

APPLICANT: MCRT Investments LLC

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REPRESENTATIVE: John H. Moore

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TITLEHOLDER: River Oaks Associates, L.P.; Cumberland Center

Associates; Cumberland Stillhouse, L.P.; CCI Associates (Georgia), LLC

PROPERTY LOCATION: North side of Cumberland Boulevard,
east of Akers Mill Road.

ACCESS TO PROPERTY: Cumberland Boulevard

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped acreage

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** O&I/Homewood Suites and Offices
- SOUTH:** UVC/Mixed Use Development and OHR/Undeveloped
- EAST:** O&I/Corporate Offices
- WEST:** O&I/Offices

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:

PETITION NO.: Z-60

HEARING DATE (PC): 06-02-15

HEARING DATE (BOC): 06-16-15

PRESENT ZONING: O&I

PROPOSED ZONING: RRC

PROPOSED USE: Mixed-Use Development

SIZE OF TRACT: 3.654 acres

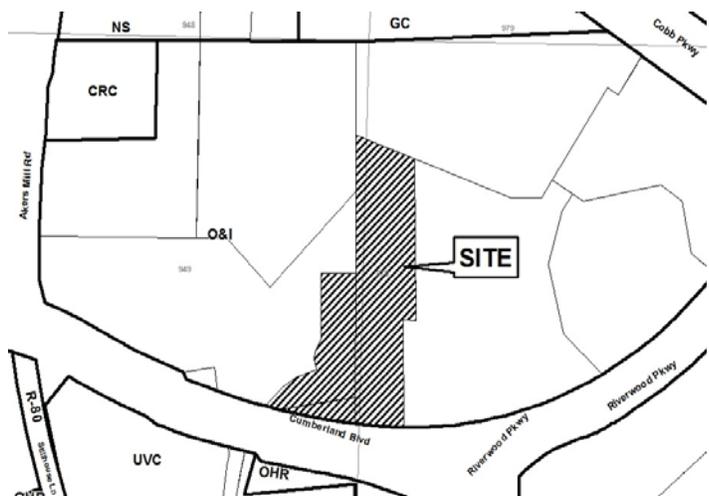
DISTRICT: 17

LAND LOT(S): 949, 978

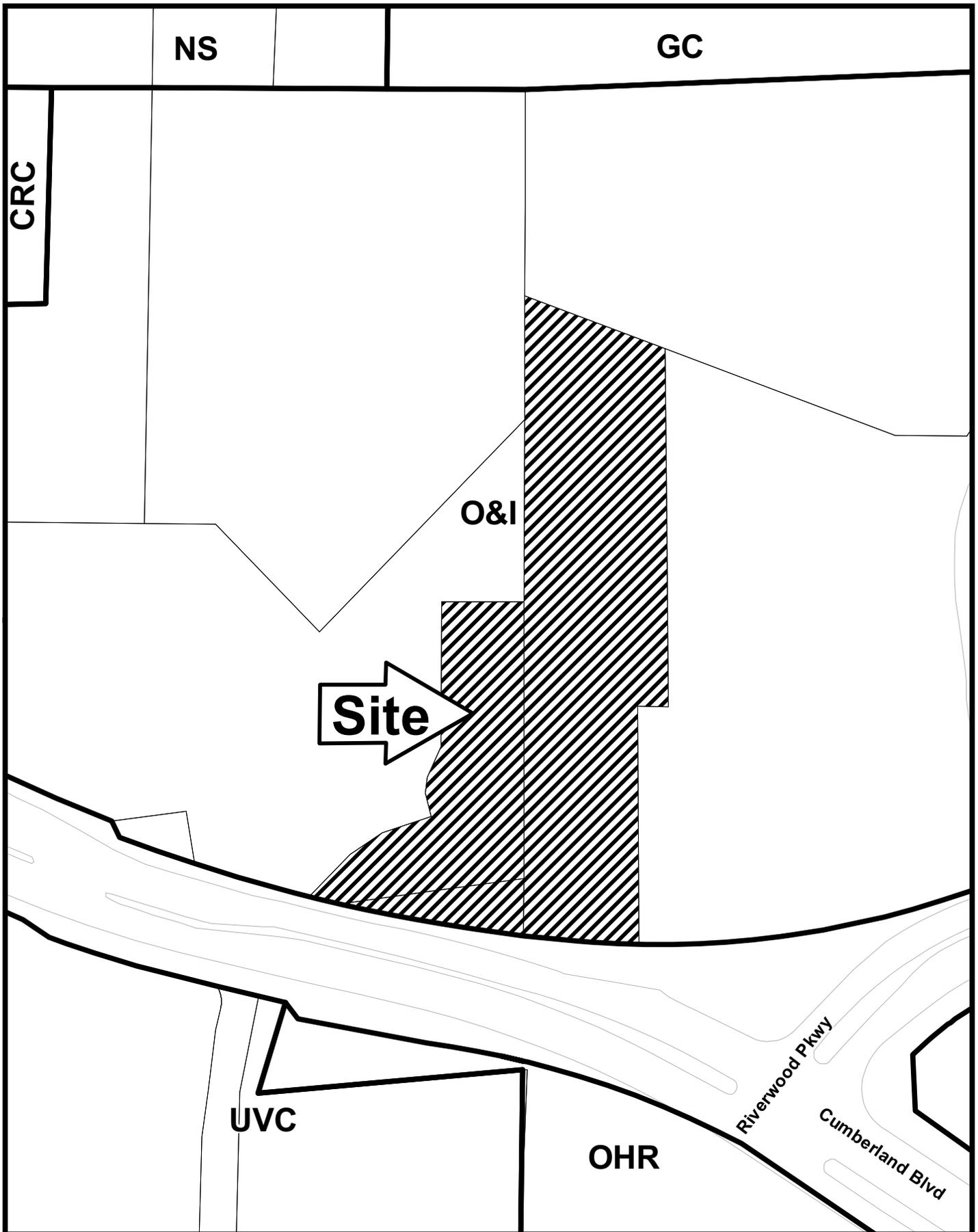
PARCEL(S): 1, 28, 45

TAXES: PAID X **DUE**

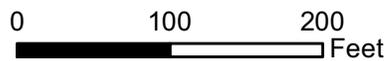
COMMISSION DISTRICT: 2



Z-60



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



-  City Boundary
-  Zoning Boundary

APPLICANT: MCRT Investments LLC

PETITION NO.: Z-60

PRESENT ZONING: O&I

PETITION FOR: RRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 10,000

F.A.R.: 0.394 **Square Footage/Acre:** 17,189

Parking Spaces Required: 642 **Parking Spaces Provided:** 500

Applicant is requesting the Regional Retail Commercial zoning category for the purpose of a mixed use development consisting of a maximum of 300 residential condominiums and 10,000 square feet of office/commercial space. The applicant proposes a maximum of 300 residential units having an average size of 1,100 square feet. The building architecture will be traditional. The building will have a maximum of eight stories. The commercial component of the development will be for retail and office space and the architecture will be traditional. The proposed hours of operation will be from Sunday through Saturday from 7 a.m. until 7 p.m. The office/commercial area will be 10,000 square feet on the ground floor with residential stories above grade with podium parking below.

The proposed development will require contemporaneous variances that include:

1. Waving the number of required parking spaces from 642 to 500; and
2. Waiving the required front setback from 50 feet to 5 feet.

Cemetery Preservation: No comment.

APPLICANT: MCRT Investments LLC

PETITION NO.: Z-60

PRESENT ZONING: O&I

PETITION FOR: RRC

FIRE COMMENTS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family

cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

APPLICANT: MCRT Investments LLC

PETITION NO.: Z-60

PRESENT ZONING: O&I

PETITION FOR: RRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from O&I to RRC for purpose of mixed-use development. The 3.654 acre site is located on the north side of Cumberland Boulevard, east of Akers Mill Road.

Comprehensive Plan

The parcel is within a Regional Activity Center (RAC) future land use category, with O&I 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.

- High Density Residential (HDR) subcategory provides areas that are suitable for low rise, high density housing between five (5) and twelve (12) dwelling units per acre. Mid or high-rise residential developments are also appropriate in this category. This shall include any residential developments in excess of four (4) stories per structure. Because of the unique, urban characteristics of RAC's, building height and density shall be reviewed on a case-by-case basis.
- Retail stores and service operations are considered the most appropriate use in the Retail/Service (RS) land use category. However, mixed-use developments that include office may also be appropriate. Residential development is inappropriate in the Retail/Service designation.
- Office developments are considered the most appropriate development in the Office land use category. However, mixed-use developments that include retail may also be appropriate. Mid or high rise residential developments are also appropriate in this category. This shall include any residential development in excess of four (4) stories per structure. Because of the unique, urban characteristics of RAC's, building height and density shall be reviewed on a case-by-case basis.

Master Plan/Corridor Study

The property is within the boundary of Blueprint Cumberland LCI.

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?

APPLICANT: MCRT Investments LLC

PETITION NO.: Z-60

PRESENT ZONING: O&I

PETITION FOR: RRC

PLANNING COMMENTS: (Continued)

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>.

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 the property within the Six Flags Special Services District?

Yes No

APPLICANT MCRT Investments LLC

PETITION NO. Z-060

PRESENT ZONING O&I

PETITION FOR RRC

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): 8' DI / N side of Cumberland Blvd

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: 220' E In Riverwood Pkwy

Estimated Waste Generation (in G.P.D.): A D F= 36,400 Peak= 91,000

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

Drv 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 Sewer flow study may be required at Plan Review to ensure local line capacity
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.

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PETITION FOR: RRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Bert Adams Lake Trib 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 units 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 expansion of the site on the existing detention pond and downstream receiving system.

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PETITION FOR: RRC

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. Applicant must verify that adequate stormwater management is provided within the existing master detention facility or redesign to accommodate the proposed site expansion. The existing outlet control structure has maintenance issues, but will be replaced and relocated as part of this development.
2. Design considerations for accommodating below-grade parking deck must be addressed at 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
Cumberland Blvd	10,700	Arterial	35 mph	Cobb County	100'

Based on 2007 traffic counting data taken by Cobb DOT (Cumberland Boulevard)

COMMENTS AND OBSERVATIONS

Cumberland Boulevard is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend left turn lane on Cumberland Blvd at the median break.

Recommend replacing disturbed curb, gutter, and sidewalk along the Cumberland Boulevard frontage.

Recommend applicant verify that minimum intersection sight distance is available for Cumberland Blvd access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 440'.

Recommend a traffic study.

Recommend FAA Study.

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

STAFF RECOMMENDATIONS

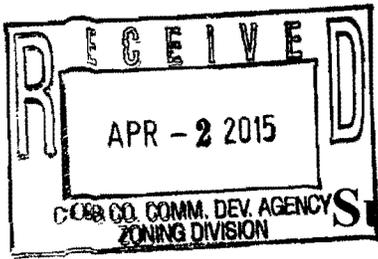
Z-60 MCRT INVESTMENTS LLC

- 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 proposed use will provide a mixed use of office, commercial and residential. Other properties in the area are zoned and developed for similar 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 property is situated across the street from an existing UVC development and there is also a similar development to the east along Cumberland Boulevard.
- 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 as being within the Regional Activity Center (RAC) land use category. The proposed RRC zoning category is compatible with the RAC land use category. As indicated in the RRC category, these developments should be compact unified centers oriented to serve a regional market making up a community.
- 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. Nearby properties are similarly developed and the area also includes a mixture of offices, hotels, multi-family housing, and retail. The requested RRC zoning category is compatible with the RAC land use category and the proposed development is situated in an area that provides good access to interstate highways.

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

- Site plan received by the Zoning Division on April 2, 2015, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation comments and recommendations.

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 No. z-60
June (2015)

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Maximum 300 units; average 1,100 square feet
 - b) Proposed building architecture: Traditional
 - c) Proposed selling prices(s): Not Applicable
 - d) List all requested variances: None known at this time
- _____
- _____
- _____

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

- a) Proposed use(s): Retail/Office
 - b) Proposed building architecture: Traditional
 - c) Proposed hours/days of operation: 7:00 a.m. - 7:00 p.m.
Sunday - Saturday
 - d) List all requested variances: None known at this time
- _____
- _____
- _____

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

None known at this time.

.....
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.

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