

PAULSON MITCHELL INCORPORATED
 1500 PLYMOUTH
 DALLAS, TEXAS 75201
 TEL: 214.774.0000
 FAX: 214.774.0001
 WWW.PAULSONMITCHELL.COM

PROJECT: PROPOSED DEVELOPMENT
 DALLAS HIGHWAY AT GARRISON COMMONS
 LT. 330 & 331, 20.0 ACRES
 COBB COUNTY, TEXAS

Z-98
 (2015)

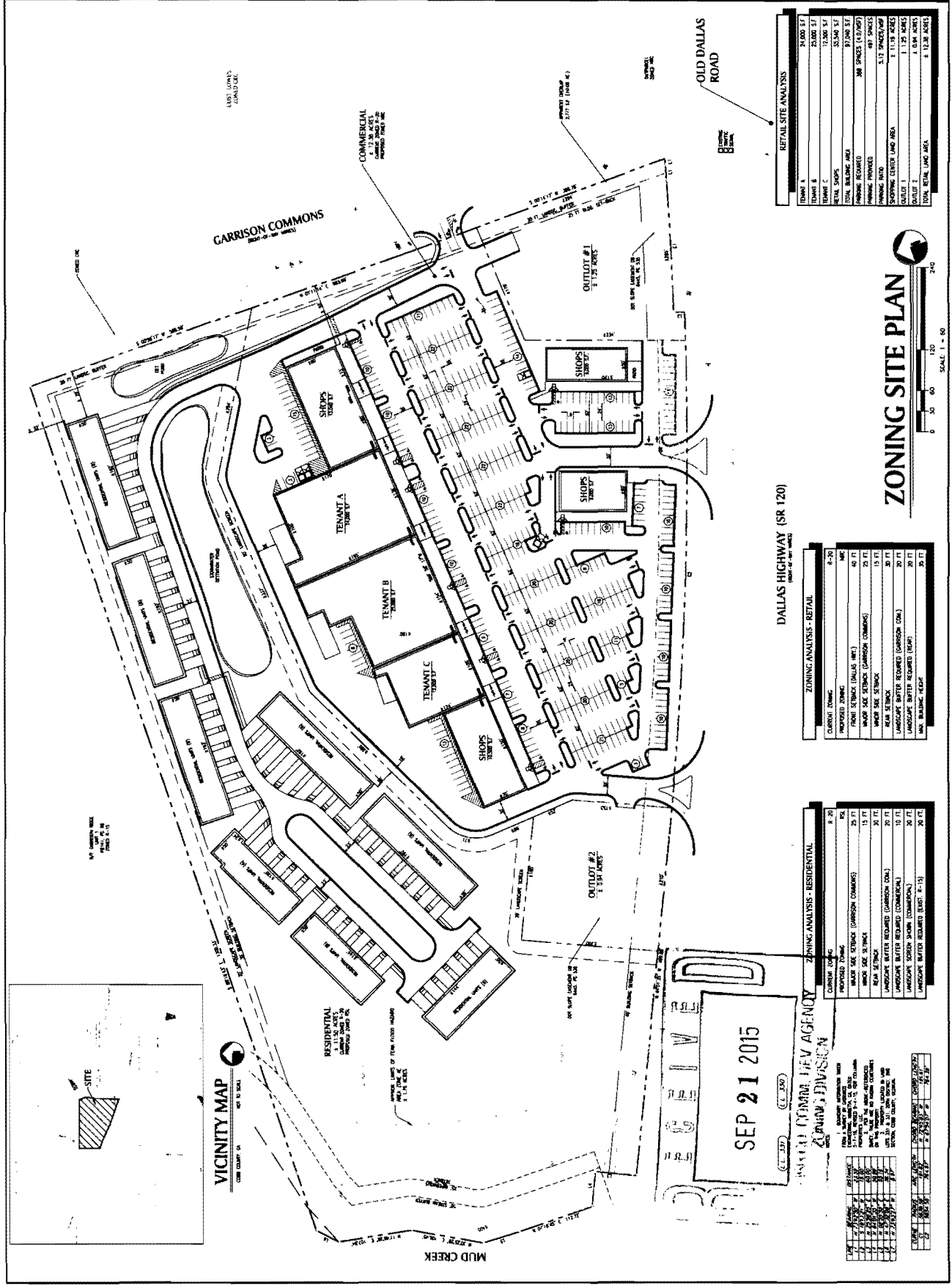


REVISIONS

NO.	DATE	DESCRIPTION
1	09/17/15	201510021 (Rev)

ZONING SITE PLAN

SHEET Z-1



RETAIL SITE ANALYSIS

ITEM	AMOUNT
TENANT A	24,000 S.F.
TENANT B	24,000 S.F.
TENANT C	12,000 S.F.
TOTAL SHOPS	60,000 S.F.
TOTAL BUILDING AREA	100,000 S.F.
PARKING REQUIRED	480 SPACES (1.0/SP)
PARKING PROVIDED	480 SPACES
SCOPING CENTER LAND AREA	1.119 ACRES
SCALD 1	1.125 ACRES
SCALD 2	1.125 ACRES
TOTAL SITE LAND AREA	2.125 ACRES

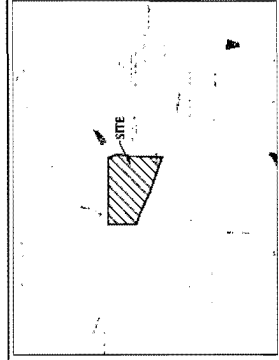
DALLAS HIGHWAY (SR 120)

ZONING ANALYSIS - RETAIL

ITEM	REQUIREMENT	PROVIDED
CURRENT ZONING	R-20	RETAIL
PROPOSED ZONING	R-20	RETAIL
MIN. LOT AREA	40,000 S.F.	40,000 S.F.
MIN. LOT WIDTH	25 FT	25 FT
MIN. LOT DEPTH	15 FT	15 FT
MIN. FRONT SETBACK	30 FT	30 FT
MIN. SIDE SETBACK	30 FT	30 FT
MIN. REAR SETBACK	30 FT	30 FT
MIN. BUILDING HEIGHT	35 FT	35 FT

ZONING ANALYSIS - RESIDENTIAL

ITEM	REQUIREMENT	PROVIDED
CURRENT ZONING	R-20	RESIDENTIAL
PROPOSED ZONING	R-20	RESIDENTIAL
MIN. LOT AREA	40,000 S.F.	40,000 S.F.
MIN. LOT WIDTH	25 FT	25 FT
MIN. LOT DEPTH	15 FT	15 FT
MIN. FRONT SETBACK	30 FT	30 FT
MIN. SIDE SETBACK	30 FT	30 FT
MIN. REAR SETBACK	30 FT	30 FT
MIN. BUILDING HEIGHT	35 FT	35 FT



VICINITY MAP

SEP 21 2015

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 DALLAS, TEXAS 75201
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 FAX: 214.774.0001
 WWW.PAULSONMITCHELL.COM

APPLICANT: Columbia Properties Capital, LLC

PHONE#: (770) 422-7016 **EMAIL:** phuff@slhb-law.com

REPRESENTATIVE: Parks F. Huff

PHONE#: (770) 422-7016 **EMAIL:** phuff@slhb-law.com

TITLEHOLDER: Herbert A. Collins, as Trustee of the Herbert A.

Collins Revocable Living Trust

PROPERTY LOCATION: Northwest intersection of Dallas Highway

and Garrison Commons

(2720, 2780 and 2782 Dallas Highway)

ACCESS TO PROPERTY: Dallas Highway

PHYSICAL CHARACTERISTICS TO SITE: Single-family house

on wooded acreage

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-15/Garrison Ridge & Heritage Oaks

SOUTH: RSL/Chestnut Ridge of West Cobb; R-20/Single- family houses

EAST: CRC/Lowe's; NRC/Garrison Ridge Shopping Center

WEST: R-15/Heritage Oaks

PETITION NO: Z-98

HEARING DATE (PC): 12-01-15

HEARING DATE (BOC): 12-15-15

PRESENT ZONING R-20

PROPOSED ZONING: RSL & NRC

PROPOSED USE: Residential Senior Living
(non-supportive) and Retail Shopping Center

SIZE OF TRACT: 23.88 acres

DISTRICT: 20

LAND LOT(S): 330, 331

PARCEL(S): 5,8, 10

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

Adjacent Future Land Use:

North: Low Density Residential
(LDR)

East: Neighborhood Activity Center
(RAC)

South: Low Density Residential
(LDR)

West: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

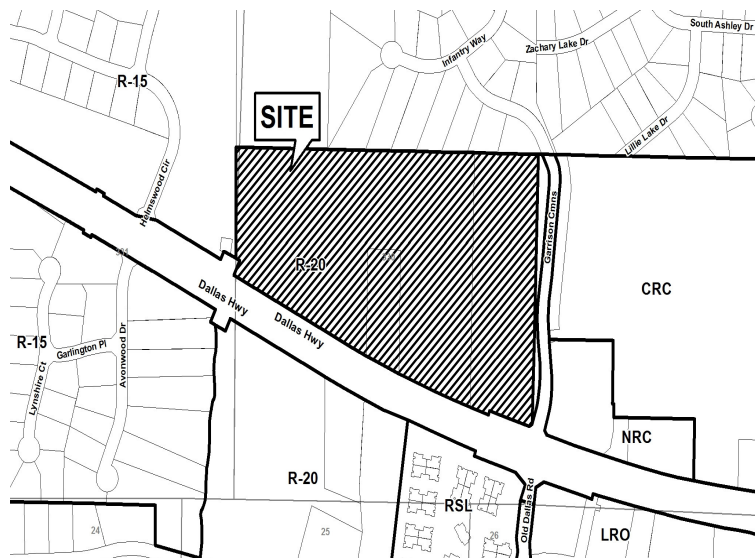
BOARD OF COMMISSIONERS DECISION

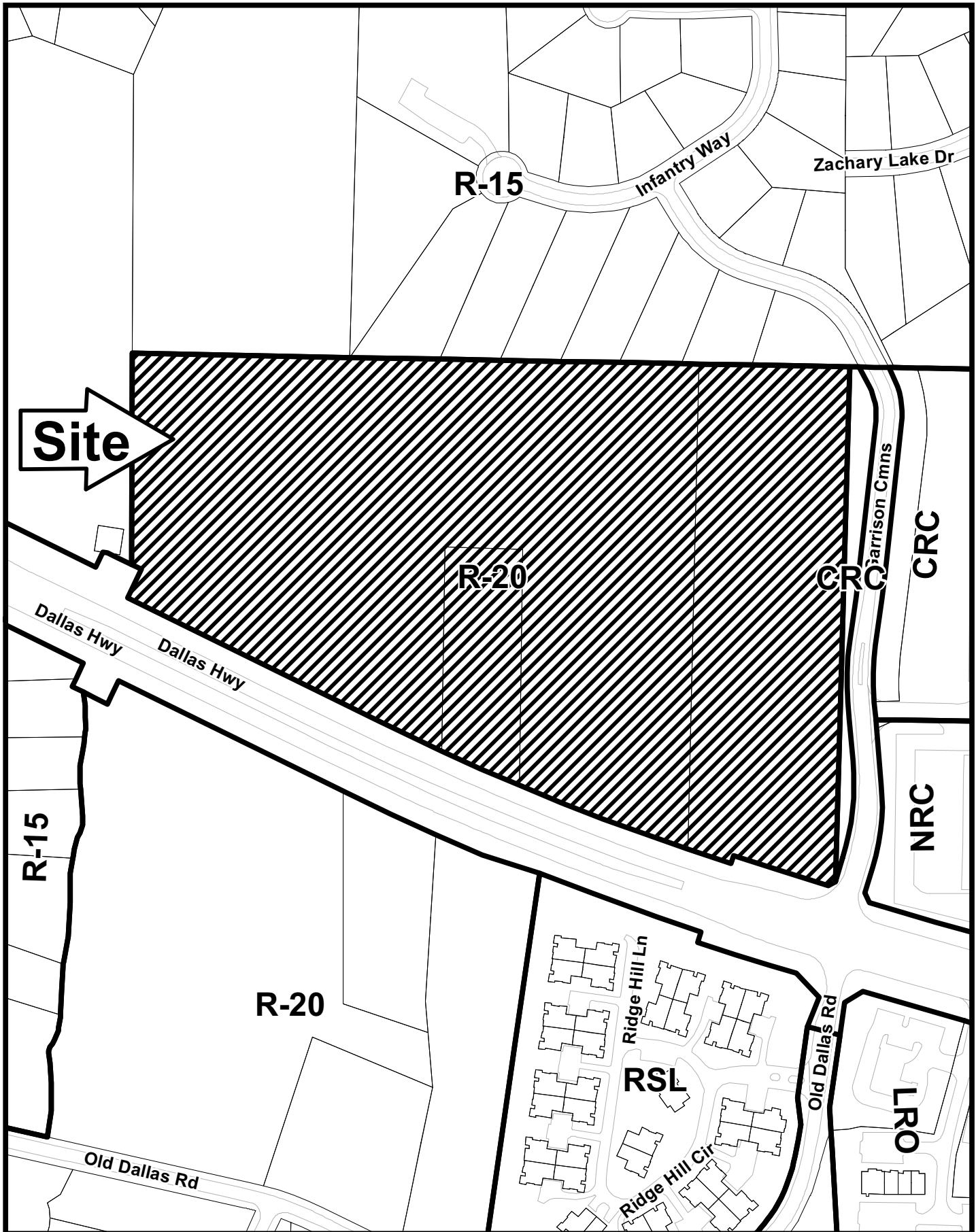
APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:





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

0 200 400 Feet



City Boundary
Zoning Boundary

APPLICANT: Columbia Properties Capital, LLC

PETITION NO.: Z-98

PRESENT ZONING: R-20

PETITION FOR: RSL & NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Low Density Residential (1-2.5 units per acre)

Proposed Number of Buildings: 11 **Total Square Footage of Development:** 97,040

F.A.R.: 0.093 **Square Footage/Acre:** 4,063.65

Parking Spaces Required: 485 **Parking Spaces Provided:** 497

Applicant is requesting the Residential Senior Living (Non-supportive) and Neighborhood Retail Commercial (NRC) zoning categories for the purpose of developing a mixed use of residential and retail. The portion of the property that is most immediate to the northwest intersection of Dallas Highway and Garrison Commons will be the commercial component (consisting of approximately 12.38 acres).

The remaining portion continuing out in a northwestern direction and abutting Garrison Ridge and Heritage Oaks Subdivisions (approximately 11.5 acres) will be developed for 58 residential senior living units. The proposed density for the RSL portion is approximately 5.043 units per acre, in what is delineated as being in the Low Density Residential (LDR) land use category.

Cemetery Preservation:

There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

APPLICANT: Columbia Properties Capital, LLC

PETITION NO.: Z-98

PRESENT ZONING: R-20

PETITION FOR: RSL & NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to RSL and NRC for the purpose of residential senior living (non-supportive) and retail shopping center. The 23.94 acre site is located in the northwest quadrant of the intersection of Dallas Highway and Garrison Commons at 2720, 2782 and 2782 Dallas Highway.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary?

☐ Yes

☒ No

If yes, has the city of _____ been notified?

☐ Yes

☒ No / N/A

Comprehensive Plan

The parcel is within a Low Density Residential (LDR) future land use category, with R-20 zoning designation. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre, and non supportive senior living housing that in certain circumstances may reach five (5) dwelling units per acre, depending on existing conditions such as product type and mix, structure/building height, tract size, topographic conditions, etc in order to provide compatibility with adjacent residential uses.

Specific Area Policy Guidelines:

Office uses should be limited to four stories. However, any non-residential uses that are located along Dallas Highway (State Route 120 from John Ward Road to Paulding County line) in west Cobb would be limited to three stories. The appropriateness of this limitation is based on the local Scenic Highway designation currently assigned to this portion of Dallas Highway.

Adjacent Future Land Use:

North: Low Density Residential (LDR)

East: Neighborhood Activity Center (RAC)

South: Low Density Residential (LDR)

West: Low Density Residential (LDR)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

Historic Preservation

It has been determined that the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional should be considered. This survey, if completed, should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.

APPLICANT: Columbia Properties Capital, LLC

PETITION NO.: Z-98

PRESENT ZONING: R-20

PETITION FOR: RSL & NRC

PLANNING COMMENTS: **Continued**

Design Guidelines

Is the parcel in an area with Design Guidelines? ☒ Yes ☐ No

If yes, design guidelines area Dallas Highway Design Guidelines

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings
☐ Yes ☒ No ☐ Not applicable
- Streetscape elements
☐ Yes ☒ No ☐ Not applicable
- Building Frontage
☐ Yes ☒ No ☐ Not applicable
- Parking Standard
☐ Yes ☒ No ☐ Not applicable
- Architecture standard
☐ Yes ☒ No ☐ Not applicable

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 Smyrna-Osborne 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.

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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 Columbia Properties Capital, Inc

PETITION NO. Z-098

PRESENT ZONING R-20

PETITION FOR RSL & 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 / N side of Dallas Highway

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: 150' W crossing Dallas Highway

Estimated Waste Generation (in G.P.D.): A D F= 10,840 Peak= 27,100

Treatment Plant: South Cobb

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 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
Comments:

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: Columbia Properties Capital, LLC

PETITION NO.: Z-98

PRESENT ZONING: R-20

PETITION FOR: RSL & NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Mud Creek FLOOD HAZARD INFO: Zone AE

- ☒ 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: within and adjacent to floodplain

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 CONDITIONS

- ☒ 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 systems.
- ☒ 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 Mud Creek as well as downstream receiving system within Garrison Ridge Sibdivision.

APPLICANT: Columbia Properties Capital, LLC

PETITION NO.: Z-98

PRESENT ZONING: R-20

PETITION FOR: RSL & NRC

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 parcel is located to the north of Dallas Highway just east of Mud Creek. The site is predominately wooded with very steep slopes ranging from approximately from 10 to 70+ %. Approximately half of the site drains to the northeast corner into and through the adjacent Garrison Ridge Subdivision eventually discharging into Mud Creek. The remainder of the site drains directly to the Mud Creek floodplain either directly or via the existing concrete channel along the Dallas Highway right-of-way.
2. The proposed development will require significant mass grading of the site. The existing extreme topography is not well-suited for large commercial or attached residential development.
3. The proposed stormwater management facility is sited in a logical location at the low point of the disturbed portion of the site. However, there are existing drainage issues downstream of this location due to already receiving developed runoff from the Zachary Woods Subdivision to the northeast and a portion of the adjacent commercial development to the east. The Stormwater Management Division would prefer that as much of the site as possible be designed to discharge directly to Mud Creek (with adequate detention, water quality and channel protection provided).

APPLICANT: Columbia Properties Capital, LLC

PETITION NO.: Z-98

PRESENT ZONING: R-20

PETITION FOR: RSL & 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
Dallas Highway	38,900	Arterial	45 mph	Georgia DOT	100'

Based on traffic counting data taken by Cobb County DOT for Dallas Highway in 2007

COMMENTS AND OBSERVATIONS

Dallas Highway is classified as an arterial, state route, and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

GDOT permits will be required for all work that encroaches upon State right-of-way.

Recommend curb, gutter, and sidewalk along the Dallas Highway frontage.

Recommend deceleration lanes for all Dallas Highway access points.

Recommend a traffic study.

Recommend sidewalk be constructed on existing Garrison Commons right-of-way parallel to site.

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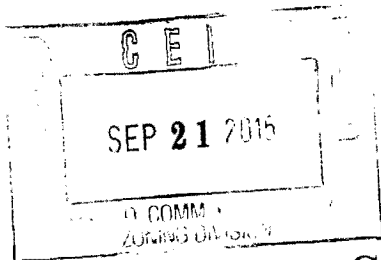
STAFF RECOMMENDATIONS

Z-98 COLUMBIA PROPERTIES CAPITAL, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The site is located at an intersection where two out of the four corners contain retail and office uses. The NRC zoning across Garrison Commons helps to serve as the termination for the higher intensity uses and the strip of NRC and CRC along the eastern side of Garrison Commons is in the NAC land use category, further establishing a less intense transition back to the LDR on the west side of Garrison Commons. The third is a residential senior living community that was rezoned as Z-72 in 2005. The commercial areas along Dallas Highway are limited to the established commercial nodes, which provide an orderly use of land and transition in zoning intensity.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the properties to the north and west. Once outside the commercial node, this area of the county has been successfully developed for residential uses. The specific commercial nodes along Dallas Highway contain well-defined boundaries that have been consistently formulated through careful planning throughout the years.
- C. It is Staff's opinion that the applicant's rezoning proposal may 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 overall rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Low Density Residential (LDR) land use category for residential densities ranging from 1-2.5 units per acre. The applicant's proposal is a mixture of commercial and senior living residential, neither of which is compatible with the *Cobb County Comprehensive Plan* as it is presented. The proposed RSL development has a proposed density of approximately 5.043 units per acre, above the limit of 2.5 units per acre for LDR. Staff acknowledges that the LDR across Dallas Highway is developed as RSL with a density of 4.5 units per acre, even though it is in LDR. The requested NRC zoning category is compatible in the Neighborhood Activity Center (NAC), Community Activity Center (CAC) and Regional Activity Center (RAC) land use categories. The requested RSL is allowed in LDR; however, the overall residential development should be compatible with neighboring residential uses. Residential developments in the area include: Heritage Oaks, Unit I (zoned R-15 at approximately 1.176 units per acre); Garrison Ridge (zoned R-15 at approximately 1.68 units per acre); Zachary Woods, Unit II (zoned R-15 at approximately 2.096 units per acre); and Chestnut Ridge of West Cobb (zoned RSL at 4.5 units per acre).
- 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 denying the applicant's rezoning proposal. Most of the proposal is not in compliance with the *Cobb County Comprehensive Plan*, which delineates this property to be within the Low Density Residential (LDR) land use category. Outside the commercial node, the area is well defined and characterized as R-15 and R-20. Cobb County has been very consistent, and careful with rezoning actions on Dallas Highway to limit commercial development to defined nodes. The NRC section of the Zoning Ordinance requires the property to be within the NAC, CAC or RAC land use categories. The subject property is in the LDR land use category. The RSL (Non-supportive) zoning category is permitted in LDR, but is to be compatible with neighboring residential uses. The approximate density of the proposed RSL portion of the property exceeds the LDR of 1-2.5 units per acre and the densities of the abutting subdivisions. Approval of the request would encourage other rezoning requests that are not consistent with the area, and the *Cobb County Comprehensive Plan*.

Based on the above analysis, Staff recommends DENIAL.

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- 98

PC Hearing: 12-1-2015

BOC Hearing: 12-15-2015

Summary of Intent for Rezoning *

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 1,800 to 2,500 estimated
- b) Proposed building architecture: Caldwell-Cline Architects and Designers will design the project
- c) Proposed selling prices(s): Not determined yet
- d) List all requested variances: None identified at this time
- _____
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Retail Shopping Center
- b) Proposed building architecture: Traditional Retail
- c) Proposed hours/days of operation: Typical Retail Hours
- d) List all requested variances: None identified at this time.
- _____
- _____
- _____

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

.....
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).

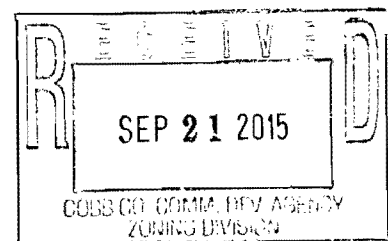
None known at this time.

* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

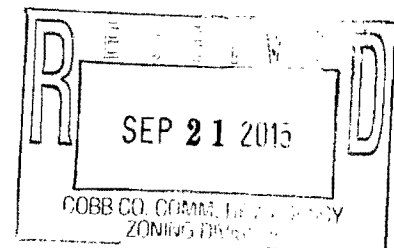
**ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF COLUMBIA PROPERTIES CAPITAL LLC**

COMES NOW, COLUMBIA PROPERTIES CAPITAL LLC, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The development proposal will permit a use of the property that is suitable in relation to the development at this Activity Center. The Activity Center is centered at the intersection of Barrett Parkway and Dallas Highway. The Activity Center is a combination of a Community Activity Center and a Neighborhood Activity Center. The Activity Center includes Lowes, Home Depot, Target, Publix, Wendy's, Pikes Nursery and many other uses. The Applicant proposes to complete the Neighborhood Activity Center portion of the node that is located at the signalized intersection of Garrison Commons by extending the node westward to add a Neighborhood Retail Commercial (NRC) shopping center anchored by a specialty organic grocer and wrapping the NRC property with an age-restricted Residential Senior Living Community. From a planning perspective, the proposed development creates a step-down from the activity center and wraps the commercial component with a low intensity RSL community that itself will be surrounded by significant buffers.



- B. The development proposal is sensitive to the impact it may have on the surrounding community. In order to ameliorate any potential negative impact, the plan will include vegetative buffers and/or fencing to buffer the adjacent R-15 community to the north. The proposed development will access Dallas Highway via the signalized intersection at Garrison Commons and an additional right-in and right-out directly on Dallas Highway.
- C. The subject property has no reasonable economic use as currently zoned based upon the fact that the fair market value of the property falls below the range of values of similarly situated and similarly zoned properties within the West Cobb market. The R-20 zoning is not economically viable given the property's location adjacent to a signalized intersection of State Route 120 and Garrison Commons. Across Garrison Commons from the subject property is a Lowe's with an adjacent NRC shopping center.
- D. The Applicant will implement the measures required by the Cobb County Department of Transportation and Georgia Department of Transportation to ameliorate any impact the development will have on either Garrison Commons or Dallas Highway/State Route 120. The developer will install appropriate turn lanes and deceleration lanes at its entrances so that ingress and egress is consistent with traffic engineering principles.



- E. Although the property is shown as Low Density Residential on the Future Land Use Map, this designation is not consistent with the NAC category located on only one side of the signalized intersection. Expanding the NAC to include a portion of the subject property and surrounding it with a RSL component will complete the Activity Center and create a step down to the residential development to the north and the west
- 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, the proposed development respects the nodal development that has been encouraged on Dallas Highway by completing the Activity Center and stepping down from that activity center by using generous buffers and a RSL community to encapsulate the proposed commercial component.

Respectfully submitted, this the 18 day of September, 2015.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010

[3]

