

APPLICANT: Fairfield Residential, LLC

770-951-0084

REPRESENTATIVE: Sams, Larkin & Huff, LLP

Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Brumby Partners, L.P., Times-Journal, Inc., Earl T.

Leonard, Jr., as Trustee f/b/o Elisabeth D. Leonard under THE 1998
BEBE LEONARD FAMILY TRUST u/a/d July 22, 1998, and Earl T.

Leonard, Jr., as Trustee f/b/o Earl T. Leonard, III under THE 1998 BEBE
LEONARD FAMILY TRUST u/a/d July 22, 1998.

PROPERTY LOCATION: Located on the east side of I-575, north
of Barrett Parkway and off of a private easement on the west side of
Chastain Meadows Parkway, north of Barrett Parkway.

ACCESS TO PROPERTY: Chastain Meadows Parkway via easement

PHYSICAL CHARACTERISTICS TO SITE: Wooded

PETITION NO: Z-82

HEARING DATE (PC): 09-05-07

HEARING DATE (BOC): 09-18-07

PRESENT ZONING: OS

PROPOSED ZONING: RM-12

PROPOSED USE: Apartments

SIZE OF TRACT: 20.21 acres

DISTRICT: 16

LAND LOT(S): 509

PARCEL(S): 2

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: OS/ wooded, warehouses under construction

SOUTH: CRC/ Super Walmart, shops

EAST: OS/ vacant lot

WEST: Interstate 575

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

PLANNING COMMISSION RECOMMENDATION 435

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

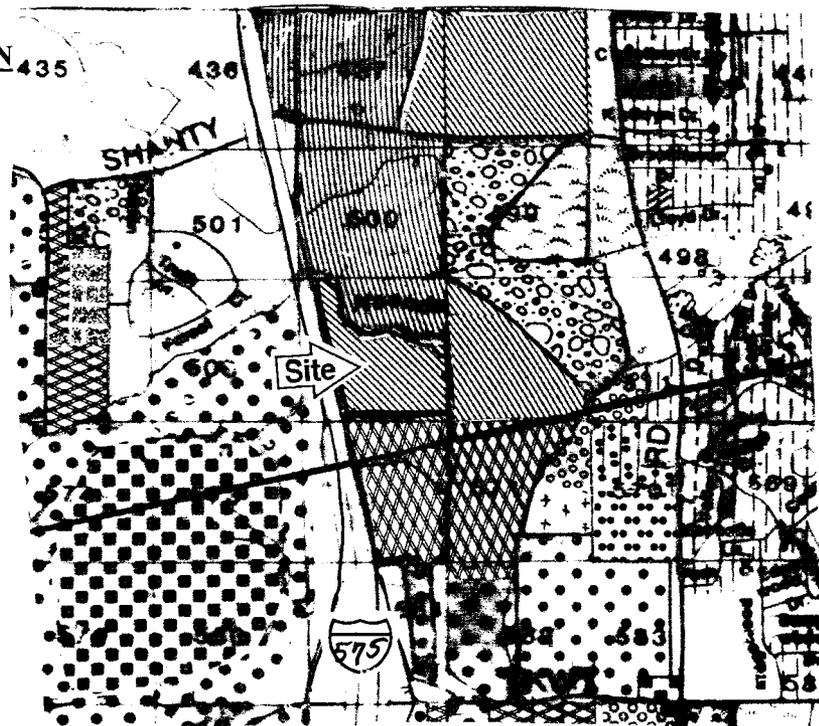
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

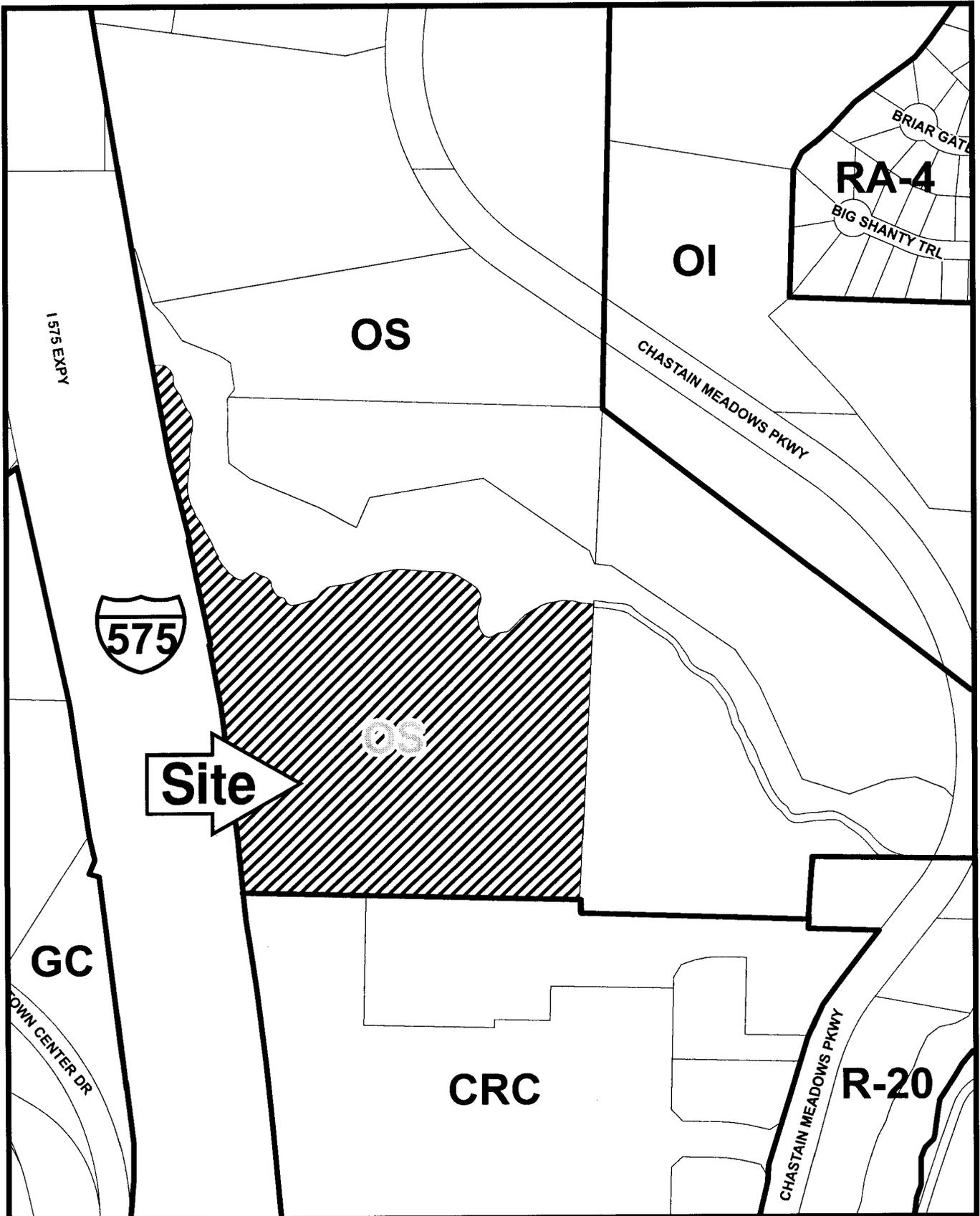
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

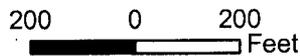
STIPULATIONS:



Z-82



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 FOR: RM-12

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Regional Activity Center, Sub-Area for Retail Services

Proposed Number of Units: 238 **Overall Net Density:** 22.3* **Units/Acre**

Present Zoning Would Allow: 0 **Units** **Increase of:** 238 **Units/Lots**

**9.57 acres of floodplain and wetlands were subtracted from 20.21 acres, leaving 10.64 net acres.*

The applicant is requesting rezoning to the RM-12 zoning district to develop 238 apartment units. There would be a mixture of one, two, and three bedroom units ranging in size from 1,000 square-feet to 1,400 square-feet. The buildings would be up to four stories in height and would be traditional in styling with exteriors consisting of brick, stacked stone, and/or masonry siding. The applicant would access the property via an access easement through the existing Wal-Mart shopping center. The applicant will deed 9.57 acres of floodplain and wetlands to Cobb County, if approved.

The applicant is showing a contemporaneous variance which is:

1. Allow the flood plain and wetlands to be counted in the density calculation which skews the density from 22.3 units per acre (NET) to 11.78 units per acre (GROSS).

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: No comments.

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SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
TBA			
Elementary Daniell	967	Under	
Middle Sprayberry	1,799	Under	

High

* School attendance zones are subject to revision at anytime.

Additional Comments:

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

Fire Hydrant

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

APPLICANT Fairmont Residential, LLC

PETITION NO. Z-082

PRESENT ZONING OS

PETITION FOR RM-12

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): 8" DI / W side Chastain Rd (~850' E)

Additional Comments: Master meter to be on public ROW

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer: 1150' E across Chastain Meadows Pkwy

Estimated Waste Generation (in G.P.D.): **A D F** 95,200 **Peak** 238,000

Treatment Plant: Noonday

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:

Existing CCWS 30" sewer along Noonday Cr to be relocated by county for county regional detention facility and will not be available

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: Noonday 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: identified on site plan

- 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 stream.

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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. This site is located adjacent to Cobb County's proposed Chastain Meadows Regional Detention Facility currently under design for Noonday Creek. The flood pool for this impoundment is expected to be Elevation 936 ft-NGVD. Approximately 10 acres of the apartment site will be within the flood pool and is expected to be deeded to Cobb County for construction of the regional facility.
2. The applicant is proposing to access the site across a portion of property owned by Cobb County. An access easement agreement must be negotiated or a quit claim deed granted for this access drive.
3. Cobb County has approximately 50,000 cubic yards of fill material stockpiled to the south of this tract for construction of the proposed Chastain Meadows Regional Detention Facility. Provision must be made to allow for transport of this material through the apartment site to the proposed dam site, hopefully during the grading phase of these projects. The location of this haul route will depend on the timing of the two projects. Several alternatives must be developed during the Plan Review process to provide for a suitable transport route.
4. It is anticipated that stormwater detention for this project will be provided by the Regional Detention Facility. A fee-in-lieu of detention as well as onsite water quality and channel protection will be required.

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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
Chastain Meadows Pkwy	5400	Arterial	45 mph	Cobb County	100'

Based on 2003 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Chastain Meadows Parkway is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Applicant will need an access easement agreement with Cobb County for the proposed entrance.

RECOMMENDATIONS

Recommend applicant secure an access easement across the County's property.

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

STAFF RECOMMENDATIONS

Z-82 FAIRFIELD RESIDENTIAL, 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. Adjacent properties are used for heavy commercial and warehouse uses; there are not adjacent residential properties. In fact, the property directly across the creek is under development for hundreds of thousands of square-feet of warehouses.

- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The density variance requested by the applicant is too intense to be supported by Staff, and the density variance would set an awful precedent for the rest of the County. Placing residential development in an area of high commercial and industrial uses would cause conflicts between the two land uses in the future. The Towncenter area has seen much new multi-family development in the past few years, but it has all been for owner occupied townhouses and condominiums.

- 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 Regional Activity Center, Sub-Area for Retail Services. The Sub-Area does not anticipate residential uses at this location.

- 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. There are not any apartments adjacent to the applicant's proposal; all the adjacent property is used for commercial and industrial uses. The applicant's density variance request would set a damaging precedent for area, and for rest of Cobb County. The applicant's proposal is not in accordance with 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.