

APPLICANT: Pope & Land Enterprises, Inc.

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TITLEHOLDER: John M. Struhar, Jr., Edward K. Murphy and

Denise D. Murphy

PROPERTY LOCATION: Easterly side of River Oaks Drive, north
of Stillhouse Lane.

ACCESS TO PROPERTY: River Oaks Drive

PHYSICAL CHARACTERISTICS TO SITE: Wooded acreage

PETITION NO: Z-18

HEARING DATE (PC): 03-01-16

HEARING DATE (BOC): 03-15-16

PRESENT ZONING: RM-8

PROPOSED ZONING: RRC

PROPOSED USE: Mixed-Use
Development

SIZE OF TRACT: 3.183 acres

DISTRICT: 17

LAND LOT(S): 977

PARCEL(S): 9

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: UC and CRC/Walton Riverwood and Delta Community Credit Union

SOUTH: O&I and OHR/Undeveloped

EAST: OMR/First Citizens Bank building

WEST: OHR/Undeveloped; R-80/Single-family house; UVC

Adjacent Future Land Use:

Northeast: Regional Activity Center (RAC)

Southwest: Regional Activity Center (RAC)

Northwest: Regional Activity Center (RAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

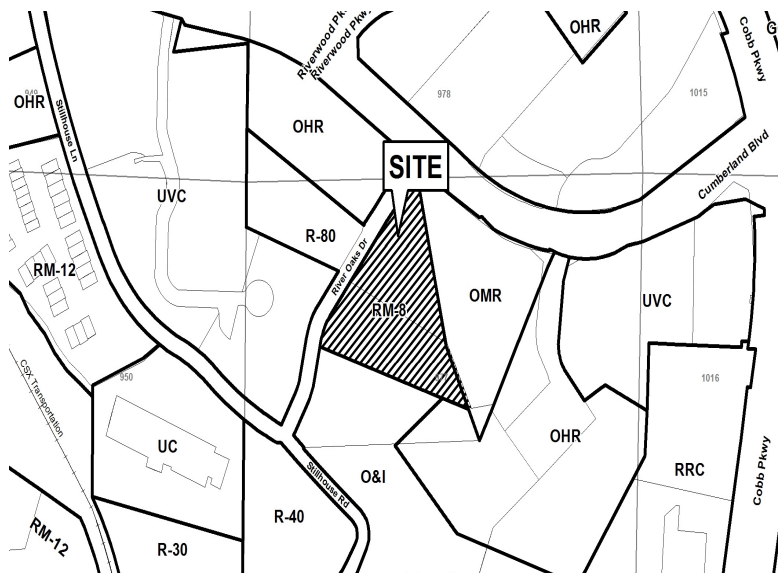
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

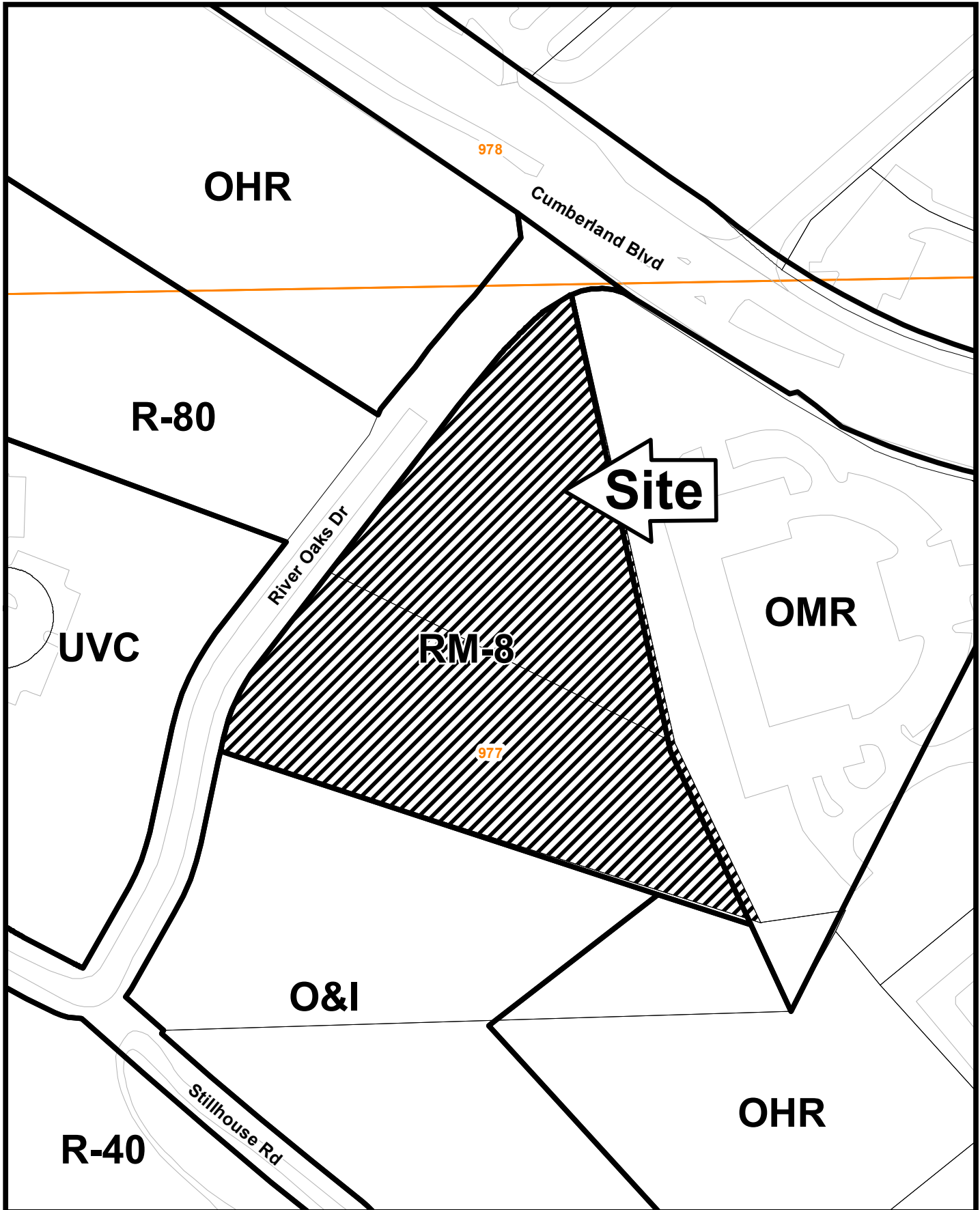
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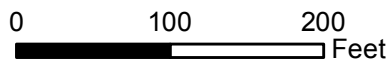
STIPULATIONS:





Z-18



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Pope & Land Enterprises, Inc.

PETITION NO.: Z-18

PRESENT ZONING: RM-8

PETITION FOR: RRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center (Sub-category Commercial)

Proposed Number of Buildings: 1 + Parking Deck **Total Square Footage of Development:** 227,625

F.A.R.: 1.64 **Square Footage/Acre:** 71,512

Parking Spaces Required: 562 **Parking Spaces Provided:** To Comply with Ordinance

Applicant is requesting the Regional Retail Commercial (RRC) zoning district for the purpose of developing a six-story building and a six-story parking deck for a mixed use development. The development will contain a mixture of 300 residential units and 7,500 square feet of retail/office space. The residential units will range in size from 700 square feet and upwards to 1,400 square feet. The applicant also proposes 7,500 square feet of office/retail and amenities. The building architecture will consist of brick, masonry, and Hardi-plank type siding. The proposal is showing access on River Oaks Drive and on Cumberland Boulevard via an inter-parcel access point with the adjoining property. The proposed residential units will be “for lease”.

The proposed plan will require contemporaneous variances to: (1) Waive the front setback from 50 feet to 10 feet; and (2) Waive the side setbacks from 30 feet to 20 feet.

The proposed site plan notes that the number of parking spaces will comply with the Zoning Ordinance.

Cemetery Preservation: No comment.

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).

APPLICANT: Pope & Land Enterprises, Inc.

PETITION NO.: Z-18

PRESENT ZONING: RM-8

PETITION FOR: RRC

FIRE COMMENTS: (Continued)

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)

PLANNING COMMENTS:

The applicant is requesting a rezoning from RM-8 to RRC for the purpose of a mixed use development. The 3.183 acre site is located on the easterly side of River Oaks Drive, North.

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 (RAC) future land use category, with RM-8 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.

Specific Area Policy Guidelines:

- The area includes the properties along both sides of Upper Stillhouse Road and River Oaks Drive, south of Cumberland Boulevard is hereby designated the Vinings Transition Zone. This transition zone is needed because of the conflict between the intense land uses in the heart of the Cumberland Regional Activity Center and the nearby low-density, single family residential uses in Vinings south of the barricade and consistent with county policy as described elsewhere in the Cobb County Comprehensive Plan regarding the necessity to provide appropriate transitions between areas of higher intensity use and nearby areas of lower intensity use. Furthermore, due to the extreme topographical, environmental and watershed concerns, the following specific development criteria are needed in the area identified as the Vinings Transition Zone.
- South of Cumberland Boulevard (realigned), higher intensity development must have access exclusively from and to Cumberland Boulevard. Still house Road and River Oaks Drive have existing grades and alignments that do not appear adequate to service higher intensity development. The county has installed a permanent barricade on Stillhouse Road just south of River Oaks Drive to prevent Cumberland traffic from accessing the lower Stillhouse Road residential area.

APPLICANT: Pope & Land Enterprises, Inc.

PETITION NO.: Z-18

PRESENT ZONING: RM-8

PETITION FOR: RRC

PLANNING COMMENTS: (Continued)

- Areas south of Cumberland Boulevard shall be developed as office or “owner occupied” residential, in a “step down” manner. Rental residential is prohibited in Cobb County’s Urban Condominium zoning district.
- Residential densities should be “transitional” with lower densities than those appropriate in central portions of the “Urban Core” of the Cumberland Community Improvement District Development in the Vinings Transition Zone should proceed in a “step down” manner from higher intensity uses along Cumberland Boulevard to lower intensity uses near the Stillhouse Road Barricade.

Adjacent Future Land Use:

Northeast: Regional Activity Center (RAC)

Southwest: Regional Activity Center (RAC)

Northwest: Regional Activity Center (RAC)

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

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.

APPLICANT: Pope & Land Enterprises, Inc.

PETITION NO.: Z-18

PRESENT ZONING: RM-8

PETITION FOR: RRC

PLANNING COMMENTS: (Continued)

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 Pope & Land Enterprises

PETITION NO. Z-018

PRESENT ZONING RM-8

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 / E side of River Oaks Dr

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 River Oaks Dr ROW

Estimated Waste Generation (in G.P.D.): A D F= 31,380 Peak= 78,450

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 segment in River Oaks Drive may require upsizing
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: Pope & Land Enterprises, Inc.

PETITION NO.: Z-18

PRESENT ZONING: RM-8

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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Camp Bert Adams 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 downstream receiving system..

APPLICANT: Pope & Land Enterprises, Inc.

PETITION NO.: Z-18

PRESENT ZONING: RM-8

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. This site is located to the east of River Oaks Drive just south of Cumberland Boulevard. Average slopes on the site are steep and range from 18 to 40%. The existing site is wooded with a mixture of soft and hardwood species. The majority of the site (2.7 ac) discharges by overland flow to the right-of-way of River Oaks Drive to the west. The remainder of the site (0.5 ac) drains to the southeast corner into the offsite detention facility located on the adjacent City View property.
2. The proposed onsite underground stormwater management facility must account for the existing downstream system capacity. The site design must also account for the conveyance of the existing stormwater discharge from the adjacent 3300 Cumberland Boulevard parcel that traverses the northern corner of the site via a concrete flume to the northern terminus of River Oaks Drive.
3. Due to the steepness of the site terrain, elevated erosion control measures will be required to protect the nearby stream to the south.

APPLICANT: Pope & Land Enterprises

PETITION NO.: Z-18

PRESENT ZONING: RM-8

PETITION FOR: RRC

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 Boulevard	15,000	Arterial	35 mph	Cobb County	100'
River Oaks Drive	N/A	Local	25 mph	Cobb County	50'

Based on 2016 traffic counting data taken by Cobb County DOT for Cumberland Blvd

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.

River Oaks Drive is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

The site roadway configuration and retaining wall located in the right-of-way do not meet Cobb DOT standards.

RECOMMENDATIONS

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

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

Recommend deceleration lane on Cumberland Boulevard for the entrance.

Recommend access on Cumberland Boulevard be limited to right-in/ right-out.

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

The site roadway configuration and retaining wall do not meet Cobb County DOT standards. Recommend roadway design and retaining wall details to be determined during plan review, subject to Cobb County DOT approval.

Recommend developer enter into an agreement with Cobb County Legal Department regarding the liability and maintenance of facilities in the right-of-way. Recommend these facilities be maintained by the developer.

APPLICANT: Pope & Land Enterprises

PETITION NO.: Z-18

PRESENT ZONING: RM-8

PETITION FOR: RRC

Recommend a traffic study. Scope of traffic study shall be agreed upon by Cobb County DOT.
Recommend developer be required to fund improvements associated with development.

Recommend a FAA Study.

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STAFF RECOMMENDATIONS

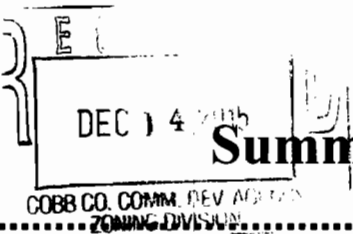
Z-18 POPE & LAND ENTERPRISES, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. This area contains some intense uses such as mid and high-rise office buildings, high density residential, commercial and single-family residential uses.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse effect on the usability of adjacent or nearby property. This area has a mixture of residential condominiums, mid-and high-rise office buildings, and also contains single-family houses. The applicant's proposal is close to major employee centers, which would make this a desirable location for residential units.
- C. It is Staff's opinion that the applicant's rezoning proposal may 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 conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Regional Activity Center (RAC) land use category and the sub-category of Commercial. The current proposed density for 259 units on 3.183 acres will result in 81 units per acre. The RRC zoning category is permitted in the RAC land use category.
- 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. This area is mixed with uses ranging from single-family residential to high-rise office and high-rise residential. The subject property's RAC land use category allows for the most variety and intensity of land uses. Staff believes the proposal has merit given its location to the Cumberland/Galleria area and its proximity to downtown Atlanta, the airport and other attractions.

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

1. Site plan received by the Zoning Division on December 14, 2015, with the District Commissioner approving minor modifications;
2. All units to be "for sale";
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.

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- 18 (2016)

Hearing Dates: 03/01/2016
03/15/2016

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 700 square feet, upwards to 1,400 square feet
- b) Proposed building architecture: Brick, Masonry, and Hardi-Plank type siding
- c) Proposed selling prices(s): Not Applicable
- d) List all requested variances: Parking reduction from 453 spaces to 425 spaces
for 259 units and 7,500 square feet of retail/office/amenities.

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

- a) Proposed use(s): 7,500 square feet of office/retail/amenities
- b) Proposed building architecture: Brick, Masonry, and Hardi-Plank type siding
- c) Proposed hours/days of operation: Not Applicable
- d) List all requested variances: Parking reduction from 453 spaces to 425 spaces
for 259 units and 7,500 square feet of retail/office/amenities.

.....
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). No, to the best of our knowledge,
information, and belief.

*Applicant specifically 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.