

**MARCH 15, 2016 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM # 050 (2015)**

**PURPOSE**

To consider amending the site plan and stipulation for Walton Riverbend, LLC regarding rezoning application Z-8 (Julian LeCraw and Co.) of 1999, for property located on the southeast side of Akers Mill Road and Powers Ferry Road, west of Riverbend Club Drive in Land Lots 1031, 1032, 1057, 1058, 1066 and 1067 of the 17<sup>th</sup> District. *(Previously continued by Staff from the November 17, 2015, December 15, 2015 and February 16, 2016 zoning hearings)*

**BACKGROUND**

The subject property was rezoned to RM-12 in 1999 for the existing apartment community. The property was zoned to the site plan for 612 residential units. Since the rezoning, a fire caused 30 of the units to be destroyed. The applicant is proposing to rebuild 28 of the units in the area of the existing tennis courts. As part of this redevelopment 45 parking spaces will also be added. The proposed building will be three stories in height with parking underneath. If amended, all other zoning stipulations would remain in effect.

**STAFF COMMENTS**

**Cobb DOT:** Recommend applicant verify that minimum intersection sight distance is available for Riverbend Club Drive and if it is not, implement remedial measures, subject to the Department’s approval, to achieve the minimum requirement of 390’.

**Water and Sewer:** 10’ setback required from edge of sewer easement to nearest part of proposed building. Also, a Hold Harmless will be required for a specialty surface (pervious parking area) within sewer easement.

**Stormwater Management:** Subject to Metropolitan River Protection Act review.

**Fire Department:** See attached.

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

**ATTACHMENTS**

Other Business application, proposed site plan and minutes.

# **Cobb County Fire and Emergency Services**

## **Fire Marshal Comments**

Applicant Name: Walton Riverbend

Petition Number: OB-050 (2015)

Date: 2/19/2016

**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.

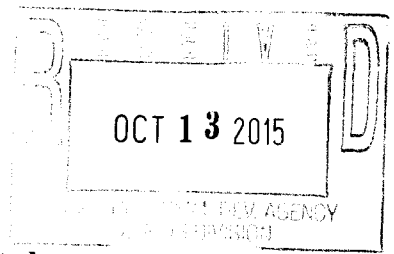
Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

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)

**HYDRANT:** Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8" supply lines to all hydrants.

OB-050-2015



(Site Plan and Stipulation Amendment)  
**Application for "Other Business"**  
**Cobb County, Georgia**

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: November 17, 2015

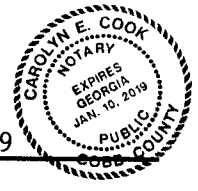
**Applicant:** Walton Riverbend, LLC Phone #: (678) 303-4100  
(applicant's name printed)

**Address:** 2181 Newmarket Parkway, Marietta, GA 30067 E-Mail: \_\_\_\_\_

**Moore Ingram Johnson & Steele, LLP**  
**John H. Moore** Address: Emerson Overlook, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jmoore@mijs.com  
(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:  
[Signature] My commission expires: January 10, 2019  
Notary Public



**Titleholder(s):** Walton Riverbend, LLC Phone #: (678) 303-4100  
(property owner's name printed)

**Address:** 2181 Newmarket Parkway, Marietta, GA 30067 E-Mail: \_\_\_\_\_

See Attached Exhibit "A"  
(Property owner's signature)

Signed, sealed and delivered in presence of:  
\_\_\_\_\_  
Notary Public My commission expires: \_\_\_\_\_

**Commission District:** 2 (Ott) **Zoning Case:** Z-8 (1999)

**Date of Zoning Decision:** 02/16/1999 **Original Date of Hearing:** 02/16/1999

**Location:** Southeasterly of Powers Ferry Road, and Southeasterly of the intersection of Powers Ferry Road and Riverbend Club Drive  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 1057, 1058 **District(s):** 17th

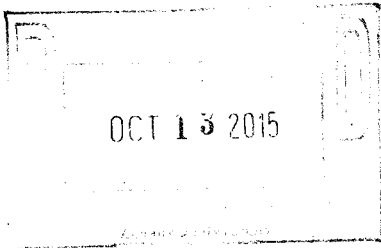
**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_  
See Exhibit "B" attached hereto and incorporated herein by reference.

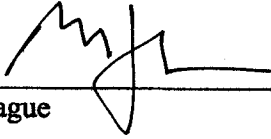
**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(Site Plan and Stipulation Amendment)**

**Application No.:** Z-8 (1999)  
**Original Hearing Date:** February 16, 1999  
**Date of Zoning Decision:** February 16, 1999  
**Current Hearing Date:** November 17, 2015

**Applicant/Titleholder:** Walton Riverbend, LLC

WALTON RIVERBEND, LLC



BY:   
L. Barry Teague  
Manager

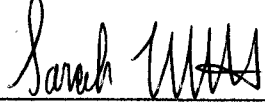
Printed Name: L. Barry Teague

Date Executed: 10/12/15

Address: 2181 Newmarket Parkway  
Marietta, Georgia 30067

Telephone No.: (678) 303-4100

Signed, sealed, and delivered in the presence of:



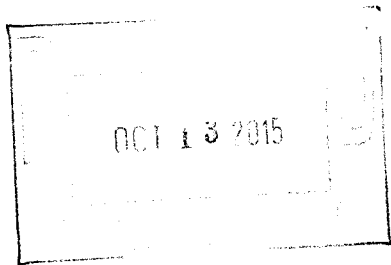
Notary Public  
Commission Expires: March 18, 2018

[Notary Seal]



**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(Site Plan and Stipulation Amendment)**

**Application No.: Z-8 (1999)**  
**Original Hearing Date: February 16, 1999**  
**Date of Zoning Decision: February 16, 1999**  
**Current Hearing Date: November 17, 2015**



**Applicant/Titleholder: Walton Riverbend, LLC**

The property which is the subject of this Application for "Other Business" is contained within the multi-family, apartment community commonly referred to as "Riverbend." The overall Riverbend apartment community contains approximately 46.425 acres and was rezoned to the RM-12 zoning classification, with stipulations, by the Cobb County Board of Commissioners on February 16, 1999, in Application Z-8 (1999). Specifically, the portion of the overall Riverbend complex affected by this Application is the existing tennis courts and some of the area surrounding the courts, at the terminus of Riverbend Club Drive, Land Lots 1057 and 1058, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). A copy of the As-Built Survey and a copy of the enlarged area of the As-Built Survey which show the Property as it presently exists are attached collectively as Exhibit "1" and incorporated herein by reference.

Walton Riverbend, LLC, as Applicant and Titleholder/Owner (hereinafter collectively referred to as "Applicant"), seeks approval of modifications to the previously approved Site Plan and certain stipulations to allow for redevelopment of the Property. The previous rezoning allowed for a maximum of six hundred twelve (612) units within the overall Riverbend complex; and, therefore, six hundred twelve (612) residential units were built. A fire occurred which reduced the number of units within the overall complex to five hundred eighty-two (582). Applicant proposes to construct twenty-six (26) of the thirty (30) units lost due to the fire, as follows:

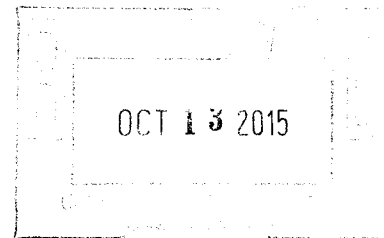
- (1) Applicant proposes the amendment of the As-Built Survey with the removal of the existing tennis courts and surrounding landscaped and parking areas to allow for the construction and redevelopment of one (1) multi-family building containing twenty-six (26) residential units. Copies of the proposed, revised As-Built Survey and a copy of the enlarged area of the As-Built survey which shows the proposed redeveloped area are attached collectively as Exhibit "2" and incorporated herein by reference. Also attached as Exhibit "3" is a rendering of the proposed building.
- (2) As part of redevelopment of the Property, a total of forty-five (45) additional parking spaces will be provided; fourteen (14) spaces shall be located in front of the proposed building and thirty-one (31) spaces shall be located below the proposed building.

(3) The proposed additions meet the impervious limitations set by the Metropolitan River Protection Act, as follows

- |  |                     |
|--|---------------------|
| (a) Existing impervious surface area:<br>(existing tennis courts and surrounding area)                 | 21,600 square feet; |
| (b) Proposed impervious surface area:  |                     |
| i.) Proposed building and parking:   | 12,029 square feet; |
| ii.) Proposed drives:<br>(includes access and fire lane)   | 6,335 square feet;  |
| Total proposed impervious surface area:  | 18,364 square feet; |
| (c) Proposed pervious surface area:<br>(proposed fourteen (14) parking spaces in<br>front of building) | 3,950 square feet   |

Applicant is not proposing any increase in the overall number of units previously approved by the Board of Commissioners in the original rezoning of Z-8 (1999); nor is Applicant proposing to increase the impervious surface area of the overall development. Applicant simply desires to restore a portion of the units previously lost due to the fire. If the amendments to the As-Built Survey and the stipulations are approved, as submitted in this Application for "Other Business," same shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

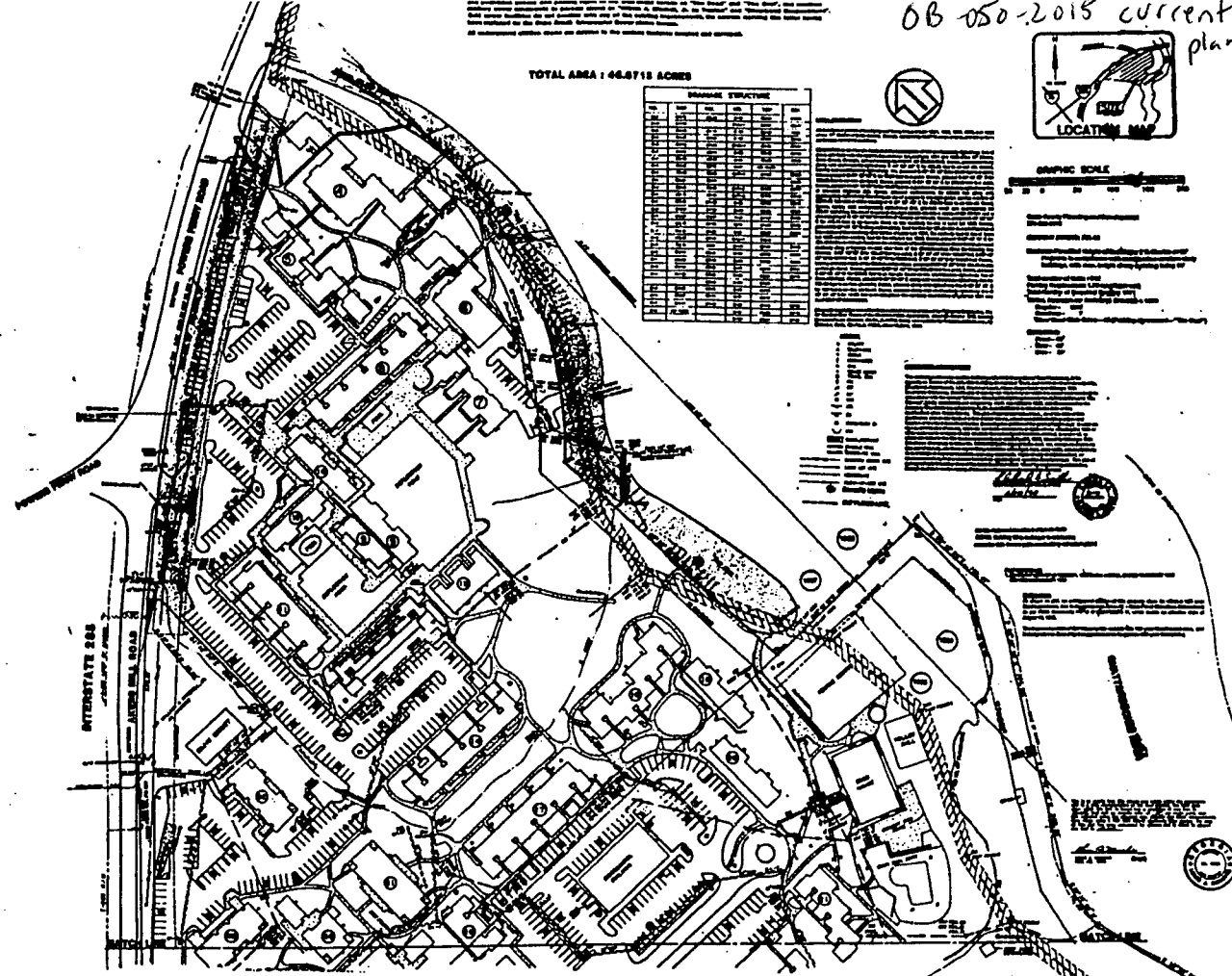
The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on February 16, 1999; as well as any subsequent amendments applicable to the overall development, are unaltered by this request for Site Plan and Stipulation Amendment and shall remain in full force and effect.



OB 050-2015 current plan

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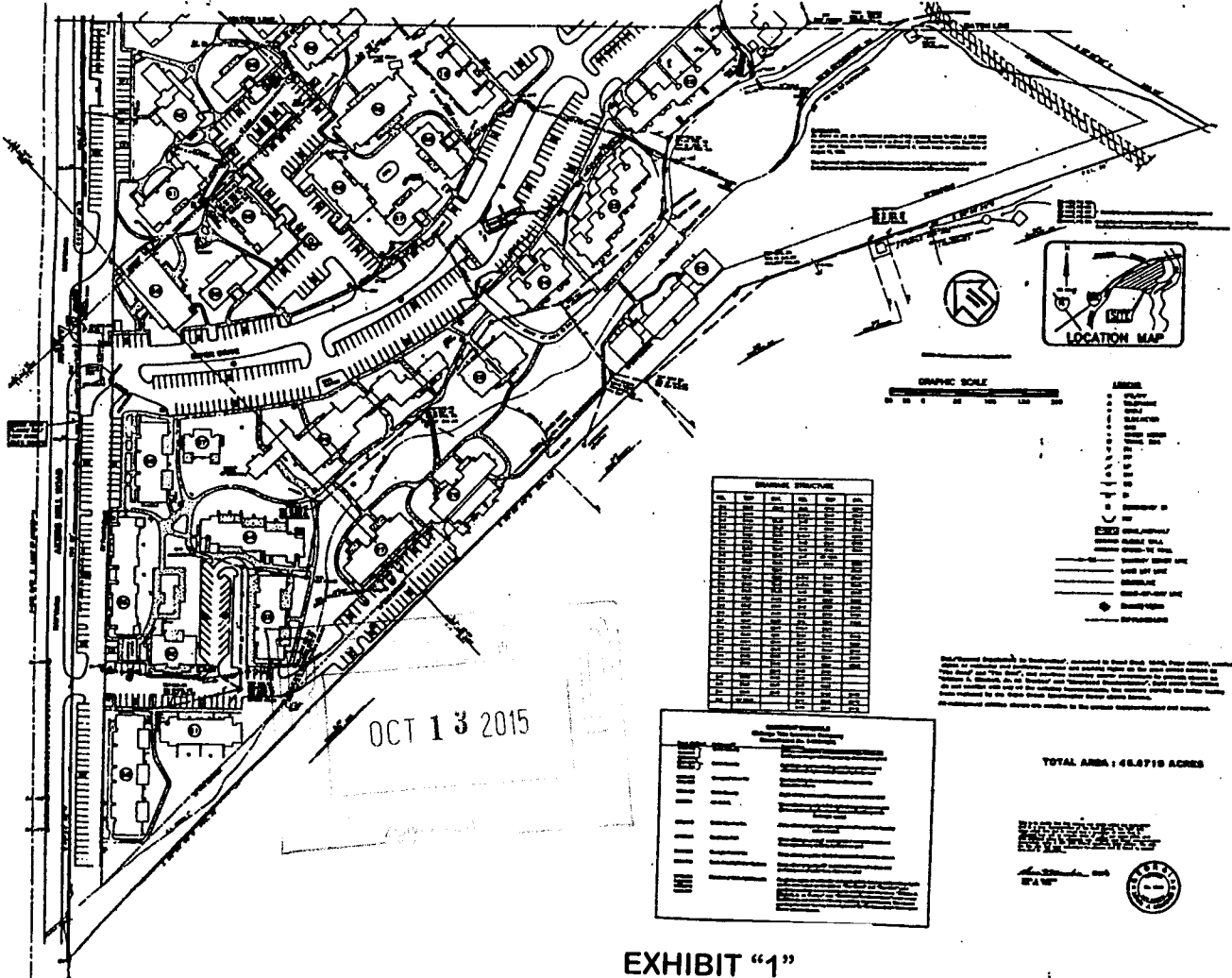
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Large site plan on file in zoning file.

2-8 Revised site plan as referenced in 2/16/99 Zoning Amended M. Bradley

OCT 13 2015

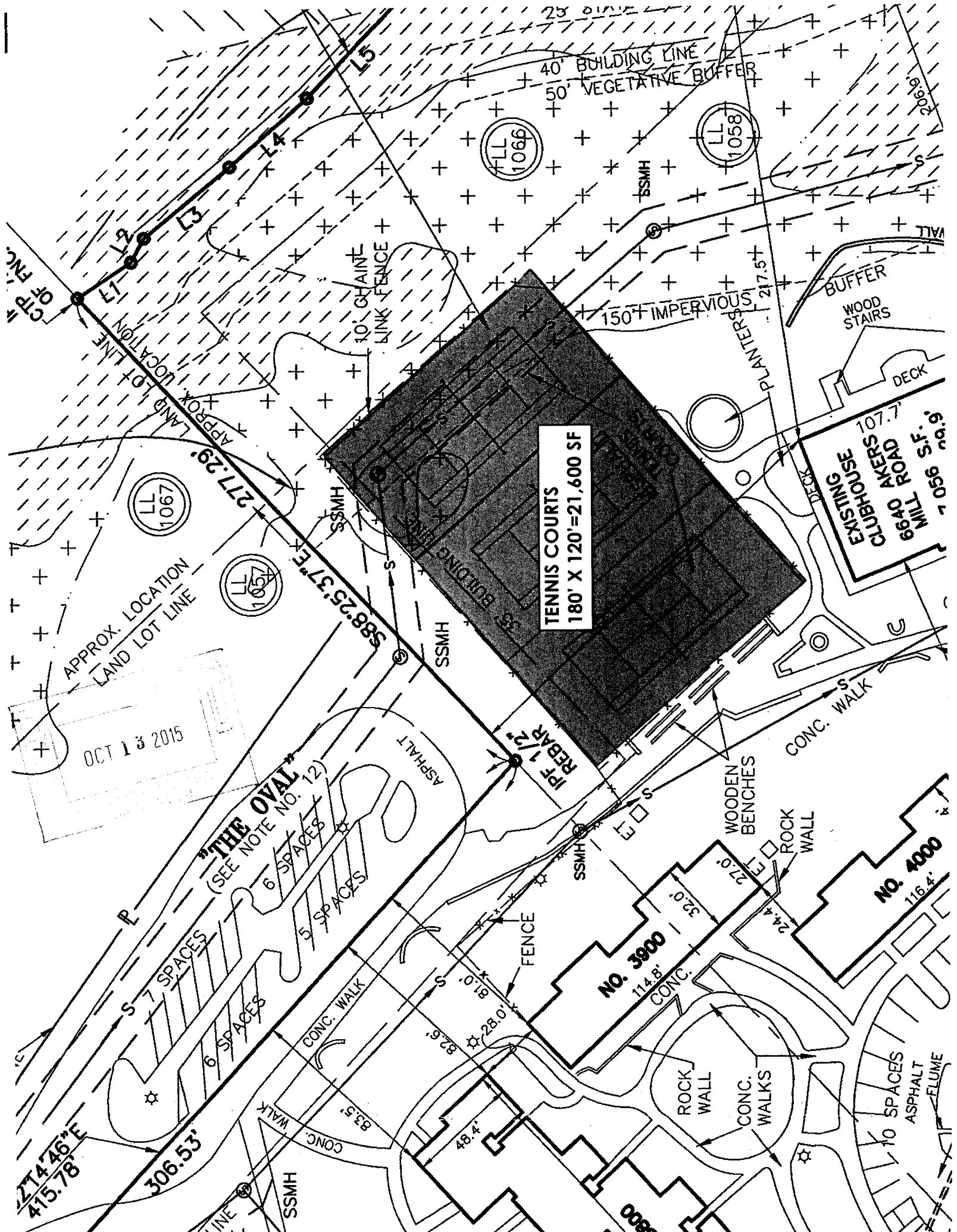
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TOTAL AREA: 46.8713 ACRES

EXHIBIT "1"



TENNIS COURTS  
180' X 120' = 21,600 SF

"THE OVAL"  
(SEE NOTE NO. 12)  
6 SPACES  
7 SPACES

NO. 3900  
114.8' CONC.  
32.0'

NO. 4000  
116.4'

WOODEN BENCHES  
CONC. WALK  
ROCK WALL  
WOOD STAIRS  
DECK  
CLUBHOUSE  
107.7'  
6640 ROAD  
MILL T 1056 S.F. No. 9

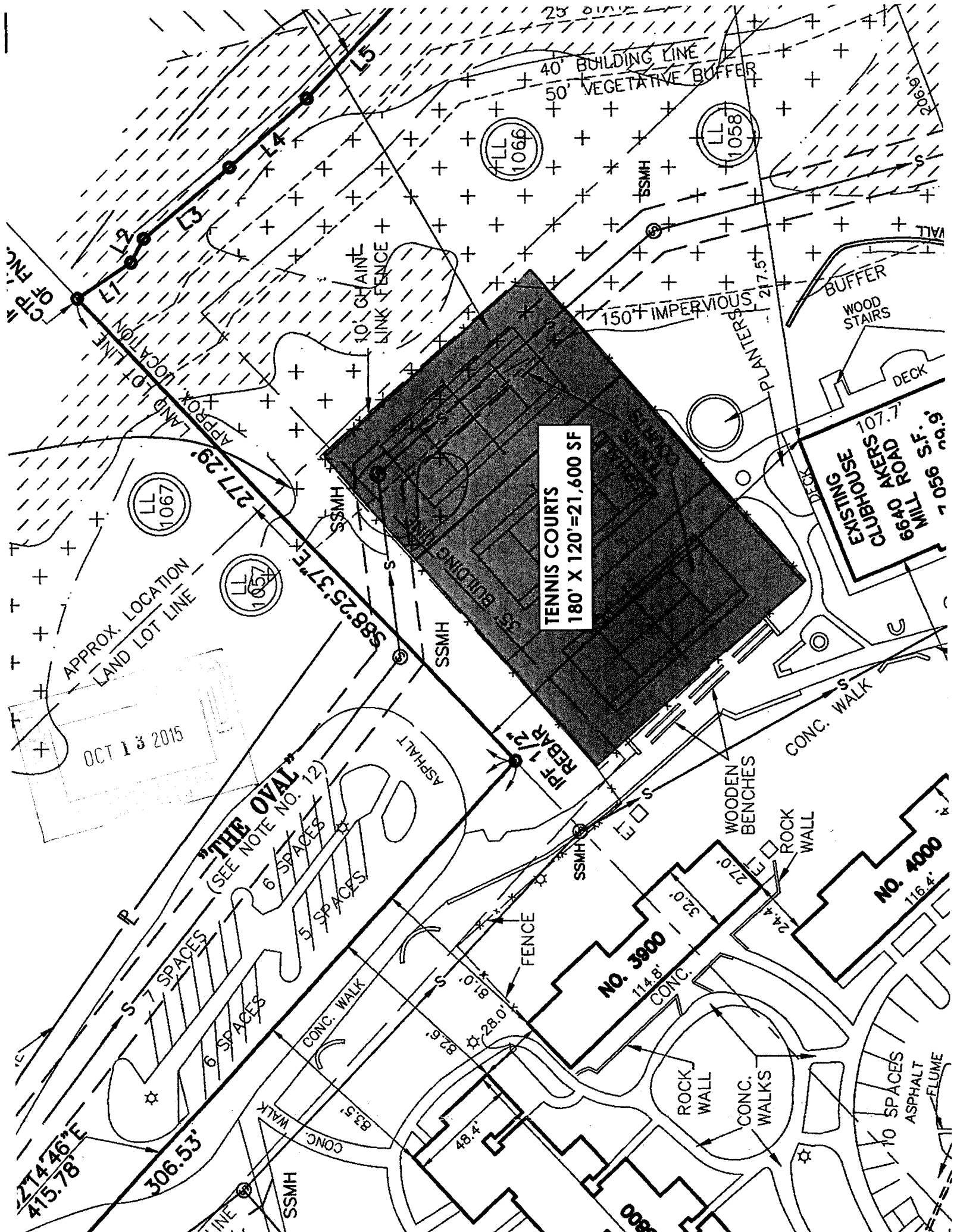
LL 1066

LL 1058

LL 1067

LL 1057

OCT 1 & 2015



TENNIS COURTS  
180' X 120' = 21,600 SF

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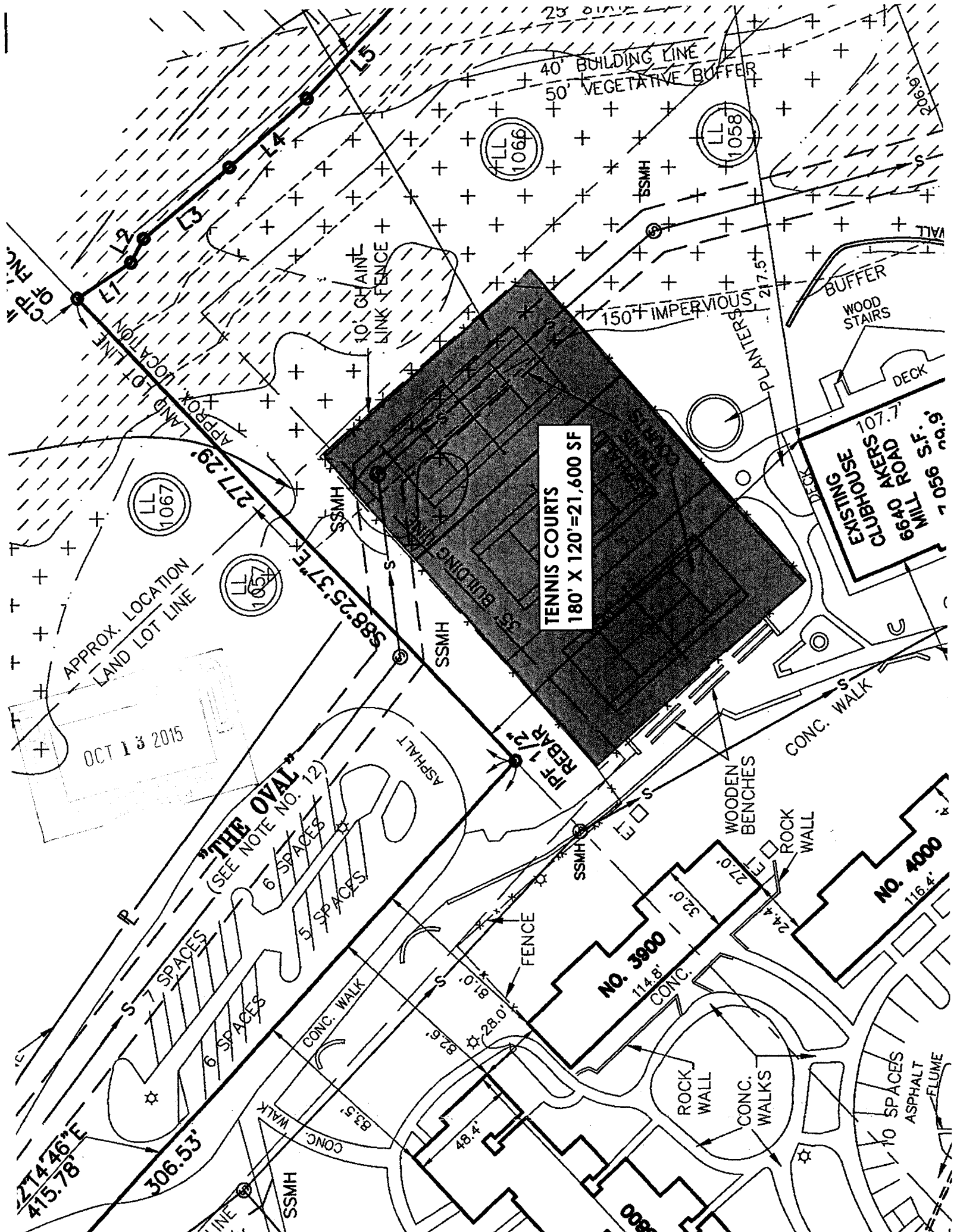
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OCT 1 & 2015



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LL 1066

LL 1058

LL 1067

LL 1057

OCT 1 & 2015



Hj

Mapers, Inc.  
Professional Surveyors  
and Engineers  
10000 130th Ave. N.E.  
Redmond, WA 98073  
Phone: (206) 881-1111  
Fax: (206) 881-1112

U.S. Department of Housing and Urban Development 110-111  
National Housing Institute, 1111 14th Street, N.W., Washington, D.C. 20005  
Housing and Community Development Administration

1 of 2  
DATE: 10/13/15  
PROJECT: [Illegible]  
SHEET: [Illegible]

OCT 13 2015

CLATSOP COUNTY PLANNING  
ZONING DIVISION

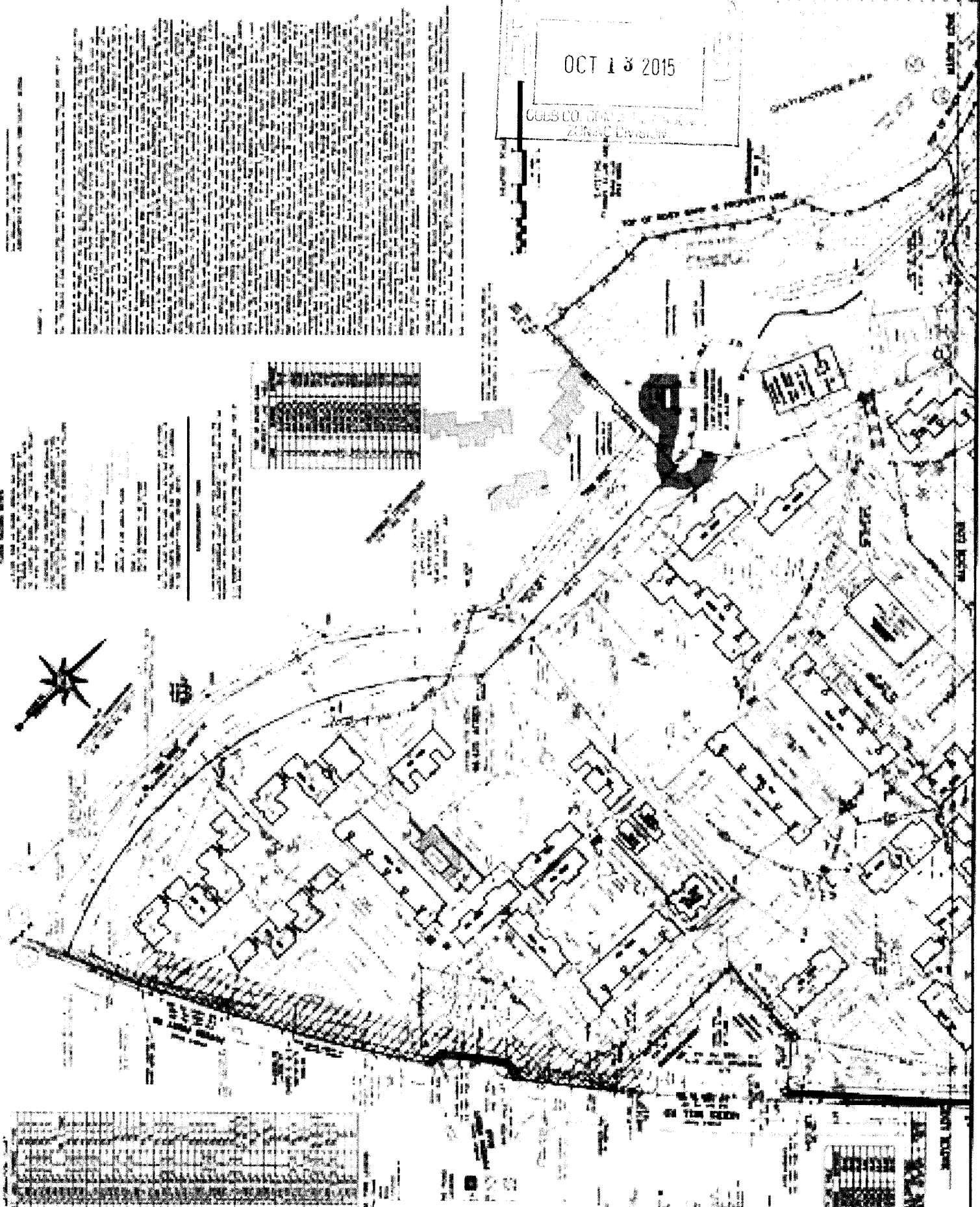
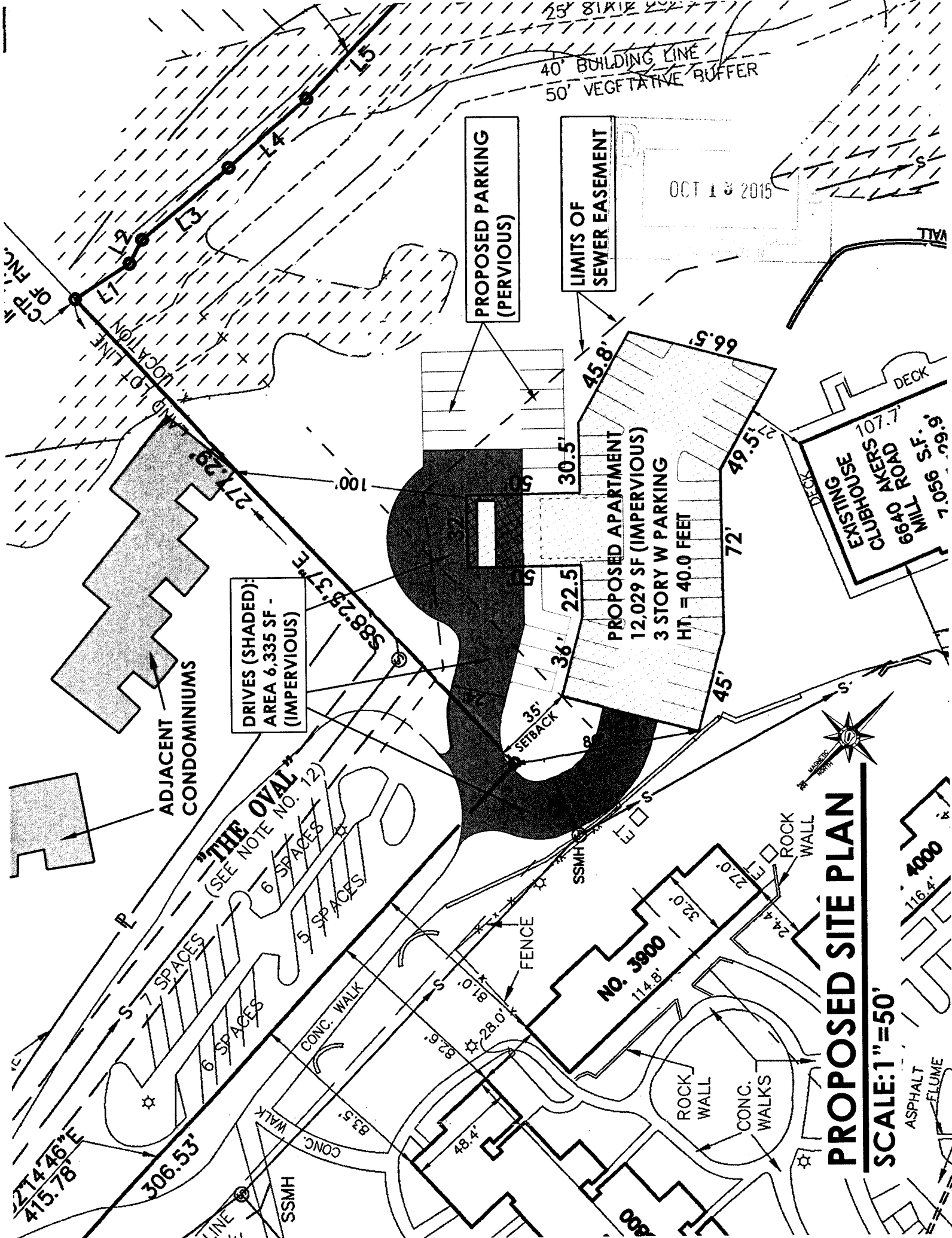


EXHIBIT "2"



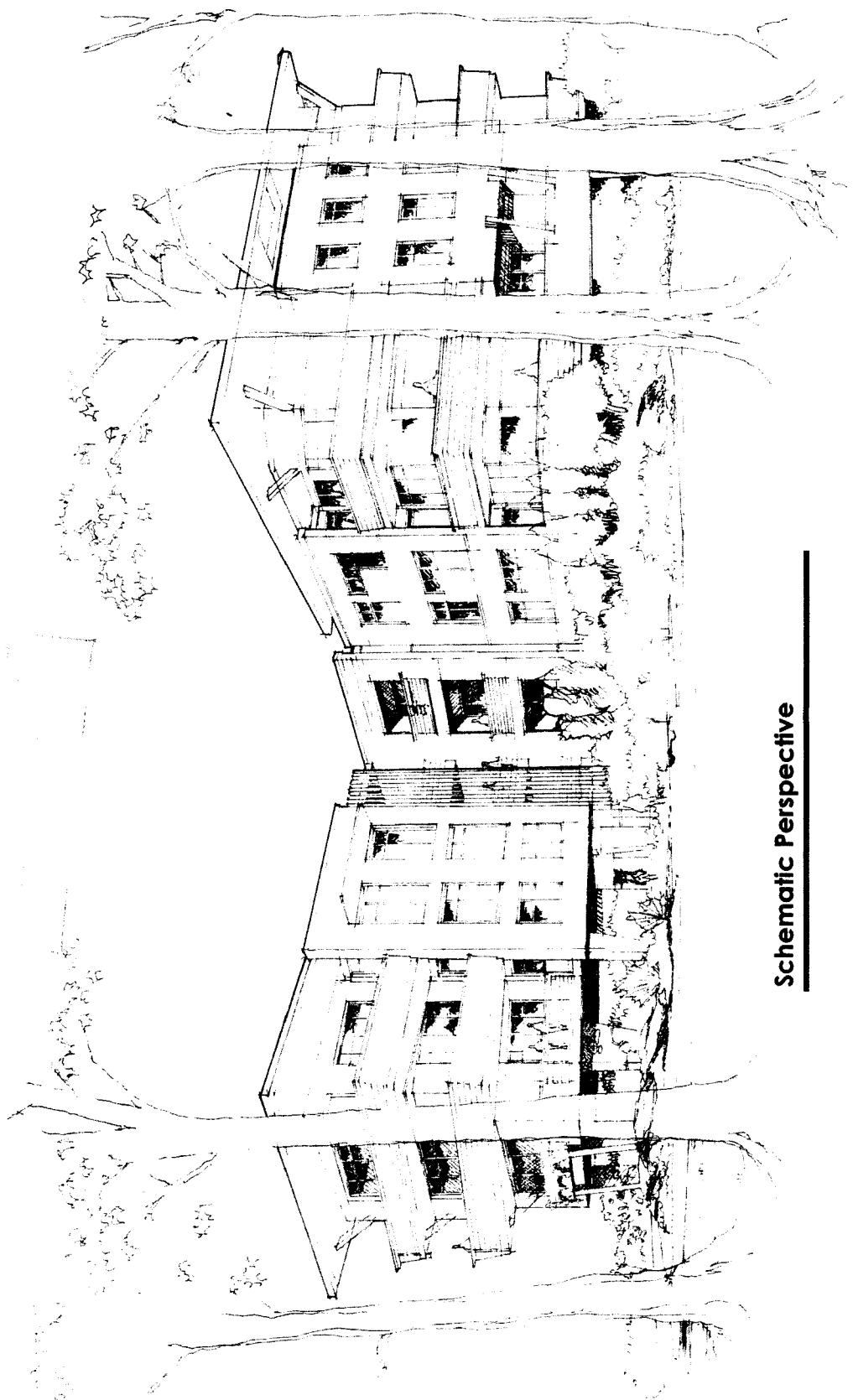
# PROPOSED SITE PLAN

SCALE: 1" = 50'

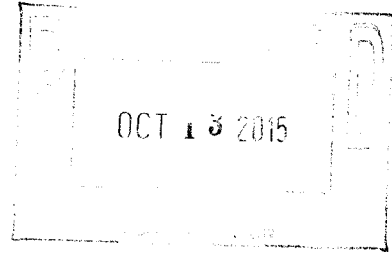


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**Schematic Perspective**

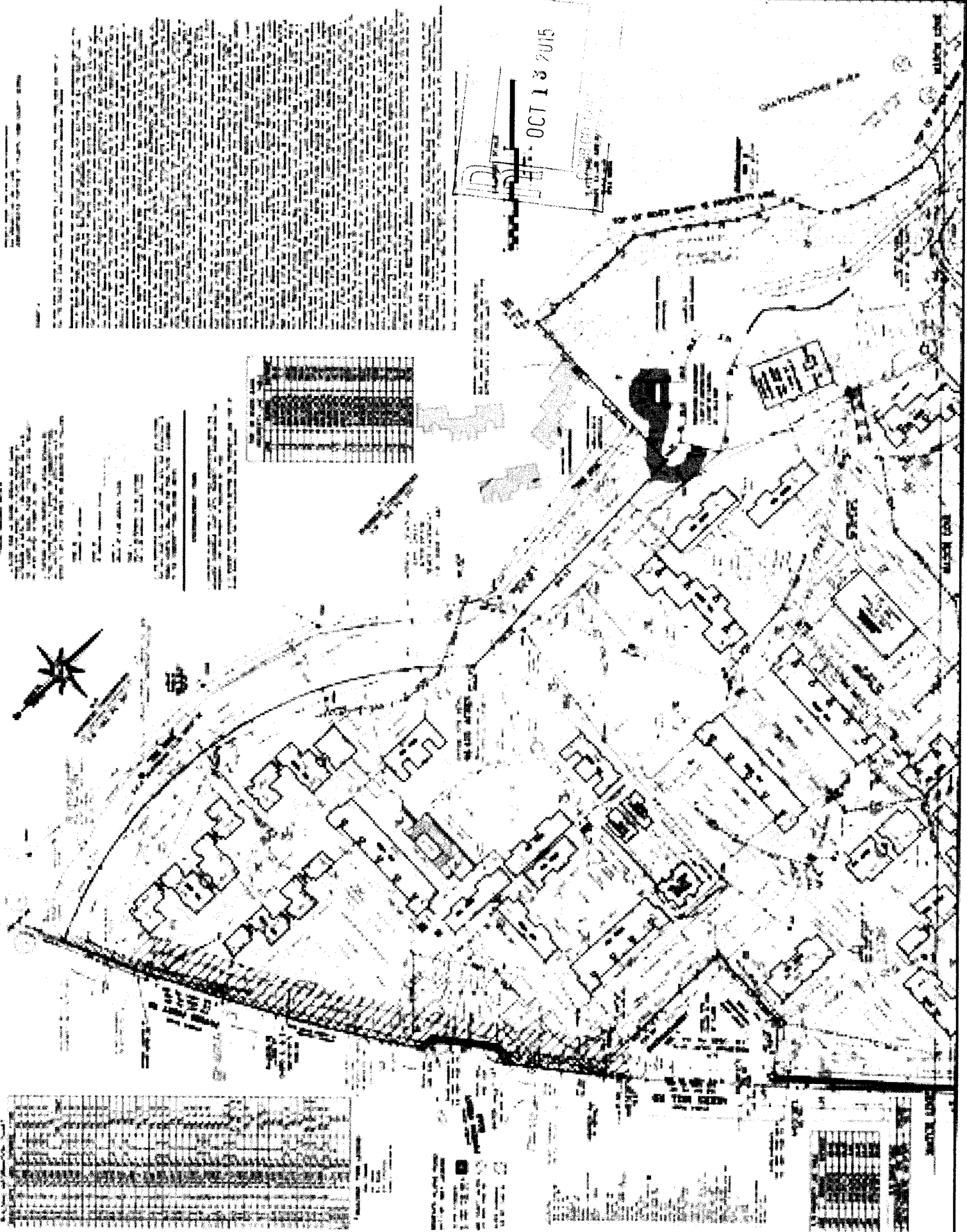


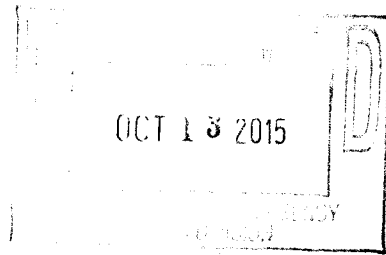
**SITE PLAN PRESENTED WITH  
APPLICATION FOR “OTHER BUSINESS”  
FOR CONSIDERATION OF APPROVAL  
BY BOARD OF COMMISSIONERS  
PURSUANT TO APPLICATION FOR  
“OTHER BUSINESS” – NOVEMBER 17, 2015**

Haynes Law  
Professional Services, Inc.  
1100 North 1st Street  
St. Paul, MN 55102  
612-224-1100

U.S. Department of Housing and Urban Development 100-111  
Public Housing Branch, General Housing Division

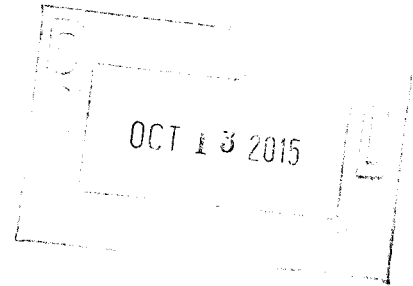
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PLANS  
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REVISIONS





**ENLARGED AREA OF  
SITE PLAN PRESENTED WITH  
APPLICATION FOR “OTHER BUSINESS”  
FOR CONSIDERATION OF APPROVAL  
BY BOARD OF COMMISSIONERS  
PURSUANT TO APPLICATION FOR  
“OTHER BUSINESS” – NOVEMBER 17, 2015**





**SITE PLAN APPROVED BY BOARD OF  
COMMISSIONERS PURSUANT TO  
APPLICATION FOR REZONING  
NO. Z-8 (1999) – FEBRUARY 16, 1999**

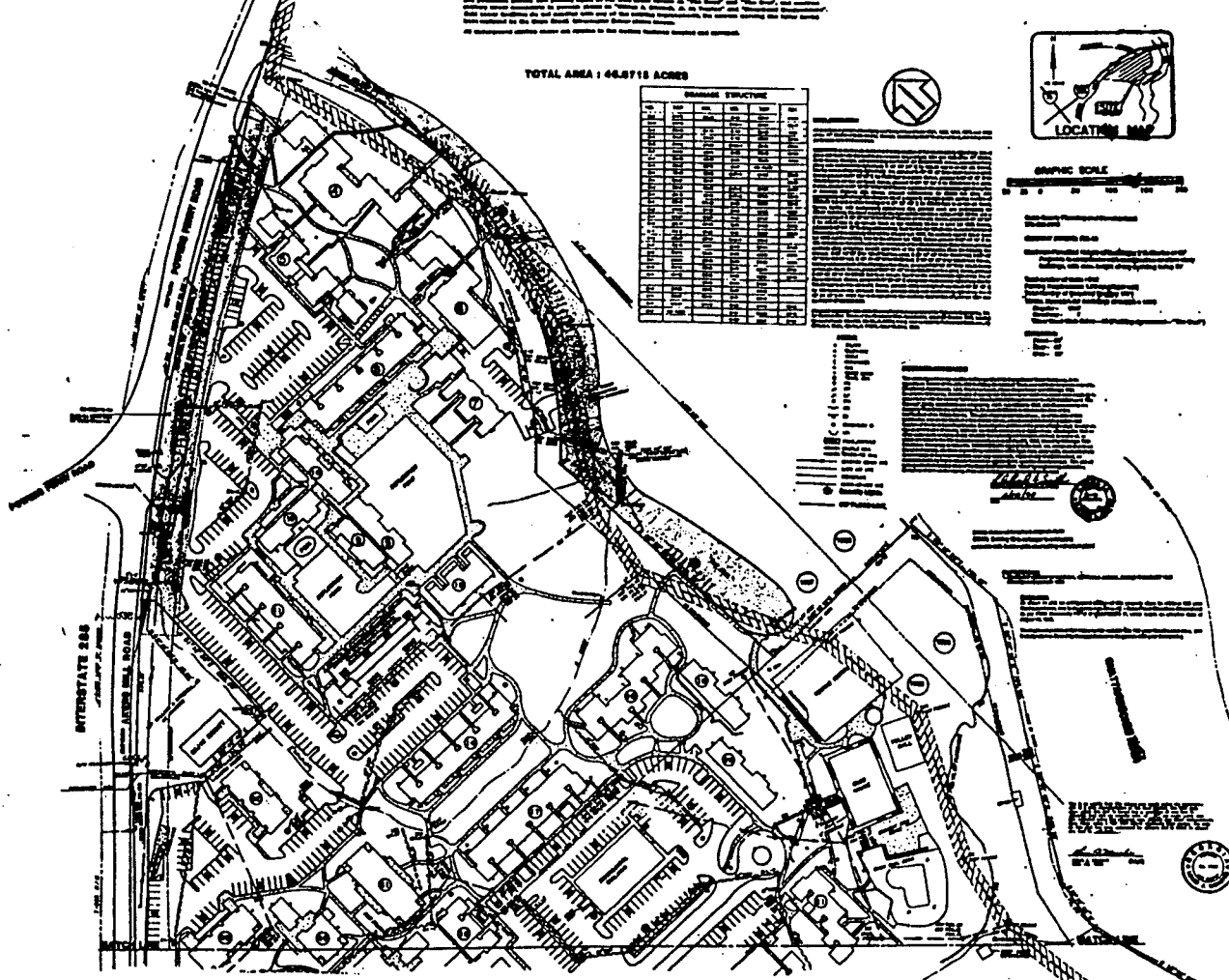


TOTAL AREA: 46.8718 ACRES

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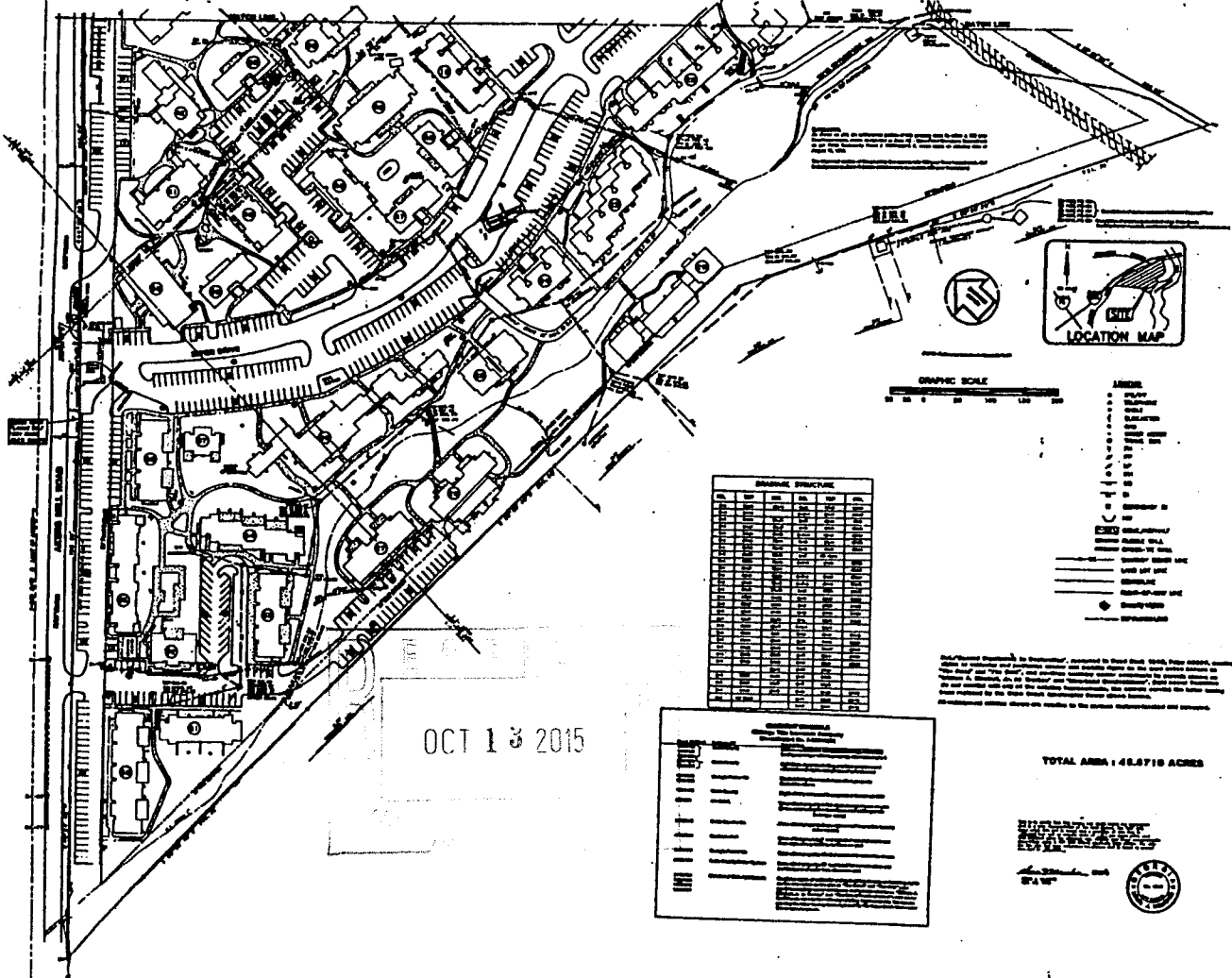
GRAPHIC SCALE



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49	...	...	...
50	...	...	...

Large site plan on file in zoning file.

OCT 13 2015



NO.	DESCRIPTION	AREA (ACRES)	PERCENT
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...
11	...	...	...
12	...	...	...
13	...	...	...
14	...	...	...
15	...	...	...
16	...	...	...
17	...	...	...
18	...	...	...
19	...	...	...
20	...	...	...
21	...	...	...
22	...	...	...
23	...	...	...
24	...	...	...
25	...	...	...
26	...	...	...
27	...	...	...
28	...	...	...
29	...	...	...
30	...	...	...
31	...	...	...
32	...	...	...
33	...	...	...
34	...	...	...
35	...	...	...
36	...	...	...
37	...	...	...
38	...	...	...
39	...	...	...
40	...	...	...
41	...	...	...
42	...	...	...
43	...	...	...
44	...	...	...
45	...	...	...
46	...	...	...
47	...	...	...
48	...	...	...
49	...	...	...
50	...	...	...

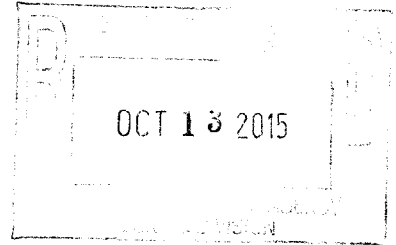


GRAPHIC SCALE

NO.	DESCRIPTION	AREA (ACRES)	PERCENT
1	...	...	...
2	...	...	...
3	...	...	...
4	...	...	...
5	...	...	...
6	...	...	...
7	...	...	...
8	...	...	...
9	...	...	...
10	...	...	...
11	...	...	...
12	...	...	...
13	...	...	...
14	...	...	...
15	...	...	...
16	...	...	...
17	...	...	...
18	...	...	...
19	...	...	...
20	...	...	...
21	...	...	...
22	...	...	...
23	...	...	...
24	...	...	...
25	...	...	...
26	...	...	...
27	...	...	...
28	...	...	...
29	...	...	...
30	...	...	...
31	...	...	...
32	...	...	...
33	...	...	...
34	...	...	...
35	...	...	...
36	...	...	...
37	...	...	...
38	...	...	...
39	...	...	...
40	...	...	...
41	...	...	...
42	...	...	...
43	...	...	...
44	...	...	...
45	...	...	...
46	...	...	...
47	...	...	...
48	...	...	...
49	...	...	...
50	...	...	...

Revised site plan as referenced in 2/16/99 Zoning Amm. M. Bradley

TOTAL AREA: 46.8718 ACRES



**OFFICIAL MINUTES OF BOARD OF  
COMMISSIONERS ZONING HEARING AS  
TO APPLICATION FOR REZONING  
NO. Z-8 (1999) – FEBRUARY 16, 1999**

Minutes of the meeting of the Cobb County Board of Commissioners' Zoning Hearing held on **February 16, 1999** in the Second Floor Commissioners' Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia.

**Z-8**            **JULIAN LECRAW AND CO.** (Riverbend Apartments, LLC, Seymour Lazar, A.J. Lazar and Julian LeCraw, owners) for Rezoning from **RM-12** to **RM-12 with stipulations** for the purpose of Multi-family Residential in Land Lots 1031, 1032, 1057, 1058, 1066 and 1067 of the 17<sup>th</sup> District. 46.6713 acres. Located on the southeast side of Akers Mill Road, south of the Chattahoochee River. The Board of Commissioners, as part of the Consent Agenda, **approved** Rezoning to the **RM-12 zoning district subject to: 1) revised site plan submitted, with a maximum of 612 units (reduced copy of plan attached and made a part hereof); 2) project subject to Stormwater Management Division comments and recommendations; 3) project subject to Cobb DOT comments and recommendations.** Motion by Byrne, second by Olens, carried 5-0.

OCT 13 2015

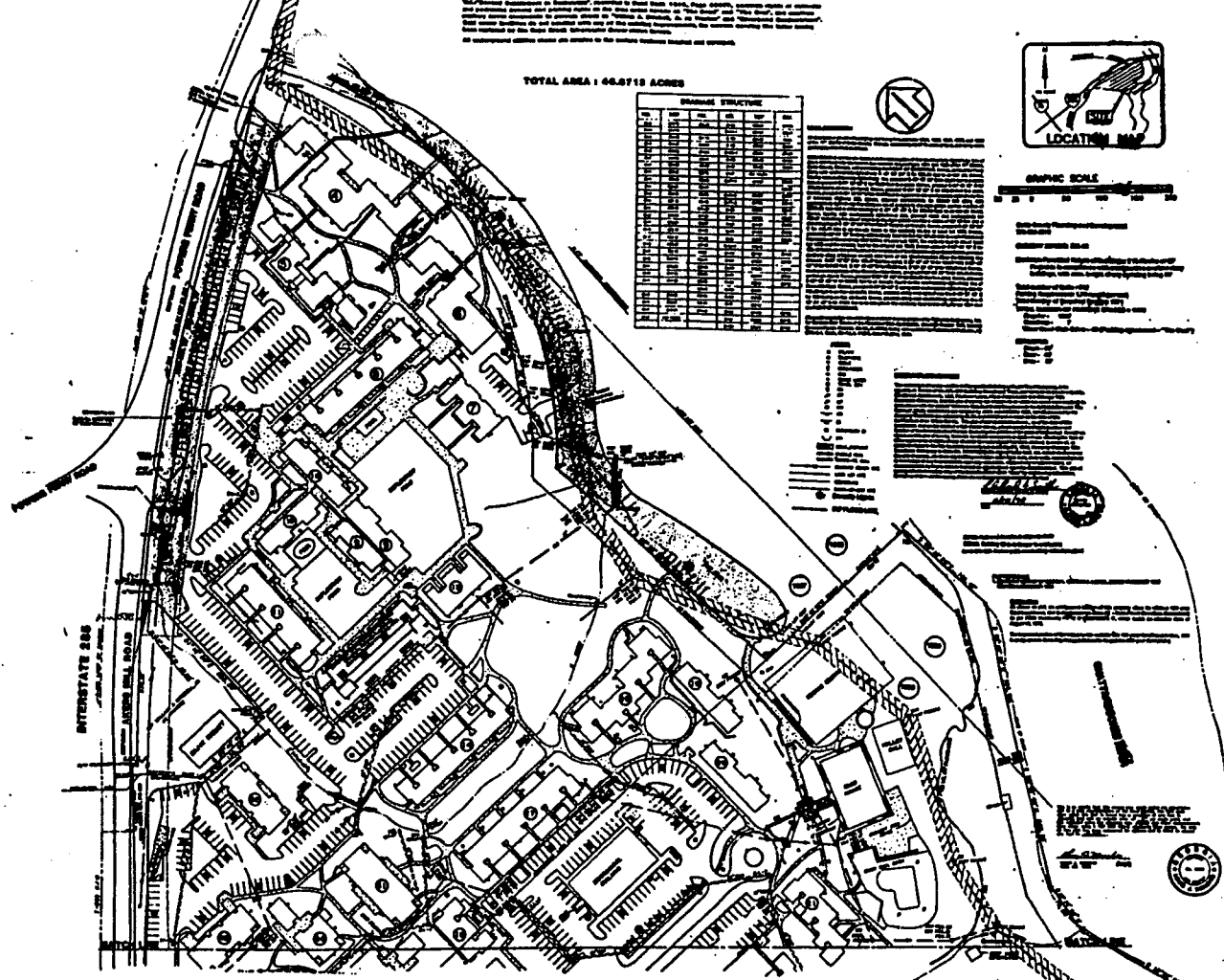
THESE PLANS AND SPECIFICATIONS SHALL BE HELD AS VOID IF ANY PART THEREOF IS NOT IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES AND REGULATIONS. ANY CHANGES SHALL BE INDICATED BY A REVISION SYMBOL.

TOTAL AREA: 46.8710 ACRES

ST. NO.	DESCRIPTION	NO. OF UNITS	TOTAL AREA (SQ. FT.)	REMARKS
1	APARTMENT	1	12,000	
2	APARTMENT	1	12,000	
3	APARTMENT	1	12,000	
4	APARTMENT	1	12,000	
5	APARTMENT	1	12,000	
6	APARTMENT	1	12,000	
7	APARTMENT	1	12,000	
8	APARTMENT	1	12,000	
9	APARTMENT	1	12,000	
10	APARTMENT	1	12,000	
11	APARTMENT	1	12,000	
12	APARTMENT	1	12,000	
13	APARTMENT	1	12,000	
14	APARTMENT	1	12,000	
15	APARTMENT	1	12,000	
16	APARTMENT	1	12,000	
17	APARTMENT	1	12,000	
18	APARTMENT	1	12,000	
19	APARTMENT	1	12,000	
20	APARTMENT	1	12,000	
21	APARTMENT	1	12,000	
22	APARTMENT	1	12,000	
23	APARTMENT	1	12,000	
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25	APARTMENT	1	12,000	
26	APARTMENT	1	12,000	
27	APARTMENT	1	12,000	
28	APARTMENT	1	12,000	
29	APARTMENT	1	12,000	
30	APARTMENT	1	12,000	
31	APARTMENT	1	12,000	
32	APARTMENT	1	12,000	
33	APARTMENT	1	12,000	
34	APARTMENT	1	12,000	
35	APARTMENT	1	12,000	
36	APARTMENT	1	12,000	
37	APARTMENT	1	12,000	
38	APARTMENT	1	12,000	
39	APARTMENT	1	12,000	
40	APARTMENT	1	12,000	
41	APARTMENT	1	12,000	
42	APARTMENT	1	12,000	
43	APARTMENT	1	12,000	
44	APARTMENT	1	12,000	
45	APARTMENT	1	12,000	
46	APARTMENT	1	12,000	
47	APARTMENT	1	12,000	
48	APARTMENT	1	12,000	
49	APARTMENT	1	12,000	
50	APARTMENT	1	12,000	



GRAPHIC SCALE



Professional Seal: Professional Engineer, State of California

NO.	DATE	BY	DESCRIPTION
1	10/13/2015	M. BROOLLY	REVISION

Prepared by: M. Broolloy

Checked by:

Reviewed by:

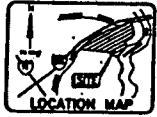
Large site plan on file in zoning file.

2-8 Revised site plan as referenced in 2/16/99 Zoning Minister M. Broolloy

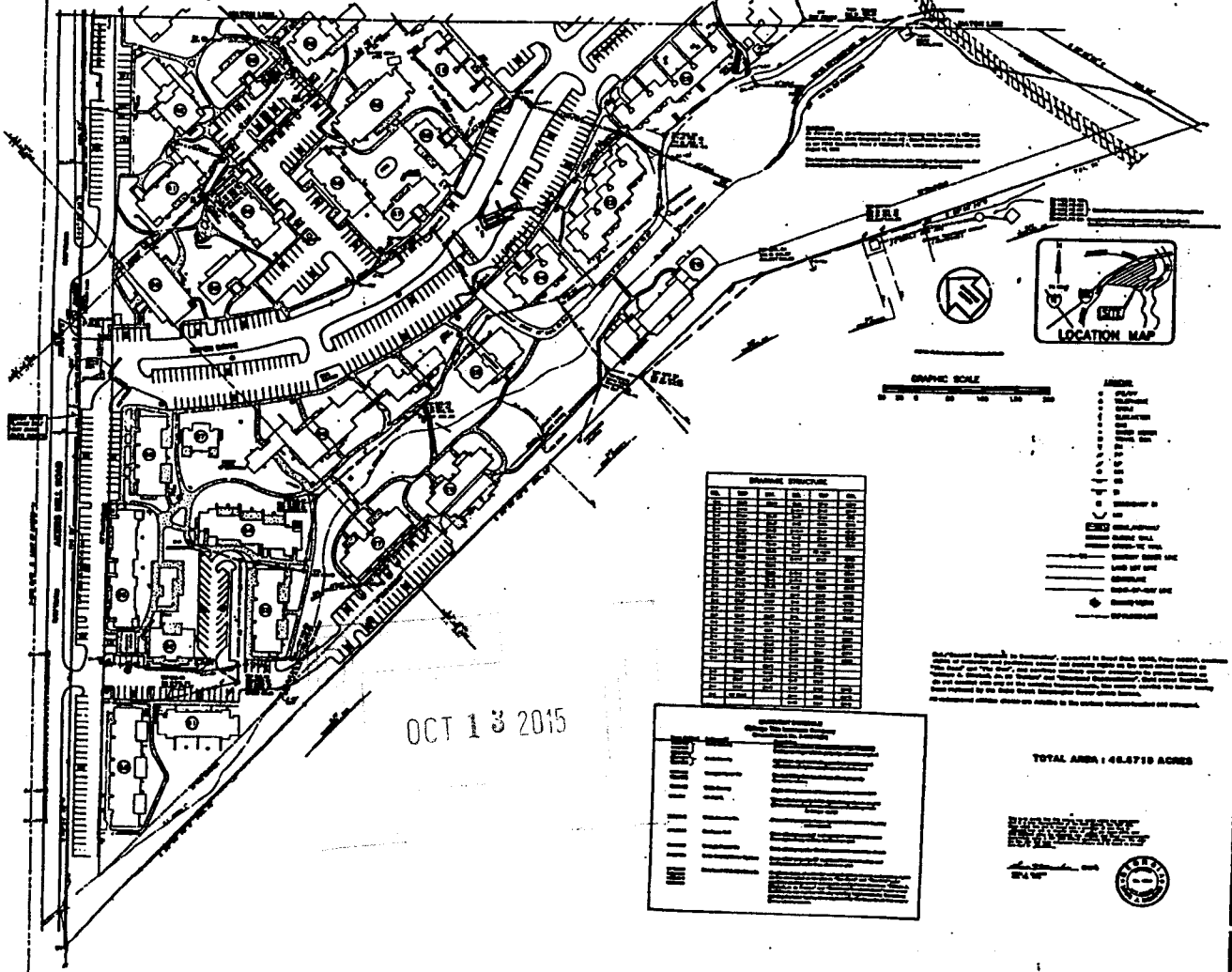
OCT 13 2015

TOTAL AREA: 46.8710 ACRES

ST. NO.	DESCRIPTION	NO. OF UNITS	TOTAL AREA (SQ. FT.)	REMARKS
1	APARTMENT	1	12,000	
2	APARTMENT	1	12,000	
3	APARTMENT	1	12,000	
4	APARTMENT	1	12,000	
5	APARTMENT	1	12,000	
6	APARTMENT	1	12,000	
7	APARTMENT	1	12,000	
8	APARTMENT	1	12,000	
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45	APARTMENT	1	12,000	
46	APARTMENT	1	12,000	
47	APARTMENT	1	12,000	
48	APARTMENT	1	12,000	
49	APARTMENT	1	12,000	
50	APARTMENT	1	12,000	



GRAPHIC SCALE



Professional Seal: Professional Engineer, State of California

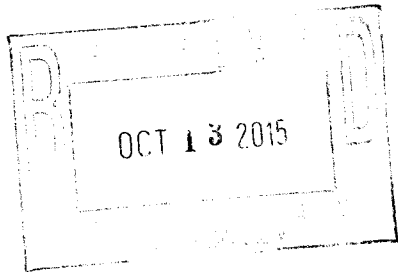
NO.	DATE	BY	DESCRIPTION
1	10/13/2015	M. BROOLLY	REVISION

Prepared by: M. Broolloy

Checked by:

Reviewed by:

TOTAL AREA: 46.8710 ACRES



**2015 PAID AD VALOREM PROPERTY TAX  
RECEIPT FOR SUBJECT PROPERTY  
(TAX PARCEL NO. 17105700010)**



Printed: 10/12/2015 6:19:11 PM

**Cobb County Online Tax Receipt**

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**CHELLY MCDUFFIE** CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Payer:  
NATIONAL TAX SEARCH LLC

**WALTON RIVERBEND LLC**

**Payment Date: 10/14/2014**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2014	17105700010	10/15/2014	Pay: N/A or	547666.12

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$547,666.12	\$547,666.12	\$0.00

