

APPLICANT: Lynwood Development Group, LLC
404-512-4583

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

TITLEHOLDER: Interstate North Office Park (Land), L.P.

PROPERTY LOCATION: Located on the northeasterly side of
Interstate North Parkway, south of Windy Hill Road.

ACCESS TO PROPERTY: Interstate North Parkway

PHYSICAL CHARACTERISTICS TO SITE: Wooded

PETITION NO: Z-55

HEARING DATE (PC): 11-04-08

HEARING DATE (BOC): 11-18-08

PRESENT ZONING: OHR

PROPOSED ZONING: UC

PROPOSED USE: Residential
Condominiums

SIZE OF TRACT: 5.68 acres

DISTRICT: 17

LAND LOT(S): 875, 876, 919

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** O&I/ Midtown Athletic Club
- SOUTH:** O&I/ Extended Stay Delux
- EAST:** O&I/ lake, wooded
- WEST:** GC, TS/ Pappadeaux Seafood Kitchen, Pappasitos Cantina

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

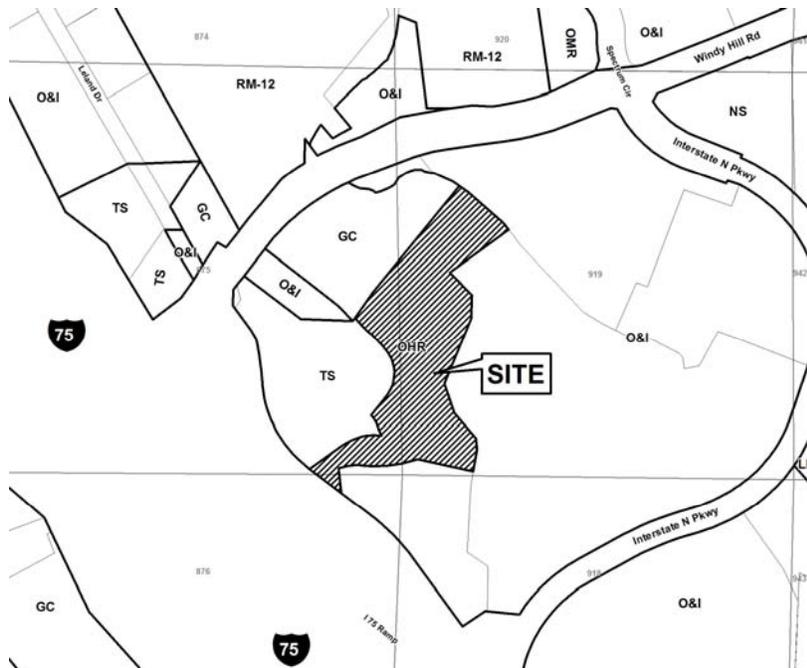
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

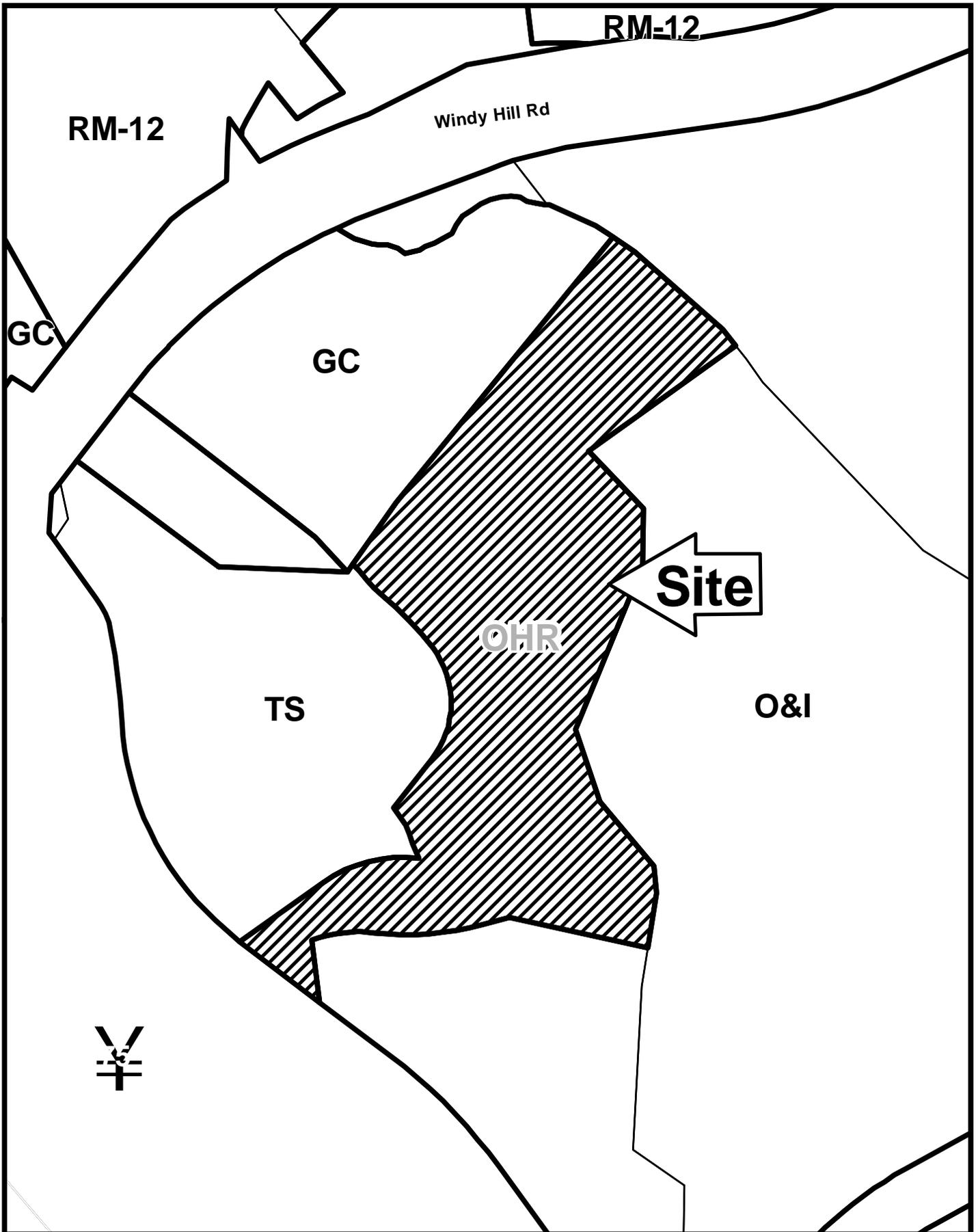
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-55



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

100 0 100 Feet

[City Boundary
Zoning Boundary

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PETITION FOR: UC

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Regional Activity Center- Sub Area for Office

Proposed Number of Units: 320 **Overall Density:** 56.33 **Units/Acre**

Present Zoning Would Allow: 0 **Units** **Increase of:** 320 **Units/Lots**

The applicant is requesting the UC zoning district to develop a residential condominium project. The building would be five-stories in height with an attached parking deck. There would be a mixture of one, two, and three bedroom dwelling units ranging in size from 800 square-feet to 2,000 square-feet. The units would sell for \$300,000 to \$850,000. The building exterior would contain a combination of brick, stone, stacked stone, stucco and/or hardiplank. The applicant would like to have the option of temporarily leasing all the units until the real estate market improves; monthly rentals are anticipated to run \$1,100 to \$2,100 per month.

The applicant is showing contemporaneous variances which are:

1. Reduce side setback from 35-feet to 10-feet;
2. Reduce the required number of parking spaces from 560 parking spaces to 480 parking spaces.

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be 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>Brumby</u>	<u>867</u>	<u>Under</u>	<u> </u>
Elementary			
<u>East Cobb</u>	<u>1,154</u>	<u>Under</u>	<u> </u>
Middle			
<u>Wheeler</u>	<u>1,884</u>	<u>Over</u>	<u> </u>

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.

All fuel tanks must be submitted to Cobb County Fire Marshal’s Office for approval call 770-528-8328.

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal’s Office.

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PRESENT ZONING OHR

PETITION FOR UC

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 / NE side Interstate North Pkwy

Additional Comments: Meter to be at entrance

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: Onsite, NE end (42" dia line)

Estimated Waste Generation (in G.P.D.): **A D F** 128,000 **Peak** 320,000

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:

Notes FYI:

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: **Rottenwood 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: **adjacent to Rottenwood Creek**

- 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 - **Interstate North Office Park Lake.**
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 **Interstate North Office Park Lake.**

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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 - **must be addressed at Plan Review**
- 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 site is located adjacent to Rottenwood Creek. Only a small portion of the site actually lies within the 100-year floodplain and floodway of the creek. However, the cul-de-sac location on the current site plan encroaches into the 25-foot impervious stream buffer setback. The site plan will need to be revised to relocate this pavement outside the impervious setback limit.
2. No onsite stormwater management is shown on the current plan. It is assumed that some type of underground detention will be provided below the proposed parking deck. It is possible that stormwater management may already be accounted for in the adjacent Interstate North Office Park Lake located immediately to the east of the site. This will need to be verified in Plan Review.

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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
Interstate North Pkwy	8000	Arterial	35 mph	Cobb County	100'

Based on 2008 traffic counting data taken by Cobb County GDOT.

COMMENTS AND OBSERVATIONS

Interstate North 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.

The northeastern border of this property is identified as being within the project limits of the Rottenwood Creek Trail project.

RECOMMENDATIONS

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed trail project.

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

STAFF RECOMMENDATIONS

Z-55 LYNWOOD DEVELOPMENT GROUP, 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. The area contains many intense uses such as mid and high-rise office buildings, high density residential and commercial uses. The property is currently zoned for a 16-story office building and a 7-story parking deck, with 396,000 square-feet of office space (Z-53 of 2002). However, the UC zoning district is intended for individual ownership of the units, not for leasing all the units.

- 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 truly mixed use. The applicant's proposal is located in an area that supports a variety of office, commercial and residential uses. However, the UC projects previously approved by the Board of Commissioners have not been for leased units; approval of the request may give the applicant an unfair advantage over nearby owner-occupied projects, which are slowly selling units. Additionally, the applicant is requesting two variances that are much too 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, schools or utilities. 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Regional Activity Center Land Use Category, Sub area for Office use. The *Cobb County Comprehensive Plan* states, "...mixed use developments that include retail...and Mid and high-rise residential developments are appropriate in this category". Based on the urban characteristics of the area, and the intensity of this particular Regional Activity Center, Staff believes the applicant's proposal meets the intent of the *Cobb County Comprehensive Plan*.

- 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 would be compatible with other uses in the area, which includes residential, commercial and offices. However, the applicant's proposal would be for leased units, which is not supported by the UC zoning district. Additionally, the applicant's proposal includes two substantial variances to the UC zoning district, as listed in the Planning comments.

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.