

APPLICANT: AMLI Residential Properties, L.P.
770-281-3300

REPRESENTATIVE: Moore ingram johnson & steele, LLP
John H. Moore, 770-429-1499

TITLEHOLDER: AMLI Residential Properties, L.P., a Delaware
limited partnership

PROPERTY LOCATION: On the northwest side of Barrett
Lakes Boulevard, east of Greers Chapel Road.

ACCESS TO PROPERTY: Barrett Lakes Boulevard

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped
acreage with drive entrance for abutting O&I parcel to the west

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** RM-12/Developed multifamily residential
- SOUTH:** RM-12/Developed multifamily residential
- EAST:** RM-12/Developed multifamily residential
- WEST:** O&I/Office building and GC/Office building

PETITION NO: Z-38

HEARING DATE (PC): 10-04-2011

HEARING DATE (BOC): 10-18-2011

PRESENT ZONING: NS O&I

PROPOSED ZONING: UC

PROPOSED USE: Multifamily Residential

SIZE OF TRACT: 15.48 acres

DISTRICT: 16

LAND LOT(S): 721, 792

PARCEL(S): 3

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 1

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

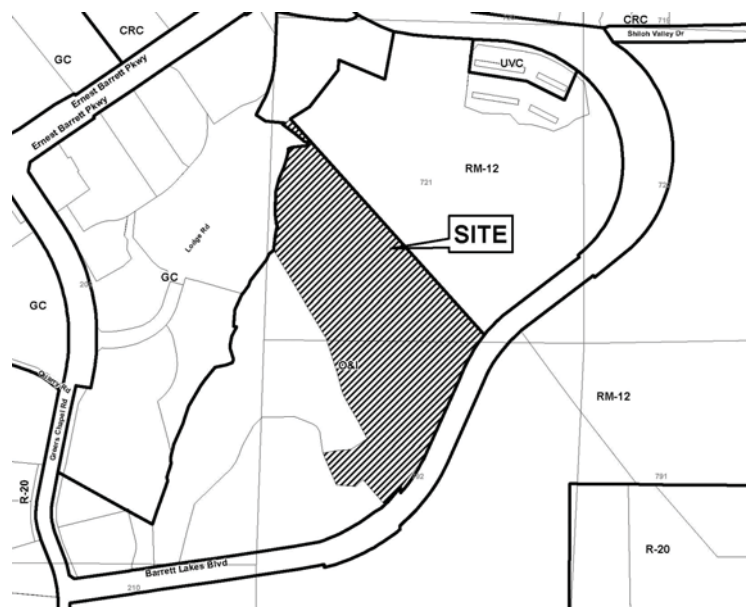
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

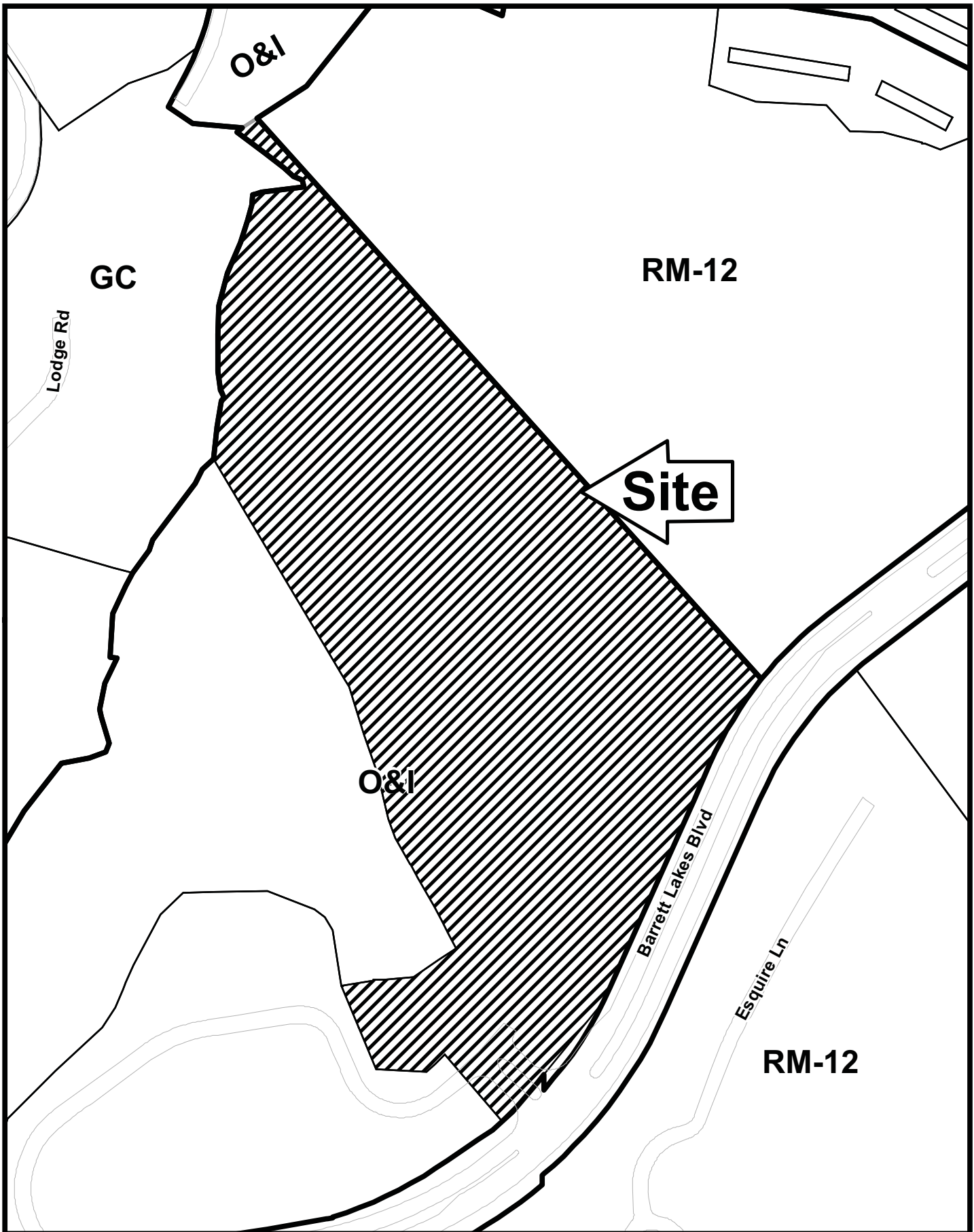
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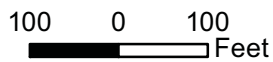
STIPULATIONS:





Z-38



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



-  City Boundary
-  Zoning Boundary

APPLICANT: AMLI Residential Properties, L.P.

PETITION NO.: Z-38

PRESENT ZONING: O&I

PETITION FOR: UC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center

Proposed Number of Units: 238 **Overall Density:** 15 **Units/Acre**

Present Zoning Would Allow: 0 **Units** **Increase of:** 15 **Units/Lots**

Applicant is requesting the Urban Condominium (UC) zoning category in order to develop a 238-unit condominium community. The units within the development will be “for lease” until market conditions support “for sale” units, at which time the applicant projects selling at a price of \$150 per square foot. The projected starting rent is \$1,075 per month. Applicant has indicated that the buildings will be mid-rise with a maximum of four stories. The architecture will be a mixture of stone, stucco and cement fiber hardboard siding. It will be complimentary to, yet different from, the architecture of the adjacent AMLI at Barrett Walk and across the street from AMLI at Barrett Lakes. Applicant’s site plan received by the Zoning Division on August 4, 2011 indicates seven buildings with 28 units, one building with 10 units and two buildings with two carriage units. The site plan also indicates connection to the existing trail system. In addition to the open parking spaces, the site plan also indicates 28 indoor garage spaces and 16 outdoor garage spaces. Applicant is also part of an association that owns and has rights to the existing lake on the parcel to the west. The plan is to extend the trail/sidewalk that surrounds most of Lodge Lake with entry points from the sidewalks along Barrett Lakes Boulevard, Roberts Drive and Lodge Road. Applicant also plans to publish maps to alert residents and other local people to the accessibility of the preserved trenches and the Civil War Trail that AMLI built at Barrett Lakes.

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, it is determined that the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional is to be considered at site plan review. This survey, if completed, should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

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SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Bells Ferry</u>	<u>597</u>	<u>over</u>	<u> </u>
Elementary			
<u>Daniell</u>	<u>990</u>	<u>under</u>	<u> </u>
Middle			
<u>Sprayberry</u>	<u>1,813</u>	<u>under</u>	<u> </u>

High

***School Attendance zones are subject to revision at any time.**

Additional Comments: Bells Ferry Elementary School is currently in the process of renovations, which will include the addition of 14 new classrooms; therefore, relieving overcrowding.

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).

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)

APPLICANT AMLI Residential Properties

PETITION NO. Z-038

PRESENT ZONING O&I

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 / NW side of Barrett Lakes Blvd**

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: **On site**

Estimated Waste Generation (in G.P.D.): **A D F= 71900 Peak= 179750**

Treatment Plant: **Noonday**

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 Comments: Flow based upon 238 rental apartments and 1 clubhouse. Additional flow for laundry rooms. Flow study may be required at Plan Review.

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: O&I

PETITION FOR: UC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek FLOOD HAZARD INFO: Zone A

- 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: Adjacent to onsite lake.

- 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 CONDITION

- 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 Lakes Downstream - Upper and Lower Lodge Lake.
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 lakes.

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DRAINAGE 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 discharges to the east into two existing adjacent lakes. The hydrologic impact of the proposed multi-family development should not be significantly different from the original master planned office use. However, the site engineer must verify that adequate stormwater management is provided in the adjacent lakes per the approved Master Hydrology Study for the overall development.
2. Since the two lakes are owned and maintained by an Association, a pre- and post-development sediment survey will be required to document sediment levels in the two lakes and to determine if any negative impacts are incurred by the proposed development.

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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
Barrett Lakes Boulevard	4500	Major Collector	40 mph	Cobb County	80'

Based on 2010 traffic counting data taken by Cobb County DOT (Barrett Lakes Blvd)

COMMENTS AND OBSERVATIONS

Barrett Lakes Boulevard 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.

RECOMMENDATIONS

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department’s approval, to achieve the minimum requirement of 445 feet.

Recommend no mid-block crosswalk on Barrett Lakes Boulevard to connect Brushy Mountain Civil War Trail.

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

STAFF RECOMMENDATIONS

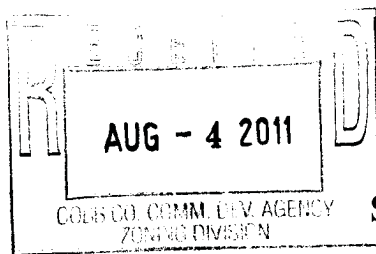
Z-38 AMLI RESIDENTIAL PROPERTIES, L.P.

- 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. Adjacent and nearby properties are zoned and developed for multi-family residential units and office buildings.
- 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. Adjacent properties are also zoned for multi-family, office and retail uses.
- 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 Regional Activity Center (RAC) land use category. The Urban Condominium (UC) zoning category is designed to be located within a Regional Activity Center.
- 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 proposed development will be located within close proximity to employment centers and the plan incorporates pedestrian trails. Nearby and adjacent properties are zoned for multi-family residential uses in the Regional Activity Center area.

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

- Site plan received by the Zoning Division on August 4, 2011, with the District Commissioner approving minor modifications;
- Historic Preservation comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Cobb DOT 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.



Summary of Intent for Rezoning*

Part 1. Residential Rezoning Information

- a) **Proposed Unit Square Footage:** The units will range from approximately 635 to 1,180 square feet per unit.
- b) **Proposed Building Architecture:** The project will have maximum 4 story buildings with a combination of stone, stucco and cement fiber hardboard siding. It will be complementary to, yet different from, the architecture of adjacent AMLI at Barrett Walk and across the street from AMLI at Barrett Lakes.
- c) **Proposed Selling Price:** The units will not be for sale until our lender requires it. If they were for sale when finished, we project a sale price of \$150 per square foot. On a rental basis, we project an average starting rent of \$1,075/month.
- d) **Requested Variances:** None at this time.

Part 2. Non-Residential Rezoning Information

N/A

Part 3. Other Pertinent Information

- a) An AMLI entity has owned the parcel since 1993. It has been continuously marketed as an office site for 18 years without success. AMLI developed 3 multitenant office buildings within the immediate vicinity around Lodge Lake over the last 15 years. Each has been unsuccessful financially. Vacancy rates are presently 25%+ and net rental rates are at a 15 year low.
- b) The subject site is in a Regional Activity Center. Our planned project will extend the trail/sidewalk that surrounds most of Lodge Lake with entry points from the sidewalks along Barrett Lakes Boulevard, Roberts Drive and Lodge Road. We will extend the trail through the subject property. We will also publish maps to alert residents and other local people to the accessibility of the preserved trenches and the Civil War Trail that AMLI built at Barrett Lakes. This project will enhance pedestrian activity within the zone of the Regional Activity Center.
- c) Demand has been high for well-maintained rental apartment units in the submarket. Occupancy at all such apartment communities in the submarket is averaging over 93%. Rents have risen an average of 5-6% over the last 12 months, notwithstanding the recession and lingering unemployment. Housing needs at KSU continue to increase. This project is not designed to attract KSU students (e.g., no 3 bedroom units, no "student life" type floor plans) and we will not market to them, but these additional units will help alleviate the pressure from escalating enrollment at KSU.
- d) We believe that our average resident will be a young professional or service worker who is childless, commutes less than 5 miles to his/her place of employment, enjoys outdoor opportunities to jog, bicycle and

walk (e.g., Kennesaw Mountain National Battlefield Park, Noonday Creek Trail, etc.), and seeks to buy a single family house or townhome within 3 years. Our average resident will also have an average household income close to the Cobb County average, but will have a higher income level per capita (due to fewer children in the households of our renters). Our average resident will have much higher disposable income available for discretionary spending than the average Cobb County resident.

- e) This project and our future residents will produce significant revenues for Cobb County without significant offsetting costs through the obvious increase in the real estate tax valuation of the site and the spending of discretionary income in the County by our future residents. Being mostly childless, our residents will have only a marginal impact on public school enrollment, parks and recreational use, and emergency services.
- f) We believe that it is important to provide a continuity of some newer apartment communities in the Town Center Regional Activity Center in order to appeal to young professionals with the latest trends in rental apartments (e.g., sustainability features and materials, choices that reduce energy and water usage, granite countertops, stainless steel appliances, etc.). Otherwise, those prospective customers will strongly consider Cumberland and Perimeter Center alternatives even if they have to commute to a job in the Town Center area.

Part 4. N/A

***Applicant and Titleholder specifically reserve the right to amend any information set forth within the Summary of Intent for Rezoning at any time during the rezoning process.**