PHYSICAL CHARACTERISTICS TO SITE: Vacant property

PETITION NO: Z-37

HEARING DATE (PC): 11-02-10

HEARING DATE (BOC): 11-16-10

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Retail And Restaurants

SIZE OF TRACT: 4.14 acres

DISTRICT: 20

LAND LOT(S): 40

PARCEL(S): 1, 2

TAXES: PAID **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NRC/Publix Shopping Center & Wachovia
- SOUTH:** R-30 & GC/Vacant property and Yesteryear Flea Market
- EAST:** NRC/RiteAid, Bank of America, America's Service Station
- WEST:** GC/Vacant lot

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

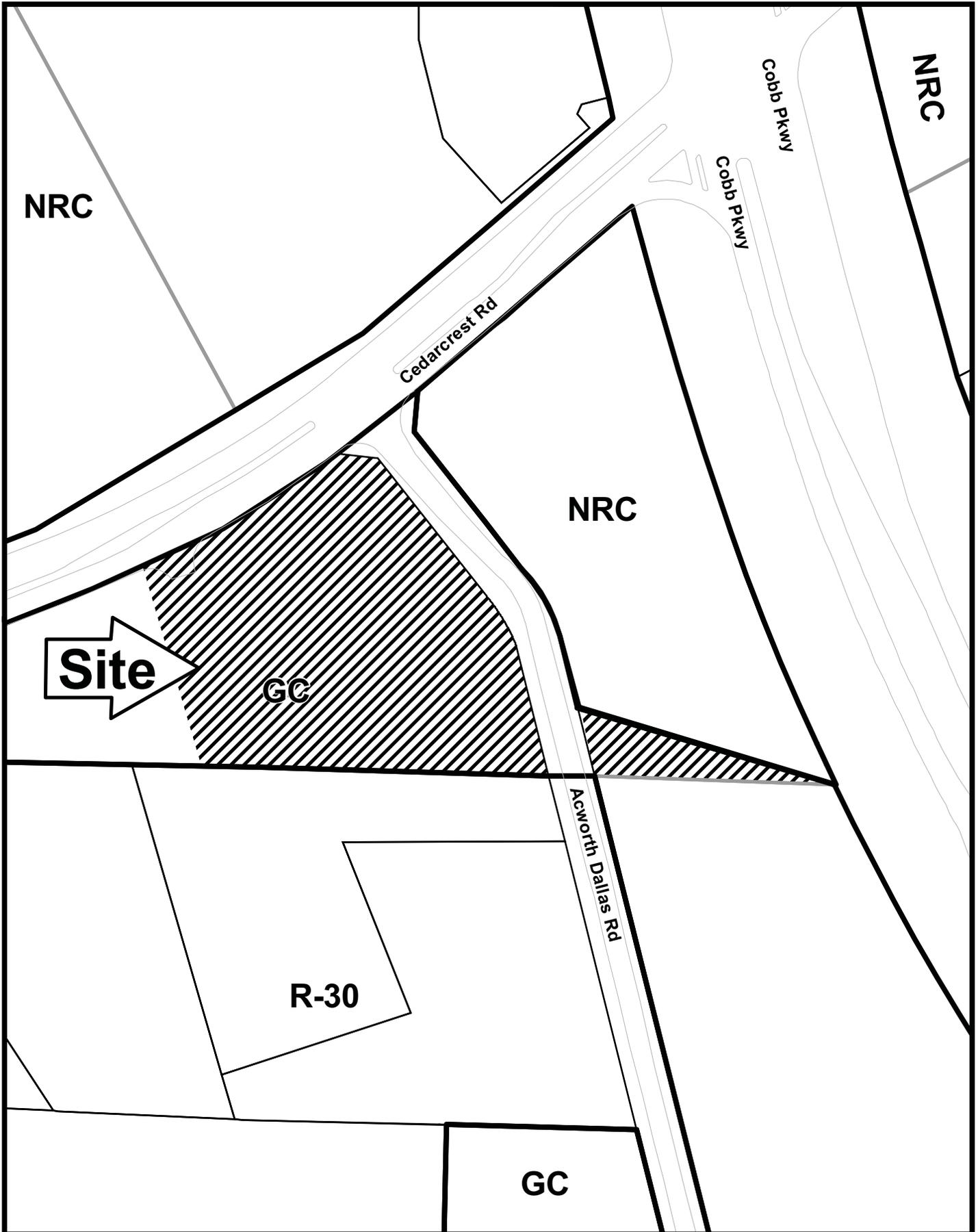
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

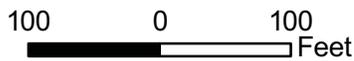
STIPULATIONS:



Z-37



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Governors Towne Square, LLC

PETITION NO.: Z-37

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 2 **Total Square Footage of Development:** 22,000

F.A.R.: 0.12 **Square Footage/Acre:** 5,314

Parking Spaces Required: 110 **Parking Spaces Provided:** 119

The applicant is requesting the NRC zoning category in order to make the subject property consistent with its previously zoned property from February 2010 (Z-5), across Acworth-Dallas Road. The applicant is requesting the NRC district to develop retail and restaurant uses along with an open air park to be consistent with the bank and retail center from the previous zoning case. The buildings will be one-story with traditional building architecture featuring brick and stucco. The retail buildings will lease to small retail, office, and restaurant uses. The hours and days of operation will vary depending on the final user. The applicant has submitted the attached Zoning Impact Analysis for your review.

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.

Cemetery Preservation: No comment.

APPLICANT: Governors Towne Square, LLC

PETITION NO.: Z-37

PRESENT ZONING: GC

PETITION FOR: NRC

FIRE COMMENTS:

Fire Apparatus Access Road

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 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

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.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupiable floor level. Aerial fire apparatus roads shall be a minimum width of 24 feet face of curb to face of curb maximum of 40 feet from the structure and be positioned parallel to the long side of the building for its entire length. No overhead utility and power lines shall be located within the aerial apparatus access.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-de-sac without an island to have a 60 foot paved radius **or** Hammerhead turnaround – total of 110-feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

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

APPLICANT Governors Towne Square, LLC

PETITION NO. Z-037

PRESENT ZONING GC

PETITION FOR NRC

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 / S side Cedarcrest Rd

Additional Comments: Master meter to be set at ROW

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.): ADF 935 **Peak= 2338**

Treatment Plant: **PauldingCo**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drw 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 ans 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: Pre-installed exterior grease traps required for restaurants; architectural plans submittal/approval required

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: **Governors Towne Square, LLC**

PETITION NO.: **Z-37**

PRESENT ZONING: **GC**

PETITION FOR: **NRC**

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: _____ FLOOD HAZARD INFO:

- 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 downstream **existing detention pond.**

APPLICANT: **Governors Towne Square, LLC**

PETITION NO.: **Z-37**

PRESENT ZONING: **GC**

PETITION FOR: **NRC**

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

1. Stormwater management for this proposed development will be provided within the existing master detention facility. An as-built survey of the existing pond will be required to verify that adequate detention and water quality volume has been provided. The approved hydrology study must be reviewed at Plan Review to determine if any modifications to the existing facility will be required to accommodate the proposed development.
2. A stormwater maintenance agreement may be required if ownership of the master stormwater management facility will differ from the proposed development.

APPLICANT: Governors Towne Square, LLC

PETITION NO.: Z-37

PRESENT ZONING: GC

PETITION FOR: NRC

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
Cedarcrest Road	12200	Major Collector	35 mph	Cobb County	80'
Acworth Dallas Road	800	Local	25 mph	Cobb County	60'

*Based on 2008 traffic counting data taken by Cobb County DOT (Cedarcrest Road)
Based on 2006 traffic counting data taken by Cobb County DOT (Acworth Dallas Road)*

COMMENTS AND OBSERVATIONS

Cobb 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.

Cedarcrest Road is classified as a major collector and according to the available information; the existing right-of-way does meet the minimum requirements for this classification.

Acworth Dallas Road is classified as a 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 Cedarcrest Road, a deceleration lane will be required for western driveway.

Install sidewalk along Cedarcrest Road frontage.

Install curb and gutter along both sides of Acworth Dallas Road.

Install sidewalk along the east side of Acworth Dallas Road frontage.

RECOMMENDATIONS

Recommend deceleration lane along Cedarcrest Road for western driveway.

Recommend installing sidewalk along Cedarcrest Road frontage.

Recommend installing curb and gutter on both sides of Acworth Dallas Road frontage.

Recommend installing sidewalk along the east side of Acworth Dallas Road frontage.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along Cedarcrest Road.

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

STAFF RECOMMENDATIONS

Z-37 GOVERNORS TOWNE SQUARE, LLC

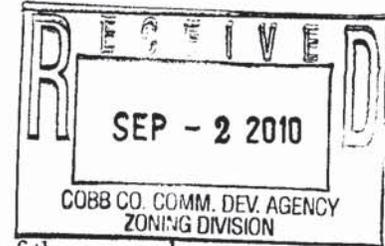
- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. This portion of U.S. Highway 41 is zoned for commercial, industrial and institutional uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposal would be consistent with other commercial uses along U.S. Highway 41.
- 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. Staff is concerned with the property's proximity to Lake Allatoona and the Etowah River basin, and would call for any development of this property to strictly follow Stormwater Management and LAPA recommendations.
- 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 Neighborhood 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 proposal would be consistent with this area of U.S. Highway 41 and this portion of Cedarcrest Road, which contains a mixture of non-residential properties. The applicant's proposed architecture would be similar to the newer developed commercial properties in the area that contain upscale building architecture that compliments the Governors Towne Club golf course community.

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

- Site plan received by the Zoning Division September 2, 2010, with the District Commissioner approving minor modifications;
- District Commissioner approving the building architecture;
- Fire Department comments and recommendations;
- 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.

Governors Towne Square, LLC
4.14 acres at Intersection of Cedarcrest Road and Acworth Dallas Road
Existing Zoning: GC/R30
Proposed Zoning: NRC



Zoning Impact Analysis

- A. The zoning proposal will permit a use at a suitable in view of the use and development of the adjacent and nearby property, in as much as the nearby property is in the process of development as an upper end residential and commercial area with related shopping and retail services.
- B. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The subject property is located at the intersection of Cedarcrest Road and Acworth Dallas Road both of which have undergone or will be undergoing significant improvements. Property to the south is developed as a Flea Market and zoned GC, property to the west is undeveloped and zoned GD and R30.
- C. The property affected by the proposed rezoning has no reasonable economic use as currently zoned, because it is an existing undeveloped GC and R30 district located within a neighborhood activity center. The existing zoning, and all zoning categories and conditions other than those requested, effect an uncompensated taking and damaging of the owners property, and a denial of equal protection under article I, Section I, Paragraph I; article I, Section I, Paragraph II; and article I, Section B, Paragraph I of the Georgia Constitution, and corresponding provisions of the United States Constitution.
- D. The proposed rezoning will not result in an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. As mentioned above, existing roads in the area have been recently upgraded and improved. All requisite utilities are available in sufficient capacity, and no additional studies would be generated in the proposed development.
- E. The proposed rezoning is in conformity with the policy and intent to the land use plan due to the fact that the subject property lies within an area delineated as a neighborhood activity center, within which retail and restaurant uses are allowed.
- F. The development and redevelopment of property in the immediate area of the subject property, and the improvement of public infrastructure in such area give supporting grounds for approval of the requested rezoning