

**APPLICANT:** Lynwood Development Group, LLC  
**PHONE#:** (404) 512-4583 **EMAIL:** wsnell@lynwooddevelopment.com  
**REPRESENTATIVE:** J. Kevin Moore  
**PHONE#:** (770) 429-1499 **EMAIL:** jkm@mijs.com  
**TITLEHOLDER:** BSD Power II, LLC and Park Point Land, LLC

**PROPERTY LOCATION:** Southwest intersection of Powers Ferry  
Road and Windy Ridge Parkway.

**ACCESS TO PROPERTY:** Powers Ferry Road

**PHYSICAL CHARACTERISTICS TO SITE:** Wooded, undeveloped  
acreage

#### CONTIGUOUS ZONING/DEVELOPMENT

**NORTH:** UC/Horizon Condominiums  
**SOUTH:** RM-16/Windy Ridge Apartments  
**EAST:** CRC/Retail and Restaurants  
**WEST:** OHR/Office High Rise

**PETITION NO:** Z-27

**HEARING DATE (PC):** 03-03-15

**HEARING DATE (BOC):** 03-17-15

**PRESENT ZONING:** OHR

**PROPOSED ZONING:** UC

**PROPOSED USE:** Urban Condominiums

**SIZE OF TRACT:** 3.14 acres

**DISTRICT:** 17

**LAND LOT(S):** 985, 1008

**PARCEL(S):** 8

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

#### PLANNING COMMISSION RECOMMENDATION

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

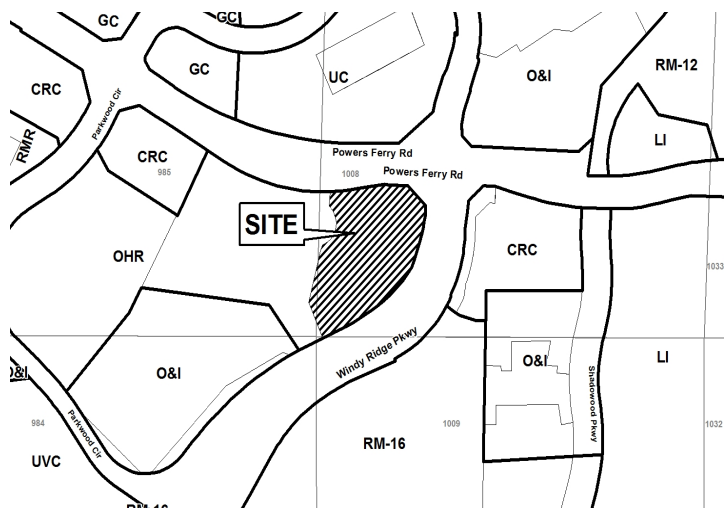
#### BOARD OF COMMISSIONERS DECISION

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

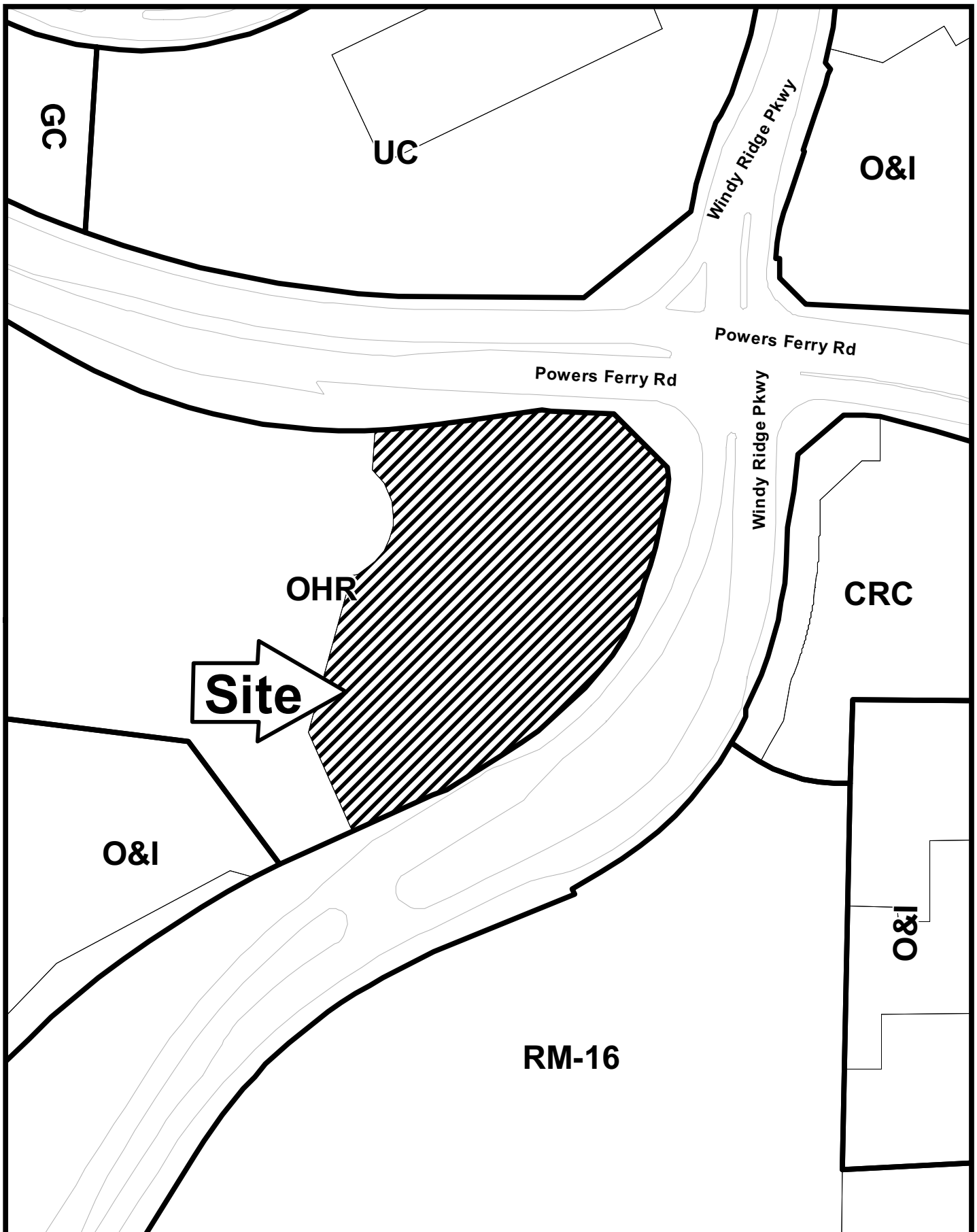
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Z-27



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

0 100 200 Feet



City Boundary  
Zoning Boundary

**APPLICANT:** Lynwood Development Group, LLC

**PETITION NO.:** Z-27

**PRESENT ZONING:** OHR

**PETITION FOR:** UC

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**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Regional Activity Center (RAC)

**Proposed Number of Units:** 300      **Overall Density:** 95.54      **Units/Acre**

**Staff estimate for allowable # of units:** 0      **Units\***      **Increase of:** 300      **Units/Lots**

\*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the Urban Condominium (UC) zoning category for the development of 300-condominium units in a building not to exceed six stories. The average size of the units will be 925 square feet and the building will a structure with brick, hardi-plank, and stucco exterior details. The units will be for rent. The building will utilize the existing six-story parking deck that also serves the adjacent office building, with an addition of 261 spaces.

Applicant is also requesting simultaneous variances that include:

1. Waiving the front setback (Powers Ferry Road) from the required 50 feet to 25 feet; and
2. Waiving the major side setback (Windy Ridge Parkway) from the required 35 feet to 25 feet;
3. Waive the side setback from 35 feet to zero feet;
4. Allow all the units to be rental in lieu of for sale condominiums; and
5. Waive the required number of parking spaces from the required 525 spaces to 450 (the existing 189 deck spaces, to be shared with the existing office building, with the proposed addition of 261).

**Cemetery Preservation:** No comment.

**APPLICANT:**   Lynwood Development Group, LLC

**PETITION NO.:**   Z-27

**PRESENT ZONING:**   OHR

**PETITION FOR:**   UC

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**SCHOOL COMMENTS:**

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Brumby	1,026	Over	
Elementary East Cobb	1,223	Over	
Middle Wheeler	2,117	Under	

**High**

- School attendance zones are subject to revision at any time.

**Additional Comments:** Approval of this petition could seriously and adversely impact the enrollment at Brumby Elementary and East Cobb Middle schools, as both of these schools are severely over capacity at this time. This petition includes 300 condominiums, which could potentially result in the addition of portable classrooms, over-crowded cafeterias and media centers, and could exacerbate already heavy traffic flow at key times during the day, such as drop-off and pick-up times.

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**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

**APPLICANT:** Lynwood Development Group, LLC

**PETITION NO.:** Z-27

**PRESENT ZONING:** OHR

**PETITION FOR:** UC

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from OHR to UC for purpose of urban condominium. The 3.14 acre site is located on the southwest intersection of Powers Ferry Road and Windy Ridge Parkway.

**Comprehensive Plan**

The parcel is within a Regional Activity Center (**RAC**) future land use category, with OHR zoning designation. The purpose of the Regional Activity Center (RAC) category is to provide for areas that can support a high intensity of development which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and varying densities of residential development.

**Master Plan/Corridor Study**

Not applicable.

**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.

**Design Guidelines**

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

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

**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 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.

**APPLICANT:** Lynwood Development Group, LLC

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**PRESENT ZONING:** OHR

**PETITION FOR:** UC

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**PLANNING COMMENTS:** (Continued)

***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 Lynwood Development Group

PETITION NO. Z-027

PRESENT ZONING OHR

PETITION FOR UC

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**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): 20" DI / S side of Powers Ferry Rd

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.

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**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: 650' SW in Windy Ridge Pky

Estimated Waste Generation (in G.P.D.): A D F= 48,000 Peak= 120,000

Treatment Plant: Sutton

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: The capacity of the private sewer 125' to SW is unknown.

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.



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<b>STORMWATER MANAGEMENT COMMENTS</b>
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FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rottenwood Creek 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 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 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 existing downstream system (including any in-line ponds or detention facilities).

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PRESENT ZONING: OHR

PETITION FOR: UC

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<b>STORMWATER MANAGEMENT COMMENTS – Continued</b>
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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. The site is located on the Phase II portion of the original Parkwood Point Office Complex at the corner of Powers Ferry Road and Windy Ridge Parkway. The site is characterized by a large depression. The lowest portion of the site, located at the southwest end serves as the detention facility for the existing Parkwood Point development. There is a Reciprocal Use and Easement Agreement for this drainage easement. The agreement does allow for reconfiguration of the detention facility to accommodate the overall development. The final site design must provide adequate stormwater management for the entire Parkwood Point Site.

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**PRESENT ZONING:** OHR **PETITION FOR:** UC

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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
Powers Ferry Road	32000	Arterial	45	Cobb	100'
Windy Ridge Pkwy	11,200	Arterial	35	Cobb	100'

*Based on [2011] traffic counting data taken by Cobb County DOT*

### COMMENTS AND OBSERVATIONS

Powers Ferry Road and Windy Ridge Parkway are classified as arterials 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.

Recommend applicant consider entering into a development agreement pursuant to 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 Windy Ridge Parkway to accommodate a planned 10' multi-use trail; b) traffic signal at Windy Ridge Parkway entrance should it become warranted in the future.

Recommend 10' multi-use trail along Windy Ridge Parkway.

Recommend FAA study.

## **STAFF RECOMMENDATIONS**

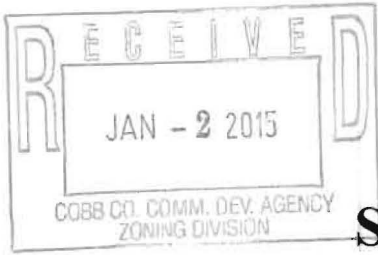
### **Z-27 LYNWOOD DEVELOPMENT GROUP, LLC**

- 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. Nearby properties are zoned for mid- and high-rise office buildings and multifamily developments.
- 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. There is a mixture of developments that include uses similar to this proposal.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Regional Activity Center (RAC) land use category. The requested UC zoning category is compatible with the RAC land use category. The development to the north, Horizon, is a high-rise condominium development with 274 units at an approximate density of 42.74 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 approving the applicant's rezoning proposal. The proposed development is consistent with the *Cobb County Comprehensive Plan* designation of RAC. The property is located in an area that has a mixture of uses including mid- and high-rise offices, high-rise condominiums, commercial centers and multi-family developments.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

- Site plan submitted to the Zoning Division on January 2, 2015, with the District Commissioner approving minor modifications;
- All units to be “for sale”;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- 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.**



Application #: Z- 27 (2015)

PC Hearing Date: 03/03/2015

BOC Hearing Date: 03/17/2015

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): 925 square feet - average
- b) Proposed building architecture: Maximum six-story structure with brick, hardi-plank, stucco exterior details; flat roof; adjacent parking deck
- c) Proposed selling prices(s): Not Applicable - Rental Product
- d) List all requested variances: 25 foot building setback at Windy Ridge to match current Powers Ferry configuration

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

- a) Proposed use(s): Not Applicable
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

### 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.

### Part 5. Is this application a result of a Code Enforcement action? No X; Yes \_\_\_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature BY: [Signature] Date: January 2, 2015

J. Kevin Moore; Georgia Bar No. 519728

Applicant name (printed): Attorneys for Applicant and Property Owners

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

Revised August 21, 2013