

APPLICANT: Aspen Hills Redevelopment, LLC

404-442-7888

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP

John H. Moore 770-429-1499

TITLEHOLDER: Aspen Hills Apartments, LLC, Petroleum Realty

V, LLC, Srinivas Machani, Utilities Workers Association, Inc.

PROPERTY LOCATION: Located on the south side of Church Road, east of South Cobb Drive, and on the east side of South Cobb Drive, south of Church Road, and on the westerly side of I-285, north of South Cobb Drive.

ACCESS TO PROPERTY: Church Road, South Cobb Drive

PHYSICAL CHARACTERISTICS TO SITE: Existing gas station, apartments, and commercial buildings

PETITION NO: Z-52

HEARING DATE (PC): 05-01-07

HEARING DATE (BOC): 05-15-07

PRESENT ZONING: RM-12, TS, GC

PROPOSED ZONING: GC, UC

PROPOSED USE: Retail, residential

SIZE OF TRACT: 24.2396 acres

DISTRICT: 17

LAND LOT(S): 752, 753, 760, 761

PARCEL(S): 1, 5, 42, 4

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RM-12/ White Oaks Townhomes (under construction); City of Smyrna/ Oakdale Preserve

SOUTH: TS/ wooded, Interstate 285

EAST: Interstate 285

WEST: TS/ IHOP, Taco Bell, Racetrac, Zaxbys, retail

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

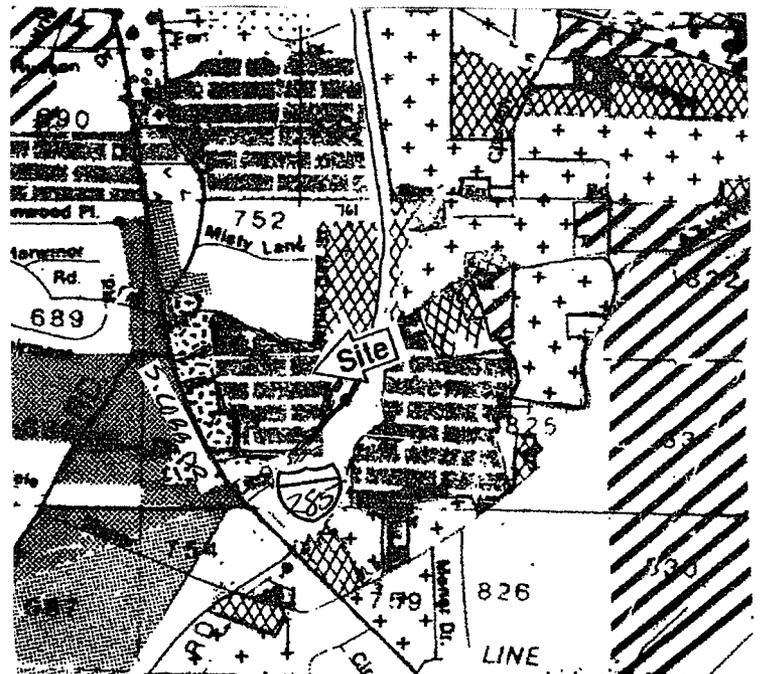
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

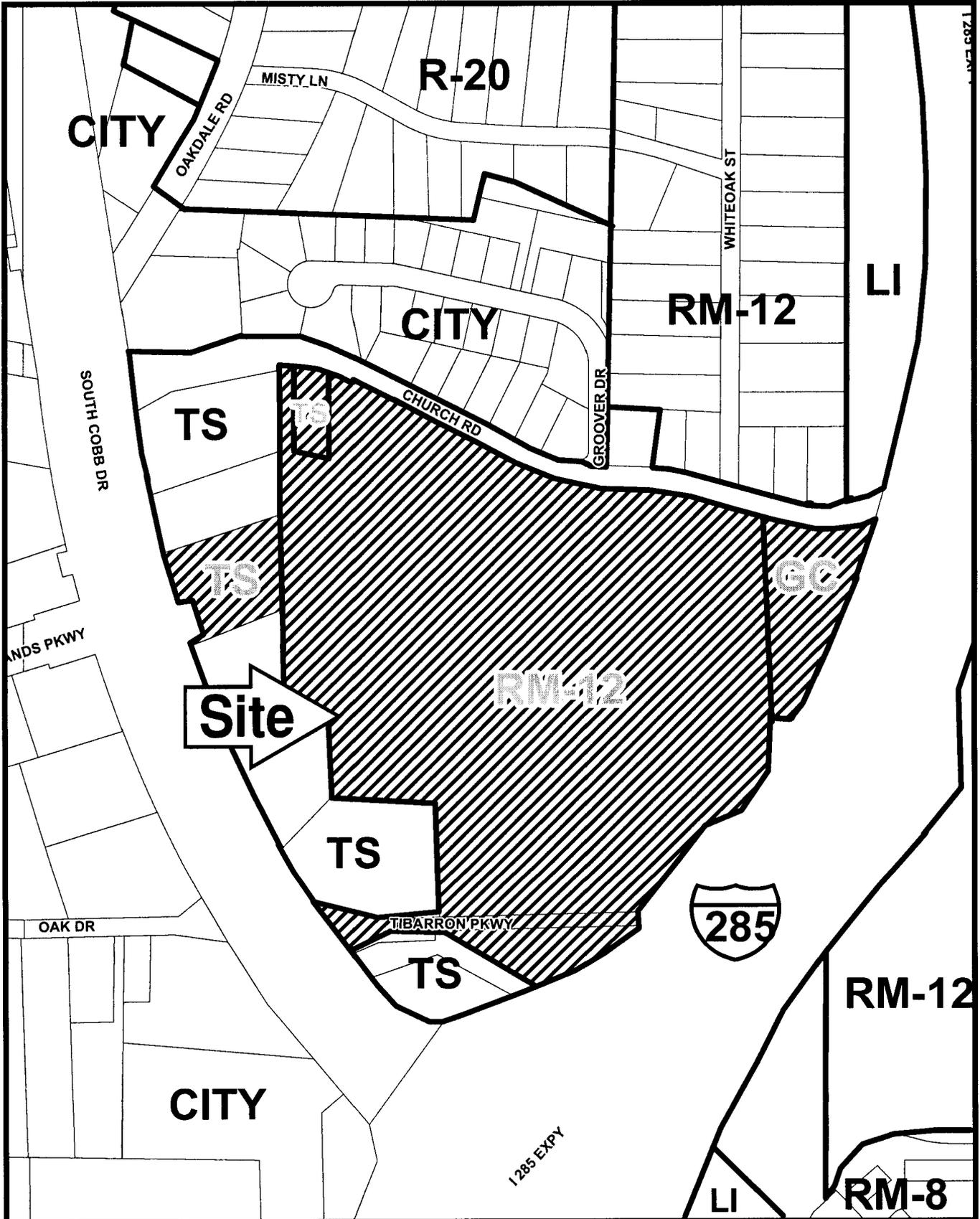
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

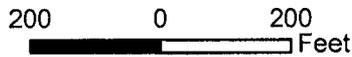
STIPULATIONS:



Z-52



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



-  Draft Parcel Boundary
-  Approximate Zoning Boundary

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PETITION NO.: Z-52

PRESENT ZONING: RM-12, TS, GC

PETITION FOR: GC, UC

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Medium Density Res. (+/-23 acres), Community Activity Center (+/-1.2 acres)

Proposed Number of Buildings: 6 **Total Square Footage of Development:** 390,847

F.A.R.: 0.369 **Square Footage/Acre:** 16,124

Parking Spaces Required: 2,099 **Parking Spaces Provided:** 1,711

The applicant is requesting the GC zoning district to redevelop the property into a retail shopping center, with some residential condominiums. The existing apartment complex and gas station will be completely demolished. The applicant’s proposal includes a two tier shopping center that will have a common architectural theme which will comprise of brick, stone and stucco. The anchor tenant will occupy 179,550 square-feet of the lower level, with an additional 24,000 square-feet of retail shops. The middle level will contain a common parking area for all tenants. The upper level will contain approximately 187,297 square-feet of tenant space that will contain a mixture of office, retail and restaurant space. The applicant has also added a small residential component which will comprise of 38 condominiums units. The units would be a minimum of 1,000 square-feet and will start selling from \$200,000. The buildings would be traditional in styling with brick, stone and/or masonry siding exteriors (see attached rendering Exhibit “A”). The units would be located in the northwestern portion of the property. The applicant has received a favorable recommendation from the Atlanta Regional Commission and the Georgia Regional Transportation Authority for the Development of Regional Impact this project was required to undergo.

The applicant is showing contemporaneous variances which are:

1. Increase the allowable Floor Area Ratio from .25 to .369 (for the GC portion);
2. Reduce the number of required parking spaces from 2,099 to 1,711 (for the GC portion);
3. Reduce the side setback from 35 feet to 10 feet (for the UC portion); and
4. Reduce the rear setback from 40 feet to 10 feet (for the UC portion).

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

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.

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PETITION FOR: GC, UC

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.

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

Commercial: Cul-d-sac without an island to have a 60 foot radius **or** Hammerhead turn-around – 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.

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PETITION NO. Z-052

PRESENT ZONING RM-12, TS, GC

PETITION FOR GC, UC

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

Available at Development? Yes No

Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s): 6" DI / E side S Cobb Dr

Additional Comments: Master meter to be at entrance
Revised 7/9/07

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:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer: On site, private. Pvt lift station to be replaced/revamped

Estimated Waste Generation (in G.P.D.): **A D F** ~ 0 net **Peak** ~ 0 net

Treatment Plant: S Cobb

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

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

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

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

* 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Access to sewer for certain properties on S Cobb Dr must be preserved thru updated private agreements including lift station capacity assurances. Wastewater flow offsite must be by gravity across road ROW. Restaurants must have pre-installed grease traps

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

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DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unmaed Trib to Chattahoochee River 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: along existing stream channel

- 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 receiving system.

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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/SUGGESTIONS

1. The existing Aspen Hills Apartment complex has no significant stormwater management provided. As required by County Code, redevelopment of this site will require that full stormwater management be provided. A combination of above and underground detention is proposed to provide the necessary water quality, channel protection and detention volumes. This will provide significant improvement over current conditions.
2. The proposed site plan layout will require extension of the existing stream culvert by approximately 240 feet. This will require permitting through GA EPD and the US Army Corps of Engineers.

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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
Church Road	5800	Major Collector	35 mph	Cobb County	80'
South Cobb Drive	40100	Arterial	45 mph	Cobb County	100'

*Based on 2004 traffic counting data taken by Cobb County DOT. (Church Road)
Based on 2005 traffic counting data taken by GDOT. (South Cobb Drive)*

COMMENTS AND OBSERVATIONS

Church Road is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification. South Cobb Drive is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

The approach for the full access driveway to South Cobb Drive should include a left turn, a thru lane and a right turn lane.

Developer will be responsible for all cost associated with any traffic signal upgrades/modifications that may be required at the main entrance on South Cobb Drive.

As necessitated by this development for egress from South Cobb Drive, a deceleration lane will be required at the main access point.

The secondary driveway to South Cobb Drive shall remain right-in/right-out. This access has an existing deceleration lane.

Install sidewalk, curb and gutter along both road frontages.

The applicant will have to verify that minimum intersection sight distance is available. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirement of 390'

The western most driveway shall be right-in/right-out with a deceleration lane.

As necessitated by this development for egress from Church Road, a deceleration lane and a left turn lane will be required at each full access point.

Contribute \$150,000 for improvements to Wright Road to mitigate traffic concerns.

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

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Church Road, a minimum of 40' from the roadway centerline and b) contribution of \$150,000 for improvements to Wright Road.

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PETITION FOR: GC

TRANSPORTATION COMMENTS cont.

Recommend constructing a three lane approach for the full access driveway along South Cobb Drive.

Recommend developer provide 100% funding for all traffic signal upgrades for the full access driveway along South Cobb Drive, if warranted.

Recommend a deceleration lane along South Cobb Drive at the main access point.

Recommend the secondary driveway along South Cobb Drive remain right-in/right-out.

Recommend installing sidewalk, curb and gutter along both frontages.

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390'.

Recommend the western most driveway be right-in/right-out with a deceleration lane.

Recommend a deceleration lane and a left turn lane for each full access point along Church Road.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-52 ASPEN HILLS REDEVELOPMENT, 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. There is a mixture of land use types in the area; however, the adjacent land use types are smaller in size and intensity.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal is located adjacent to an interstate highway, along a very busy State Route (South Cobb Drive) at a signalized intersection. The applicant has gone through Development of Regional Impact review with ARC and GRTA, which have both approved the proposal. The proposal has been amended to address a lot of the Staff's comments, and to reduce some of the commercial square-footage in favor of an owner-occupied residential component. However, the Planning Comments did note two significant variances, which may be to intense to be supported by Staff.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Medium Density Residential Land Use Category (+/-94% of the property) and a Community Activity Center (+/-6% of the property).
- 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. The applicant's proposal is not in accordance with the *Cobb County Comprehensive Plan*. Redevelopment of older properties like this is generally viewed positively by many of the parties involved, but the proposal's square-footage is too intense to be supported by Staff.

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.



