

APPLICANT: Ashton Atlanta Residential, LLC

PHONE #: (770) 642-6123 **EMAIL:** mike.busher@ashtonwoods.com

REPRESENTATIVE: John H. Moore

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

TITLEHOLDER: ADIC, Inc., successor by merger to XEBO Corporation

PROPERTY LOCATION: Southeasterly corner of Cumberland Parkway and Paces Walk

ACCESS TO PROPERTY: Cumberland Parkway

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped acreage

PETITION NO: Z-63

HEARING DATE (PC): 10-03-17

HEARING DATE (BOC): 10-17-17

PRESENT ZONING: CRC

PROPOSED ZONING: UC

PROPOSED USE: Townhouses and Condominiums

SIZE OF TRACT: 18.84 acres

DISTRICT: 17

LAND LOT(S): 816,817,839,840

PARCEL(S): 11,6

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: O&I/One Paces Walk Offices;
RM-8/Vinings Chase Condominiums;
CRC/Retail, Personal Care

SOUTH: UC/Vinings Vineyard

EAST: RM-12/Apartments

WEST: O&I/Offices; CRC/Retail Center

Adjacent Future Land Use:

Northeast: Community Activity Center (CRC) and High Density Residential (LDR)

Southeast: High Density Residential (LDR)

South: Regional Activity Center with a High Density Residential subcategory (RAC/hdr)

West: Regional Activity Center with a Medium Density Residential subcategory (RAC/mdr), Regional Activity

Center with an Office subcategory (RAC/off) and Regional Activity Center with a Retail Services subcategory (RAC/rs)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

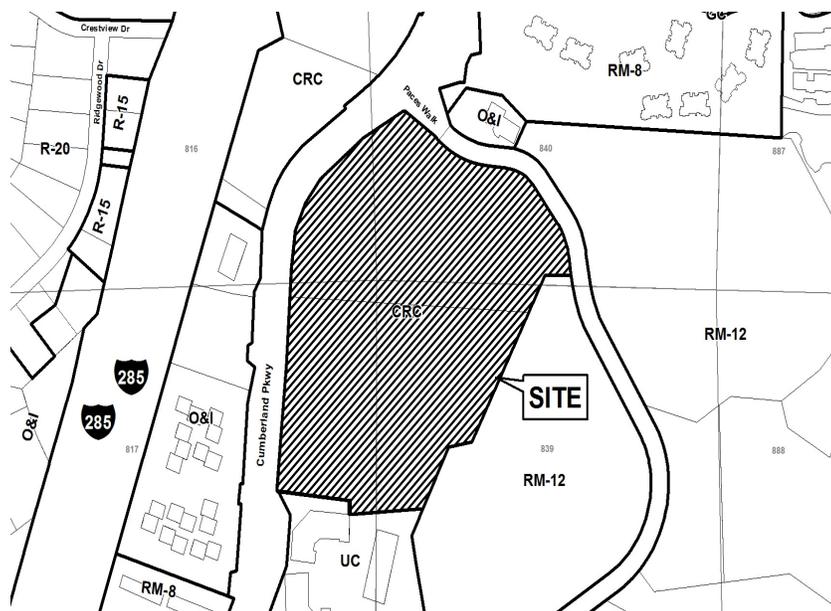
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

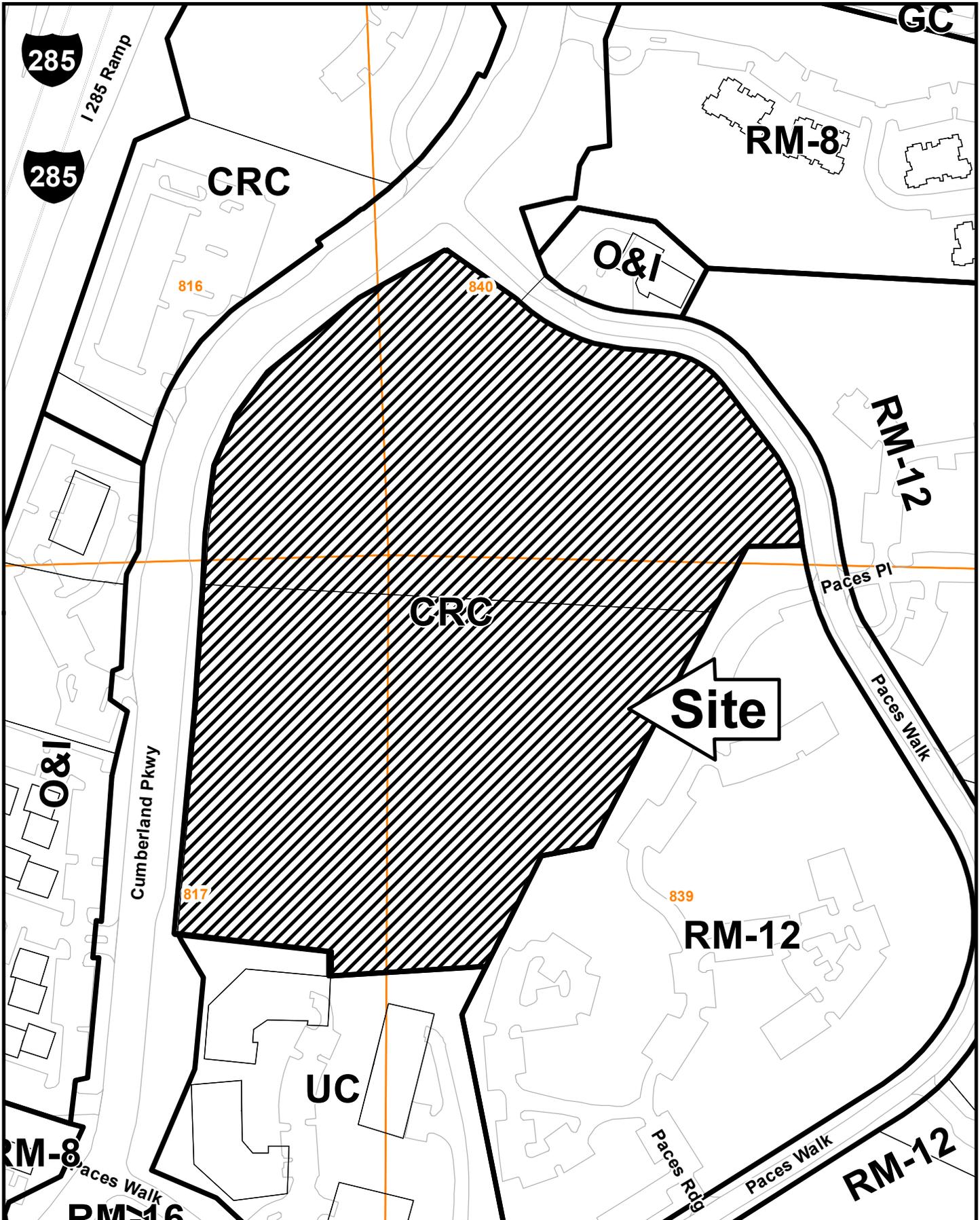
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-63 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: Ashton Atlanta Residential, LLC

PETITION NO.: Z-63

PRESENT ZONING: CRC

PETITION FOR: UC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Units: 316 **Overall Density:** 16.77 **Units/Acre**

Staff estimate for allowable # of units: 0 **Units*** **Increase of:** 316 **Units/Lots**

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the Urban Condominiums (UC) zoning district for the purpose of a condominium development. The proposed community will consist of several configurations of condominiums including townhouse-style condominiums, detached townhomes, five 5-unit manor buildings, one 10-unit manor building and an 80-unit condo building with parking below. The main condominium building will be five stories. The size of the units will range from 800 square feet to 3,500 square feet and greater, based on product type. The architectural style will be English Cottage, with exteriors composed of combinations of brick and siding mixed, and combinations thereof. Language contained in the *Cobb County Comprehensive Plan* reflects that mid or high-rise residential developments are also appropriate in the HDR land use category and includes any residential developments in excess of four stories per structure. Due to the unique, urban characteristics of RAC's, building height and density shall be reviewed on a case-by-case basis.

The proposed development will require the following contemporaneous variances:

1. Waiving the front and side setbacks from the required 35 feet to 10 feet;
2. Waiving the rear setback from the required 40 feet to 10 feet;
3. Allowing the maximum acreage to increase from 10 acres to 18.84 acres;
4. Waiving the landscape buffer from the required 25 feet to 10 feet;
5. Allowing the minimum building separation to be 10 feet; and
6. Waiving internal building setbacks to be off private roadway or private alley easement at 0 feet.

Cemetery Preservation: No comment.

APPLICANT: Ashton Atlanta Residential, LLC

PETITION NO.: Z-63

PRESENT ZONING: CRC

PETITION FOR: UC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Teasley Elementary</u>	<u>888</u>	<u>771</u>	<u> </u>
<u>Campbell Middle</u>	<u>1451</u>	<u>1203</u>	<u> </u>
<u>Campbell High</u>	<u>2788</u>	<u>2637</u>	<u> </u>

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

Additional Comments: Approval of this petition will cause concern for CCSD, as it will result in an impact on the enrollment for schools already over capacity.

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PRESENT ZONING: CRC

PETITION FOR: UC

FIRE COMMENTS:

Modifications will be required to incorporate the 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.

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)

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PRESENT ZONING: CRC

PETITION FOR: UC

PLANNING COMMENTS:

The applicant is requesting a rezoning from CRC to UC for the purpose of townhouses and condominiums. The 18.84 acre site is located on the southeasterly corner of Cumberland Parkway and Paces Walk.

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 High Density Residential subcategory (RAC/hdr) future land use category, with CRC zoning designation. The purpose of the Regional Activity Center (RAC) category is to provide for areas that can support a high intensity of development which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and varying densities of residential development. High Density Residential (HDR) subcategory provides areas that are suitable for low rise, high density housing between five (5) and twelve (12) dwelling units per acre. Mid or high-rise residential developments are also appropriate in this category. This shall include any residential developments in excess of four (4) stories per structure. Because of the unique, urban characteristics of RAC's, building height and density shall be reviewed on a case-by-case basis.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

Northeast: Community Activity Center (CRC) and High Density Residential (LDR)
Southeast: High Density Residential (LDR)
South: Regional Activity Center with a High Density Residential subcategory (RAC/hdr)
West: Regional Activity Center with a Medium Density Residential subcategory (RAC/mdr),
Regional Activity Center with an Office subcategory (RAC/off) and Regional Activity Center with a Retail Services subcategory (RAC/rs)

Master Plan/Corridor Study

The property is located within the boundary of Vinings Vision Plan and Cumberland CID Plan

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.

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PETITION FOR: UC

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 Ashton Atlanta Residential LLC

PETITION NO. Z-063

PRESENT ZONING CRC

PETITION FOR UC

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 Cumberland Pkwy

Additional Comments: Requirements for metering the condominiums have not yet been determined

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: Cumberland Pkwy ROW

Estimated Waste Generation (in G.P.D.): A D F= 50,560 Peak= 126,400

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

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 Sewer flow test will be required of developer's design professional at Plan Review
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: CRC

PETITION FOR: UC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Vinings Branch 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 - Vinings Chase Apartment Complex.
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 including Vinings Chase Lake.

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PETITION FOR: UC

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 at the southeast intersection of Cumberland Parkway and Paces Walk. The parcel has been cleared and pad-graded with all but the remaining natural slopes draining to the north across Paces Walk near this intersection into the Vinings Chase Lake.
2. Stormwater management will be provided using a combination of above and underground facilities.
3. As indicated in the downstream conditions comment section, there is a private lake located downstream of the site (Vinings Chase Lake). A pre- and post-development sediment survey will be required to evaluate any sediment impact to the lake.
4. All stormwater infrastructure within this gated townhome/condominium development will be private and maintained by the mandatory homeowners association.

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TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cumberland Parkway	Arterial	35 mph	Cobb County	100'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Cumberland Parkway	North of Orchard Road	20,300	D

*Based on 2012 traffic counting data taken by Cobb County DOT for Cumberland Parkway.
 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

Cumberland 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.

RECOMMENDATIONS

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

Recommend a traffic study. The traffic study should include existing and base year (full build out year) Build and No Build analysis; and horizon year (base year + 10 years) Build and No Build analysis. Study assumptions (such as study intersections, trip distribution and annual growth rate) should be agreed to by Cobb DOT before completing the study.

Recommend a FAA Study.

Recommend a signal warrant study. Developer is responsible for 100% of the cost for a traffic signal at the entrance, if and when warranted and installation approved by Cobb County DOT.

Recommend signalized entrance directly align with development across the street on Cumberland Parkway and include a deceleration lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

Recommend applicant verify that minimum intersection sight distance of 490' is available for Cumberland Parkway entrance. Recommend restricting right turns on red if sight distance requirement can not be achieved at the signalized intersection.

APPLICANT: Ashton Atlanta Residential, LLC

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PRESENT ZONING: CRC

PETITION FOR: UC

Recommend proposed gate be set back a minimum of 150' from the right-of-way and meet Cobb County Development Standards.

Recommend median be installed in front of the right-in/ right-out entrance on Cumberland Parkway to prevent left turns out.

STAFF RECOMMENDATIONS

Z-63 ASHTON ATLANTA RESIDENTIAL, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. This area contains a mixture of uses including low to high-rise office building, high density residential, commercial and mixed uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. The proposal will be consistent with the character of the other uses in this area. The property is located in an area that supports a variety of office, commercial and residential uses. Additionally, the applicant's proposal is located with close proximity to Interstate 285, and the major employment centers associated with the Cumberland/Galleria area. The adjacent residentially zoned properties are zoned RM-8, RM-12, RM-16 and UC, and have densities ranging from 8-16 units per acre. The applicant's proposed density of 16.77 units is slightly over the maximum of 16 units per acre specifically called out for this property in the *Cobb County Comprehensive Plan's* sub-area language. Staff believes the applicant's residential proposal for this property would be beneficial for the county and beneficial for the area by encouraging residences close to major employment centers and close to the interstate highways.
- 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. Staff is concerned with the intersection sight distance available for the Cumberland Parkway entrance and DOT recommends restricting right turns on red if sight distance requirement cannot be achieved at the signalized intersection.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Regional Activity Center (RAC) land use category, which allows for the most variety and intensity of land uses. The property is in the High Density Residential sub-area of the RAC. The proposed residential use is consistent with the sub-area as far as the use goes, but the proposed density of 16.77 units per acre is over the maximum of 12 units per acre indicated in the sub-area language.
- 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 applicant's proposal is consistent with the RAC and its sub-area language for high density residential uses. Language contained in the *Cobb County Comprehensive Plan* reflects that mid or high-rise residential developments are also appropriate in the HDR land use category and includes any residential developments in excess of four stories per structure. Due to the unique, urban characteristics of RAC's, building height and density shall be reviewed on a case-by-case basis. The proposed density is consistent with adjacent properties that range from 8-16 units per acre.

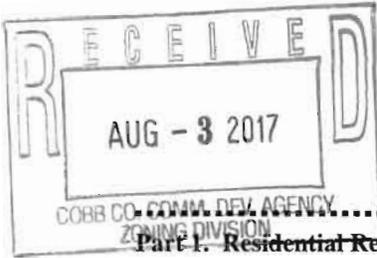
Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

1. Site plan received by the Zoning Division August 3, 2017, with the District Commissioner to approve minor modifications;
2. Maximum of 16 units per acre;
3. Variances requested in the Zoning Comments section;

Z-63 ASHTON ATLANTA RESIDENTIAL, LLC (Continued)

4. Planning Division comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations; and
7. 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-63 (2017)

Hearing Dates: PC: 10/03/2017
BOC: 10/17/2017

Summary of Intent for Rezoning*

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

- a) **Proposed unit square-footage(s):** 800 square feet upwards to 3,500 square feet, and greater, based on product type
- b) **Proposed building architecture:** English Cottage, with exteriors composed of combinations of brick and siding mixed, and combinations thereof
- c) **List all requested variances:** See Attached

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

- a) **Proposed use(s):** Not Applicable
- b) **Proposed building architecture:** Not Applicable
- c) **Proposed hours/days of operation:** Not Applicable
- d) **List all requested variances:** Not Applicable

.....
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).
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.

ATTACHMENT TO SUMMARY OF INTENT FOR REZONING

Application No.: Z- 63 (2017)
Hearing Dates: October 3, 2017
October 17, 2017

Applicant: Ashton Atlanta Residential, LLC
a Georgia limited liability company
Titleholder: ADIC, Inc.
a Georgia corporation, successor by merger to
XEBO Corporation, a Georgia corporation

Part 1. Residential Rezoning Information

- (d) List all requested variances:
- i) Front Setback reduced to 10 feet;
Major Side, Minor Side, and Side Setback reduced to 10 feet;
Rear Setback reduced to 10 feet;
- Internal minimum building separation shall be 10 feet;
Internal building setbacks (off private roadway or private alley easement area shall be 0 feet).
- ii) Landscape Buffers (if applicable) to be reduced to a 10 feet landscape strip (same 10 feet as proposed building setback).