

**APRIL 19, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM 015

PURPOSE

To consider a site plan amendment for Pace Academy, Inc. regarding application SLUP-11 of 2006 (Pace Academy, Inc.), for property located on the north side of Riverview Road and on the south side of Interstate 285, in Land Lots 685, 686, 755 and 756 of the 17th District.

BACKGROUND

The subject property received a SLUP in 2006 for athletic fields for Pace Academy. The school would like to amend the approved site plan to construct a softball field in the front of the property where the front building was located. They would also build some batting cages and locker rooms to serve the new construction. Eight parking spaces would be relocated from the east side of the driveway to the west side of the driveway to accommodate the new field. If approved, all previous zoning stipulations not in conflict would remain in effect.

STAFF COMMENTS

Stormwater Management: Subject to site plan review by Stormwater Management to verify compliance with Floodplain Ordinance and Metropolitan River Protection Act.

RECOMMENDATION

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

ATTACHMENTS

Other Business application, proposed site plan and current zoning stipulations.

Application for "Other Business" Cobb County, Georgia

OB-15

MAR 14 2016

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

BOC Hearing Date Requested: April 19, 2016

Applicant: Pace Academy, Inc. **Phone #:** 404-723-9449
(applicant's name printed)

Address: 966 West Paces Ferry Road, NW, Atlanta, GA 30327 **E-Mail:** dfortier@paceacademy.org

SAMS, LARKIN, HUFF & BALLI, LLP
by: Garvis L. Sams, Jr.

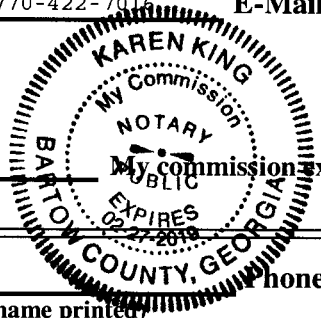
Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064

(representative's name, printed)

[Signature] **Phone #:** 770-422-7016 **E-Mail:** gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

Karen L. King
Notary Public



Titleholder(s): See Attached **Phone #:** _____
(property owner's name printed)

Address: _____ **E-Mail:** _____

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:** _____

Commission District: 4 (Cupid) **Zoning Case:** SLUP-11 of 2006

Size of property in acres: 23.642 **Original Date of Hearing:** April 18, 2006

Location: On the south side of Interstate 285 and on the northerly side of River View Road, north of River View Industrial Drive.

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 58 - 18th District; **District(s):** 17th and 18th
685, 686, 755 & 756-17th District

State specifically the need or reason(s) for Other Business: To request approval of a Revised Site Plan for the Pace Academy Athletics Complex Master Plan.

* Applicant specifically reserves the right to amend any information set forth in this Other Business Application or any other portion of the Other Business Application, at any time during the Other Business process. (List or attach additional information if needed)

CERTIFICATE REGARDING CORPORATE AUTHORITY
APPLICATION FOR OTHER BUSINESS

MAR 14 2016

My name is FRED ASSAF^{1.} I am the secretary, assistant secretary or other officer to whom the operating agreement or bylaws has delegated the responsibility for authenticating records of the company, **PACE ACADEMY, INC.** (the "Property Owner Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Other Business Application regarding certain real property owned by the Property Owner Company located in Cobb County, Georgia.

2.

In accordance with the Requirements for Completing a Cobb County Other Business Application, I hereby attest on behalf of the Property Owner Company that I have reviewed the Other Business Application and related documents which are being filed simultaneously therewith by the Applicant Company (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

- (a) That signature or facsimile affixed to the Other Business Application is in fact the seal of the Property Owner Company and is a true representation thereof; and
- (b) That the officer or other representative of the Property Owner Company who executed the Other Business Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Other Business Application on behalf of the Property Owner Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Other Business Application and the filing of the Other Business Application by the Applicant is with the express permission of the Property Owner Company.

Samela Q. Dudaie
Notary
March 14, 2016

[Signature]
PACE ACADEMY, INC. _____ (SEAL)
Head of School

Title

ATTACHMENT TO OTHER BUSINESS APPLICATION

O. B. No.: 15
BOC Hearing Date: April 19, 2016

Applicant: PACE ACADEMY, INC.

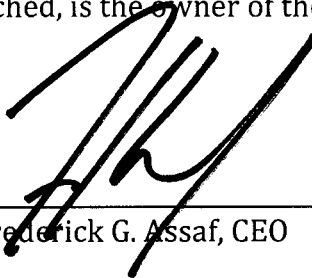
Titleholder: PACE ACADEMY, INC.

PIN #: 17068600050

MAR 14 2016

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.



Frederick G. Assaf, CEO

14/und/16

Date

Address: 966 WEST PACES Fwy.
ATLANTA GA 30327

Telephone No.: (404) 240.9102



Signature of Notary Public

Date March 14, 2016

(Notary Seal)

Notary Public, Fulton County, Georgia
My Commission Expires April 9, 2018

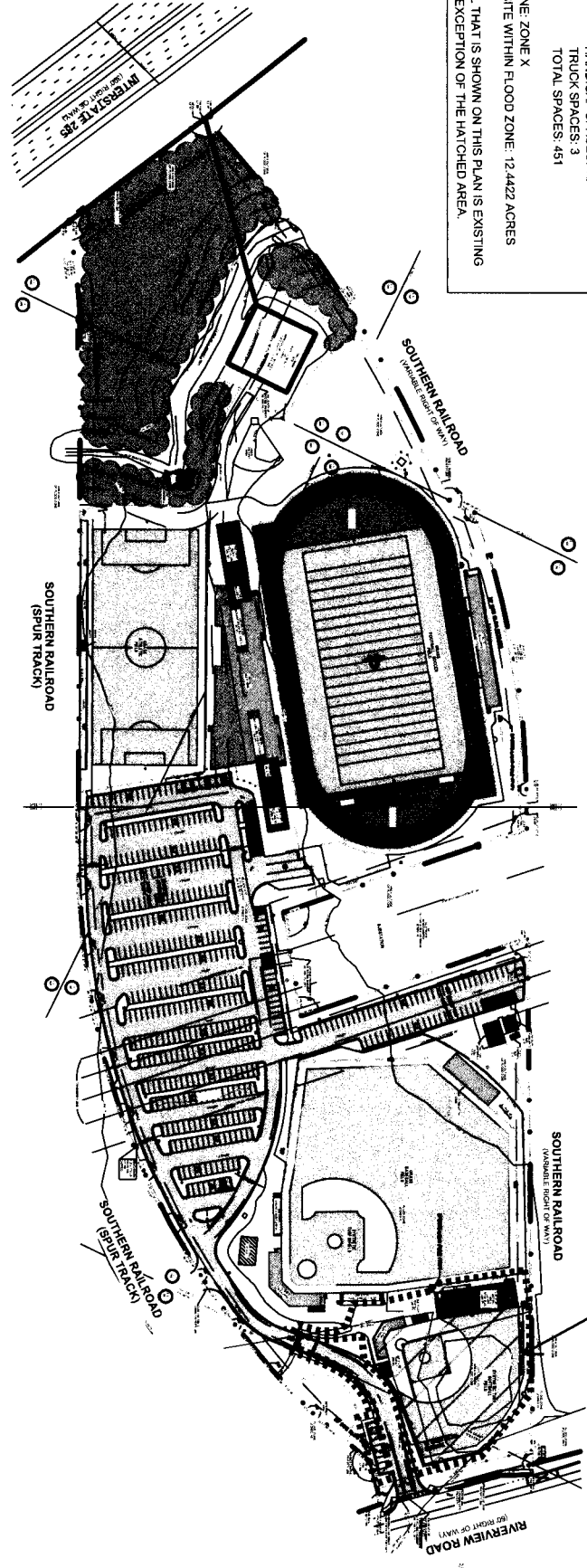
OB-15-2016 PROPOSED SITE PLAN

SITE DATA:
 CURRENT OWNER: PACE ACADEMY, INC.
 DB. 14382 PG. 5565 & DB. 14382 PG. 5570
 SITE AREA: 23.8422 ACRES (1,029,857 SF)
 LOCATED IN:
 LAND LOT 98, 18TH DISTRICT, 2ND SECTION
 LAND LOTS 685, 686, 755, 756, 17TH DISTRICT,
 2ND SECTION
 TAX PARCEL ID # 1707560040
 ADDRESS: 5700 RIVERVIEW ROAD
 ZONING: HI (HEAVY INDUSTRIAL DISTRICT)
 JURISDICTION: COBB COUNTY
 SETBACKS: FRONT: 75 FT
 SIDE: 20 FT
 REAR: 40 FT

PARKING COUNT: REGULAR SPACES: 436
 HANDICAP SPACES: 12
 TRUCK SPACES: 3
 TOTAL SPACES: 451

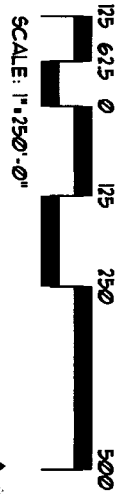
FLOOD ZONE: ZONE X
 AREA OF SITE WITHIN FLOOD ZONE: 12.4422 ACRES

NOTE: ALL THAT IS SHOWN ON THIS PLAN IS EXISTING WITH THE EXCEPTION OF THE HATCHED AREA.



NOTE: AREA WITHIN HATCHED AREAS IS PROPOSED. EVERYTHING OUTSIDE OF HATCHED AREA IS EXISTING.

MAR 14 2016



PAGE ACADEMY ATHLETICS COMPLEX MASTER PLAN

COBB COUNTY, GEORGIA

03.11.16

PREPARED BY BREEDLOVE LAND PLANNING, INC



MAR 14 2016

Special Land Use Permits:

~~SLUP-10 CHEROKEE COLLISION CENTER (Eugene E. and Dana A. Sweeney, owners) requesting a **Special Land Use Permit** for the purpose of Used Car Sales in Land Lot 13 of the 16th District. Located on the west side of Canton Road and on the south side of Farm Ridge Drive.~~

~~MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to approve **Special Land Use Permit** subject to:~~

- ~~• site plan dated February 2, 2006, with the District Commissioner approving minor modifications to site layout (copy attached and made a part of these minutes)~~
- ~~• all previous stipulations for SLUP-1 (Cherokee Collision Center) of March 16, 2004, to remain in effect except for time limit (with this approval the SLUP becomes permanent)~~
- ~~• Water and Sewer Division comments and recommendations~~
- ~~• Stormwater Management Division comments and additional suggestions~~
- ~~• Cobb DOT comments and recommendations~~

~~VOTE: ADOPTED unanimously~~

SLUP-11 PACE ACADEMY, INC. (Louise G. Howard Family Investments, L.P., and Howard Stolz Howard Limited Partnership, owners) requesting a **Special Land Use Permit** for the purpose of an Athletic Complex for a Private School in Land Lots 685, 686, 755 and 756 of the 17th District and Land Lot 58 of the 18th District. Located on the south side of Interstate 285 and on the northerly side of River View Road, north of River View Industrial Drive.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to approve **Special Land Use Permit** subject to:

- *revised* site plan received in the Zoning Division March 30, 2006 (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated March 21, 2006 (copy attached and made a part of these minutes)
- security personnel to be on Staff during events for both traffic and event security

SLUP-11 PACE ACADEMY, INC. (Continued)

- facility to be gated and locked at all entrances when the facility is not in use
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- 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

VOTE: ADOPTED unanimously

~~Mr. Mark Danneman, Zoning Division Manager, announced that the following cases had been withdrawn or held/continued and would not be heard at this hearing:~~

~~**WITHDRAWN CASES:**~~

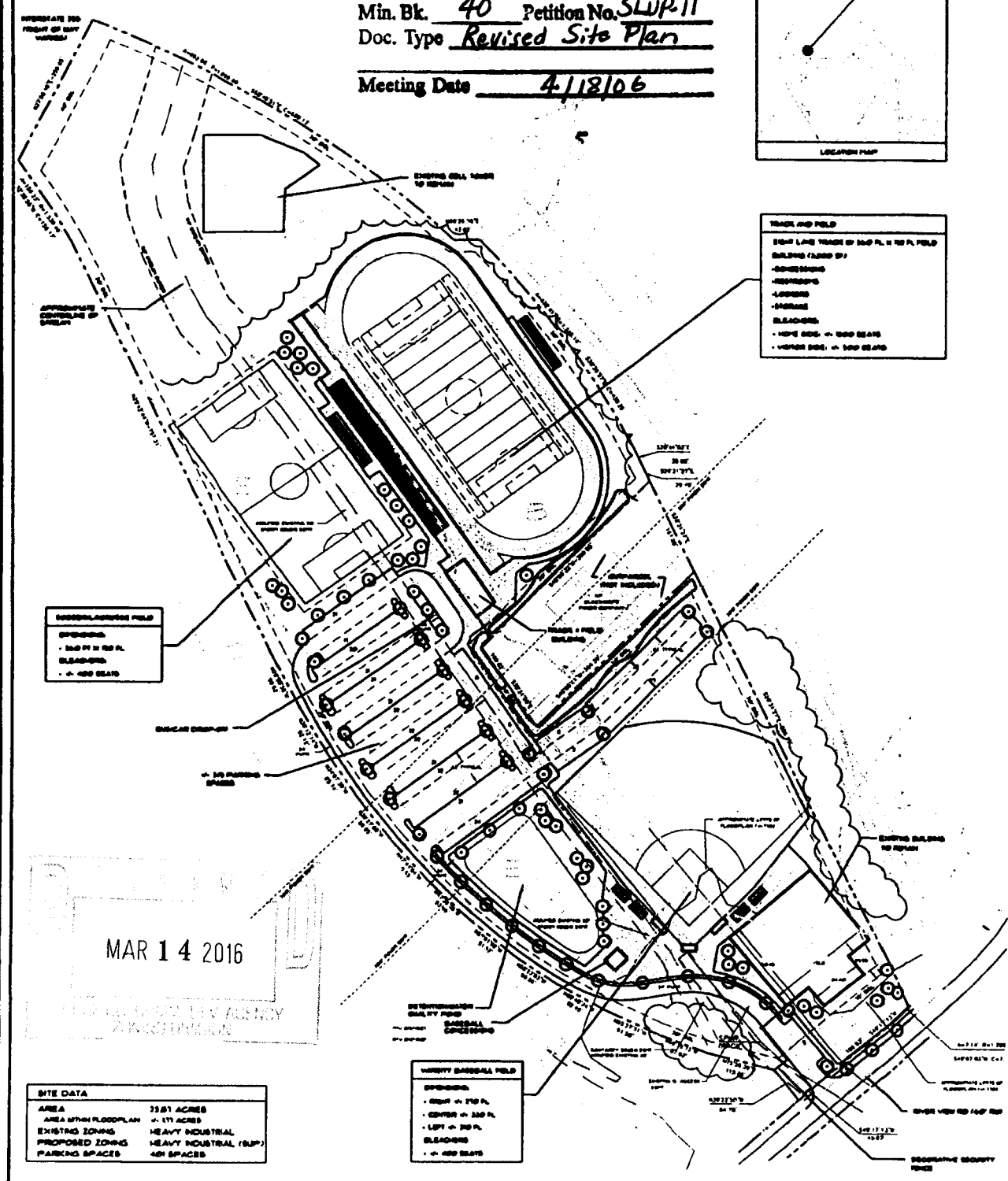
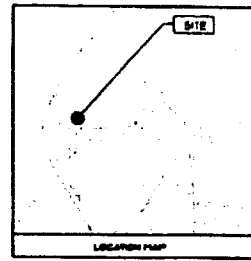
- ~~Z-30 WEAVER & WOODBERY COMPANY -- *WITHDRAWN WITHOUT PREJUDICE*~~
- ~~Z-43 NEW LIFE HOMES, LLC -- *WITHDRAWN WITHOUT PREJUDICE*~~

~~**HELD OR CONTINUED CASES BY STAFF, THE PLANNING COMMISSION OR THE BOARD OF COMMISSIONERS:**~~

- ~~Z-205⁰⁵ PRISKE-JONES SOUTHEAST COMPANY (*Continued by the Planning Commission from their December 6, 2005, February 7, 2006, March 7, 2006 and April 4, 2006 hearings; therefore was not considered at this hearing*)~~
- ~~Z-1 INTERFINANCIAL PROPERTIES, INC. (*Continued by the Planning Commission from their February 7, 2006 hearing and continued by Staff from the March 7, 2006 and April 4, 2006 Planning Commission hearings; therefore was not considered at this hearing*)~~
- ~~Z-12 JEAN CLAUDE ALFRED (*Continued by the Planning Commission from their February 7, 2006 hearing and continued by Staff from the March 7, 2006 and April 4, 2006 Planning Commission hearings; therefore was not considered at this hearing*)~~

Min. Bk. 40 Petition No. SLUP11
 Doc. Type Revised Site Plan

Meeting Date 4/18/06



TRADE AND FIELD

- RIGHT LINE TRADE BY 500 FT. & 100 FT. FIELD
- BUILDING FOOTPRINT
- APPROXIMATE
- LOADING
- STORAGE
- BLEACHERS
- 100' SIDE - 100' BLEATS
- 100' SIDE - 100' BLEATS

WATERLANSIDE FIELD

- 500' SIDE - 100' FT. BLEACHERS
- 100' SIDE - 100' BLEATS

WHEATY BARRAGE FIELD

- 500' SIDE - 100' FT. BLEACHERS
- 100' SIDE - 100' BLEATS

SITE DATA

- AREA 25.51 ACRES
- AREA WITHIN FLOODPLAIN 171 ACRES
- EXISTING ZONING HEAVY INDUSTRIAL
- PROPOSED ZONING HEAVY INDUSTRIAL (SUP)
- PARKING SPACES 401 SPACES

ADDITIONAL NOTES

- 1 PARCELS 24 & 25 SURVEY FOR ATLANTA HARBOUR CORPORATION BY TOLSON SURVEYING SERVICE COMPANY
- 2 THIS PROPERTY IS LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIRM OFFICIAL FLOOD HAZARD MAP 15002-001A
- 3 THIS PROPERTY IS LOCATED WITHIN THE ATLANTA RIVER CORRIDOR 2000 FT BUFFER.

SPECIAL USE PERMIT SITE PLAN
RIVER VIEW RD ATHLETIC COMPLEX
 FOR PACE ACADEMY
 MARCH 2006

MAR 30 2006



JORDAN JONES & GOULDING

MAR 14 2016

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

Min. Bk. 40 Petition No. SLUP-11
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 4/18/06

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE
IN ALABAMA

770-422-7016

TELEPHONE

770-426-6583

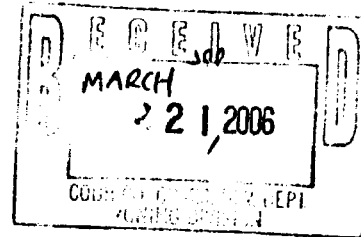
FACSIMILE

WWW.SAMSLARKINHUFF.COM

March 21, 2006

VIA HAND DELIVERY

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



Re: Application of Pace Academy, Inc. for a Special Land Use Permit (No. SLUP-11)

Dear John:

You will recall that I represent Pace Academy, Inc. concerning the above captioned application for Special Land Use Permit. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on April 4, 2006 and, thereafter, scheduled to be heard and considered by the Cobb County Board of Commissioners on April 18, 2006.

With respect to the foregoing and consistent with our discussions with the County's staff during the pendency of the application, this letter will serve as Pace Academy's agreement within the following stipulations which shall become conditions and a part of the grant of requested Special Land Use Permit and binding upon the subject property thereafter:

1. These 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.
2. The applicant seeks the granting of a Special Land Use Permit for the purpose of Pace Academy's school facilities and athletic complex in accordance with that certain revised site plan prepared by Jordan Jones & Goulding submitted under separate cover on February 22, 2006.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Community Development Department
March 21, 2006
Page 2

3. Compliance with the following recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues:
 - a. The installation of sidewalk, curb and gutter along the subject property's frontage on Riverview Road.
 - b. To the extent that it is possible to do so within the subject property's limited road frontage, the installation of a deceleration lane with appropriate taper.
 - c. The voluntary donation and conveyance of right-of-way so that the County can achieve forty feet (40') from the centerline of Riverview Road which is denominated as a major collector.
 - d. An agreement that the sole point of ingress/egress shall be on Riverview Road which shall be gated at all times when not in use by Pace Academy.
4. The submission of a landscape plan during the Plan Review Process, subject to Staff review and approval, including the following:
 - a. Entry signs shall be ground based monument styled, landscaped and irrigated.
 - b. Pace Academy shall ensure the upkeep, health and aesthetics of the landscaping through the use of proper irrigation, plant species, and regular maintenance of the landscaping and replacement of any items which may be diseased or dying.
 - c. The landscape plan as well as the drawings/plans for the athletic fields shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or Horticulturist.
5. Compliance with the recommendations from the Stormwater Management Division with respect to stormwater and hydrological considerations, including the following:
 - a. Maintaining fifty foot (50') undisturbed stream bank buffers and an agreement that said buffers shall be conveyed to Cobb County in the form of restrictive easements to ensure that they are undisturbed in perpetuity.
 - b. Subject to the Stormwater Division's comments with respect to the ultimate location and configuration of on-site detention and water quality ponds.
 - c. Detention will be allowed within floodplain areas.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Community Development Department
March 21, 2006
Page 3

- d. The building located at the subject property's frontage on Riverview Road shall be elevated at least three feet (3') above the floodplain if not already elevated to said position.
- e. Cutting and filling on the site within the floodplain will be allowed as long as commensurate amounts of fill are moved to "balance" the site.
6. Compliance with the recommendations from the Atlanta Regional Commission "ARC" with respect to the Metropolitan River Protection Act (MRPA) requirements regarding percentage of impervious/pervious surfaces, vulnerability categories and other hydrological issues.¹
7. With respect to the building on the subject property, applicant's agreement that said building shall be retrofitted and rehabbed for offices and classrooms on the front portion and that the balance of the building will be utilized for purposes of storage.
8. Compliance with the recommendations from the Cobb County Water System with respect to the availability and accessibility to water and sewer to the site and an agreement to the following:
 - a. Conducting a fire flow test.
 - b. Depending upon the results of the fire flow test, an agreement to install/upgrade water mains based upon said results or Fire Department recommendations.
9. Compliance with recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.
10. Granting of a contemporaneous Variance with respect to Cobb County Zoning Ordinance parking space ratios which requires one parking space for every three seats. In other words, a reduction from 667 spaces to 357 spaces.²

¹ ARC has taken the position that, since a preponderance of the site is already impervious or landscaped areas, rebuilding such areas for recreation fields as shown on the site plan will not be considered a substantial change and will not require further review by ARC.

² The waiver of parking ratio requirements is supported by Staff because of the reduction in impervious surface and because the 2,000 seat facility will rarely be used to its fullest extent, with any overflow parking being handled on other areas within the athletic complex.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Community Development Department
March 21, 2006
Page 4

11. The submission of a Phase I and Phase II Environmental Site Assessment prepared by Dobbs Environmental.³

Please do not hesitate to call should you or the Staff have any questions or need any additional documentation or information prior to the formulation of your recommendation to the Planning Commission and the Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS,Jr./klk

- cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission
Mr. Robert L. Hosack, Jr. AICP, Director – VIA Hand Delivery
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery
Ms. Sandra Richardson, Deputy County Clerk – VIA Hand Delivery
Mr. David Weiss, President, Forest Acres HOA
Mr. Mike Tremblay, Forest Acres HOA

³ Both phases have been completed and there is no indication of any serious issues and no reportable incidents to the Environmental Protection Division with respect to either soil or groundwater issues. The only substance detected in any of the samples was naturally occurring levels of Barium in the surface water samples from the streams. Accordingly, there are no recognized environmental conditions associated with the site and no further investigation is warranted.