

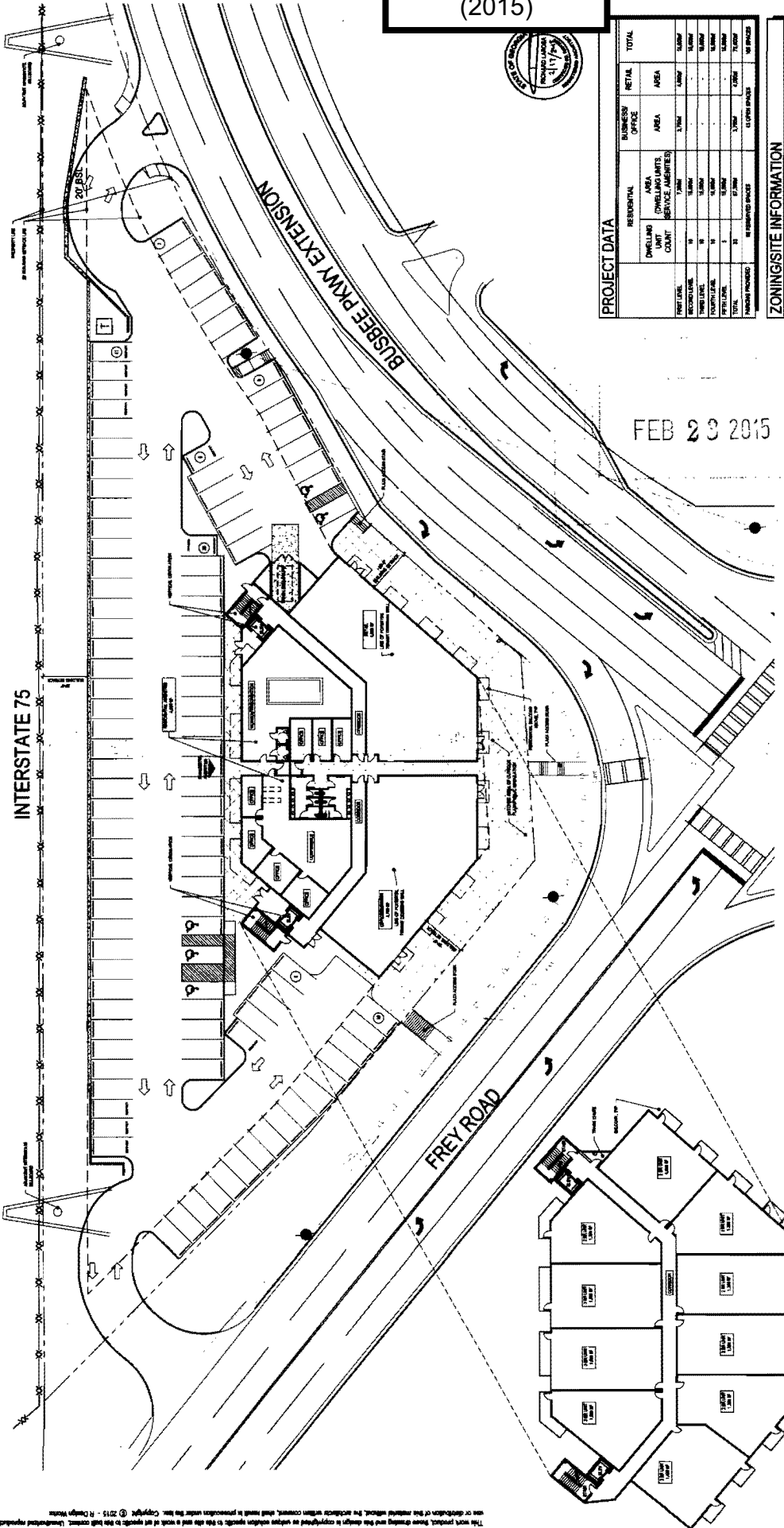
Z-40  
(2015)



PROJECT DATA		RESIDENTIAL	OFFICE	RETAIL	TOTAL
DWELLING UNIT COUNT	AREA (SQUARE FEET)	AREA (SQUARE FEET)	AREA (SQUARE FEET)	AREA (SQUARE FEET)	AREA (SQUARE FEET)
12	17,280	17,280	0	17,280	17,280
NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS	NO. OF UNITS
12	0	0	0	12	12
TOTAL	17,280	17,280	0	17,280	17,280

**ZONING/SITE INFORMATION**

AREA OF SITE: 1.86 AC (81,776 SQ. FT.)  
 PROPOSED ZONING (COBZ CO.): UIC  
 P.O.W. ALONG STREET: 15 FT.  
 SETBACKS FRONT, BACK, 1 & 2 SIDES: 5 FT.  
 PROPOSED BUILDING HEIGHT: 20 FT.  
 \* IF TO ROBERT OCCUPIED LEVEL, SEE TO DETERMINE IF ROOF DECK



FEB 23 2015

ARCHITECTURAL SITE PLAN  
1st FLOOR PLAN

2nd, 3rd, 4th FLOOR PLAN

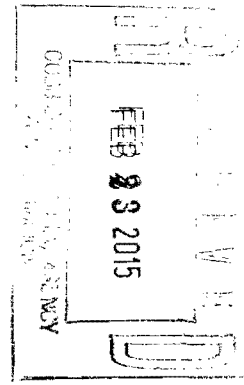
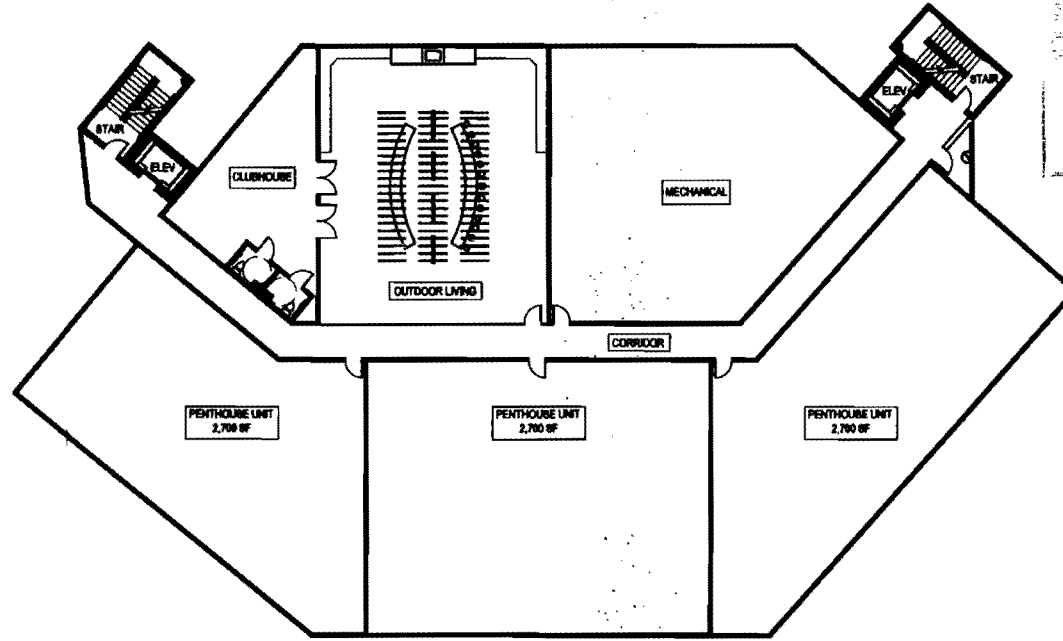
SEVEN STAR VENTURES, LLC  
EDDIE QUARLES

THE DISTRICT CONDOMINIUM LIVING  
KENNESAW, GA

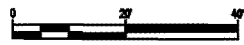


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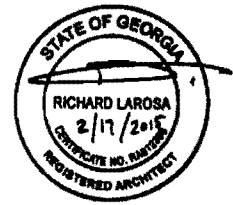


5th FLOOR PLAN



THE DISTRICT CONDOMINIUM LIVING

KENNESAW, GA



SEVEN STAR VENTURES, LLC  
EDDIE QUARLES

Z-40  
(2015)

**APPLICANT:** Seven Star Ventures, LLC

**PETITION NO:** Z-40

**PHONE#:** (770) 329-1944 **EMAIL:** equartles49@yahoo.com

**HEARING DATE (PC):** 05-05-15

**REPRESENTATIVE:** Garvis L. Sams, Jr.

**HEARING DATE (BOC):** 05-19-15

**PHONE#:** (770) 422-7016 **EMAIL:** gsams@slhb-law.com

**PRESENT ZONING:** GC

**TITLEHOLDER:** Seven star Ventures, LLC

**PROPOSED ZONING:** UYC

**PROPERTY LOCATION:** Southwest intersection of George Busbee

Parkway and Frey Road, and on the northeasterly side of I-75.

**PROPOSED USE:** Mixed-Use Development

Consisting of Office, Retail and Residential

**ACCESS TO PROPERTY:** Frey Road

**SIZE OF TRACT:** 1.808 acres

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

**DISTRICT:** 20

lot

**LAND LOT(S):** 94

**PARCEL(S):** 250

**CONTIGUOUS ZONING/DEVELOPMENT**

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

**COMMISSION DISTRICT:** 3

**NORTH:** GC/Convenience Store with fuels sales and retail center

**SOUTH:** I-75 Right-of-Way

**EAST:** RM-12/Apartments

**WEST:** I-75 Right-of-Way; RM-16 and RM-12/Student Housing

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

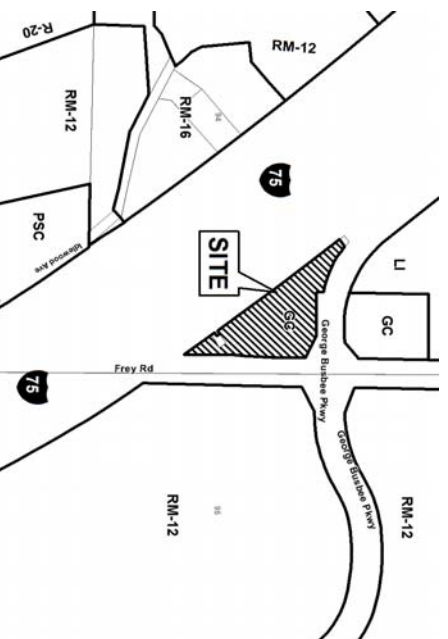
**BOARD OF COMMISSIONERS DECISION**

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

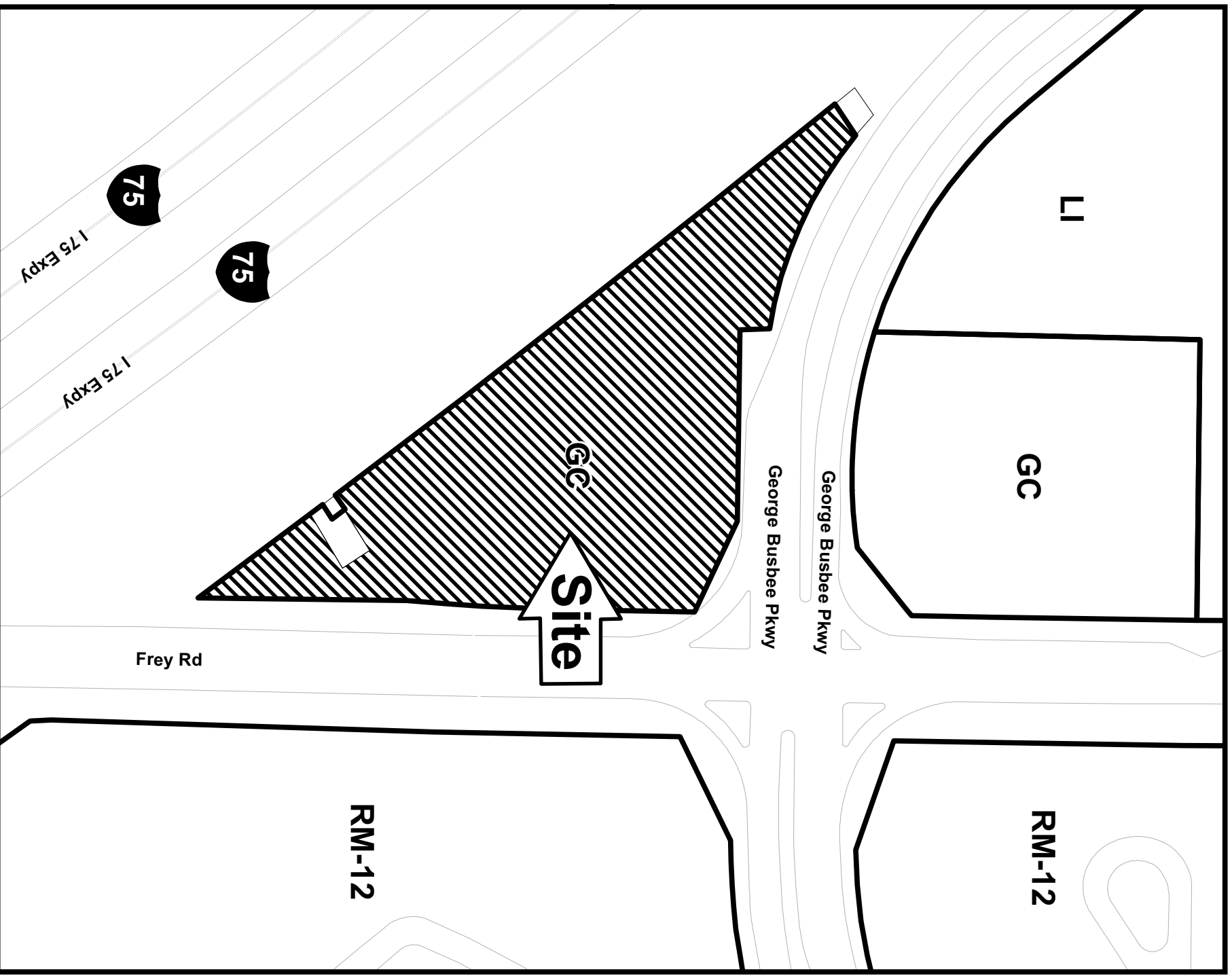
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

**STIPULATIONS:**



# Z-40



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



City Boundary  
Zoning Boundary

**APPLICANT:** Seven Star Ventures, LLC

**PETITION NO.:** Z-40

**PRESENT ZONING:** GC

**PETITION FOR:** UVC

\*\*\*\*\*

**ZONING COMMENTS:**

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

**Land Use Plan Recommendation:** Community Activity Center (CAC)

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 67,300

**F.A.R.:** 0.854      **Square Footage/Acre:** 37,223

**Parking Spaces Required:** 112      **Parking Spaces Provided:** 109

Applicant is requesting the Urban Village Commercial (UVC) zoning category for the development of a five-story mixed used building. The bottom level of the building will be parking and the first main level will be 15,000 square feet utilized for residential amenities and offices and retail. The second through fifth levels will be 15,000 square feet each with residential condominiums. There will be 33 condominium units and they will range in size from 1,250 square feet (two bedrooms) to 1,650 square feet (three bedrooms), and to 2,700 square feet (penthouse units). The proposed selling points will be from \$300,000 to \$700,000. The building will be in substantial conformity with the attached rendering. The hours of operation for the office/retail portion will be Monday through Sunday from 8 a.m. until 10 p.m.

Applicant’s proposal will require the following contemporaneous variances:

1. Waiver of the required acreage from 2 acres to 1.808 acres;
2. Waiver of the maximum 1,000 square feet for retail uses to a maximum of 3,000 square feet;
3. Waiver of the allowed floor area ratio (FAR) from the allowed 0.25 to 0.854; and
4. Waiver of the number of required parking spaces from the required 112 to 109.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**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:** Seven Star Ventures, LLC

**PETITION NO.:** Z-40

**PRESENT ZONING:** GC

**PETITION FOR:** UVC

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to UVC for purpose of mixed-use development consisting of office, retail and residential. The 1.808 acre site is located on the southwest intersection of George Busbee Parkway and Frey Road, and on the northeasterly side of I-75.

**Comprehensive Plan**

The parcel is within a Community Activity Center (CAC) future land use category, with GC zoning designation. The purpose of the Community Activity Center (CAC) is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

**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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

**APPLICANT:** Seven Star Ventures, LLC

**PETITION NO.:** Z-40

**PRESENT ZONING:** GC

**PETITION FOR:** UVC

\*\*\*\*\*

**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 Seven Star Ventures, LLC  
PRESENT ZONING GC

PETITION NO. Z-040  
PETITION FOR UVC

\*\*\*\*\*

**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): 12" DI / W side of Frey 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.

\*\*\*\*\*

**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: In Frey Rd ROW

Estimated Waste Generation (in G.P.D.): A D F= 5588 Peak= 13970

Treatment Plant: Noonday

Plant Capacity:  Available  Not Available  
Line Capacity:  Available  Not Available  
Projected Plant Availabilitv:  0 - 5 years  5 - 10 years  over 10 years  
Drv 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

Additional  
Comments:

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.



APPLICANT: Seven Star Ventures, LLC

PETITION NO.: Z-40

PRESENT ZONING: GC

PETITION FOR: UYC

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Noonday 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 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 receiving system.

**APPLICANT: Seven Star Ventures, LLC**

**PETITION NO.: Z-40**

**PRESENT ZONING: GC**

**PETITION FOR: UVC**

\*\*\*\*\*

**STORMWATER MANAGEMENT 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**

1. The shape and size of the parcel, as well as the topography make development of this site challenging. The proposed site plan will require a sizable underground detention facility and water quality devices due to the intense impervious coverage. The maximum UVC coverage allowed within a CAC is 70%. It appears that a variance may be required for the proposed coverage unless pervious pavement is utilized.

**APPLICANT:** Seven Star Ventures

**PETITION NO.:** Z-40

**PRESENT ZONING:** GC

**PETITION FOR:** Urban Village Com

\*\*\*\*\*

**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
Frey Road	20,200	Arterial	45	Cobb	100'
Busbee Parkway	22,700	Arterial	35	Cobb	100'

*Based on [2010] traffic counting data taken by Cobb County DOT on Frey Road.  
Based on [2008] traffic counting data taken by Cobb County DOT on Busbee Parkway.*

**COMMENTS AND OBSERVATIONS**

Frey Road is classified as an arterial and according to the available information the existing right-of-way may not meet the minimum requirements for this classification.

Busbee Parkway is classified as an arterial and according to the available information the existing right-of-way may not 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 verify that minimum right-of-way is available for Frey Road and Busbee Parkway and if it is not, 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 along Frey Road and Busbee Parkway, a minimum of 50' from the roadway centerline.

Recommend taper for the Frey Road and Busbee Parkway access.

Recommend right-in/right-out only for Busbee Parkway access.

Recommend 8-12' multi-use trail along Frey Road and Busbee Parkway frontage per Cobb County trail map.

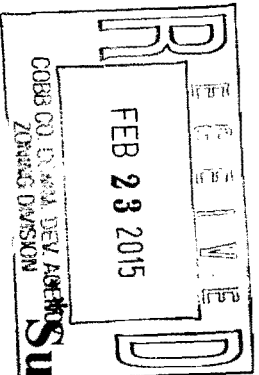
Recommend FAA Study.

## STAFF RECOMMENDATIONS

### **Z-40 SEVEN STAR VENTURES, 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. This area includes a mixture of retail, multi-family/single-family, and office and institutional uses.
- 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 properties closest to the proposed development are developed as multi-family, retail and industrial uses.
- 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 Community Activity Center (CAC) land use category. The UVC zoning is compatible with the CAC land use and the proposed development seeks to combine the elements of small scale retail and office combined with residential for-sale condominiums. Properties to the east and west are zoned for multi-family uses under RM-12 and RM-16. The area also contains, single-family, retail, office and storage uses.
- 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 in an area with many multi- and single-family, retail, office and storage uses, with most of the residential properties closest to the proposed development being RM-12. The property had previously been approved as General Commercial (GC) – Z-32 of 2001 – with the last amendment being approved in February of 2014 for a two-story retail/restaurant building over a parking deck. The current proposal will have a lower level of parking with retail/office and residential condominiums above. The proposed development is following the UVC requirement of mixing small-scale retail/office uses with residential. Per the UVC zoning section of the Zoning Ordinance (§134-216), the height of proposed developments in UVC are to be determined by the Board of Commissioners on a case-by-cases basis.
- Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:
- Board of Commissioners to approve final site plan, with the District Commissioner approving minor modifications;
  - Fire Department comments and recommendations;
  - Water and Sewer comments and recommendations;
  - Stormwater Management Division comments and recommendations;
  - Cobb DOT 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.**



# Summary of Intent for Rezoning

Application No. 2-40  
May 2015

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

- a) Proposed unit square-footage(s): 1,250 sq. ft. (2 bedrooms); 1,650 sq. ft. (3 bedrooms); and, 2,700 sq. ft. (penthouse units)
- b) Proposed building architecture: In substantial conformity to the elevation/rendering being submitted concurrently herewith.
- c) Proposed selling prices(s): \$300,000.00 - \$700,000.00
- d) List all requested variances: The required acreage from 2.0 acres to 1.808 acres.

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

- a) Proposed use(s): Office & Retail
- b) Proposed building architecture: In substantial conformity to the elevation/rendering being submitted concurrently herewith.
- c) Proposed hours/days of operation: Monday through Sunday, 8:00 a.m. until 10:00 p.m.
- d) List all requested variances: Retail uses exceeding the 1,000 sq. ft. minimum up to 3,000 sq. ft.

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

The subject property is presently zoned in the GC classification and is located within the confines of a Community Activity Center ("CAC") as shown on Cobb County's Future Land Use Map. Thus, the proposed Mixed-Use Development is entirely appropriate from a Land Use Planning perspective.

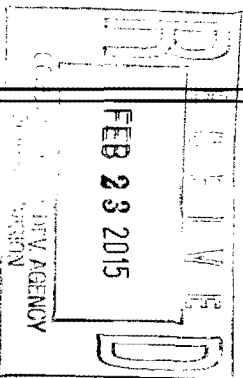
.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

(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).

Not applicable.

\*The Applicant/Property Owner reserves the right to revise this summary of intent and other pertinent information pertaining to the Application for Rezoning during the pendency of the Application.

**ZONING IMPACT STATEMENT FOR  
THE REZONING APPLICATION  
OF SEVEN STAR VENTURES, LLC**



COMES NOW, SEVEN STAR VENTURES, LLC, and, pursuant to

§134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact

Statement, as follows:

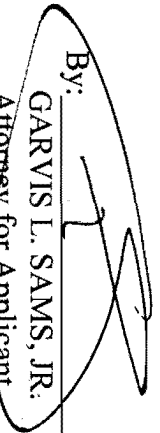
- A. The zoning proposal will permit a Mixed-Use development of the property which is suitable in the context of development and existing zonings along this section of the I-75 Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the preponderance of which are commercial developments located within the confines of a Community Activity Center (CAC).
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present zoning classification General Commercial (GC).
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

E. The zoning proposal is located within a Community Activity Center (CAC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.

F. There is no substantial relationship between the existing zoning classification of GC which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the I-75 Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 23<sup>rd</sup> day of February, 2015.

SAMS, LARKIN, HUFF & BALLI, LLP

By:   
GARVIS L. SAMS, JR.  
Attorney for Applicant  
Ga. Bar No. 623950





RECEIVED  
FEB 23 2015  
CLACK CO. COMM. DEV. AGENCY  
ZONING DIVISION