



**APPLICANT:** Kennesaw Corner MF, LP

**PETITION NO:** Z-54

**PHONE #:** (972) 861-5080 **EMAIL:** blittle@fountainresidential.com

**HEARING DATE (PC):** 09-07-17

**REPRESENTATIVE:** John H. Moore

**HEARING DATE (BOC):** 09-19-17

**PHONE #:** (770) 429-1499 **EMAIL:** jmoore@mijs.com

**PRESENT ZONING:** GC

**TITLEHOLDER:** Recreation Resources at Town Center, Inc.

**PROPOSED ZONING:** RRC

**PROPERTY LOCATION:** Northwest corner of Big Shanty Road and George Busbee Parkway

**PROPOSED USE:** Student Housing and Retail

**ACCESS TO PROPERTY:** George Busbee Parkway and Big Shanty Road

**SIZE OF TRACT:** 3.973 acres

**DISTRICT:** 16

**PHYSICAL CHARACTERISTICS TO SITE:** Indoor ice rink

**LAND LOT(S):** 502, 503

**PARCEL(S):** 3

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** GC/CCT Parking/Bus Stop
- SOUTH:** GC/Children's Healthcare of Atlanta
- EAST:** RRC/Fifth Third Bank Stadium
- WEST:** GC/Board of Regents Property; CRC/GDOT Parking

*Adjacent Future Land Use:*

- North: Regional Activity Center (RAC), Office (off)
- Northeast: Regional Activity Center (RAC), Public Institutional (pi)
- Southeast: Regional Activity Center (RAC), Public Institutional (pi)
- Southwest: Regional Activity Center (RAC), Retail Services (rs)
- West: Regional Activity Center (RAC), Office (off)

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

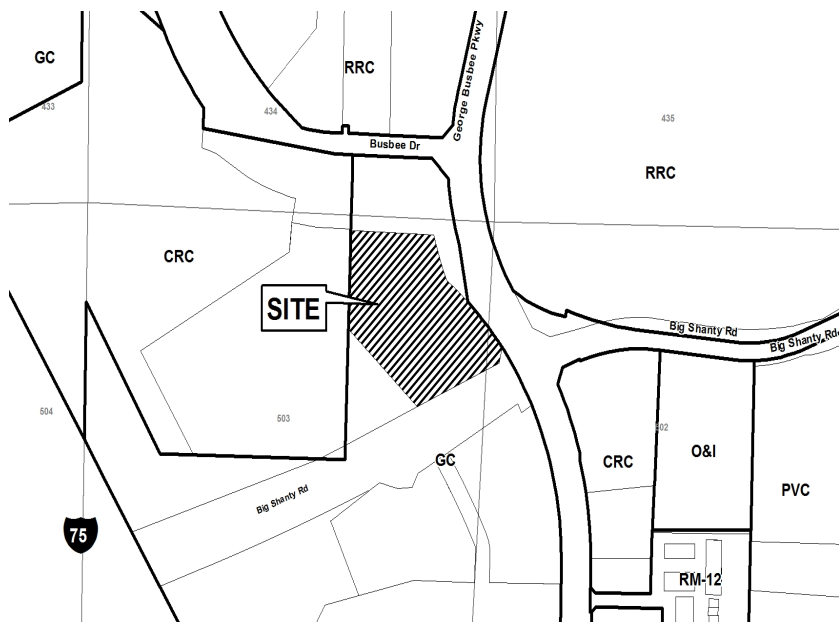
**BOARD OF COMMISSIONERS DECISION**

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

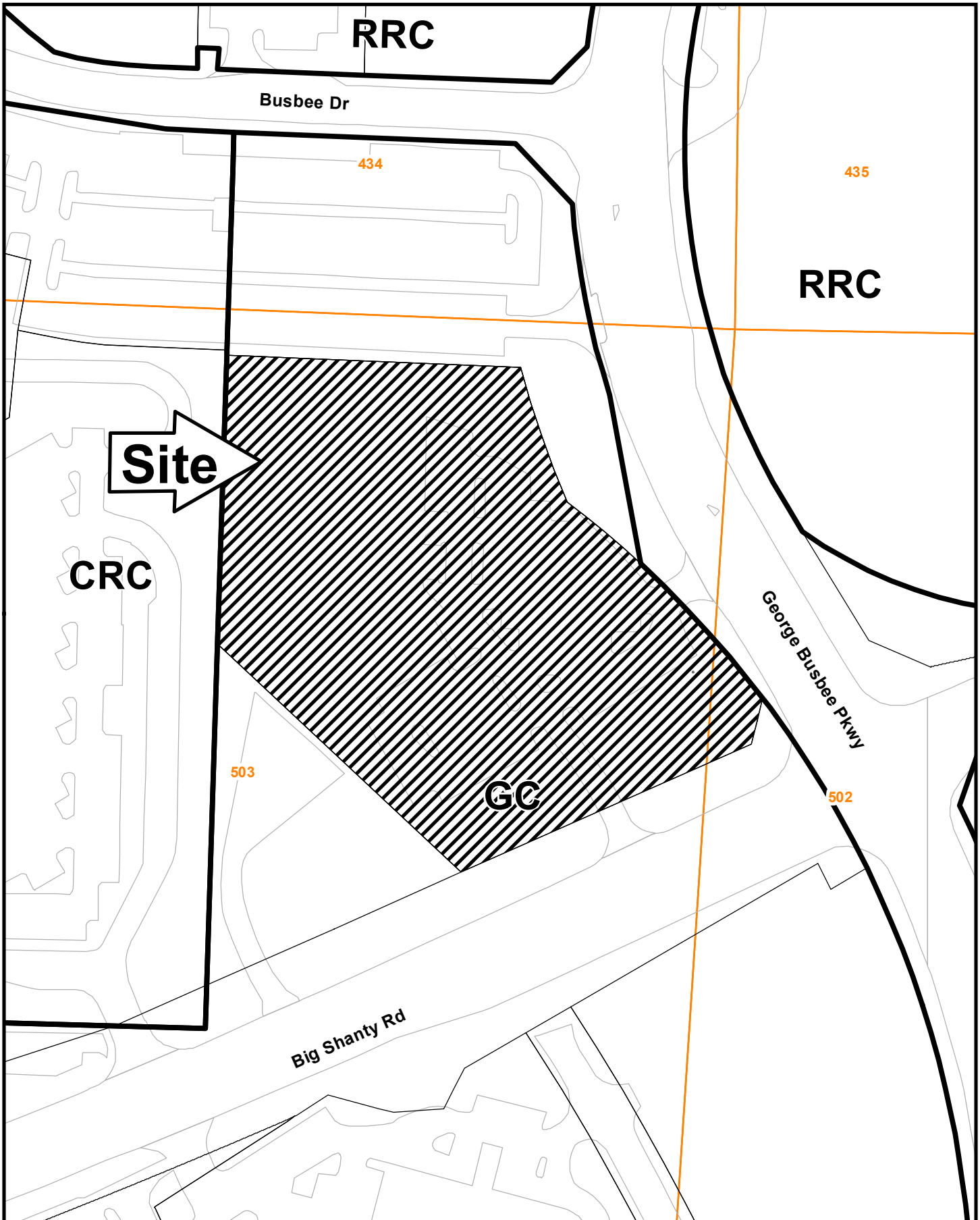
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

**STIPULATIONS:**



# Z-54 2017-GIS



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

0 100 200 Feet

City Boundary  
Zoning Boundary

APPLICANT: Kennesaw Corner MF, LP

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PRESENT ZONING: GC

PETITION FOR: RRC

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**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:** 17,500

**F.A.R.:** 0.091 **Square Footage/Acre:** 3,986

**Parking Spaces Required:** 501 **Parking Spaces Provided:** 237

The applicant is requesting the RRC zoning district for the purpose of a mixed use development consisting of 17,500 square feet of retail and a maximum of 215 residential units for student housing. The applicant describes the proposed use as a “transit-oriented, pedestrian friendly, student housing development with mixed-use component”. The proposed site plan indicates the building will be six-stories (85 feet from finished floor), noting the maximum height will not exceed 100 feet. Contemporary architecture will be utilized reflecting the influence of the University and surrounding area. The hours of operation for the retail component will be 7 a.m. until 2 a.m. Monday through Sunday. The first two floors on the side of Big Shanty Road and the corner of the building nearest the eastern side toward George Busbee Parkway will be retail the remaining floors above and around the development will be the residential units. This property is located within the McCollum Airport Traffic Pattern Zone.

The proposed plan will require contemporaneous variances for the following:

1. Waive the setback major side setback along George Busbee Parkway from 25 feet to 11 feet;
2. Waive the side setback from 15 feet to 10 feet;
3. Waive the rear setback from 30 feet to 10 feet;
4. Waive the required parking from 501 parking spaces to 237 parking spaces; and
5. Waive the maximum impervious coverage from 80% to 85%.

**Cemetery Preservation:** No comment.

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**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
<u>Elementary</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>Middle</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>High</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

- School attendance zones are subject to revision at any time.

**Additional Comments:**

Approval of this petition will not have an impact on the enrollment at Cobb County schools.

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**FIRE COMMENTS:**

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

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Modifications may be required to incorporate the following Cobb County Fire Marshal’s Office 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: Kennesaw Corner MF, LP**

**PETITION NO.: Z-54**

**PRESENT ZONING: GC**

**PETITION FOR: RRC**

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to RRC for the purpose of student housing. The 3.973 acre site is located on the northwest corner of Big Shanty 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 (RAC) future land use category with a Retail Services (rs) subcategory, with GC 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:

North: Regional Activity Center (RAC), Office (off)  
Northeast: Regional Activity Center (RAC), Public Institutional (pi)  
Southeast: Regional Activity Center (RAC), Public Institutional (pi)  
Southwest: Regional Activity Center (RAC), Retail Services (rs)  
West: Regional Activity Center (RAC), Office (off)

Master Plan/Corridor Study

The property is located within the boundary of town Center LCI 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.

**APPLICANT: Kennesaw Corner MF, LP**

**PRESENT ZONING: GC**

**PETITION NO.: Z-54**

**PETITION FOR: RRC**

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**PLANNING COMMENTS:**

CONT.

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 this property within the Six Flags Special Service District?

Yes  No

Is the property within the:

- Dobbins Airfield Safety Zone?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area



APPLICANT Kennesaw Corner MF, LP

PETITION NO. Z-054

PRESENT ZONING GC

PETITION FOR RRC

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**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 George Busbee Pkwy

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.

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**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: George Busbee Pkwy ROW

Estimated Waste Generation (in G.P.D.): A D F= 25,800 Peak= 64,500

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 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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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: 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 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 (Big Shanty R/W and adjacent Scottish Rite Children's Medical Center).
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any easements 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 any increased volume of runoff generated by the proposed project on receiving system.

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**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.

ADDITIONAL COMMENTS

1. This site is located at the northwest corner of George Busbee Parkway and Big Shanty Road. The entire site drains to the south across Big Shanty Road into and through the Scottish Rite Children’s Medical Center.
2. Stormwater management for the site will be provided by detention facility located at the southeast corner of the site.
3. The impervious coverage for the existing Ice Forum site is approximately 50%. The proposed RRC regional retail commercial development will be limited to 80%.

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**TRANSPORTATION COMMENTS:**

REVISED 8-21-17

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
George Busbee Parkway	Arterial	45 mph	Cobb County	100'
Big Shanty Road	Major Collector	35 mph	Cobb County	80'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
George Busbee Parkway	South of Townpark Drive	15,600	C
Big Shanty Road	West of Hidden Forest Court	20,600	D

*Based on 2015AADT counting data taken by GDOT, as published on their website, for George Busbee Parkway.  
 Based on 2016 traffic counting data taken by Cobb County DOT for Big Shanty Road.  
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.  
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

**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.

Big Shanty Road is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Additional right-of-way is needed for a Cobb DOT project (KSU Bike/Ped Connector) that will cross through this parcel. The project includes a 13' bike and pedestrian trail that will tie into an existing trail network that extends from Noonday Creek to the Town Center area.

**RECOMMENDATIONS**

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

Recommend relocating entrance on George Busbee Parkway northward or extending concrete median to prevent illegal left turn movements.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed KSU Trail Project - Project # 0012874. Recommend applicant construct the portion of the bike/pedestrian trail that will pass through their property and along their frontage, and/or dedicate right-of-way needed for the project.

## STAFF RECOMMENDATIONS

### **Z-54 KENNESAW CORNER MF, LP**

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is located in an area that adjoins a mixture of retail, office, medical services, and facilities associated with nearby Kennesaw State University.
- 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. The applicant's proposal seeks to place residential units in the middle of heavy commercial and institutional uses; this may cause conflicts in the future.
- C. It is Staff's opinion that the applicant's rezoning proposal may 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 may not be in total 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 requested Regional Retail Commercial (RRC) zoning district is compatible with the RAC land use designation and the proposed use is permitted in the RRC zoning district. One purpose of the RAC is to provide for areas that can support high intensity development which serves a regional market. However, the Planning comments indicate the property is located within the Retail Services (rs) subcategory within the RAC. Those comments note that residential development is inappropriate in the (rs) designation.
- 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 denying the applicant's rezoning proposal. Although, the RRC zoning district is allowed in the RAC land use category, the RAC has subcategories that indicate specific uses and/or development that are encouraged or discouraged. In the case of the subject property, residential development is identified as being inappropriate in the Retail/Services subcategory. Staff is concerned about placing residential use in the center of this commercial/institutional intersection. Staff is also concerned with the variances needed to place this proposal at this location.

Based on the above analysis, Staff recommends DENIAL.

**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-54 (2017)  
Hearing Dates: PC: 09/05/2017  
BOC: 09/19/2017

# 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): 275,000 total square footage
- b) Proposed building architecture: Transit-oriented, pedestrian friendly, student housing development with mixed-use component. Contemporary-style architecture reflecting the influence of the University and surrounding area.
- c) List all requested variances: None known at this time.

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

- a) Proposed use(s): Retail
- b) Proposed building architecture: Pedestrian friendly, contemporary-style architecture reflecting the influence of the University and surrounding area.
- c) Proposed hours/days of operation: 7:00 a.m. - 2:00 a.m. - Monday-Sunday
- d) List all requested variances: None known at this time.

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

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- .....  
**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 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.