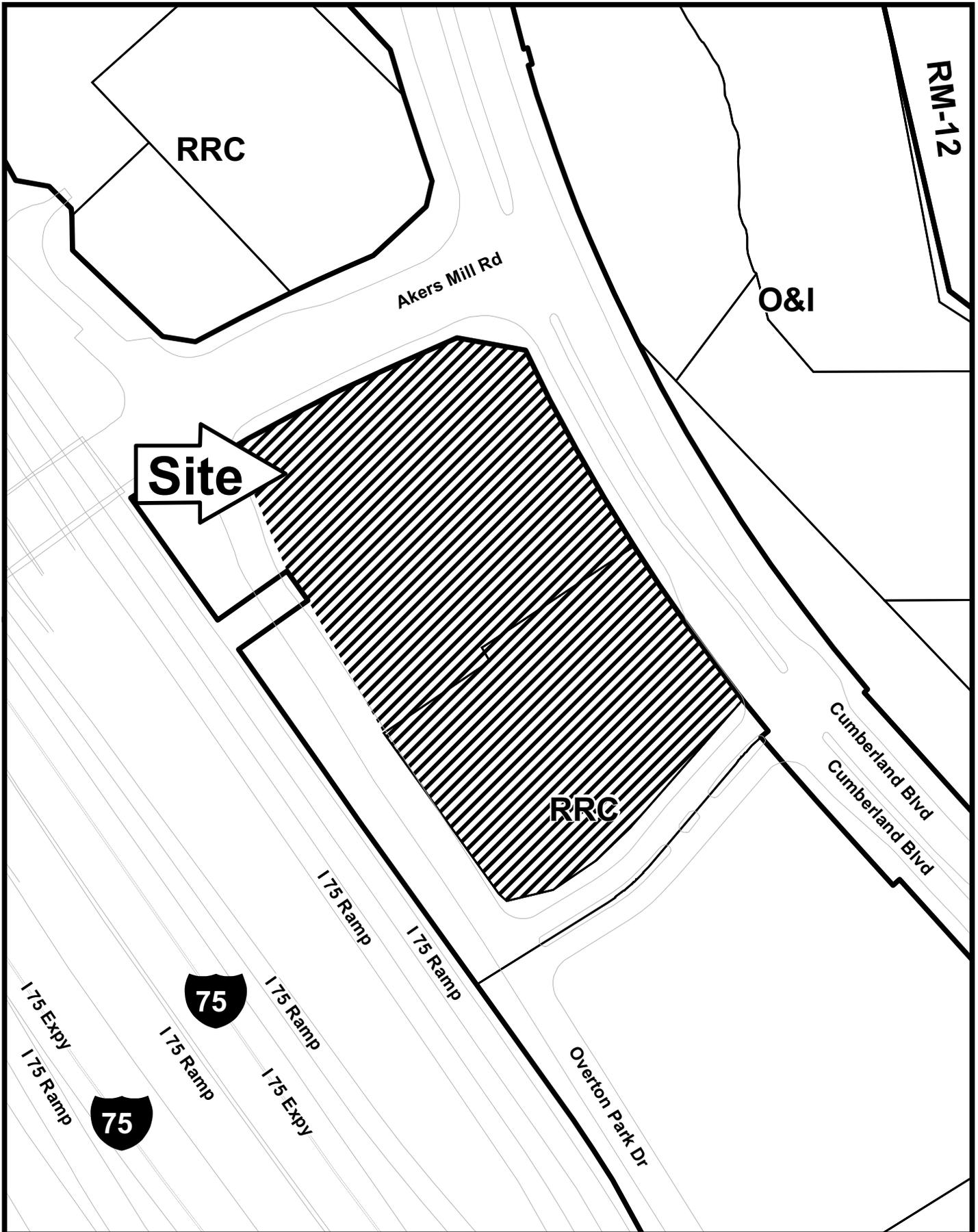


Z-27



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: Newport Development, LLC PETITION NO.: Z-27

PRESENT ZONING: RRC with Stipulations PETITION FOR: RRC with Stipulations

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Units: 300 Overall Density: 63 Units/Acre

Present Zoning Would Allow: Two 19-Story Office Buildings

Increase of: 63 Residential Units

Applicant's request is to be rezoned from Regional Retail Commercial (RRC) with stipulations to RRC with stipulations in order to amend stipulations and a site plan that was approved as part of Other Business Item #3 on March 18, 2008. The previous approval was for the development of two 19-story office buildings. The current proposal is for the development of a residential community in the Overton Park area. The applicant's current proposal is to develop two residential buildings, not exceeding six stories, consisting of a total of 300 units. The building architecture will be traditional with the units ranging in size from 700 to 1,395 square feet. The proposed development will also feature a fitness center, courtyards, bicycle racks and controlled access for the club room. The residences will be for lease units, with two-bedroom units anticipated to lease at \$1,500 to \$1,600 per month.

Cemetery Preservation: No comment.

PLANNING COMMENTS:

The applicant is requesting a rezoning from RRC with stipulation to RRC with Stipulations for purposes of residential units. The 4.696 acre site is located on the southwest corner of Akers Mill Road and Cumberland Parkway, east of I-75.

Comprehensive Plan

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 uses include high-rise office buildings, malls and varying densities of residential development.

Master Plan/Corridor Study

Not applicable.

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?

Yes No Not applicable

APPLICANT: Newport Development, LLC

PETITION NO.: Z-27

PRESENT ZONING: RRC with Stipulations

PETITION FOR: RRC with Stipulations

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Brumby</u>	<u>1,003</u>	<u>Over</u>	<u> </u>
Elementary			
<u>East Cobb</u>	<u>1,299</u>	<u>Over</u>	<u> </u>
Middle			
<u>Wheeler</u>	<u>2,079</u>	<u>Over</u>	<u> </u>

High

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

Additional Comments: Brumby Elementary School, East Cobb Middle School and Wheeler High School are over-crowded at this time. Approval of this petition could adversely impact the enrollment at this school.

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)

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

APPLICANT Newport Development, LLC

PETITION NO. Z-027

PRESENT ZONING RRC w/stips

PETITION FOR RRC w/stips

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): 16" DI / W side of Cumberland Blvd

Additional Comments: Master meter to be set at edge of ROW

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: At site

Estimated Waste Generation (in G.P.D.): **A D F** 36000 **Peak=** 90000

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 Comments: Flow based upon 300 1-2 BR rental apartments. Sewer 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.

APPLICANT: Newport Development, LLC

PETITION NO.: Z-27

PRESENT ZONING: RRC w/ stips

PETITION FOR: RRC w/ stips

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rottenwood 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: within Preservation Area

- 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 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 master stormwater management facility.

APPLICANT: Newport Development, LLC

PETITION NO.: Z-27

PRESENT ZONING: RRC w/ stips

PETITION FOR: RRC w/ stips

**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. Development of this parcel was included in the master detention study for Overton Park. Compliance with the approved study must be verified at Plan Review.

APPLICANT: Newport Development, LLC, a GA Liability Company PETITION NO.: Z-27

PRESENT ZONING: RRC (with stipulations) PETITION FOR: RRC (with stipulations)

COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

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
Akers Mill Road	10,400	Arterial	35 mph	Cobb County	100'
Cumberland Boulevard	14,700	Arterial	35 mph	Cobb County	100'
Overton Park Drive	N/A	Local	25mph	Private	N/A

*Based on 2010 traffic counting data taken by Cobb County (Akers Mill Road)
Based on 2011 traffic counting data taken by Cobb County (Cumberland Boulevard)*

COMMENTS AND OBSERVATIONS

Akers Mill Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

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.

RECOMMENDATIONS

Recommend a FAA Study to determine any impacts on aviation.

Recommend a current traffic impact study be provided.

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

STAFF RECOMMENDATIONS

Z-27 NEWPORT DEVELOPMENT, 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. Nearby properties are also zoned and developed for multi-family uses.
- 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. Nearby properties have similar uses and the applicant's proposal will less intense than the previously approved two 19-story office buildings.
- 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.
- 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 subject property was last approved as part of the Overton Park area for two 19-story office buildings. Applicant is proposing a less intense residential use, having two buildings not exceeding six stories.

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

- Site plan received by the Zoning Division on May 3, 2012, with the District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- 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.

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Application No. z-27
July (2012)

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 700 - 1,395 square feet
b) Proposed building architecture: Traditional
c) Proposed selling prices(s): _____
d) List all requested variances: None known at this time
- _____

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

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

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

None at this time.

.....
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).

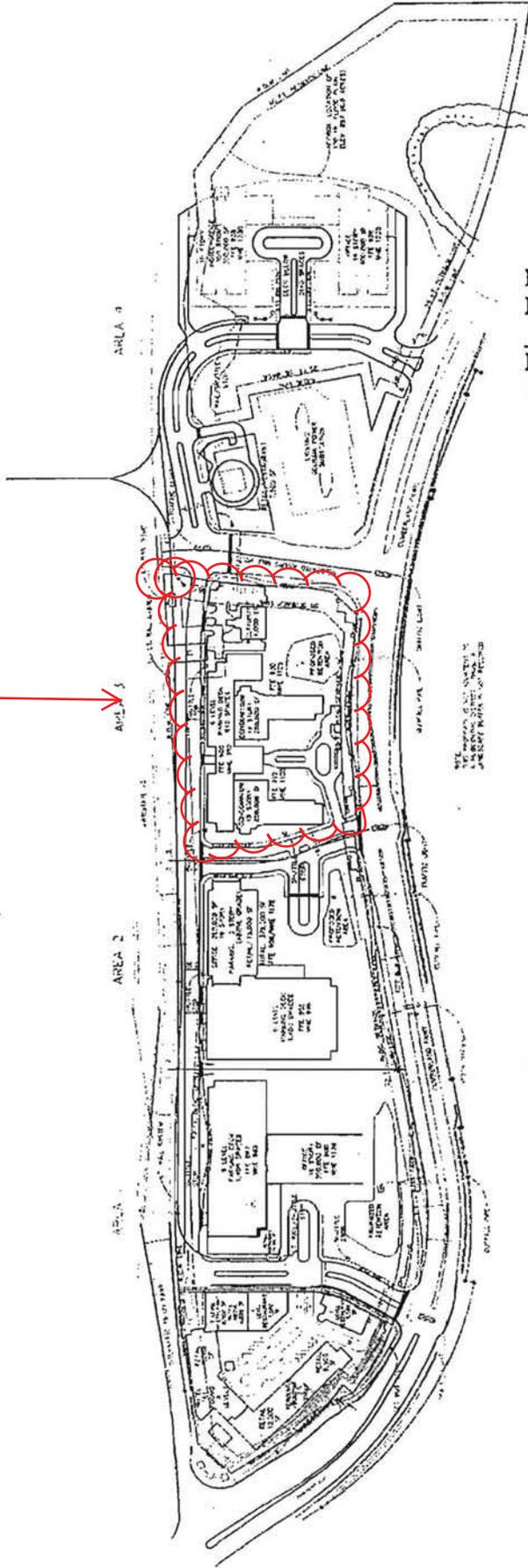
None known at this time.

*Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.



AREA	DESCRIPTION	TOTAL SF	TOTAL ACRES	EXISTING ZONING	PROPOSED ZONING	EX. DENSITY	PROPOSED DENSITY	NET CHANGE
AREA 1	1st ROOM - HOTEL - 5 STORY RESTAURANT A RESTAURANT B RESTAURANT C RETAIL/RESTAURANT OFFICE - 16 STORY RESIDENTIAL - 60 UNITS TOTAL SF TOTAL ACRES EX. DENSITY PROPOSED DENSITY NET CHANGE	58,200 SF 5,000 SF 7,000 SF 8,000 SF 46,500 SF 350,000 SF 110,200 SF 9,908 SF 1,224 SF 1,224 SF 0 SF/ACRE	0.83 ACRES 0.10 ACRES 0.10 ACRES 0.67 ACRES 5.07 ACRES 5.07 ACRES 1.58 ACRES 1.58 ACRES 0 SF/ACRE	RESIDENTIAL RESIDENTIAL RESIDENTIAL RESIDENTIAL OFFICE RESIDENTIAL	RESIDENTIAL RESIDENTIAL RESIDENTIAL RESIDENTIAL OFFICE RESIDENTIAL	16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE	16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE	0 SF/ACRE
AREA 2	OFFICE - 16 STORY RETAIL/RESTAURANT TOTAL SF TOTAL ACRES PARKING PROVIDED EX. DENSITY PROPOSED DENSITY NET CHANGE	360,000 SF 15,000 SF 375,000 SF 5.30 ACRES 1,400 SPACES 68,879 SF/ACRE 70,755 SF/ACRE 2,076 SF/ACRE	5.30 ACRES 5.30 ACRES 6.07 ACRES 6.07 ACRES 940 SPACES 84,079 SF/ACRE	OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE	OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE	16 STORIES OF OFFICE 16 STORIES OF OFFICE	16 STORIES OF OFFICE 16 STORIES OF OFFICE	16 STORIES OF OFFICE 16 STORIES OF OFFICE
AREA 3	CONSISTENT TOTAL SF TOTAL ACRES PARKING PROVIDED EX. DENSITY PROPOSED DENSITY NET CHANGE	250,000 SF 400 UNITS 14,000 SF 314,000 SF 6.07 ACRES 940 SPACES 84,079 SF/ACRE	2.50 ACRES 2.50 ACRES 3.14 ACRES 3.14 ACRES 940 SPACES 84,079 SF/ACRE	OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE	OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE	16 STORIES OF OFFICE 16 STORIES OF OFFICE	16 STORIES OF OFFICE 16 STORIES OF OFFICE	16 STORIES OF OFFICE 16 STORIES OF OFFICE
AREA 4	250 ROOM HOTEL/OFFICE - 15 STORY OFFICE - 16 STORY RETAIL/RESTAURANT TOTAL SF TOTAL ACRES PARKING PROVIDED EX. DENSITY PROPOSED DENSITY NET CHANGE	450,000 SF 400 UNITS 14,000 SF 514,000 SF 7.41 ACRES 940 SPACES 84,079 SF/ACRE	7.41 ACRES 7.41 ACRES 8.07 ACRES 8.07 ACRES 940 SPACES 84,079 SF/ACRE	OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE	OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE	16 STORIES OF OFFICE 16 STORIES OF OFFICE	16 STORIES OF OFFICE 16 STORIES OF OFFICE	16 STORIES OF OFFICE 16 STORIES OF OFFICE
SUMMARY	TOTAL SF TOTAL ACRES EXISTING ZONING PROPOSED ZONING EX. DENSITY PROPOSED DENSITY NET CHANGE	1,450,000 SF 140 ACRES OFFICE OFFICE 16 UNITS/ACRE 16 UNITS/ACRE +324 SF/ACRE	140 ACRES 140 ACRES OFFICE OFFICE 16 UNITS/ACRE 16 UNITS/ACRE +324 SF/ACRE	OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE	OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE OFFICE	16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE	16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE	16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE 16 UNITS/ACRE

SUBJECT AREA



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Min. Bk. OB#3 Petition No. 2-22
Doc. Type Site plan
Meeting Date 3-18-08

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FEB 12 2008
GOBB CO. COMM. DEV. AGENCY
ZONING DIVISION

H-15

