

APPLICANT: CH Realty VI/R Atlanta Townpark, LLC.
PHONE#: 214-661-8067 **EMAIL:** JDowling@crowholdings.com
REPRESENTATIVE: Rob Hosack, BH3, LLC
PHONE#: 770-235-5662 **EMAIL:** rhosack@outlook.com
TITLEHOLDER: CH Realty VI/R Atlanta Townpark, LLC.

PETITION NO: Z-99
HEARING DATE (PC): 11-01-16
HEARING DATE (BOC): 11-15-16
PRESENT ZONING UVC

PROPERTY LOCATION: Northeastern intersection of Chastain Road and George Busbee Parkway
(600 Chastain Road)

PROPOSED ZONING: UVC
PROPOSED USE: Stipulation Amendment
to Add Another Use

ACCESS TO PROPERTY: Chastain Road and George Busbee Pkwy

SIZE OF TRACT: 5.534 ac

PHYSICAL CHARACTERISTICS TO SITE: Two story commercial building

DISTRICT: 16

LAND LOT(S): 362, 363

PARCEL(S): 13

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: UVC/ Commercial, Residential
SOUTH: RM-12/ Apartments
EAST: UVC/ Residential
WEST: GC/ Bank

Adjacent Future Land Use:

Northwest: Regional Activity Center (RAC)/ retail services (rs)
 Northeast: Regional Activity Center (RAC)/ retail services (rs)
 Southeast: Regional Activity Center (RAC)/ retail services (rs) and / high density residential (hdr)
 Southwest: Regional Activity Center (RAC)/ retail services (rs)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

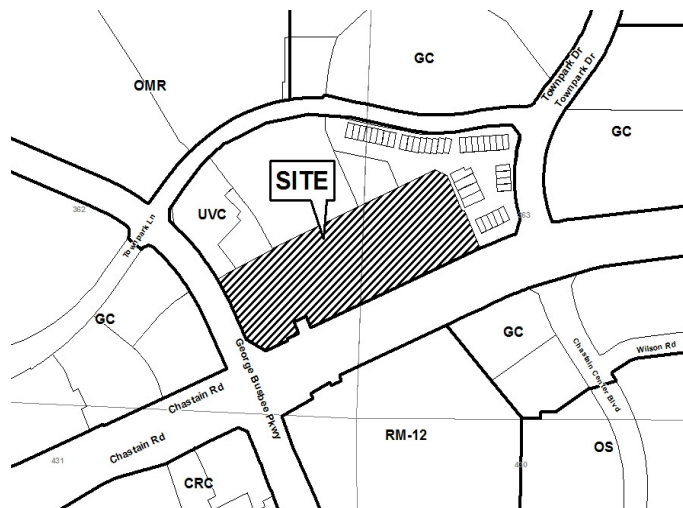
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

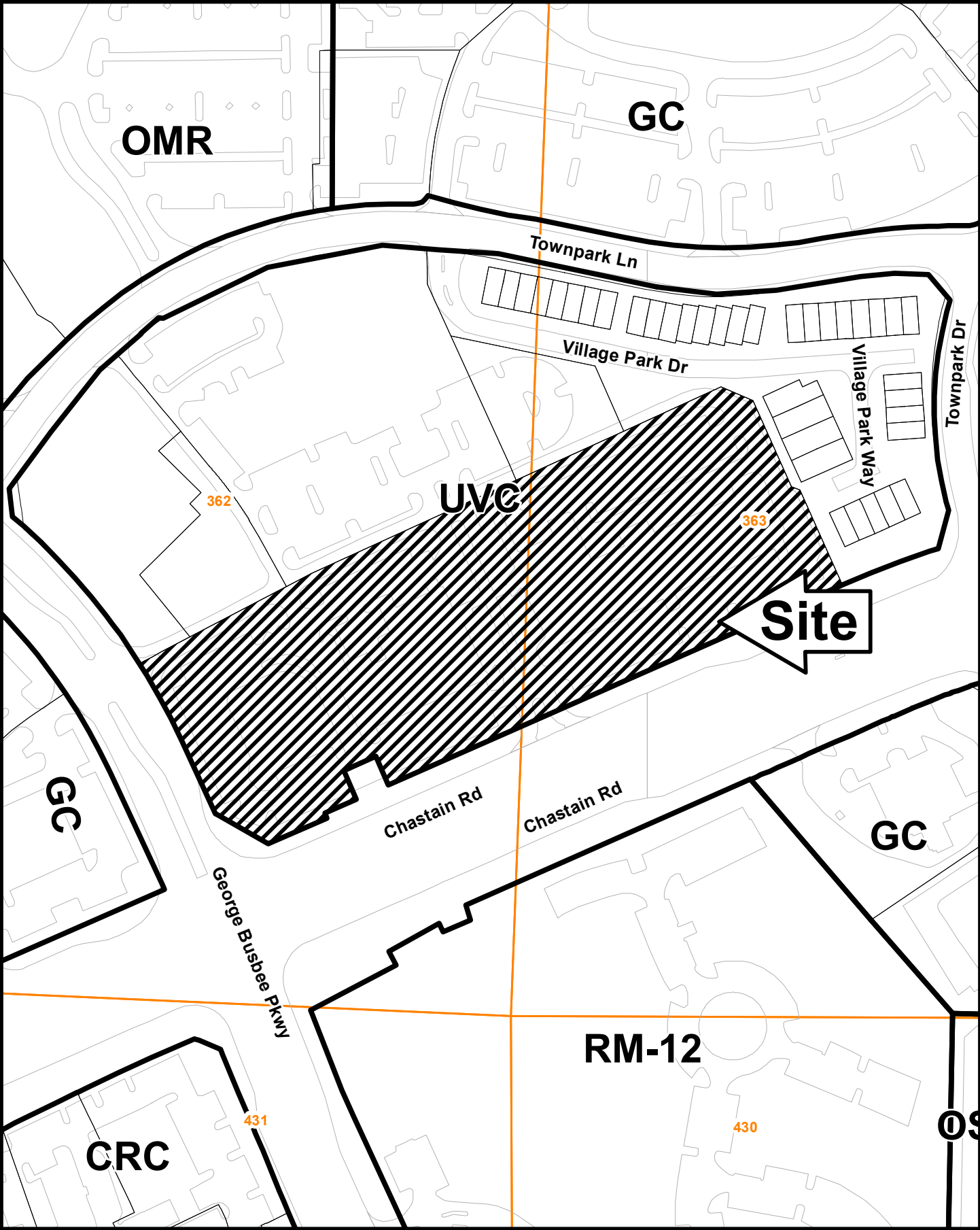
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

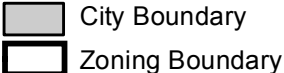
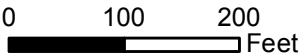
STIPULATIONS:



Z-99-2016 GIS



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



APPLICANT: CH Realty VI/R Atlanta Townpark, LLC

PETITION NO.: Z-99

PRESENT ZONING: UVC

PETITION FOR: UVC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Buildings: 4, existing **Total Square Footage of Development:** 30,000 sq. ft. +-

F.A.R.: 0.12 **Square Footage/Acre:** 5,455 sq. ft.

Parking Spaces Required: 397 **Parking Spaces Provided:** 420

The applicant is requesting a rezoning in order to allow an additional use of “commercial indoor recreation” to the UVC urban village commercial district. This use, not otherwise permitted under the UVC district, would allow the applicant’s intended use of an “escape room” which the applicant describes as a “live action game where customers attempt to escape a room in a fun-filled, heart pounding experience all within 60 minutes.”

The business will occupy 2,339 square feet within existing building 200. To begin, the applicant will employ two (2) employees that will operate the establishment Monday through Thursday by appointment for corporate and special events, Friday from 4pm to midnight open to the public, Saturday from 11am to midnight open to the public, and Sunday from noon to 9pm open to the public.

Cemetery Preservation: No comment

APPLICANT: CH Realty VI/R _____

PETITION NO.: Z-99 _____

FIRE COMMENTS:

NO 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: CH Realty VI/R Atlanta Townpark, LLC.

PETITION NO.: Z-99

PRESENT ZONING: UVC

PETITION FOR: UVC with Amended Stipulations

PLANNING COMMENTS:

The applicant is requesting a rezoning from UVC to UVC with stipulations for the purpose of adding a use. The 5.534 acre site is located on the northeastern intersection of Chastain Road and George Busbee Parkway.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of _____ been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Regional Activity Center with a subcategory of retail services (RAC/rs) future land use category, with UVC 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. 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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

Northwest: Regional Activity Center (RAC)/ retail services (rs)
Northeast: Regional Activity Center (RAC)/ retail services (rs)
Southeast: Regional Activity Center (RAC)/ retail services (rs) and / high density residential (hdr)
Southwest: Regional Activity Center (RAC)/ retail services (rs)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

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

APPLICANT: CH Realty VI/R Atlanta Townpark, LLC.

PETITION NO.: Z-99

PRESENT ZONING: UVC

PETITION FOR: UVC with Amended Stipulations

PLANNING COMMENTS:

CONT.

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 this property within the Six Flags Special Service District?

Yes No

Is the property within the Dobbins Airfield Safety Zone?

Yes No

If so, which particular safety zone is this property within?

CZ (Clear Zone) APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT CH Realty VI/R Atlanta Townpark, LLC

PETITION NO. Z-099

PRESENT ZONING UVC

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): 8" DI / N side of Chastain Rd

Additional Comments: Existing water customer

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: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: Noontday

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Dry 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 Existing sewer customer
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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PRESENT ZONING: UVC

PETITION FOR: UVC

STORMWATER MANAGEMENT COMMENTS

No comments.

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PETITION FOR: UVC

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
George Busbee Parkway	19,900	Arterial	35 mph	Cobb County	100'
Chastain Road	41,900	Arterial	45 mph	Cobb County	100'

*Based on 2007 traffic counting data taken by Cobb County DOT for George Busbee Parkway.
Based on 2011 traffic counting data taken by Cobb County DOT for Chastain Road.*

COMMENTS AND OBSERVATIONS

George Busbee 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.

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

STAFF RECOMMENDATIONS

Z-99 CH REALTY VI/R ATLANTA TOWNPARK, L.L.C.

- 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 additional use of commercial indoor recreation will allow the applicant's intended commercial activity within an established commercial development.
- 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 intended use and hours of operation will coordinate with existing users within the development.
- 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 RAC regional activity center future land use category. This category identifies areas that should serve a regional market. Given the site's location near Interstate 75 and the KSU campus, the requested use will serve a commercial/entertainment demand within the area.
- 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 request to allow commercial indoor recreation as a permitted use within the UVC district is intended to allow the applicant's proposed use of a "puzzle escape room" within the established commercial development. This use, which is relatively low in intensity compared to other entertainment type uses, can be accommodated within the existing building.

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

1. Letter of agreeable stipulations from Mr. Rob Hosack dated October 6, 2016, where not otherwise in conflict;
2. Allowance of commercial indoor recreation use for the intended use of the applicant's puzzle/escape room, additional commercial indoor recreation uses to be approved individually by the District Commissioner;
3. Fire Department comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations; and
6. Department of Transportation comments and recommendations;
7. All previous zoning stipulations not in conflict with this approval;
8. Site plan received September 1, 2016, with District Commissioner approving minor modifications.

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.

BH3, LLC
2875 Colony Point
Marietta, Georgia 30062
770-235-5662
rhosack@outlook.com



Rob Hosack, AICP
Director of Governmental Affairs

October 6, 2016

VIA EMAIL: Terry.Martin@cobbcounty.org

Terry Martin, MPA, Planner II
Cobb County Community Development Agency
Zoning Division
1150 Powder Springs Road
Marietta, GA 30064

Re: Application of CH Realty V/R Atlanta Townpark, LLC. To rezone/amend stipulations of 5.5 acres of property at 600 Chastain Road in unincorporated Cobb County (Z-99 of 2016).

Dear Terry:

On behalf of the applicant and property owner of the above referenced application, please accept this letter of agreeable conditions and stipulations to become part of the official record for the subject property if approved by the Cobb County Board of Commissioners.

1. Approval of additional permitted use of Commercial Indoor Recreation Use will be included within existing retail development.
2. All business activities, including hours of operation, will be coordinated through the property owner and property management company.
3. New tenant associated with additional permitted use of Commercial Indoor Recreation Use to comply with all required Building and Life Safety Code requirements, as well as County Occupational Tax and Business Registration requirements.
4. Parking for additional permitted use of Commercial Indoor Recreation Use will be provided via existing spaces on site and through existing reciprocal agreements/easements with adjoin properties/uses.
5. Architectural style, lighting and signage will conform to existing covenants and Cobb County requirements.

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Director of Governmental Affairs

VIA EMAIL: Terry.Martin@cobbcounty.org
Terry Martin, MPA, Planner II
Cobb County Community Development Agency
October 6, 2016
Page 2

Please feel free to contact me if you require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to be 'RH' with a flourish.

Rob Hosack, AICP
Director of Governmental Affairs

Cc: John Pederson, Zoning Division Manager, VIA EMAIL: John.Pederson@cobbcounty.org
Jack Dowling, Crowe Holdings Real Estate, VIA EMAIL: JDowling@crowholdings.com

**Impact Analysis
CH Realty VI/R Atlanta Townpark, LLC**

- 1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?** Applicant contends that proposal to amend stipulations to allow for an additional use within the existing retail development will permit a suitable use in view of adjacent properties being used for retail and office uses similar to such proposed by the applicant.
- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?** Given that the adjacent and nearby properties are being used for retail and office uses that are larger and more intense than the additional use being proposed by the applicant, no adverse effect is anticipated.
- 3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?** Applicant contends that allowing for the proposed additional use within the existing development will provide for a more reasonable economic use within the existing zoning district with adequate protections to the development and adjacent developments.
- 4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?** Applicant contends that when property was originally developed, adequate project related and system improvements were implemented by the applicant that offset any impact to existing streets, transportation facilities, utilities or schools. The additional use proposed by the applicant will have limitations that safeguard against any additional burden to the infrastructure.
- 5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan?** Applicant contends that existing development and additional use proposed are consistent with the Cobb County Future Land Use Map recommendation of Regional Activity Center.
- 6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?** Applicant contends that continued growth and success of the adjacent and nearby retail and office properties give supporting grounds for approval of additional use proposed. Applicant also contends that emerging technologies have changed the nature of commercial indoor recreation uses from those requiring large, expansive footprints to much smaller footprints commonly found and encouraged within UVC zoning districts.

