

APPLICANT: Children's Healthcare of Atlanta, Inc.

PETITION NO: Z-46

PHONE#: (404) 965-3680 **EMAIL:** woody@glawgp.com

HEARING DATE (PC): 05-05-15

REPRESENTATIVE: W. Woodson Galloway

HEARING DATE (BOC): 05-19-15

PHONE#: (404) 965-3680 **EMAIL:** woody@glawgp.com

PRESENT ZONING: GC

TITLEHOLDER: Children's Healthcare of Atlanta, Inc.

PROPOSED ZONING: GC
with Stipulations

PROPERTY LOCATION: South side of Big Shanty Road, east side

of I-75, west of George Busbee Parkway

PROPOSED USE: Expanding an Existing

(3005 George Busbee Parkway).

Medical Clinic

ACCESS TO PROPERTY: Big Shanty Road

SIZE OF TRACT: 5.2 acres

PHYSICAL CHARACTERISTICS TO SITE: Parking lot and

DISTRICT: 16

portion of former go-cart track

LAND LOT(S): 503, 506

CONTIGUOUS ZONING/DEVELOPMENT

PARCEL(S): 4

NORTH: GC/Former Go-Cart Track and CRC/GDOT Parking

TAXES: PAID X **DUE** _____

SOUTH: GC/Retail Center

COMMISSION DISTRICT: 3

EAST: GC/Children's Health Care of Atlanta

WEST: I-75

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

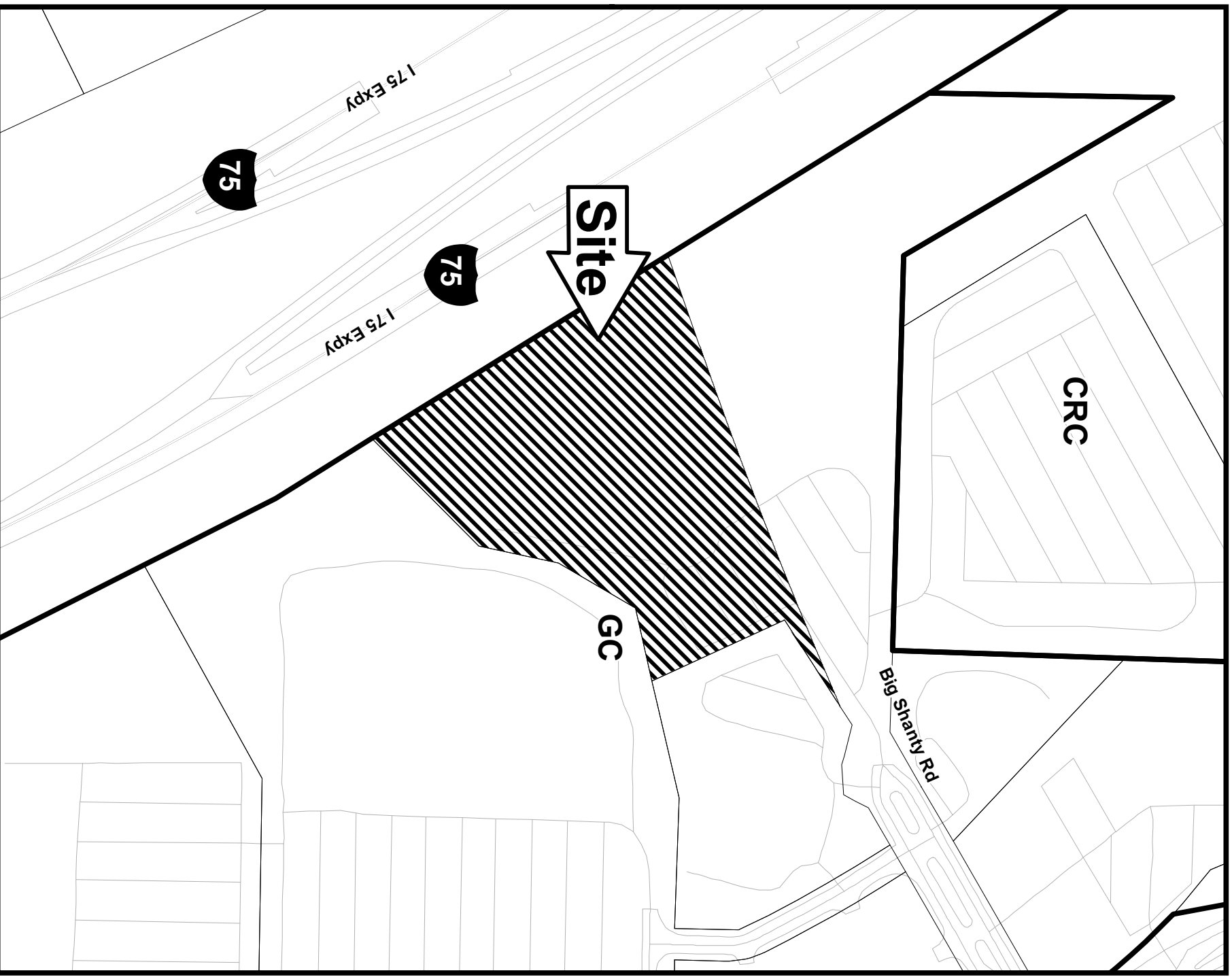
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

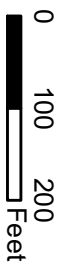
STIPULATIONS:



Z-46



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



City Boundary
Zoning Boundary

APPLICANT: Children’s Healthcare of Atlanta, Inc.

PETITION NO.: Z-46

PRESENT ZONING: GC w/stips

PETITION FOR: GC

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Buildings: 1(Existing) with Addition **Total Square Footage of Development:** 75,124

F.A.R.: 0.211 **Square Footage/Acre:** 9,195

Parking Spaces Required: 263 **Parking Spaces Provided:** 305

Applicant is requesting the General Commercial (GC) zoning category for the purpose of an addition to the existing Children’s Healthcare of Atlanta building. The proposed addition extends onto property that was zoned to a site plan as part of Z-278 of 1984 for the development of a family entertainment center that consisted of a go-cart track. In addition to being zoned to a site plan, there were numerous other stipulations that have been amended since the original zoning. Under the current zoning, the applicant will not be able to make the addition to the existing building because of the stipulations from Z-278 of 1984. The proposed addition will be three stories and contain 52,000 square feet. The third floor will be doctors’ offices and the second floor will be clinic space. Applicant is requesting to be zoned GC with no stipulations, similar to their property. The hours of operation will be daily from 7 a.m. until 9 p.m. The architecture will be similar to the existing building.

Cemetery Preservation: No comment.

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: Children’s Healthcare of Atlanta, Inc.

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PRESENT ZONING: GC w/strips

PETITION FOR: GC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC with stipulations to GC for purpose of expanding an existing medical clinic. The 5.2 acre site is located on the south side of Big Shanty Road, east side of I-75, west of George Busbee Parkway.

Comprehensive Plan

The parcel is within a Regional Activity Center (RAC) future land use category, with GC with stipulations zoning designation. 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.

- Retail stores and service operations are considered the most appropriate use in the Retail/Service (RS) land use category. However, mixed-use developments that include office may also be appropriate. Residential development is inappropriate in the Retail/Service designation.
- Office developments are considered the most appropriate development in the Office land use category. However, mixed-use developments that include retail may also be appropriate. Mid or high rise residential developments are also appropriate in this category. This shall include any residential development in excess of four (4) stories per structure. Because of the unique, urban characteristics of RAC’s, building height and density shall be reviewed on a case-by-case basis.

Master Plan/Corridor Study

The property is located within the Town Center LCI Boundary.

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.

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PRESENT ZONING: GC w/stips

PETITION FOR: GC

PLANNING COMMENTS: (Continued)

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.

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 Children's Healthcare of Atlanta Inc

PETITION NO. Z-046

PRESENT ZONING GC w/stips

PETITION FOR GC

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 of Big Shanty Rd

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.

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= 2,080 Peak= 5,200

Treatment Plant: Noontday

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availabilitv: 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 Sewer relocation required, or may have already been relocated with final documentation still

Comments: outstanding

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.

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PRESENT ZONING: GC w/ slt/s

PETITION FOR: GC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday 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 existing master detention facility.

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PRESENT ZONING: GC w/ stips

PETITION FOR: GC

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 served by a master stormwater management facility. The engineer must verify adequate detention and water quality volume is provided for this site expansion at Plan Review. Any pond maintenance issues must also be addressed.
2. The existing storm drain line must be relocated to accommodate the proposed building expansion.

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PRESENT ZONING: GC w/ conditions

PETITION FOR: GC

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
Big Shanty Road	7,600	Major	35	Cobb	80'

Based on [2008] traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Big Shanty Road is classified as an major collector and according to the available information the existing right-of-way meets the minimum requirements for this classification.

The subject property is in close proximity to the CCT/GRTA Park and Ride lot and multi-use trail on Big Shanty Road. The applicant may consider providing safe and convenient pedestrian access from public trails and sidewalks to the building's entrances.

RECOMMENDATIONS

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

Per Section 402.08 of Cobb County development standards, driveways servicing developments shall provide uninterrupted ingress/egress to and from the site. The minimum distance required is measured from the street right-of-way line at the ingress/egress to the out edge of any interior service drive or parking space with direct access to such driveway as measured perpendicularly form the street. The Big Shanty Road access point may not meet the requirements of the Development Standards. Recommend applicant coordinate with Cobb County DOT prior to development plan approval.

Recommend deceleration lane for Big Shanty Road access.

Signal at Big Shanty Road must be justified by a signal warrant study and receive approval from Cobb County DOT. Recommend applicant coordinate signal warrant study with Cobb County DOT.

STAFF RECOMMENDATIONS

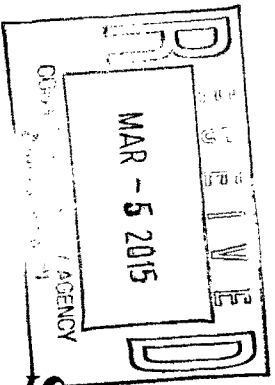
Z-46 CHILDREN'S HEALTHCARE OF ATLANTA, INC.

- 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 the area are similarly zoned with higher intensity uses such as retail shopping.
- 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 existing Children's Healthcare of Atlanta building has been in operation for several years. The proposed addition will be the same type of services and adequate parking has been provided on the proposed site plan.
- 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 General Commercial (GC) zoning category is compatible with the RAC land use category. The parcel subject to this rezoning was encumbered with numerous stipulations and subject to a specific site plan. The applicant now owns the property and wants to expand their existing facility, but is unable to do so because of the previous stipulations.
- 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 medical offices/clinic has operated for a number of years in the current location and now desires to expand that building onto property that is under stipulations from a zoning case from 1984. The current facility is zoned GC without limiting stipulations and the applicant is requesting that the property for the proposed addition be similarly zoned with no stipulations. The proposed site plan indicates the proposed addition and the required parking for the overall development.

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

- Site plan submitted to the Zoning Division on March 31, 2015, with the District Commissioner approving minor modifications;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Cobb 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.



Application No. Z-46

May 2015

Summary of Intent for Rezoning

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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): addition to existing medical clinic building and surface parking
- b) Proposed building architecture: similar to existing building
- c) Proposed hours/days of operation: Everyday 7am to 9pm
- d) List all requested variances: none

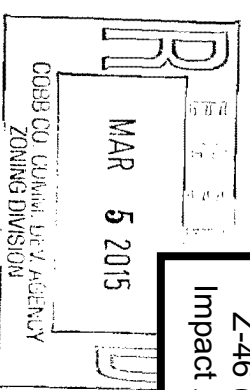
.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

Applicant/Owner seeks to remove a previously approved site plan as a condition of zoning

.....
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).

No

REZONING IMPACT ANALYSIS
COBB COUNTY, GEORGIA

The Owner and Applicant, Children's Healthcare of Atlanta, Inc. ("CHOA" or the "Owner-Applicant"), requests the rezoning of approximately 5.2 acres located at 3005 George Busbee Parkway, Cobb County Tax Parcel Identification number 16050300040 (the "Property"). The Property was zoned subject to stipulations to the General Commercial (GC) classification for a family entertainment center that included an outdoor race track for go-carts per Zoning Application Number 278 in 1984 and 167 in 1982. The stipulations of those zoning applications included provisions for traffic and lighting and also required development of the Property to adhere to a specific site plan. These stipulations were amended several times as changes to the site plan were made, the last modification occurring on February 18, 1997 as Application Number 12.

In addition to the Property, CHOA also owns the adjacent parcel at 625 Big Shanty Road which is developed as a medical center. CHOA plans to expand the existing medical center located at 625 Big Shanty Road, which it can do under that property's GC zoning without stipulations. The purpose of this Application is to remove the current stipulations on the Property to allow a portion of the medical center expansion to be built on the Property as well as parking for the medical center. The proposed development of the Property and the adjacent parcel is depicted on Exhibit "A".

The Cobb County Tax Assessor's records indicate that the Property is owned by Children's Healthcare of Atlanta, Inc. The Property was originally sold to TRE Properties, which merged into CHOA effective December 31, 2006, as set forth on the Certificate of Merger included in the Secretary's Certificate attached hereto as Exhibit "B". 625 Big Shanty Road is owned by Scottish Rite Children's Medical Center, of which CHOA is the sole member (see also Secretary's Certificate attached). Accordingly, both the Property and 625 Big Shanty Road are controlled by CHOA and will be combined into one parcel after rezoning to enable CHOA to improve the properties with a medical center and associated parking.

The Owner-Applicant responds as follows to the Standards of Rezoning required by § 134-124 of the Cobb County Zoning Ordinance.

(a) Whether the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby properties?

The zoning proposal would permit a use that is suitable in view of the use and development of adjacent and nearby properties. The Property has been largely unused since Big Shanty Road

was widened and extended to connect to the west side of Interstate 75. The extension required right-of-way that cut a swathe through the middle of the outdoor race track and rendered the use of the Property obsolete under its current zoning classification. CHOA proposes to build an addition to its existing medical center located at 625 Big Shanty Road. The Property will contain a small portion of the medical center addition and surface parking for the medical facility. The Property will be combined with 625 Big Shanty Road during the permitting process. The proposed use will provide much needed medical services to the area and is compatible with the dense commercial, retail and restaurant uses on adjacent properties.

(b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties. 625 Big Shanty Road has been used as a medical center for several years. The Property would be developed to become part of an expansion of the existing medical services. The proposed use of the Property is consistent with the surrounding retail and restaurant uses. It and adjacent properties are zoned to the same GC classification. It is anticipated that approval of this Application to remove the stipulations attached to the current zoning of the Property would have a positive impact on the commercial viability and property values of adjacent and nearby property.

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?

The Property does not have a reasonable economic use as currently zoned. It is developed with an outdoor race track and family entertainment center that has become functionally obsolete when Big Shanty Road bisected the Property. In addition, the zoning of the Property is conditioned on a site plan that can no longer be sustained due to the extensive loss of property to the Big Shanty Road expansion. As a result, the current zoning severely restricts the Property to an unsustainable use and is incompatible with the use of nearby and adjacent properties. Therefore, the value of the Property suffers significant detriment by virtue of its current zoning and its abandoned use.

(d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

If approved, the zoning proposal will not result in a use that will cause excessive or burdensome use of utilities, as capacity exists to serve the proposed use. The Property will enable an expansion of the adjacent medical center. The rezoning will not cause an increase in the use of

existing streets or transportation facilities. Further, the use does not generate school children so will not cause a burdensome use of schools.

(e) Whether the zoning proposal in conformity with the policy and intent of the land use plan?

The Cobb County Comprehensive Plan designates the Property as a Regional Activity Center (RAC). The purpose of the RAC category is to provide for areas that can support a high intensity of development, which serve a regional market. Cobb County 2030 Comprehensive Plan, p. 21. The RAC category is further broken down into sub-categories. The Town Center area which includes the Property is designated as Retail/Service sub-category, and suggests retail stores and service operations as the most appropriate uses. Cobb County 2030 Comprehensive Plan, p. 28. Accordingly, the zoning proposal for a medical center conforms to the policy and intent of the Comprehensive Plan.

(f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal?

The Property was used as a family entertainment center and go-cart track for many years near high intensity commercial uses and highly trafficked intersections. When the Big Shanty Road extension was constructed through the middle of the entertainment center it eliminated the feasibility of that use of the Property and redevelopment of the Property is not possible under its current zoning conditions, which are tied to a site plan that was devised before the Big Shanty Road was constructed. The proposed rezoning would enable redevelopment of the Property and make it more compatible with the adjacent uses. Further, the intensification of land development in the area provides supporting grounds for the anticipated future redevelopment of the Property. The proposed development would meet the need for quality medical services in a location that facilitates regional commuter patterns.

Accordingly, the Applicant respectfully requests that the Cobb County Board of Commissioners grant the rezoning as requested.

THE GALLOWAY LAW GROUP, LLC

By: 

William Woodson Galloway

Laurel David

Matthew J. Vivian

Attorneys for Owner-Applicant

3500 Lenox Road, NE
Suite 760
Atlanta, Georgia 30326
(404) 965-3680

199898