

APPLICANT: Century/AG-Vinings, LLC
678-353-3275

PETITION NO: Z-69

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP
John H. Moore 770-429-1499

HEARING DATE (PC): 07-03-07

HEARING DATE (BOC): 07-17-07

TITLEHOLDER: Xebo Corporation

PRESENT ZONING: CRC

PROPOSED ZONING: UC, CRC, RSL

PROPERTY LOCATION: Located at the southeastly intersection of
Cumberland Parkway and Paces Walk (private road).

PROPOSED USE: Mixed Use Development

ACCESS TO PROPERTY: Cumberland Parkway

SIZE OF TRACT: 18.84 acres

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Graded, vacant lot

LAND LOT(S): 816, 817, 839, 840

PARCEL(S): 6, 11

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: OI/ Paces Walk office building
- SOUTH: UC/ Vinings Vineyard Condominiums
- EAST: RM-12/ Apartments
- WEST: CRC, OI/ Retail center, office buildings

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

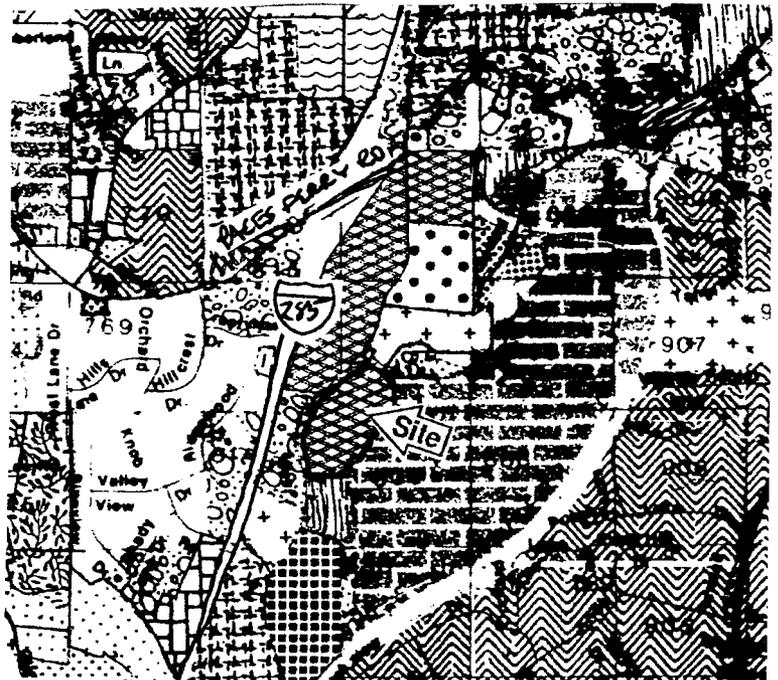
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

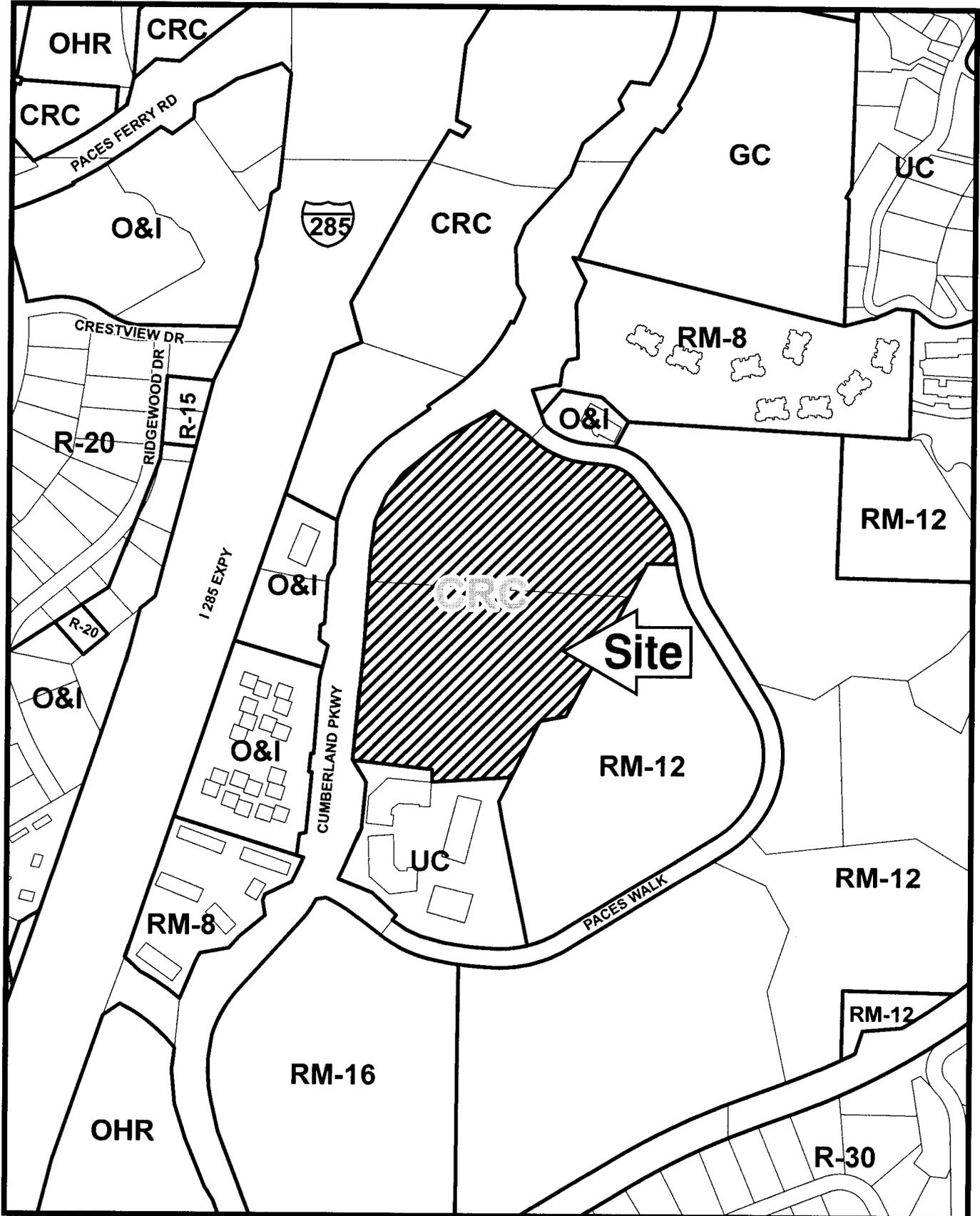
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

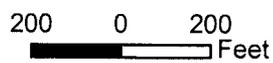
STIPULATIONS:



Z-69



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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PRESENT ZONING: CRC

PETITION FOR: UC, CRC, RSL

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Regional Activity Center- Sub Area for Medium & High Density Res.

Proposed Number of Buildings: 14 **Total Square Footage of Development:** 977,528

Overall F.A.R.: 1.2 **Overall Square Footage/Acre:** 51,885

Commercial F.A.R.: 0.29 **Residential Density:** 21.1 Units per acre

Parking Spaces Required: 1,675 **Parking Spaces Provided:** 1,737

The applicant is requesting the UC, CRC, and RSL zoning districts to build a mixed use development containing restaurants, retail, offices, a bank, a hotel, senior residential and residential condominiums. The entire development would have a common architectural theme consisting of brick, stone, stucco and glass. The applicant plans to install a traffic light at the main entrance.

The non-residential component would contain restaurants, a bank, and retail with some office space on the second stories of the retail buildings. The anticipated hours of operation for the retail uses would be 6:00 a.m. to midnight, and the anticipated hours of operation for the offices would be 6:00 a.m. to 6:00 p.m. There will also be a hotel that would be six-stories in height with a three-story parking deck and 120 rooms. The hotel would be open 24 hours a day, and this would not be a suite hotel. The total square-footage of the non-residential component would be 237,476 square-feet. The previous stipulations are attached for review (see Exhibit "A").

The residential component would contain three types of residential units. First, there would be a senior living component that would be seven-stories in height with a three-story parking deck and 80 residential units. Second, there would be a residential condominium component that would be contained within two high-rise towers. The first tower (tower A) would be fifteen-stories in height with a four-story parking deck and 136 residential units. The second tower (tower B) would be eighteen-stories in height with a four-story parking deck and 155 residential units. Third, there would be mixed use condominium units above the retail/office uses in the center of the project. There would be 28 units. All the residential components would range in size from 800 square-feet to 1,500 square-feet and possibly greater, with an average unit size of approximately 1,000 square-feet. The units will be a mixture of 1, 2, and 3 bedrooms, and are anticipated to start selling for \$300,000. Amenities for the residential portion would include a pool, work-out room, concierge, and a business center.

The applicant's proposal has been reviewed and approved by the Atlanta Regional Commission and the Georgia Regional Transportation Authority for the Development of Regional Impact the project generated.

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 comment.

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SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Teasley</u>	<u>521</u>	<u>Over</u>	<u> </u>
Elementary <u>Campbell</u>	<u>1,081</u>	<u>Under</u>	<u> </u>
Middle <u>Campbell</u>	<u>2,274</u>	<u>Under</u>	<u> </u>

High
***School attendance zones are subject to revision at any time.**

Additional Comments:

Approval of this rezoning could adversely impact enrollment at Teasley Elementary

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-069

PRESENT ZONING CRC

PETITION FOR UC, CRC, RSL

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No

Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 12" DI / W side Cumberland Pkwy (w/stubs toward E)

Additional Comments: One master meter for commercial (and for ea outparcel, if any) and one for residential

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: In Cumberland Pkwy (near N & S property lines)

Estimated Waste Generation (in G.P.D.): **A D F** 183,240** **Peak** 458,100**

Treatment Plant: Sutton

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

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:

**Wastewater flow for commercial estimated as retail. Restaurants will increase this flow, and will also require pre-installed grease traps.

Flow test may not be required depending on amount of flow directed N and amount directed S

Notes FYI: *REVISED 10/10/07*

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: Vinings Branch 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 downstream **stormdrainage system and master detention facility.**

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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.

ADDITIONAL COMMENTS/SUGGESTIONS

1. This site has been previously disturbed/graded. The majority of the site (11.72 Ac) was accounted for in the master detention facility design for the nearby Cumberland Parkway Home Depot site. This facility is located to the north on the opposite side of Paces Walk. Stormwater detention for the remaining 7.12 acres will need to be provided onsite as well as water quality and channel protection volume for the entire site. Adequate as-built capacity in the master detention facility must be verified at Plan Review. All site runoff must be conveyed offsite via existing infrastructure.

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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
Cumberland Pkwy	16400	Arterial	35 mph	Cobb County	100'

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

COMMENTS AND OBSERVATIONS

Cumberland Parkway is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Align main driveway access with the opposing driveway.

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 490'.

Explore possibilities of getting a additional access to Paces Walk.

Developer to install a traffic signal, if and when warranted, at main access entrance.

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 east side of Cumberland Parkway, a minimum of 50' from the roadway centerline.

Recommend aligning the proposed main driveway entrance with the opposing driveway access.

Recommend the secondary access driveway along Cumberland Parkway be right-in/right-out.

The applicant will have to verify that minimum intersection sight distance is available for all driveways along Cumberland Parkway. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirement of 490'.

Recommend the developer install a traffic signal if and when warranted at the main entrance.

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

STAFF RECOMMENDATIONS

Z-69 CENTURY/ AG-VININGS, LLC

- 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. Within close proximity to the subject property, the area contains many uses, such as low to high-rise office buildings, high density residential uses, commercial uses, and mixed use projects.
- 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 would be consistent the character of the area, which is mixed use in nature. The applicant's proposal is located in an area that supports a variety of office, commercial and residential uses. Additionally, the applicant's proposal is located within close proximity to Interstate 285, and the major employment centers associated with the Cumberland/Galleria area.
- 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 or utilities. This opinion can be supported by the departmental comments contained in this analysis. Staff is concerned with the site distance available at the main access point; a traffic signal will have to be installed to control ingress/egress, as determined by Cobb DOT.
- 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* (the Plan), which delineates this property to be within Regional Activity Center. Regional Activity Center's allow for the most intensity and density. However, the Sub-Area is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Medium (+/-50%) and High Density Residential (+/-50%) Sub-Area, with densities ranging from 2.5 to 5 units per acre, and densities ranging from 5 to 12 units per acre, respectively. The applicant's density is 21.2 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 CRC portion of the applicant's rezoning proposal, and approving the applicants' UC and RSL portion, with conditions. The applicant's proposal is located within a Regional Activity Center (RAC), which allows for the most variety, and intensity of land uses. However, the applicant's property is designated as Medium and High Density Residential in the Sub-Area of the Plan, which does not support the applicant's proposal for CRC at all; as stated above, this portion is recommended to be denied.

The UC and RSL portions of the proposal are consistent with the Plan, as far as the residential use is concerned. The main issue that needs to be resolved is the residential density. The adjacent residentially zoned properties are zoned RM-8, RM-12, RM-16, and UC; these properties range in density, from 8 units per acre to 16 units per acre. A maximum density of 12 units per acre for the proposed UC and RSL would be consistent with adjacent properties, and is consistent with the Plan. Staff believes the applicant's UC and RSL proposal for this property would be beneficial for the County, and beneficial for the area by encouraging homeownership close to major employment centers and close to the interstate highway.

(Continued on the next page)

STAFF RECOMMENDATIONS

Z-69 CENTURY/ AG-VININGS, LLC (Continued)

The applicant's proposal could continue to encourage other mixed-use projects in the area, which are viewed positively by ARC and GRTA, by encouraging a more a livable region near transportation corridors and activity centers.

Based on the above analysis, Staff recommends DENIAL of the CRC portion of the request and APPROVAL of the UC and RSL portion of the request subject to:

- Site plan showing the UC and RSL zoning districts to be approved by the Board of Commissioners;
- Maximum of 12 units per acre;
- Subject to the Development of Regional Impact from the Atlanta Regional Commission and the Georgia Regional Transportation Authority;
- Cobb DOT determine the placement of the proposed traffic light;
- Water and Sewer comments and recommendations;
- Fire Department comments;
- Stormwater Management comments;
- 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.

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.

